

INDEX TO ADMINISTRATIVE RECORD
1581 Le Roy Avenue
Use Permit #ZP2019-0061 and LMSAP#2019-0004
Prepared: February 4, 2020

	DOCUMENT	DATE	PAGE	# of pages
A	STAFF REPORTS			
	1 LPC Materials: staff report	6/6/2019	1	3
	2 LPC Continued Materials: staff report, attachments, and supplemental items	8/1/2019	4	104
	3 ZAB Materials: staff report, attachments, supplemental items, late items, and speaker cards	10/24/2019	108	347
B	MEETING MINUTES AND CAPTIONER'S RECORD for all meetings			
	4 LPC Action Meeting Minutes	6/6/2019	455	2
	5 LPC Action Meeting Minutes	8/1/2019	457	3
	6 ZAB Action Minutes and Captioner's Record	10/24/2019	460	57
C	REMAINDER OF ADMIN RECORD			
	7 Application materials for Landmarks Alteration Permit	4/1/2019	517	47
	8 Application materials for Use Permit	4/1/2019	564	51
	9 Welcome letter for Use Permit application	4/1/2019	615	1
	10 Additional neighbors' signatures	4/4/2019	616	1
	11 Resubmittal: neighbor signatures	4/15/2019	617	1
	12 Resubmittal: neighborhood outreach document	4/15/2019	618	1
	13 Resubmittal: photographs	4/22/2019	619	2
	14 Use Permit and Structural Alteration Permit Incomplete letter	5/1/2019	621	2
	15 Resubmittal of application materials	5/21/2019	623	11
	16 LPC Notice of Public Hearing postcard with mailing list	5/23/2019	634	5
	17 LPC Notice of Public Hearing to be posted at the site	5/23/2019	639	1
	18 LPC Notice of Public Hearing postcard with mailing list	7/22/2019	640	5
	19 LPC Notice of Public Hearing to be posted at the site	7/22/2019	645	1
	20 Resubmittal: revised final project plans without survey and energy	7/24/2019	646	5
	21 Resubmittal: revised final project plans	7/24/2019	651	7
	22 Resubmittal: asphalt specifications	8/15/2019	658	3
	23 ZAB Notice of Public Hearing postcard with mailing list	10/9/2019	661	5
	24 Resubmittal: project plans	10/10/2019	666	7
	25 Correspondence to ZAB members from Marty Lober	10/20/2019	673	2
	26 Correspondence from Applicant's attorney to ZAB members	10/22/2019	675	16
	27 Memo from Berkeley Fire Chief	10/23/2019	691	1
	28 Applicant's Power Point presentation at ZAB meeting	10/24/2019	692	13
	29 Correspondence from Rebecca Davis of Lozeau Drury LLP requesting copy of NOD	10/25/2019	705	3
	30 Correspondence from Robert Jackson requesting copy of ZAB Notice of Decision	11/18/2019	708	1
	31 LPC Notice of Decision	11/18/2019	709	16
	32 ZAB Notice of Decision	11/19/2019	725	24
	33 Appeal LPC Notice of Decision	12/3/2019	749	32
	34 Appeal ZAB Notice of Decision	12/3/2019	781	30



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

FOR COMMISSION ACTION
JUNE 6, 2019

1581 Le Roy Avenue – The Hillside School

Structural Alteration Permit (#LMSAP2019-0004) to convert a City Landmark school building and site to residential use and to make exterior changes to the property including installation of a swimming pool with a terrace railing, surface parking lot and fences.

I. Application Basics

A. Land Use Designations:

- Zoning: Single Family Residential, Hillside Overlay (R-1/H)

B. CEQA Determination: pending

C. Parties Involved:

- Property Owner: Samuli Seppala
1581 Le Roy Avenue
Berkeley, CA 94704
- Project Applicant & Architect: Jeri Holan, AIA
Jeri Holan & Associate
1323 Solano Avenue, #204
Albany, CA 94706

Figure 1: Vicinity Map highlighting nearby City Landmarks & Districts

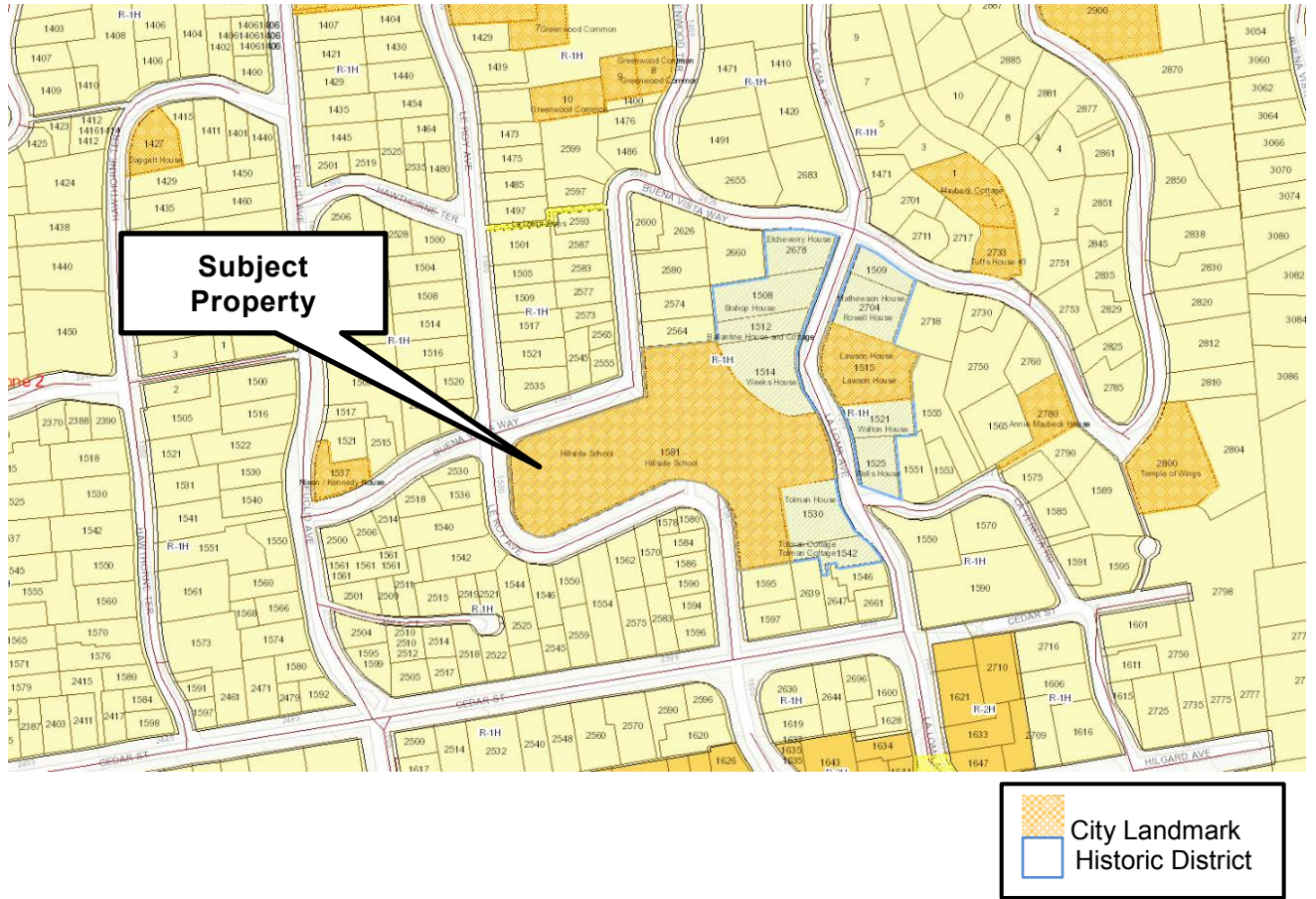


Figure 2: Aerial photograph of west building elevation (photographer unknown)



II. Background

On April 10, 2019, Jeri Holan of Jeri Holan & Associates, submitted a Structural Alteration Permit (SAP) application requesting permission to complete exterior changes to a City Landmark property, The Hillside School building and site, in order to convert the property from its historic K-12 school use to residential use. At this time, the scope of work subject to SAP review and approval includes: replacing and restoring select exterior doors and windows; installing a new driveway and retaining walls; installing a new swimming pool and guard rails; completing a partial seismic upgrade; installing new perimeter fences; constructing accessory storage structures; installing a new surface parking area. This SAP application was accompanied by a Use Permit application (#ZP2019-0061) requesting permission to change the land use to residential, specifically a single family residence and an accessory dwelling unit with accommodations for a private art practice.

On May 1, 2019, after reviewing the application submittal, staff determined that the materials were incomplete and requested supplemental reports and revised information. On May 21, 2019, the applicant submitted new material in response to staff's request; the re-submittal is under review at this time.

Berkeley Municipal Code (BMC) Section 3.24.220 for *Permit Application – data and public hearing required*, requires the Commission to hold a public hearing within 70 days of the filing of a SAP application. Therefore, staff recommends that the Commission open the hearing on this matter in accordance with the regulatory requirements, and take testimony from those members of the public who attend the hearing, but make no deliberations and then continue the hearing to a date when complete application information has been provided and staff's analysis can be presented.

In preparation for tonight's hearing, staff mailed and posted ten-day advance public notices on May 23, 2019, in accordance with the requirements of BMC Section 3.24.230.

III. Recommendation

Staff recommends that the Commission open the public hearing on this matter in accordance with BMC Section 3.24.230, and then continue consideration of a request to make alterations to this landmark property to allow time for additional information to be gathered.



LANDMARKS
PRESERVATION
COMMISSION
STAFF REPORT

FOR COMMISSION ACTION
AUGUST 1, 2019

1581 Le Roy Avenue – Hillside School

Structural Alteration Permit (#LMSAP2019-0004) to make exterior alterations to a City Landmark school building and site in order to convert the property to residential use; changes include installation of a vehicle door, new windows, a rooftop swimming pool and hot tub, a surface parking lot, three storage sheds, perimeter fences and landscape improvements.

I. Application Basics

A. Land Use Designations:

- Zoning: Single Family Residential, Hillside Overlay (R-1H)

B. CEQA Determination: categorially exempt from environmental review pursuant to CEQA Guidelines Section 15331 for Historical Resource Restoration/Rehabilitation.

C. Parties Involved:

- Property Owner: Samuli Seppälä
1581 Le Roy Avenue
Berkeley, CA 94704
- Project Applicant & Architect: Jerri Holan, Historic Architect, AIA
Jerri Holan & Associate
1323 Solano Avenue, #204
Albany, CA 94706

1581 LE ROY AVENUE

LANDMARKS PRESERVATION COMMISSION

August 1, 2019

Figure 1: Vicinity Map showing nearby City Landmarks & Districts



Figure 2: Aerial photograph of subject building (omitting kindergarten wing), looking northeast



II. Background

Site Information

The subject property is a large, approximately 117,500-sq. ft., through lot parcel that is oriented in the east-west direction, with street frontage on Le Roy Avenue and Buena Vista Way on its western end, and La Loma Street on its eastern end. The parcel is irregularly-shaped, and laterally abuts several interior parcels on the north and south.

The Hillside School, the subject main building, was constructed in 1925 and then substantially rehabilitated between 1934 and 1938. It was designed in the Tudor Revival style by prominent Berkeley architect Walter H. Ratcliff Jr. (1881-1978). The building ranges from one to three stories in height. In 1963, a modern-era, single-story addition designed by the Ratcliff firm was constructed on the eastern portion. The building is approximately 50,000 sq. ft. in total area and located on the west side of the subject parcel.

The subject building consists of five primary segments:

- Auditorium wing – one story with a basement
- Central classroom wing – two stories
- Southern classroom wing – three stories
- Kindergarten wing – one story
- 1963 building addition – one story

There are landscaped and terraced areas immediately surrounding the building, and a large, approximately 44,000-sq. ft. open area featuring the school playground on the east side of the property, which is partially landscaped but primarily paved with asphalt.

This property is listed on the National Register of Historic Places, and was designated as a City Landmark in 1982. A copy of the landmark designation Notice of Decision (NOD) is attached to this report (Attachment 4); the NOD includes excerpts of the National Register nomination document.

The building and site operated as a school until 2017, when the last school organization relocated and sold the property after concluding that the structural and seismic rehabilitation program required for an expanded school use at this site would be cost-prohibitive. The current owner is a private individual who purchased the property in 2018.

Application Chronology

On April 10, 2019, historic architect Jerri Holan of Jerri Holan & Associates, submitted a Structural Alteration Permit application requesting permission to complete exterior changes to the Hillside School building and site, in order to convert the property from its historic K-12 school use to residential use. This SAP application submittal was accompanied by a submission of a Use Permit application (#ZP2019-0061) requesting permission to change the use to a single family residential dwelling and an accessory dwelling unit. The Use Permit hearing has not yet been scheduled.

1581 LE ROY AVENUE

LANDMARKS PRESERVATION COMMISSION

August 1, 2019

On May 1, 2019, after reviewing the application submittal, staff determined that the materials were incomplete and requested supplemental reports and revised information. On May 21, 2019, the applicant submitted new materials in response to staff's request. On June 6, 2019, the Commission opened the hearing on this matter in accordance with Berkeley Municipal Code (BMC) Section 3.24.220 for *Permit Application – data and public hearing required*, which requires the timely review of these applications to begin within 70 days of submittal. The Commission continued the hearing in order to allow for additional time to review the application materials and prepare a staff recommendation.

The hearing on this matter continues tonight. In preparation for tonight's hearing, staff mailed and posted ten-day advance public notices on July 22, 2019, in accordance with the requirements of BMC Section 3.24.230.

III. Project Description

The applicant proposes to convert the Hillside School building and site to private residential use as a single-family residence and accessory dwelling unit. The proposed change-of-use is the subject of the pending Use Permit application; the associated exterior changes to this City Landmark property are the subject of this Structural Alteration Permit (SAP) approval.

The proposed exterior improvements that would result in visible changes to the building, its design, and features of the site, are as follows:

Main Building

- Repair and replace select doors, windows and skylights to match.
- Restore two windows on the third story of the west elevation of the southern classroom wing, and install a new solar tube on the roof.
- Remove windows on lower portion of southern classroom wing and replace with new vehicle doors in order to create a new, interior multi-vehicle garage.
- Remove exterior stairs and replace with a new sloped driveway along the east side of the kindergarten wing.
- Install a new swimming pool and hot tub on the roof of the 1963 building addition, and increase the parapet that currently ranges in height from 0.5 to 2 ft., to a new height of 3.75 ft. in order to serve as a safety enclosure for this new roof deck area.
- Introduce a new window and a double door with transom on the east elevation of the southern classroom wing, adjacent to the proposed roof deck and pool area.
- Install a new, roof-top elevator penthouse on the central classroom wing for a new elevator that would serve the proposed new residence in the southern classroom wing.

Outdoor and Landscape

- Consolidate the existing play equipment into a smaller, designated area of the former playground area; create a surface parking lot for a total of 18 vehicles within a portion of the paved former playground; and establish a new "Art Park" for private use by the residential occupants in the remainder of the paved area.
- Construct a total of five 120-sq. ft. storage sheds in the proposed "Art Park" with an average height of not more than 10 ft.

LANDMARKS PRESERVATION COMMISSION
August 1, 2019

1581 LE ROY AVENUE

- Legalize installation of a chain link fence estimated to be 10 ft. in height on the perimeter of the site's playground area, which is proposed to be converted to a condensed play area, new surface parking lot and private "Art Park."
- Install planting to screen the chain link fence and the new surface parking lot.

For specific details, please refer to the proposed project plans, included as Attachment 2 of this report. Presently, the building will undergo ministerial structural pest repairs and a voluntary seismic retrofit under active Building Permits B2019-0228 and B2019-0352.

Interior alterations to a privately-owned City Landmark property are not subject to Structural Alteration Permit approval. Therefore, the following description about proposed interior renovations to Hillside School is provided as information only. The project would create a total of two dwelling units: a five-bedroom, primary dwelling unit within the two upper stories of the southern classroom wing; and an 800-sq. ft. accessory dwelling unit on a portion of the lower story of the central classroom wing. Eight remaining classrooms (located within the central classroom wing and the kindergarten wing) would be used by the residential occupants and their guests as art studio space. The auditorium, restrooms and most storage rooms would maintain as such. The auditorium would be used for entertaining and hosting events by the resident occupants for themselves and their guests. Some rooms would be converted to service use for the proposed improvements and new uses, such as an elevator shaft and pool equipment room. The proposed floor plans are included with Attachment 2.

IV. Issues and Analysis

Staff has identified the following relevant criteria pertinent to this project from the Secretary of the Interior's Standards for the Treatment of Historic Properties (1977), the Landmarks Preservation Ordinance (BMC Section 3.24), and the Zoning Ordinance (BMC Chapter 23).

A. The Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior (SOI)'s Standards for the Treatment of Historic Properties defines *Rehabilitation* as "the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values." The applicant's request represents a *Rehabilitation* project because it proposes adaptive re-use of the school site as a residence and includes alterations to the exterior for this purpose. The analysis below summarizes staff's findings for this project with respect to all ten of the Secretary's Standards.

SOI Standard 1

A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

Analysis: With this proposal, the subject property and main building would be given a new residential use where it has historically been used as a K-12 school. The exterior building and landscape changes that are proposed for the adaptive re-use of site (itemized in Section III of this report) are considered to be minimal because they would not result in significant changes to character-defining features of the site, such as its Tudor Revival design, building massing, roof form, architectural and decorative building details, composition of the building façade, and spatial organization of the site overall.

Further, the proposed landscape improvements would enhance the vegetation surrounding the open front yard area and provide subtle screening from the public right-of-way. These plantings would also screen the proposed parking lot, to be located on the existing asphalt pavement. These interventions would be easily reversed in the future and would not permanently alter the historic character of the property.

Therefore, the project would not result in significant changes to the distinctive materials, features spaces and spatial relationships of the Hillside School site.

SOI Standard 2

The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

Analysis: Because the proposed exterior changes to this site are limited and expected to have a limited overall effect on the character of the site, as described above, this property is expected to retain its historic character as perceived through its building and site design. The proposed project scope does not include removal of distinctive building materials or alteration of its historic features, spaces and spatial relationships.

SOI Standard 3

Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

Analysis: The Hillside School would continue to be recognized a physical record of Berkeley's primary school and neighborhood development, where this site is the focal point of the immediate area. The building would retain its appearance, Tudor Revival style, location and relation to its surroundings. The proposed exterior changes to the historic building are not expected to create a false sense of historical development owing to their limited scope, which would result in minimal changes overall.

SOI Standard 4

Changes to a property that have acquired historic significance in their own right will be retained and preserved.

Analysis: No changes to a property that have acquired historic significance in their own right are the subject of this request. Certain new work – such as installation of a roof deck, swimming pool and hot tub – would occur on 1963 building addition, which is not historically significant.

SOI Standard 5

Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Analysis: The distinctive materials and features of this Tudor Revival building – such as its half-timber details and decorative architectural details – would not be affected by this request for exterior alterations and, therefore, would be preserved.

SOI Standard 6

Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Analysis: This project applicant states that certain exterior doors and windows require repair or replacement. However, should this project be approved, then it would be subject to Conditions of Approval to ensure repair and replacement work is designed to match the building's historic style, color, texture and, where possible, materials.

SOI Standard 7

Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Analysis: If approved, this project would be subject to a Condition that ensures only the gentlest measures are employed when chemical treatments are required.

SOI Standard 8

Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Analysis: Because limited (or no) excavation would be required for the proposed alterations of this building and site, any existing archeological resources at this site would be unaffected by this proposal. Subsequent Use Permit approval of this project would include the City's standards conditions upon the discovery of any subsurface resources.

SOI Standard 9

New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Analysis: The applicant has carefully designed the proposed project to adhere to these preservation principals. As discussed under the analysis for SOI Standards 2 and 3, above, the proposed project in its entirety is not expected to result in the destruction of historic fabric, materials, features or spatial relationships at this Landmark site. Certain new work – such as installation of a roof deck, swimming pool and hot tub – would occur on a portion of the building that is not historically significant, in and of itself. All other new work is limited in size and scale and, the thereby, would be compatible with the current conditions of this Landmark site.

SOI Standards 10

New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Analysis: Staff concurs with the applicant's observation that the proposed new windows, garage door, and increased parapet height are alterations that could be removed and reversed in the future without affecting the form and overall integrity of the historic building. Similarly, the proposed landscape improvements and creation of a parking lot on the existing asphalt surface within the front yard area, do not represent permeant structural changes to the site and would be reversible in the future.

B. Landmarks Preservation Ordinance Review Standards and Criteria

The Landmarks Preservation Ordinance (LPO) requires the Commission to review and approve all requests for projects on a City Landmark property that are subject a City permit. In this case, the project proposal for the Hillside School is subject to Use Permit approval for the change-of-use, and building permit approval for the list of exterior building and site changes that is itemized in Section III of this report.

Uses not subject to LPO review. In accordance with BMC Sections 3.24.060.B and 3.24.200, the Commission's purview in this case is specific to the proposed physical alteration and new construction on this site or its features. Neither the LPO nor the LPC regulate the *use* of a City Landmark site. Several members of the public have expressed concern about possible changes to the current use of the subject property. Their correspondences are provided as Attachment 5 of this report. Their use-related concerns include: the change to residential use, which is exclusively private; the unknown scale of a private, residential art practice at the site; future occupants' ability to host large events; and the possible preclusion of public access to this site, the play area and the private walkway between Buena Vista Way on the north and Le Roy Avenue on the south.

LANDMARKS PRESERVATION COMMISSION
August 1, 2019

1581 LE ROY AVENUE

However, these topics are not the subject of this hearing or consideration by the Commission.

In order to approve a request for a SAP to complete exterior changes on a City Landmark site, the Commission must find that the proposal would not adversely affect the features or special character of the subject structure or property. An analysis of the project with respect to the required findings of the LPO is outlined below.

BMC Section 3.24.260, Paragraph C.1

“For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features...”

Analysis: As discussed previously in the analysis of the SOI Standards, the proposal would not adversely affect exterior architectural features of the Hillside School building and site. The proposed building alterations are designed to either restore character-defining features, such as windows and doors, or replicate and compliment these details with new windows and doors.

Within the playground area, the proposal to legalize installation of the existing chain link fence is found to be reasonable because the 10-ft. height is effective for securing the site and the design and materials maintain a visually open interface with the public right-of-way. Further, the proposed new planting screen for the proposed surface parking lot would enhance the partial vegetative screening of the fence and the open yard area. Staff believes the new plantings could be installed on the north side of the open yard, and not only on the south side as the applicant proposes, in order to screen the activity of the proposed, new Art Park. Therefore, as a Condition of Approval (COA), staff recommends that the Commission require the new plantings to surround the open yard in locations that would supplement the existing vegetation and trees that will remain. Please see COA #12 of Attachment 1.

The installation of five, 120-sq. ft. storage sheds is found to be permissible under the LPO because the sheds could be removed in the future without permanent impact to the historic character of the site. Further, the sheds are relatively small in comparison to the main building and the open yard area in which they would be located. However, the proposed sheds are not of the highest quality or design and, therefore, should be limited in their number in order to reduce their potential to adversely affect the overall quality of the open yard area. For this reason, staff will recommend that the Zoning Adjustments Board limit them to only the five that have been proposed, if the Commission approves their design and installation in the yard area.

In summary, the proposed building alterations and new perimeter plants are not expected to result in adverse effects on this Landmark site and would likely enhance and improve the current conditions. The proposed storage sheds are permissible owing to their modest size and temporary nature, but should be limited to only five in

1581 LE ROY AVENUE

LANDMARKS PRESERVATION COMMISSION

August 1, 2019

total to avoid the proliferation of structures within the front yard area of a Landmark site that otherwise lack high quality design.

“...nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.”

Analysis: The special historic and aesthetic interest and value of the Hillside School lie in its Tudor Revival architectural design, its location and highly-visible placement in relation to the Le Roy/Buena Vista right-of-way, and the open space used erstwhile as a school yard playground. The proposed project would retain, repair and restore the architectural features of the main building, and introduce sensitive and compatible alterations, such as new garage doors of the south elevation in the historic service area of the building. There would be no significant changes to the location and setting of the building and the project site features.

The creations of a surface parking lot in the currently open yard area would be permissible under the LPO because it would not permanently impact or alter this Landmark site’s integrity or historic fabric. Its superficial and impermanent nature make this proposal easily reversible in the future. The proposed, new landscape planting would screen any parked vehicles from the Le Roy right-of-way. This organic and subtle form of screening combined with the existing chain link fence is preferred to any opaque screen, such as a solid fence, which would limit visual penetrability and create a wall along the property’s currently open public interface.

For all of these reasons, the proposed project is found be to permissible under the LPO, and staff recommends that Commission consider approving it as Conditioned in Attachment 1, *Draft Finding and Conditions for Approval*.

C. Zoning Ordinance conformance for open space pavement

In its proposed condition, the Art Park and other open areas in the former playground on this property may not satisfy the Zoning ordinance criteria for usable open space (BMC Section 23D.04.050 – Usable Open Space) and, therefore, the proposed site and landscape plan may require further refinement. Specifically, the area may contain pavement in excess of the Zoning ordinance requirement, and the Use Permit proposal would have to reduce the portions of the existing asphalt pavement and/or replace with other kinds of pavement (such as decorative pavement) or landscaped planting. Precise calculations of the open space areas will be required prior to Use Permit approval in order to confirm compliance.

If refinements to the pavement within the Art Park area are required subsequent to LPC action on this SAP request, then staff recommends that LPC permit the applicant to make necessary changes prior to final staff approval of any building permit for this project. Therefore, draft Condition of Approval #12 includes this directive.

LANDMARKS PRESERVATION COMMISSION
August 1, 2019

1581 LE ROY AVENUE

V. Recommendation

Staff recommends that the Commission hold a hearing on this matter and, upon close of the hearing, consider this request for a Structural Alteration Permit and then take favorable action pursuant to BMC Section 3.24.220.

Attachments:

1. *Draft* Findings and Conditions of Approval
2. Project Plans, received July 24, 2019
3. Applicant Statements, dated March 11 and May 20, 2019
4. Landmarks designation Notice of Decision, June 21, 1982
5. Correspondences received

Prepared by: Fatema Crane, Senior Planner, fcrane@cityofberkeley.info; 510-981-7410

ATTACHMENT 1

DRAFT FINDINGS AND CONDITIONS

1581 Le Roy Avenue – The Hillside School

Structural Alteration Permit #LMSAP2019-0004

To make exterior alterations to a City Landmark school building and site in order to convert them to residential use; changes include installation of a vehicle door, new windows, a rooftop swimming pool and hot tub, a surface parking lot, five storage sheds, perimeter fences and landscape improvements.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 153331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

SECRETARY OF THE INTERIOR’S STANDARDS FINDINGS

Regarding the Secretary of the Interior’s Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The property and subject portion of the building be given a new residential use and proposed exterior changes will result in limited alterations to the historic building and overall site.
2. Because the proposed exterior changes to this site are limited and expected to have a limited overall effect on the character of the site, as described above, this property will retain its historic character as perceived through its building and site design.
3. The Hillside School will continue to be recognized as a physical record of Berkeley’s primary school and neighborhood development, where this site is the focal point of the immediate area. The building will retain its appearance, Tudor Revival style, location and relation to its surroundings.
4. No changes to a property that have acquired historic significance in their own right are the subject of this request.

5. The distinctive materials and features of this Tudor Revival building – such as its half-timber details and decorative architectural details – will not be affected by this request for exterior alterations and, therefore, will be preserved.
6. As conditioned herein, all repair and replacement work related to character-defining features of this building and site shall be designed to match the historic style, color, texture and, where possible, materials.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials are prohibited by the Conditions herein.
8. Because limited excavation will be required for the proposed alterations of this building and site, any existing archeological resources at this site will be unaffected by this proposal. Subsequent Use Permit approval of this project would include the City's standards conditions upon the discovery of any subsurface resources.
9. The proposed project is not expected to result in the destruction of historic fabric, materials, features or spatial relationships at this Landmark site. Certain new work – such as installation of a roof deck, swimming pool and hot tub – would occur on a portion of the building that is not historically significant, in and of itself. All other new work is limited in size and scale and, thereby, will be compatible with the current conditions of this Landmark site.
10. The work proposed with this project will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment will be unimpaired.

LANDMARK PRESERVATION ORDINANCE FINDINGS

1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve and enhance the characteristics and features specified in the designation for this property. Specifically:
 - The proposed building alterations are designed to either restore character-defining features, such as windows and doors, or replicate and compliment these details with new windows and doors, including a new garage door on the rear of the building. The Art Park and parking lot will be effectively screened by the existing chain link fence as well as with new, organic vegetative plantings to ensure continuity with the residential surroundings and the maintenance of the open character of the former school playground.
 - The proposal to legalize installation of the existing chain link fence is reasonable because the approximate height of 10 feet is effective for securing the site, and the design and materials maintain a visually open interface with the public-of-way. As conditioned herein, new plantings will screen the fence as well as the proposed parking lot and Art Park activities.
 - The new elevator penthouse will be located at the rear of the building, not readily visible from the right-of-way, and could be removed without significant impact to the historic

ITEM 5.C, ATTACHMENT 1
LPC 08-01-19

1581 LE ROY AVENUE
Page 3 of 5

STRUCTURAL ALTERATION PERMIT - Findings and Conditions
#LMSAP2019-0004

building and its character-defining features.

- The new, sloped driveway will be located on the rear of the building, the historic service area, and will not be readily visible from the public right-of-way.
- The new swimming pool and hot tub will be installed on the roof of the 1963 building addition, thereby avoiding impacts to the historically significant portions of the building.
- The proposed storage sheds will be limited by Condition #14 herein to a total of five and, therefore, will not result in the proliferations of accessory structures of inferior quality and design in the front yard area.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Plans and Representations Become Conditions

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

3. Subject to All Applicable Laws and Regulations

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

4. Exercise and Lapse of Permits (Section 23B.56.100)

- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- A. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has:
 - (1) applied for a building permit; or,
 - (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

5. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS

The following additional conditions are attached to this Permit:

6. **Use Permit approval.** This Structural Alteration Permit is contingent upon Use Permit approval for this project.
7. **Repair and replacement of character-defining features.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
8. **Chemical Treatments.** Any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.
9. **Roof equipment.** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and design review may be required.
10. **Clear glass.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass shall be indicated on all drawings, and shall be reviewed for approval by historic preservation staff, prior to approval of any building permit for this project.
11. **Exterior Lighting.** Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
12. **Landscape Plan.** Prior to approval of any building permit for this project, the proposed landscape improvements shall be revised to include new plantings to screen – or to supplement existing plantings – on both the north *and* south sides of the former playground area. Further, the landscape plan may be modified as needed to ensure compliance with zoning criterion for open space pavement.
13. **Irrigated, water efficient landscape.** New areas of landscape shall provide irrigation. This shall be called out on Landscape building permit drawings. The property owner shall maintain automatic irrigation and drainage facilities adequate to assure healthy growing conditions for all required planting and landscape. The landscape shall be drought-tolerant and achieve maximum water efficiency.
14. **Storage sheds within the front yard area.** The storage sheds shall be limited to not more than five total and to their proposed height, floor area and locations.
15. **Curb cuts.** All curbs and curb cuts shall be constructed per the standards and specifications of the Public Works Department. Curb cuts no longer utilized shall be restored per the Public Works Department specifications.



EXISTING WEST ELEVATIONS, 2019

PARCEL CONDITIONS:

- 1) Building is on the National Register of Historic Places and is a City Landmark;
- 2) Building is in the Fault Zone;
- 3) Building is in the Landslide Zone;
- 4) Building is not in a Creek Zone.

SCOPE OF ALTERATION WORK (NO SQUARE FOOTAGE BEING ADDED):

- 1) CHANGE OF OCCUPANCY FROM EDUCATIONAL TO SINGLE-FAMILY RESIDENTIAL WITH ADU;
- 2) REPLACE & RESTORE MISCELLANEOUS DOORS, WINDOWS & SIDELIGHTS;
- 3) RESTORE DAMAGED 3-STORY SOUTH WALL & REPLACE FOUNDATION;
- 4) RESTORE SOUTH TERRACE, ADD WING WALLS AND BRICK STAIRS SIMILAR TO ORIGINAL TERRACE.
- 5) CONVERT KITCHEN TO GARAGE AND ADD NEW CONCRETE DRIVEWAY AND RETAINING WALLS;
- 6) ADD ELEVATOR;
- 7) ADD BATHROOMS TO SECOND FLOOR;
- 8) REMODEL THIRD FLOOR AND ADD REAR DECK WITH STUCCO GUARD RAILS, POOL AND HOT TUB;
- 9) REPLACE ELECTRICAL AND MECHANICAL SYSTEMS;
- 10) ADD SOLAR PANELS;
- 11) ADD NEW FENCING;
- 12) ADD NEW PARKING AREA 2.

SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATING HISTORIC BUILDINGS:

As a property on the National Register of Historic Properties, the following Standards shall be followed:

- Standard 1** - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Standard 2** - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Standard 3** - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
- Standard 4** - Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Standard 5** - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Standard 6** - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Standard 7** - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Standard 8** - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Standard 9** - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
- Standard 10** - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2016 CALIFORNIA HISTORICAL BUILDING CODE (CHBC) NOTES:

As a qualified historic building, the application of the following provisions of the CHBC apply:

SECTION 8-102.1.6 - Qualified buildings shall not be subject to additional work required by the regular code beyond that required to complete the work undertaken.

SECTION 8-901.5 - Qualified buildings are exempted from compliance with energy conservation standards.

PLANNING, ZONING, & BUILDING INFORMATION:

APN: 058-2245-009-03 Fire Zone 2

Zoning: R-1H Existing Educational Building Occupancy (E) is converting to Single-family Residential Occupancy (R-3)

Three-story, Type VB Construction, Fully Sprinklered

Lot Size: 117,546 sf Footprint Size: 25,695 sf

First Floor Size: 25,695 sf
 Second Floor Size: 21,562 sf
 Third Floor Size: 3,045 sf

TOTAL SIZE 50,302 SF



1
T-1 VICINITY MAP

APPROX. SCALE: 1" = 100'

DRAWING INDEX

- T-1 TITLE SHEET
- A-1 SITE & ROOF PLAN
- SY-1 SURVEY
- A-2 FIRST & SECOND FLOOR PLANS
- A-3 THIRD FLOOR PLANS & BUILDING SECTION
- A-4 PARTIAL ELEVATIONS & DETAILS
- A-5 ENERGY FORMS & FLASHING DETAILS



TABULATION FORM

Project Address: 1581 Le Roy Avenue Date: Feb. 20, 2019
 Applicant's Name: Jerri Holan & Associates
 Zoning District: R-1H

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/Required
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	0	2	2
Number of Parking Spaces (#)	9	27	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	0	5	0
Yards and Height			
Front Yard Setback (Feet)	10-20	10-20	20
Side Yard Setbacks (Facing property)			
Left: (Feet)	25	25	4
Right: (Feet)	25	25	4
Rear Yard Setback (Feet)	15-40	15-40	20
Building Height* (# Stories)	3	3	3
Average* (Feet)	35	35	35
Maximum* (Feet)	50	50	35
Areas			
Lot Area (Square-Foot)	117,546	117,546	5,000
Gross Floor Area* (Square-Foot)	50,302	50,302	N/A
Total Area Covered by All Floors (Square-Foot)	25,695	25,695	N/A
Building Footprint* (Square-Foot)	25,695	25,695	N/A
Lot Coverage* (Footprint/Lot Area) (%)	22	22	40
Useable Open Space* (Square-Foot)	91,851	91,851	800
Floor Area Ratio* Non-Residential only (Except ES-R)			

*See Definitions - Zoning Ordinance Title 22F. Revised: 05/15

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Rehabilitation & Remodel of
 Hillside School
 for
SAMULI SEPPÄLÄ
 1581 Le Roy Avenue
 Berkeley, CA

Revisions:
 May 28, 2019 - Supplemental Submissions for Use Permit
 May 21, 2019 - Supplemental Submissions for Use Permit

Issue Date:
 April 1, 2019 - Submitted for Use Permit
 April 1, 2019 - Submitted for Structural Alterations Permit & Design Review

TITLE SHEET

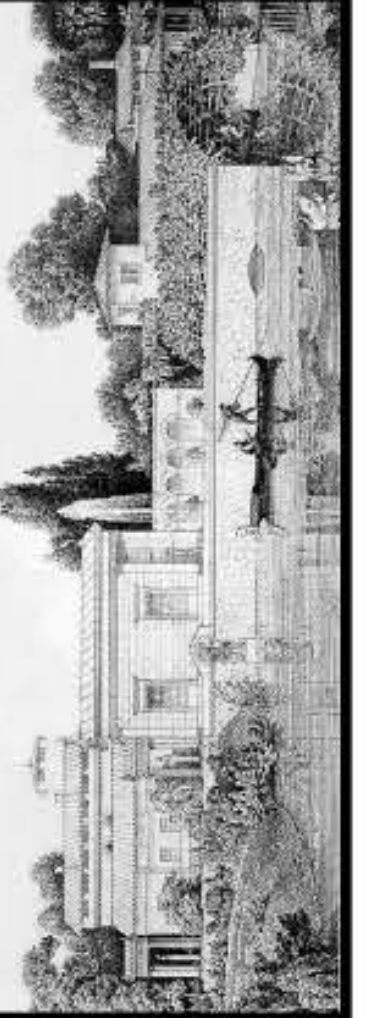
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T-1

of 6



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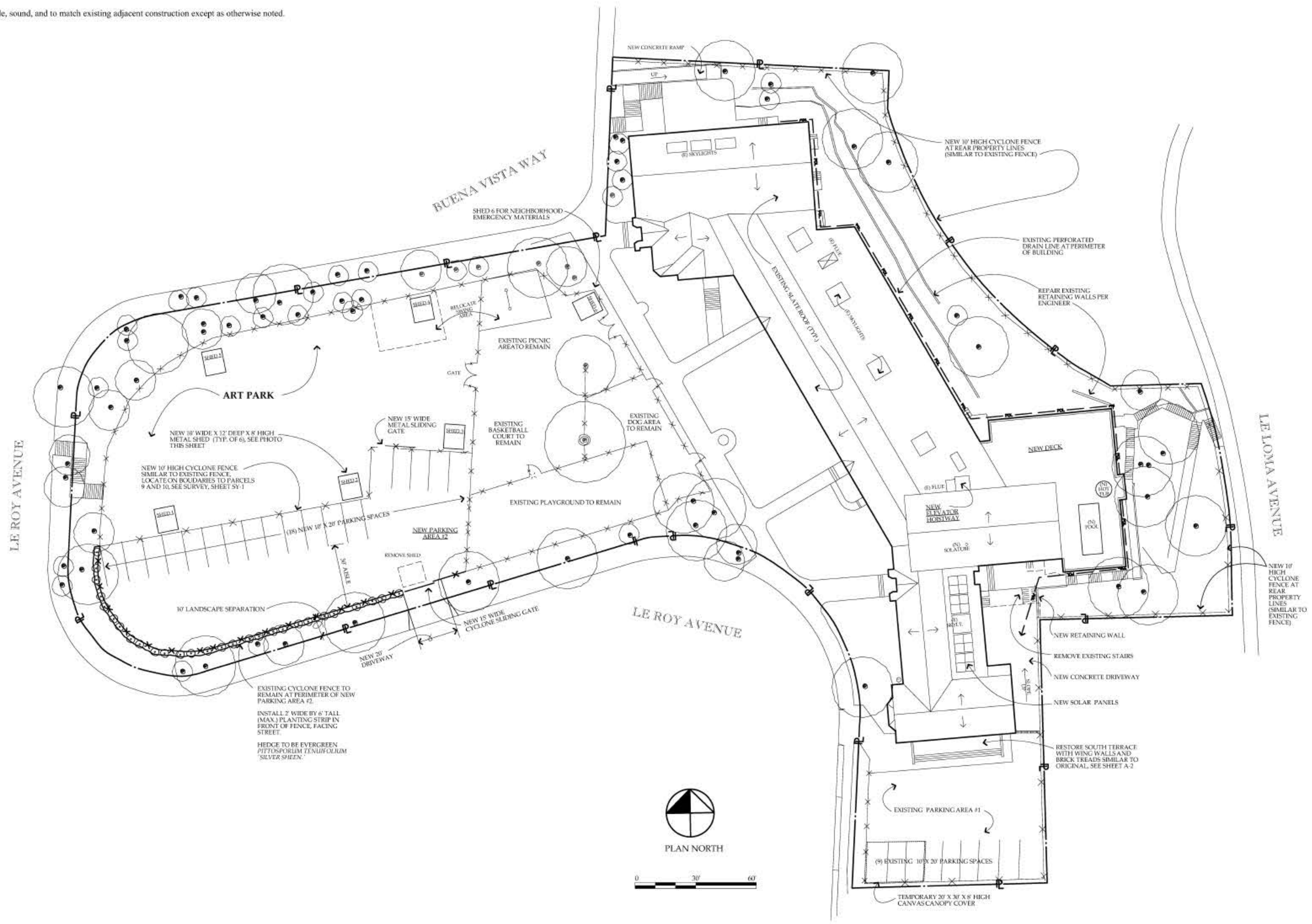
SITE & ROOF PLAN

SHEET
A-1

of 6

GENERAL AND SITE PLAN NOTES:

1. These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
2. Use of these drawings constitutes acceptance.
3. Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
4. The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
5. The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
6. All work shall conform to the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Historical Building Code (CHBC), The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.
7. By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawings and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
8. The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
9. The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
10. The site shall be kept clean at all times. Materials indicated to be reinstalled shall be stored and protected onsite unless otherwise noted. THE BASEMENT AREA WILL BE AVAILABLE FOR STORAGE OF NEW WINDOW UNITS DURING CONSTRUCTION. Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
11. Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
12. All items not noted as new (N) are existing.
13. All existing walls, floors, and ceilings at removed, new or modified construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.

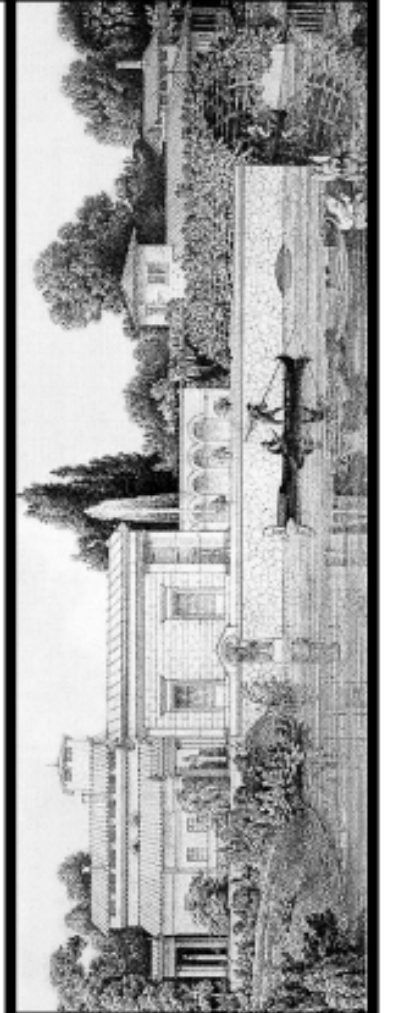
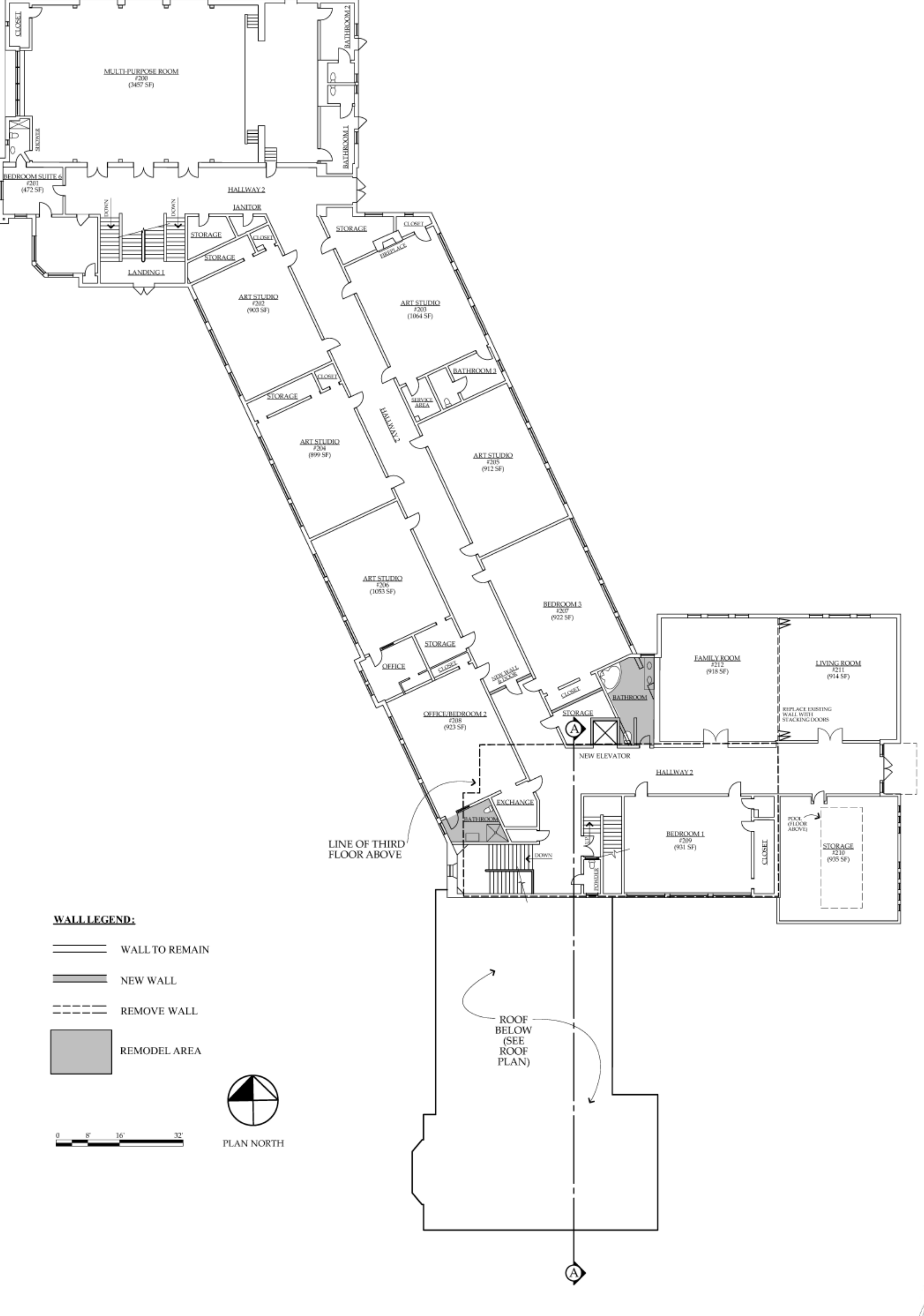
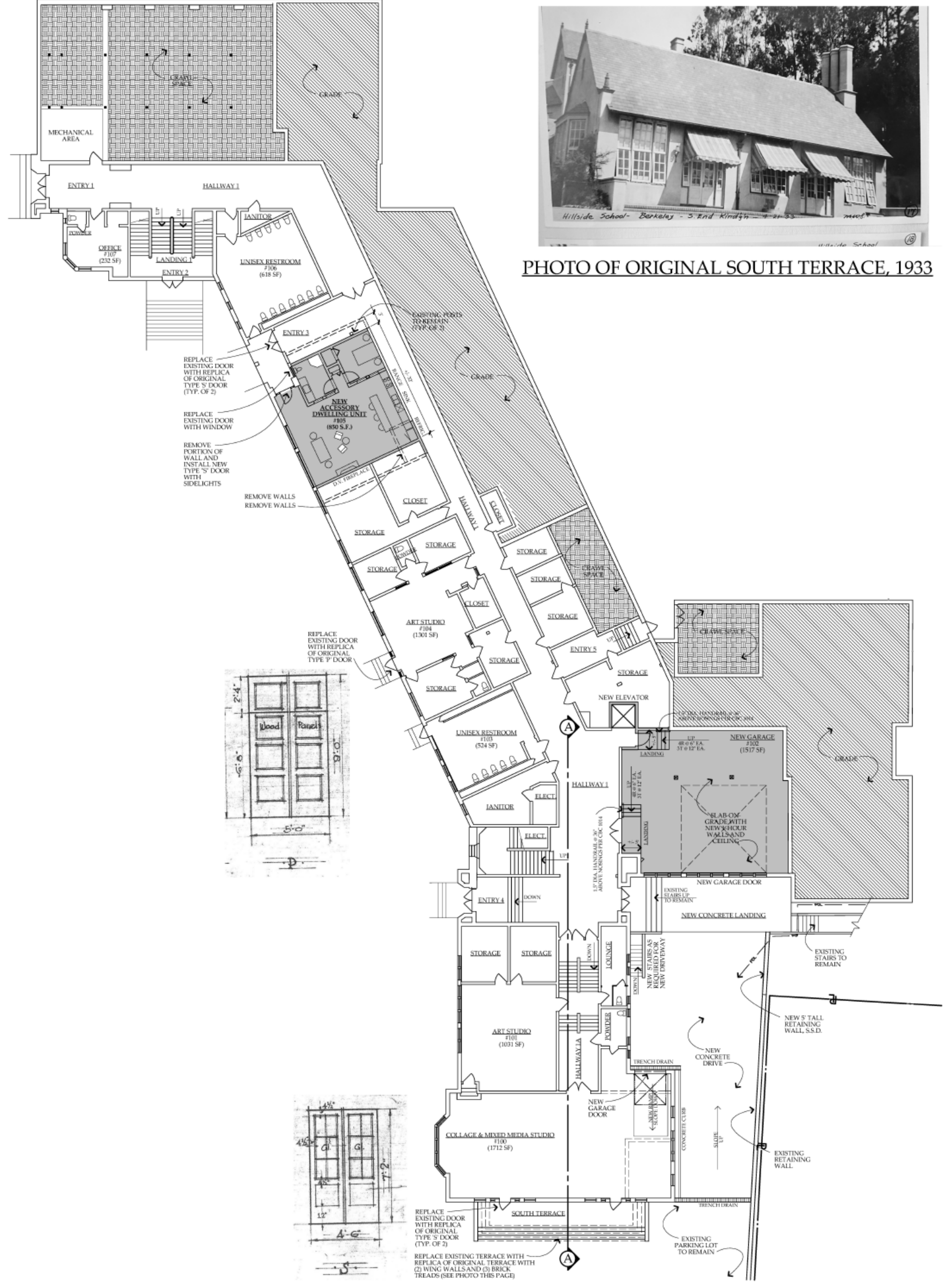


PROPOSED NEW SHED

1 SITE & ROOF PLAN



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FIRST & SECOND
FLOOR PLANS
SHEET
A-2
of 6

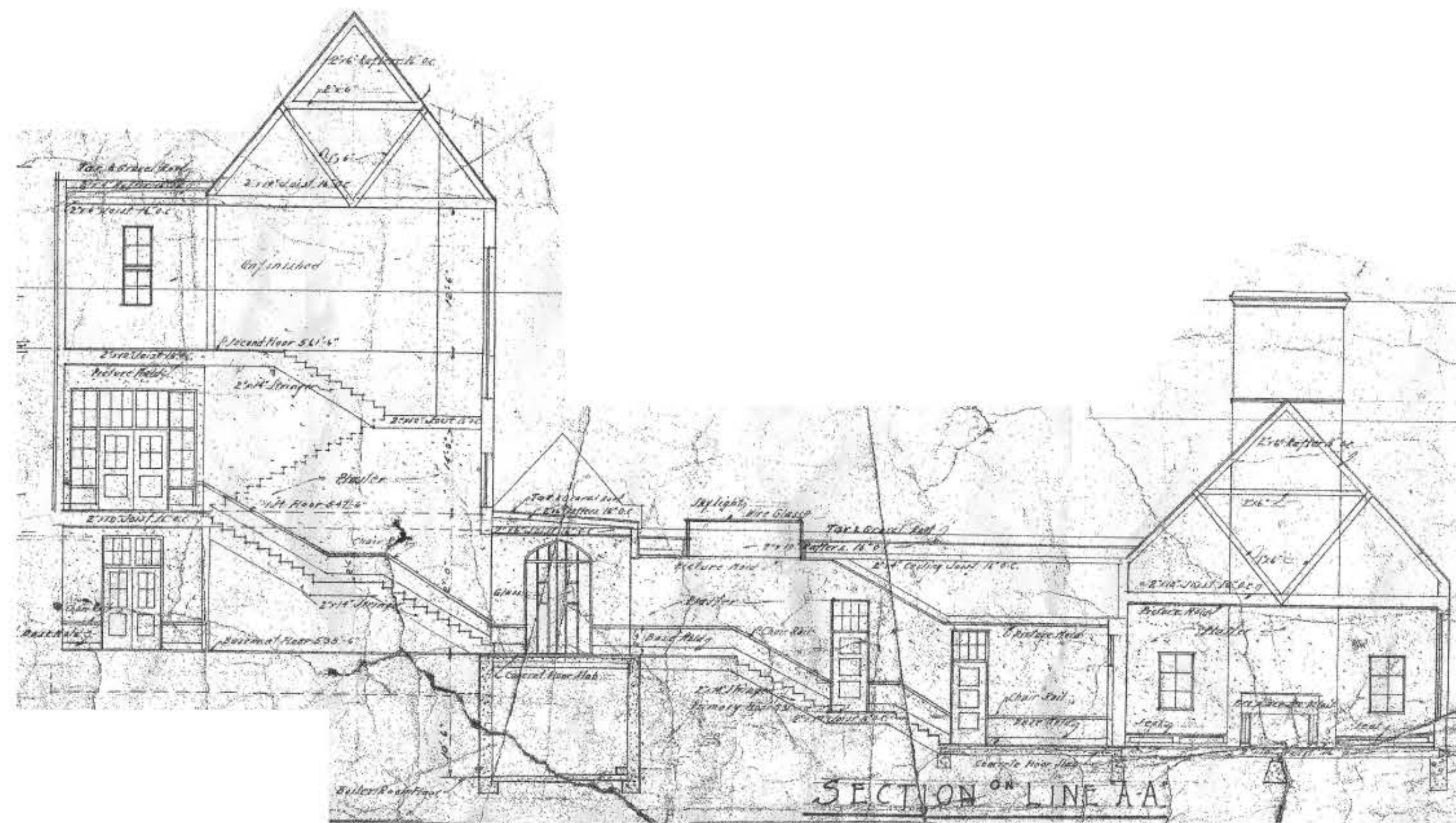


2019 WEST ELEVATION



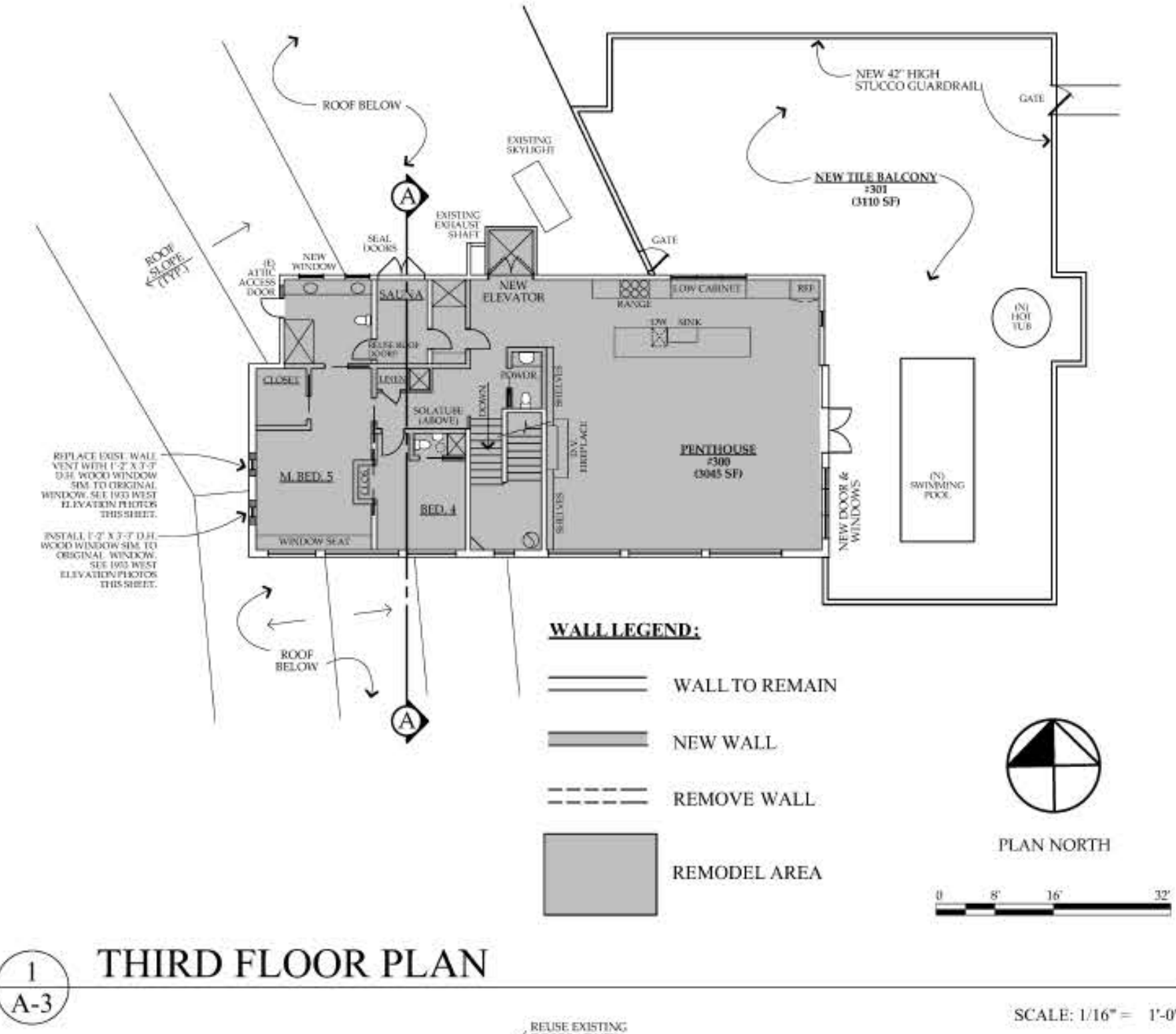
West Elgin - Hillside School
 Berkeley
 4-21-33
 West.

1933 WEST ELEVATIONS

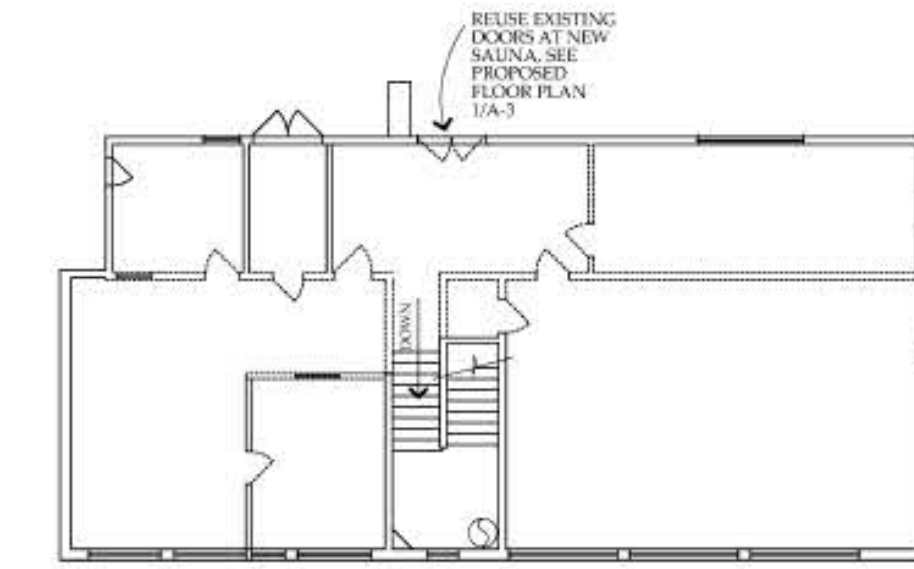


3 NORTH/SOUTH BUILDING SECTION A-A LOOKING EAST, 1925

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



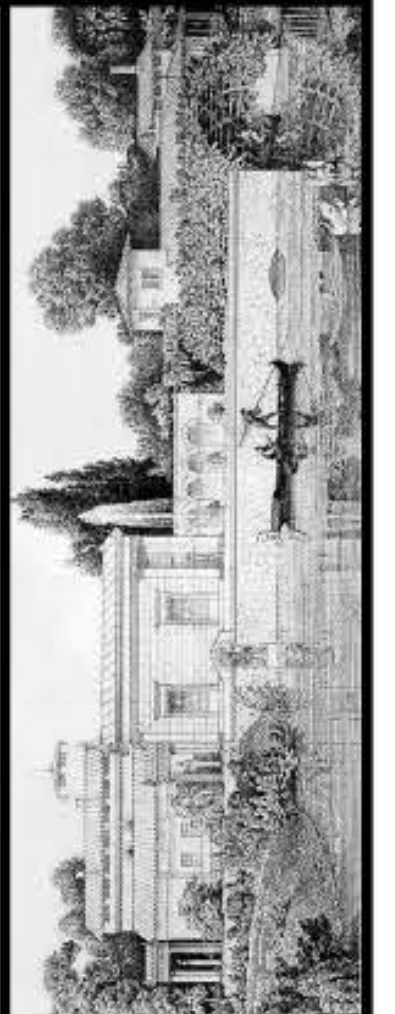
1 THIRD FLOOR PLAN



2 THIRD FLOOR DEMOLITION PLAN

FAÇADE RESTORATION & WOOD TREATMENT NOTES:

- 1) ALL WORK SHALL CONFORM TO THE 1995 SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATION OF HISTORIC BUILDINGS.
- 2) PRIOR TO DEMOLITION, THE CONTRACTOR WILL MEET WITH THE PRESERVATION ARCHITECT ON SITE TO REVIEW HISTORIC MATERIALS AND TREATMENTS.
- 3) RETAIN ALL ORIGINAL WOOD MEMBERS ON THE FRONT AND SIDES. MEMBERS SHALL BE PROTECTED AND PRESERVED DURING CONSTRUCTION.
- 4) SURFACE PREPARATION: REMOVE DAMAGED AND DETEIORATED PAINT FROM ALL WOOD SURFACES TO THE NEXT SOUND LAYER USING THE GENTLEST MEANS POSSIBLE (HANDSCRAPING AND HANDSANDING). USE CHEMICAL STRIPPERS PRIMARILY TO SUPPLEMENT HAND METHODS. IF APPROPRIATE, DETACHABLE WOOD ELEMENTS MAY BE CHEMICALLY DIP-STRIPPED. USE ELECTRIC HOT-AIR GUNS WITH CARE ON DECORATIVE WOOD FEATURES.
- 5) INSPECT WOOD MEMBERS FOR DAMAGE. ORIGINAL WOOD MEMBERS THAT ARE DAMAGED OR DETEIORATED, SHALL BE REPAIRED OR STABILIZED. IF REPLACEMENT IS NECESSARY, APPROVAL FROM PRESERVATION ARCHITECT IS REQUIRED. REPLACEMENT MATERIALS SHALL MATCH ORIGINALS IN MATERIAL, DESIGN, AND TEXTURE.
- 6) REPAIR, STABILIZE, AND CONSERVE FRAGILE WOOD USING WELL-TESTED CONSOLIDANTS WHEN APPROPRIATE. REPAIR WOOD FEATURES BY PATCHING, PIEING, OR REINFORCING THE WOOD USING RECOGNIZED PRESERVATION METHODS. THE NEW WORK SHALL BE PHYSICALLY AND VISUALLY COMPATIBLE AND BE IDENTIFIABLE UPON CLOSE INSPECTION.
- 7) PROTECT WOOD MEMBERS BY PROVIDING PROPER DRAINAGE AND AVOID WATER ACCUMULATION ON FLAT OF HORIZONTAL SURFACES.
- 8) NO HARSH TREATMENT OR CHEMICALS SHALL BE USED ON ORIGINAL WOOD MEMBERS. TREATMENTS THAT CAUSE DAMAGE TO ORIGINAL WOOD MEMBERS SHALL NOT BE USED.
- 9) PATCH AND REPAIR ANY DAMAGED STUCCO AND MATCH EXISTING STUCCO TEXTURE.
- 10) APPLY COMPATIBLE PAINT OR FINISH COAT SYSTEM FOLLOWING PROPER SURFACE PREPARATION ON STUCCO AND WOOD SURFACES. MATCH EXISTING INTERIOR AND EXTERIOR COLORS.
- 11) IF ANY SIGNIFICANT ARCHEOLOGICAL RESOURCES ARE FOUND, CONTACT THE CITY OF BERKELEY FOR APPROPRIATE MEASURES.



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THIRD FLOOR
 PLANS AND BLDG.
 SECTION
 SHEET
 A-3
 of 6

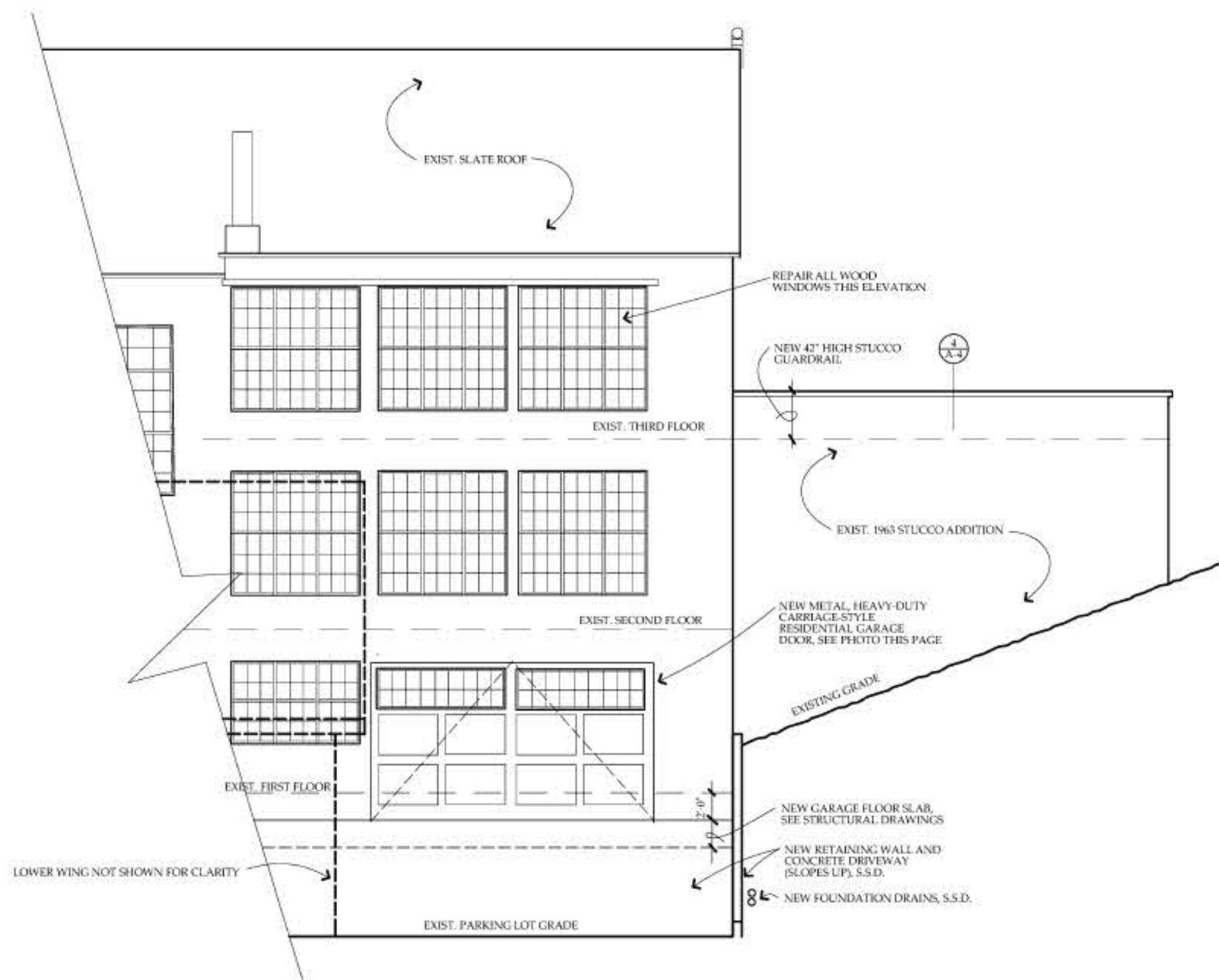
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SOUTH ELEVATION PHOTO



PROPOSED GARAGE DOORS

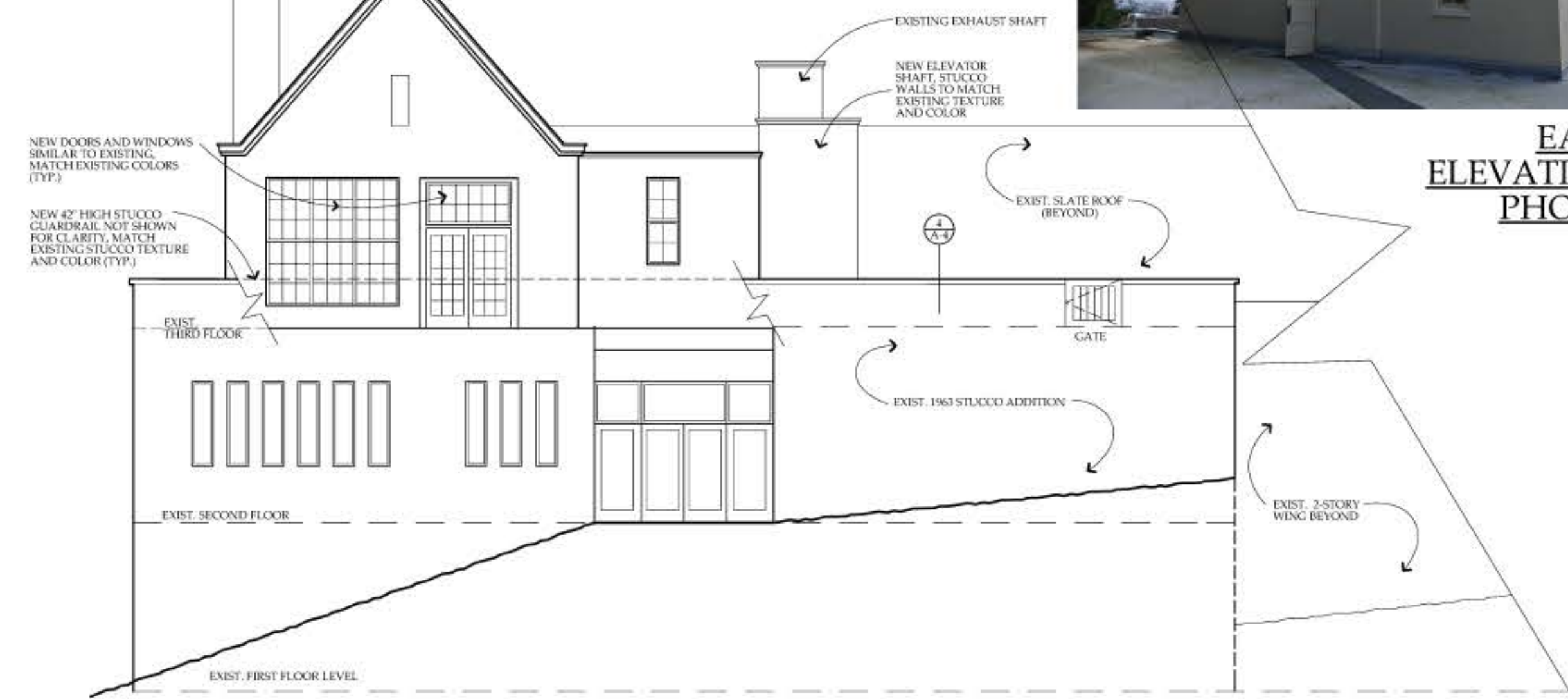


1 SOUTH ELEVATION DETAIL

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

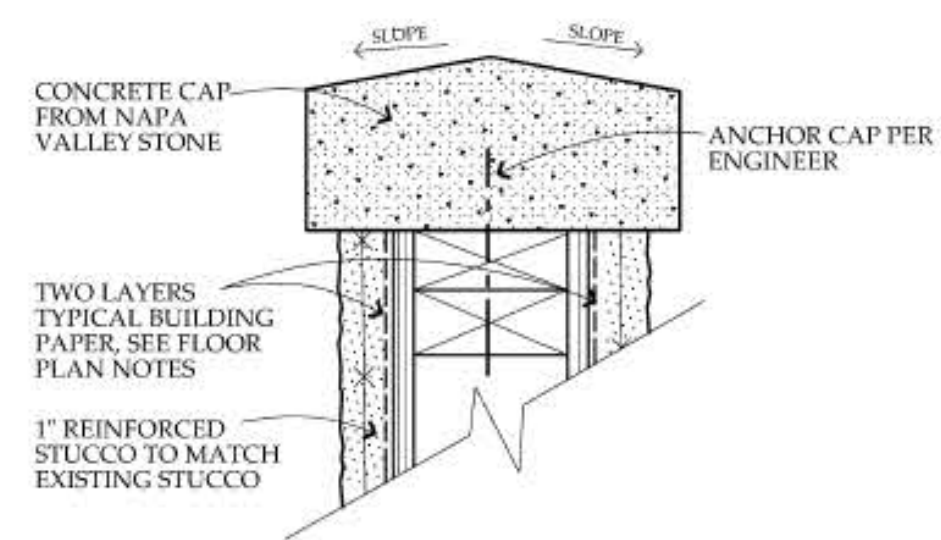


EAST ELEVATION PHOTO



2 EAST ELEVATION DETAIL

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

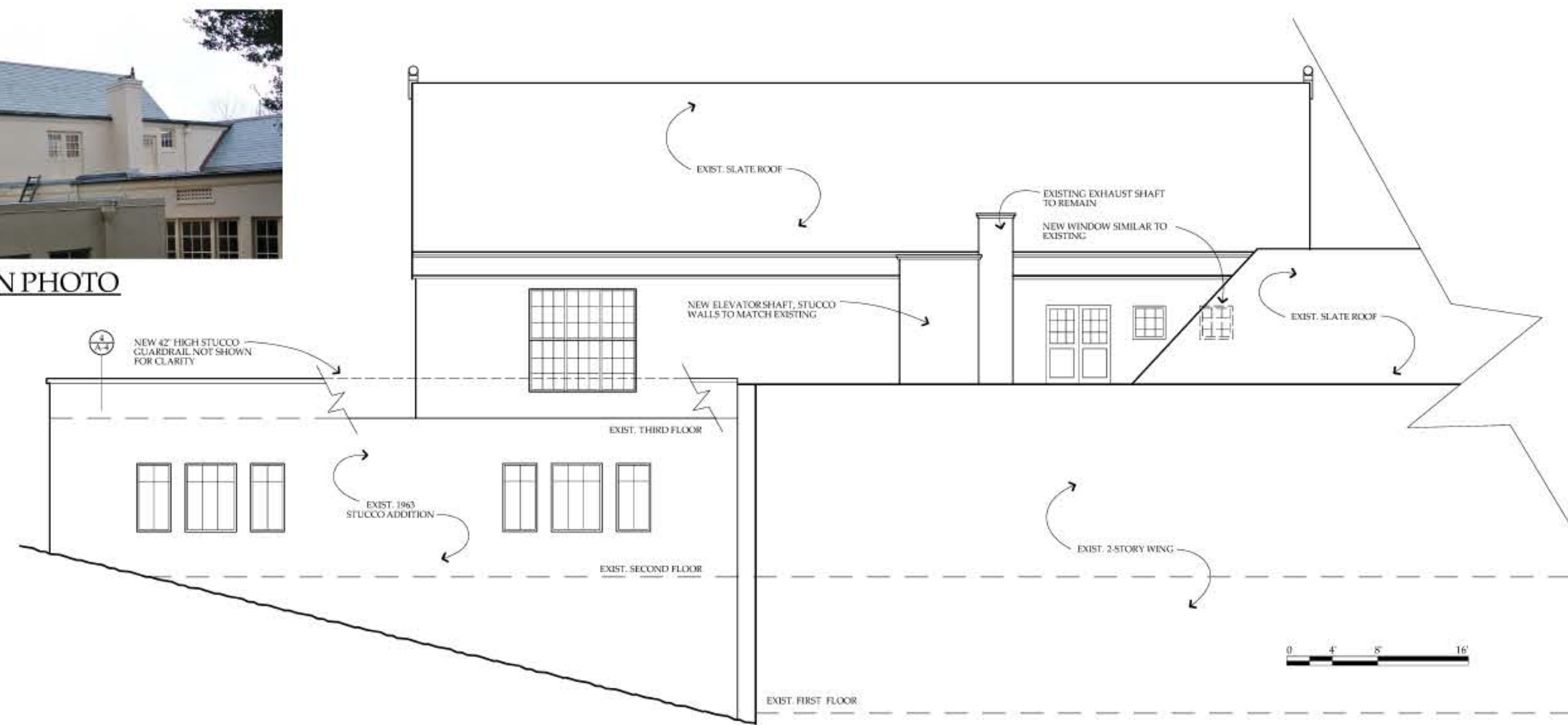


4 STUCCO GUARDRAIL DETAIL

SCALE: 3" = 1'-0"



NORTH ELEVATION PHOTO



3 NORTH ELEVATION DETAIL

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

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PARTIAL ELEVATIONS & DETAILS

SHEET
A-4

of 6





JERRI HOLAN & ASSOCIATES, AIA

Architects ♦ Engineers ♦ Planners

APPLICANT'S STATEMENT

Hillside School

1581 Le Roy Avenue

March 11, 2019

Designed by Master Architect Walter Ratcliff in 1925, the Hillside School was designated City Landmark #61 in 1980. In 1982, it was placed on the National Register of Historic Places. It is a Neo-Tudor, stucco and half-timber, slate-roofed, mostly two-story building with a plan that follows the contours of the hillside. The north wing of the building features a grand auditorium with a large, multi-paned window overlooking the Bay which is the most prominent feature of its facade. The south wing is anchored by a single-story portion of the building with large south-facing windows overlooking a parking area. Between the two wings is a two-story central portion of the building which contains classrooms with large windows overlooking the front and rear yards. At the southern end of the classroom wing, a 3-story classroom wing was constructed with large south facing, multi-paned windows. In 1963, Ratcliff Architects added 5,000 sf (four additional classrooms) to the rear, second floor of the school. The front yard of the school was designed as a playground for both the school and the neighborhood.

BUSD closed the school in 1980 and leased space to various educational institutions. In 2014, the German International School (GIS) purchased the property and performed some maintenance items. The City denied GIS' request to expand the facility. GIS subsequently sold the property to the current Owner, Samuli Seppälä, who intends to convert the educational building into a single-family residence, a much less hazardous and intense use. The Owner intends to maintain the original building almost in its entirety and will restore and preserve most of its interior and exterior features.

The building will be the Owner's primary residence. The remodel project converts mainly the southern wing into living quarters and preserves and restores all the important interior spaces including the Auditorium, classrooms, hallways, and grand staircases. Most of the historic interior finishes will be retained and restored, including the auditorium's many wood features and the Batchelder-tiled fireplace in Studio 203. Partitions are being removed in the Kindergarten room to restore its original spatial configuration. Some minor modifications to secondary elevations on the south and east sides of the 3-story portion of the building are being proposed to accommodate the new single-family use. The northern portions of the building will repurpose the existing classrooms into art studios. The studios will be used by the Owner and visiting guest artists.

The residence will include an Accessory Dwelling Unit (ADU) and because of the building's large size (approximately 50,000 sf), the Owner is requesting that the ADU be allowed to exceed the 850 sf limit and comprise 1200 sf on the ground floor of the home. This ADU will have no negative impact on the neighborhood and will be used by "artists-in-residence."

While the building will primarily be a residence, the Owner intends to occasionally host private art classes, seminars, workshops and retreats on his property. Consequently, he is applying for a Moderate Home Occupation Permit. He will host a maximum of 25 artists approximately twice a month for art-related projects. The auditorium and asphalt area in front yard will be used to display and present their work.

To accommodate this new use, the Owner is proposing a second parking area in the front asphalt yard on the south side. The north area will also be used for additional storage sheds and artists' displays. The neighbors may continue to use the existing playground, dog park and picnic areas for the time being. The proposed artistic activities and related events are not commercial and will have no impacts on the neighborhood.

While the facade of the building is intact with a high degree of integrity, it is in dire need of repairs and maintenance. The building, in general, is in poor condition and the goal of the current improvements is to restore original doors and repair windows in addition to a general upgrade of the structure's foundation, electrical, mechanical and plumbing systems. The building is fire-sprinkled and is being seismically strengthened on the 3-story south wall while drainage improvements are being designed for the entire structure. A significant amount of termite and structural repair will also be conducted during construction.

All the improvements will meet *The Secretary of the Interior's Standards for the Rehabilitation of Historic Properties* (see attached "Historic Design Analysis"). Proposed alterations on the front of the building include replacing replacement doors with wood doors similar to original doors and restoring two small upper windows on the 3-story wing. Existing wood windows throughout the building will be repaired and made fully operable. Secondary side elevations will be kept intact. On the ground floor of the south side of the 3-story wing, the cafeteria kitchen will be converted to a garage. A garage door is proposed to replace some of the damaged windows when the foundation is replaced.

The rear of the building will remain intact with the exception of adding doors and windows to the third floor of the east elevation. The doors will access a new proposed balcony built on the existing flat roof of the 1963 addition. This deck will feature a pool and hot tub and its required guardrails will be constructed of stucco to match the building's exterior finish. The guardrails are offset from the story below to distinguish it from the existing building. A residential elevator is being added to the rear of the building and it is located to maintain interior circulation and finishes as well as to have minimal impact on the building's exterior.

HISTORIC DESIGN ANALYSIS

of proposed Single-Family Use and ADU at Hillside School

for

Samuli Seppälä
1581 Le Roy Avenue
Berkeley, California

This evaluation was prepared by Jerri Holan, FAIA. Since 1991, Ms. Holan has been professionally qualified, and practicing, as a Preservation Architect and Architectural Historian per *The Secretary of the Interior's Standards and Guidelines for Historic Preservation*. Ms. Holan has also been certified with the State of California, Office of Historic Preservation, since 2004, as a Historical Resource Consultant. Jerri Holan has an advanced degree from the University of California, Berkeley, and is a Fulbright research scholar and a Fellow of the American Institute of Architects.

ANALYSIS OF PROPOSED PROJECT

Based on March, 2019, plans prepared by Jerri Holan & Associates, the following analysis is to determine if the proposed project conforms to *The Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings* for purposes of CEQA. In order to comply with CEQA, negative impacts on character-defining features of the historic resource need to be avoided.

Standard 1 - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

The proposed project meets this rehabilitation Standard. The original use of the building, a K-6 school, is being converted to a single-family home. This change requires minimal changes to the structure's distinctive materials, features, and spaces. The building's primary envelope will remain intact, including its roof lines and primary elevations.

The remodel project converts mainly the southern wing into living quarters and preserves and restores all the important interior spaces including the Auditorium, classrooms, hallways, and grand staircases. Most of the historic interior finishes will be retained and restored, including the auditorium's many wood features and the Batchelder-tiled fireplace in Studio 203. Partitions are being removed in the Kindergarten room to restore its original spatial configuration.

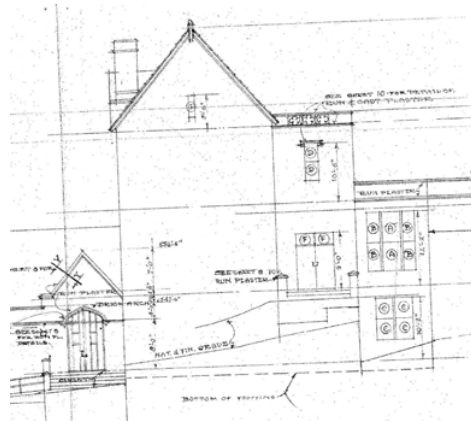
The building's prominent site makes most of its elevations visible from public right-of-ways: Le Roy, Buena Vista, and La Loma. The front, west facade is the primary elevation of the building and views of the building's north and south sides are secondary views. All visible portions of the

HISTORIC DESIGN ANALYSIS

1581 Le Roy Avenue

building on the west, north and south elevations will remain unchanged except for repairs and restorations to some doors and windows.

While some of the rear elevation of the building is visible from La Loma, the East Elevation is primarily a service elevation as can be seen in the original 1925 drawing below.



ORIGINAL EAST ELEVATION DRAWING, 1925

Today, the East Elevation features a large addition from 1963 which obscures most of the publicly visible portion of the rear of the historic building. The third floor is the only remaining visible portion of the rear historic elevation and it is being preserved with the exception of window additions on the east wall and elevator housing to the north. The elevator housing is located adjacent to an exhaust flue which was added to the building in 1963. The roof of the 1963 addition is being converted into a patio for the new living quarters which will preserve views of the historic third floor profile. These minor changes serve the new residential use of the building.

Standard 2 - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

The proposal meets this Standard as the distinctive materials and spatial relationship of the historic building are not being altered.

Standard 3 - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.

The proposed project meets this Rehabilitation Standard. The building is, and will remain, a record of its time, place, and use. No conjectural architectural features are being added.

HISTORIC DESIGN ANALYSIS

1581 Le Roy Avenue

Standard 4 - Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The project meets this Standard. The property has a good degree of integrity and the major 1963 rear addition will remain as is. It should be noted that, according to the National Register Nomination Form, the 1963 addition is not an important architectural feature of the historic building and does not need to be preserved.

Standard 5 - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The proposed project meets this Rehabilitation Standard. The project proposes to preserve the historic structure and its finishes and does not alter any of its distinctive craftsmanship.

Standard 6 - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

The project complies with this Standard as the original historic structure has extensive door and window deterioration. The old doors and windows will be repaired where possible and only replaced if necessary (some windows on south side). Two small, upper windows will be restored on the West Elevation of the 3-story wing that is documented with photographs. The new windows and doors will match the old in design and materials, all substantiated with the original 1925 architectural drawings.

Standard 7 - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

The project complies with this Standard as the extensive window repairs will use hand methods rather than chemical treatments. See Facade and Wood Treatment Notes on Sheet A-3.

Standard 8 - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

The plans indicate that, if any significant archeological resources are found, the City of Berkeley would be notified and that they would be mitigated with appropriate measures.

Standard 9 - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.

HISTORIC DESIGN ANALYSIS

1581 Le Roy Avenue

The project meets this Standard. There is no additional square footage being added and it does not destroy historical relationships or materials which characterize the property. Any required new stucco, materials, or doors and windows – due to repairs -- will match originals.

The addition of a garage door on the ground floor of the three-story wing is not visible from the public right of way. However, it's styling is compatible with the historic structure and will be distinguished by the use of a metal finish.

The addition of rear windows on the third floor, East Elevation will be compatible in size and configuration to the original windows but distinguished from them with the use of double-glazing and modern wood materials.

The stucco guardrails for the new balcony on the rear of the building are offset from the buildings original walls and distinguished by a thickened upper handrail section.

A residential elevator is being added to the rear of the building and it was located to have minimal impact on the building's exterior, next to an existing flue addition from 1963.

Standard 10 - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The project meets this Standard as the third-floor modifications and first-floor garage door could be removed without impacting the form and integrity of the original historic building.

ANALYSIS CONCLUSION

After reviewing the project, it is my professional opinion that the project is in conformance to *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings*.



JERRI HOLAN & ASSOCIATES, AIA
Architects + Engineers + Planners

RECEIVED

MAY 21 2019

LAND USE PLANNING

APPLICANT'S SUPPLEMENTAL STATEMENT

Hillside School
1581 Le Roy Avenue

May 20, 2019

As stated in the Project Description and Applicant's Statement dated March 11, 2019, the Owner is permitting the neighbors to continue using the existing playground, dog park and picnic areas for the time being.

These areas will be open from sunrise to sunset, year round, including holidays.

The Owner has agreed to maintain liability insurance on these premises and reserves the right to rescind public access at any time.

61

CITY OF BERKELEY
DEPARTMENT OF HOUSING AND DEVELOPMENT

(APPLICATION REQUESTING DESIGNATION FOR LANDMARK STATUS)

ES: Ordinance 4694-N.S. Individual Landmark \$50.00 Historical Dist. \$100.00

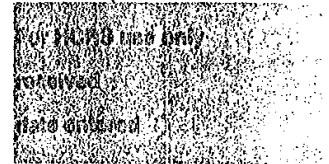
- 1. Name of Property Hillside School Survey Code No. _____
- 2. Building Site _____ Open Space _____
- 3. County Alameda 4. City Berkeley 94708
- 5. Street 1581 LeRoy Avenue
- 6. Vicinity (if rural) _____
- 7. Present Occupant Hillside Primary School; Lawrence Lab childcare program
- 8. Present Owner Berkeley Unified School District, 2134 Grove St. 94704
- 9. Original Owner (if known) same
- 10. Date of Construction 1925 11. Style Tudor revival
- 12. Architect/Builder Walter Ratcliff Jr. 13. Original Use school
- 14. Historic Value: national ___ state ___ county ___ city neighborhood
none ___
- 15. Architectural Value: national ___ state ___ county ___ city neighbor-
hood none ___
- 16. Notable Garden or Landscaping: yes no ___
- 17. Photographs: contemporary _____ historical _____
dates Feb.-March 1982 dates April 1933, aerial/c. 1940
photographer Betty Marvin photographer _____
repository BAHA, Friends of Hillside repository BUSD, copy neg. BAHA
S. Stern, "Hillside...in an English Mode," Berk. Gazette, Ap. 16, 1980.
"New Hillside Sc. Opens" Jesse Sears & commission, Berk. Schs. Properties Survey, Aug. 1926.
18. Bibliography: Published Sources Fraudenheim Bldg. With Nature, Arch. & Eng'g, May 1916
Berk. Gazette: 4/3 & 5/6/25 Public Records Blueprints & Field Act surveys, BUSD building dept.
(bldg. tax); Aug. 9, 26, Sep Interviews Marian Altman (principal), Barbara Smith (sec'y & alumna),
15, 17, 1926 (opening); Lorraine Haines (alum, parent, grandparent); D. Gerrity & M. Daggett oral H
10/20/34 (Field Act); Nicholas Hanson, "W.H. Ratcliff," BAHA pamphlet, 1980. PTA file at Hills:
19. Block Number 2245 20. Lot No. 9 21. Lot Size: Frontage approx. 275'
Depth approx. 200' (school) plus
200' (playground)
- 22. Current Zoning Status R1H 23. Adjacent Property Zoning Status R1H
- 24. Present Use: residential (single family ___ multiple ___) office ___
store ___ public other ___ specify school
- 25. Adjacent Property Use (check all that apply): residential (single
family multiple ___) office ___ store ___ public ___
other ___ specify _____

FHR-6-300 (11-79)

United States Department of the Interior
Heritage Conservation and Recreation Service

**National Register of Historic Places
Inventory—Nomination Form**

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

**1. Name**

MAY 07 1982

historic Hillside School

and/or common Hillside School, Hillside Primary School

2. Location

street & number 1581 LeRoy Avenue not for publication

city, town Berkeley 94708 vicinity of congressional district 8

state California code county Alameda code

3. Classification

Category	Ownership	Status	Present Use
<input type="checkbox"/> district	<input checked="" type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture
<input checked="" type="checkbox"/> building(s)	<input type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input type="checkbox"/> commercial
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> work in progress	<input checked="" type="checkbox"/> educational
<input type="checkbox"/> site	Public Acquisition	Accessible	<input type="checkbox"/> entertainment
<input type="checkbox"/> object	<input type="checkbox"/> in process	<input type="checkbox"/> yes: restricted	<input type="checkbox"/> government
	<input type="checkbox"/> being considered	<input checked="" type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial
		<input type="checkbox"/> no	<input type="checkbox"/> military
			<input type="checkbox"/> museum
			<input type="checkbox"/> park
			<input type="checkbox"/> private residence
			<input type="checkbox"/> religious
			<input type="checkbox"/> scientific
			<input type="checkbox"/> transportation
			<input type="checkbox"/> other:

4. Owner of Property

name Berkeley Unified School District

street & number 2134 Grove Street
Berkeley 94704

city, town vicinity of state California

5. Location of Legal Description

courthouse, registry of deeds, etc. Alameda County Courthouse

street & number 1225 Fallon Street

city, town Oakland 94612 state California

6. Representation in Existing Surveystitle Berkeley Urban Conservation Survey has this property been determined eligible? yes nodate April 1980; City Landmark designation pending, 5/82. federal state county local

depository for survey records Berkeley Architectural Heritage Assn., Box 1137,

city, town Berkeley 94701-1137 state CA

7. Description

Condition		Check one	Check one
<input type="radio"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site
<input checked="" type="radio"/> good	<input type="checkbox"/> ruins	<input checked="" type="checkbox"/> altered	<input type="checkbox"/> moved date _____
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed		

Describe the present and original (if known) physical appearance

Hillside School is a neo-tudor, stucco and half-timbered, slate-roofed, mostly two-story building whose rambling angular plan follows the contours of its hillside site and the winding North Berkeley streets. The west facade presents a 150'-long central classroom wing running NW-SE, with a continuous bank of wood framed classroom windows on the upper floor, offices and library on the ground floor, and two second-floor square bays with dormers and half-timbered gable ends above the doors. Large wings join the ends of this main building at angles of about 120°: at the north end the auditorium projects forward (W) of the main building, with a tall wall of windows & ornamental stickwork in its gable end, which is about 60' high at the peak. There is a gabled entry hall and 2-story polygonal bay in the angle between the auditorium and main building. Behind the south end of the central block is a high-gabled 3-story classroom wing, its south wall all windows; at the back of this wing is a 1-story, L-shaped, 3-room addition (1963). South of the central block on the downward slope of the hill is the kindergarten/primary wing, a sort of miniature repetition of the main building, with a gabled dormer over the arched entrance and a large main classroom with west-facing gable & big bay window. Entrances to kindergarten & auditorium wings are low, deep-set gothic arches with heavy wooden doors, in 1½-story gable ends. All gable ends are trimmed to varying degrees with half-timbering, stickwork, and wood finials. Slate roofs of wings & dormers form a complex pattern of peaks.

The entire building was extensively reinforced and rebuilt in 1934-5 (kindergarten), 1936 (central portion), and 1937-8 (auditorium), faithfully following the style and materials of the original building. Roof of the south classroom wing was somewhat rearranged, & some parapet levels changed. The small dormer toward the north end of the main wing was added so slates would not fall on the exit in an earthquake. As a result Hillside was the only one of the older Berkeley schools not affected by the earthquake work of the mid-1970s when the others were demolished, vacated, or completely rebuilt. The bottom story of the main building was originally a recreation basement with the same wall of tall wood-framed windows as the upper floor. In 1963-4 the basement was remodeled for offices and library, and some of the window area closed off. At the same time, 3 classrooms were added inconspicuously at the back of the east wing. (This work was done by Walter Ratcliff's son.)

Notable features of the interior are the auditorium, the woodwork and detailing in the hallways, and the use of windows and wood in the classrooms. The auditorium, about 40' x 55', has hardwood floor, beamed dark wood ceiling with skylights and (incomplete) chandeliers. The west wall has a huge wood-framed, lattice-paned window, 16' x 22' high, floor to ceiling, protected by a wood balustrade; there is a spectacular view of the Bay. The stage at the east end is presently closed off by a temporary wall so the backstage area can be used as a woodshop. French doors on the north wall open onto a small patio.

Hallways follow the same irregular angles as the exterior plan. Second floor halls have skylights, unpainted wood moldings and wood framed bulletin boards, working transoms above the doors. Details include brass stair corners and studs on the wide banisters (to discourage sliding), metal and amber-glass light fixtures, and a floral terra cotta drinking fountain given in memory of two pupils in 1928. On the main corridor, 3 classrooms face east and 4 face west, all with full walls of operable wood-framed windows. Room 18, former teachers' lunchroom, has a Batchelder tiled fireplace. Two west rooms have unusual glassed-in cloakrooms & conference rooms.

(SEE CONTINUATION SHEET)

8. Significance

Period	Areas of Significance—Check and justify below					
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion		
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input type="checkbox"/> law	<input type="checkbox"/> science		
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture		
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input checked="" type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/ humanitarian		
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> theater		
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> transportation		
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input type="checkbox"/> politics/government	<input type="checkbox"/> other (specify)		
		<input type="checkbox"/> invention				

Specific dates 1925--

Builder/Architect Walter H. Ratcliff Jr.

Statement of Significance (In one paragraph)

Hillside School is the oldest of the Berkeley Public Schools still operating as a school in virtually its original state. Its distinguished craftsmanship & design, natural light and air, and careful relationship to its hillside site exemplify the progressive school architecture of the 1920s. It replaced the 1899 Hillside School founded by the Maybeck circle and inherited its teachers and traditions, after the original building burned in the 1923 fire that devastated north Berkeley. Hillside's neo-Tudor design by prominent Berkeley architect Walter Ratcliff is characteristic of the period revival styles used in all branches of architecture in that decade, and used extensively in the rebuilding of north Berkeley. The school is one of the major commissions of Ratcliff's later career, and the only one of his Berkeley public schools still in use. As the neighborhood school of the Maybeck coterie and their successors, and of many University families, Hillside has a tradition of vigorous public interest and loyalty, and owes its existence and survival to Berkeley's trademark civic activism.

Hillside School takes its name from the Hillside Club, the turn-of-the-century Berkeley group around the Maybecks and Keelers that promoted Arts and Crafts ideals and established the Bay Region tradition of architecture in harmony with nature. According to tradition (Freudenheim, *Building With Nature*, p.57), when the city proposed a school for the neighborhood, the women of the club "appointed a committee to go to the Trustees and ask to be allowed to plan a school suited to little children and the hillside." After the fire took that rustic, Maybeck-like school, rebuilding was made possible by a special election authorizing a one year, \$150,000 tax, in May 1925 (*Berkeley Gazette*, 4/3 & 5/1-6/1925).

In its use of light and wood and the hillside site, the rebuilt school expressed an updated version of the Hillside Club ideals, as well as the more general movement in school architecture to provide beautiful and healthful and homelike surroundings. Hillside's opening coincided with the publication of the *Berkeley School Properties Survey* by Jesse Sears of the Stanford education department and a commission of Berkeley citizens (Aug. 1926), and the new school was the embodiment of its most up to date recommendations: auditorium doubling as a community meeting place, large playgrounds, "kindergarten and first grade unit separated from the rest of the school and a separate play yard and sanitary equipment provided for the smaller children," special rooms for domestic science and shop and art, teachers' clubroom, "preparation and serving of lunch at noon," "research and guidance" (the glassed-in conference rooms in Rooms 15 & 17 were for observation), "new type of administrative offices" and nurse's room (Sears, p.50; *Berk. Gazette*, 9/17/26; *Berk. Courier*, 8/7/26). Grades were kindergarten through 6th, reflecting Berkeley's early adoption of the junior high school.

Architect of the new Hillside School was Walter Ratcliff Jr. (1881-1973), who as Berkeley city architect had presided over the building of a group of schools in 1914-16 that rated 26 pages in the May 1916 *Architect & Engineer*. He was also an early planning commissioner and advocate of zoning, a civic leader and businessman, and by the mid-20s one of Berkeley's most distinguished and prolific architects, founder of what is today the oldest architectural firm in the East Bay.

(SEE CONTINUATION SHEET)

FHR-8-300A
(11/78)

UNITED STATES DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

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DATE ENTERED

CONTINUATION SHEET Hillside School, 1581 LeRoy,
Berkeley CA 94708 ITEM NUMBER 7,8,9 PAGE 1

- 7 -- South of the kindergarten wing there is a temporary bungalow in what was the kindergarten playground. Main playground is in the loop of Buena Vista Avenue west of the school; there is a small landscaped area just in front of the school with lawn and flagpole and large evergreen trees. Other sides of the school face up-sloping hillsides: small patio north of auditorium, mountain and native plant garden east of central wing, and a pathway up to La Loma Avenue to the east.
- Examination of 1933 photographs shows that cast stone shields and rosettes over the exterior doors and stone chimneys and finials were lost to Field Act work in the 1930s. However, the original slate roof remains (and was recently repaired), the original wood sash and trim remain (in need of paint), and many of the interior and exterior light fixtures are still in place and functioning. Original doors, wainscoting, and other millwork bear the signs of 50 years wear and tear but are in remarkably good condition. Exterior stucco, original brick steps, & concrete paving are in excellent condition.
- 8 -- Besides Hillside, Ratcliff's civic & educational commissions/included Mills College (1923), Pacific School of Religion, additions to Anna Head School, & the Berkeley Day Nursery (these last 2 are on the Nat'l Register). By the early 30s the effects of the Depression and Ratcliff's increasing absorption in his Fidelity Mortgage business caused him to virtually retire from the practice of architecture, making Hillside School one of his late Berkeley works.
- In 1934-8 Hillside received extensive reinforcing and rebuilding to comply with the Field Act: some external ornament was removed but in general the building's appearance was faithfully preserved. There was a large budget item for millwork, which included reconstructing the beamed and paneled auditorium ceiling around the new bracing--something that would no longer be financially feasible. Building codes, budgets, and changing fashions in education mean that there are very few schools like Hillside left. Its intact woodwork, windows, slate roof, and original light fixtures are rare anywhere, and unique in the Berkeley schools.
- Like all the public schools, Hillside has been through changes in educational theory and enrollment. Originally K-6, it is now K-3; enrollment was 229 when it opened in 1926, about 450 when the addition was made in 1963, 195 in 1982. Traditions continue: the active PTA, founded in 1902 as the Mothers' Club and distinguished by many University and artistic names, claims to be "one of the oldest in Northern California"; neighborhood pageants and dance festivals in the Hillside Club tradition continued into the 1960s; and in recent years parents and staff and neighbors have responded to recurring proposals to close the school with something very much like the crusading spirit of the Hillside Club mothers demanding a school "suited to the little children and the hillside."
- 9 -- B.J.S.Cahill & W.Ratcliff, "City of Berk.'s New Public School Bldgs", Arch. & Eng. May 15
Leslie Freudenheim, Building With Nature: Roots of the S.F. Bay Region Tradition, 1974.
Berkeley Courier, Aug. 7, 1926, "New Hillside School Opens"; Berkeley Gazette, 4/3 & 5/6/
1925 (building tax), Aug. 9, 26, Sep. 15, 17, 1926 (opening & dedic.), 10/20/34 (Field Act), 2/1
Aug. 5, Nov. 13, 1963 (addition), Ap. 16, 1980 (Archit. Heritage), 2/9/81 (closing threatened
Interviews: Marian Altman (principal), Barbara Smith (school secretary & alumna), Lorrain
Haynes (early alumna & parent); oral hist. Dorothy Gerrity, Marian Daggett (Club & PTA
Nicholas Hansen, "Walter H. Ratcliff Jr.", Berk. Arch. Heritage pamphlet, 1980.
Nat'l Register nomination for Berkeley Day Nursery. PTA history file at Hillside

9. Major Bibliographical References

Berkeley Unified Schools building dept. records: Blueprints (Ratcliff 1925; Eldridge Spencer & Thos.Chace, 1934-36-37; Ratcliff-Slama-Cadwalader 1963); MS Field Act studies ("Data on Schools & School Bldgs." Nov.1933; E.Spencer, "Report on the School Bldgs. of Berkeley," May 1934; "Application...for loan & grant..," Dec.1933). Jesse B. Sears & commission, Berkeley Schools Properties Survey, Berkeley, Aug.1926.

(#9 CONTINUES)

10. Geographical Data

Acreeage of nominated property Approx. 2 acres

Quadrangle name Richmond, Calif.

Quadrangle scale 1:24,000

UMT References

A	1 0	5 6 5 3 0 0	4 1 9 2 6 6 0	B			
	Zone	Easting	Northing		Zone	Easting	Northing
C				D			
E				F			
G				H			

Verbal boundary description and justification Book 58, block 2245, parcel 9 - originally Wheeler Tract Block 5, Lots 1-10 (playground lots 1-6, school lots 7-10) & LaLoma Park Lot 12 & N portion of Lot 13. Building occupies E half of property, playground the W half in loop formed by Buena Vista & LeRoy Avenues.

List all states and counties for properties overlapping state or county boundaries

state	code	county	code
state	code	county	code

11. Form Prepared By

name/title Betty Marvin

organization Friends of Hillside/Berk.Arch.Heritage date April 30, 1982

street & number 2646 Claremont Avenue telephone (415) 849-1959/845-6591

city or town Berkeley 94705 state California

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

national state local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the Heritage Conservation and Recreation Service.

State Historic Preservation Officer signature

title _____ date _____

For HCPS use only

I hereby certify that this property is included in the National Register

date _____

Keeper of the National Register

Attest: _____ date _____

Chief of Registration

FHR-8-300A
(11/78)

UNITED STATES DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

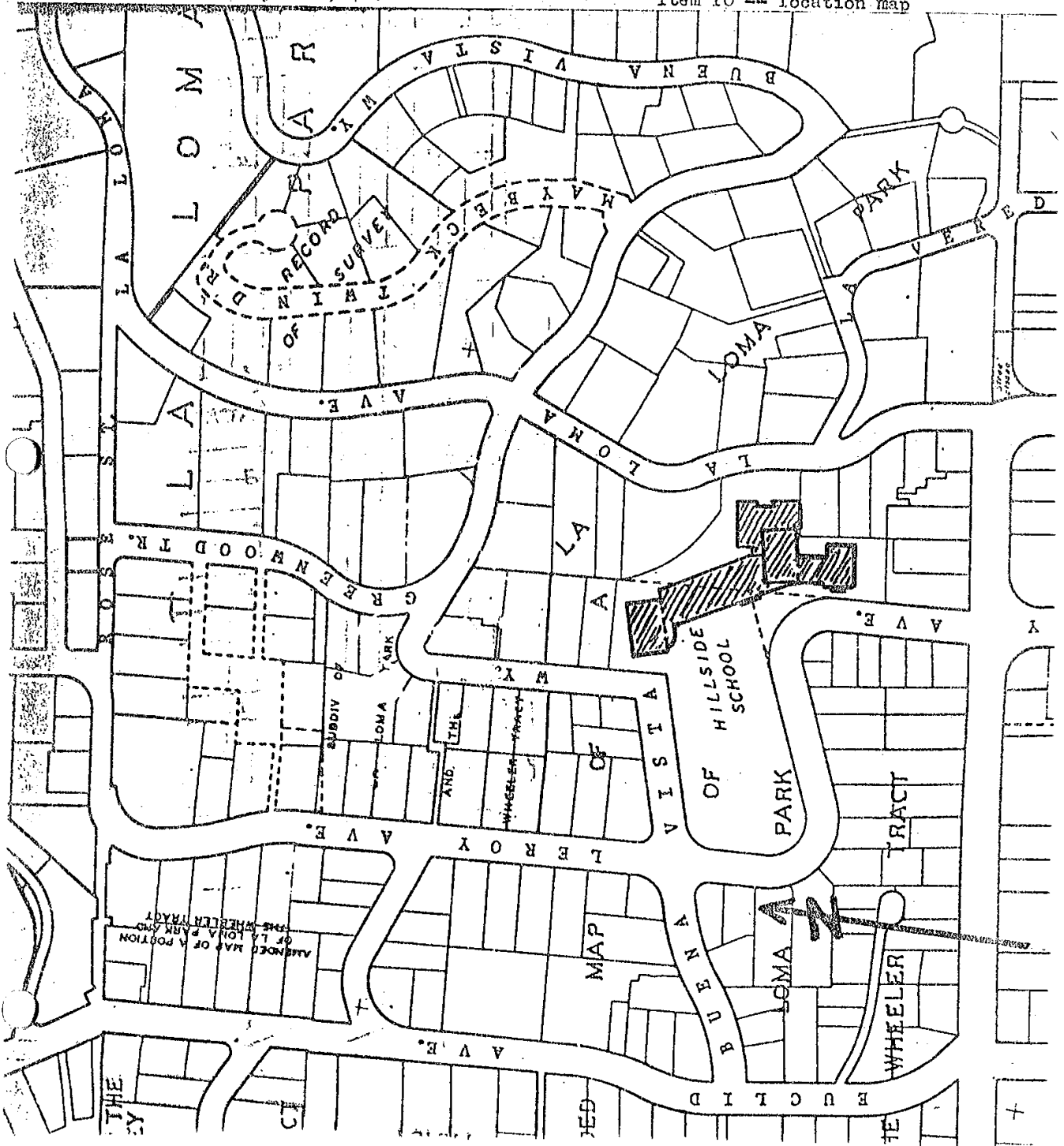
FOR HCRS USE ONLY

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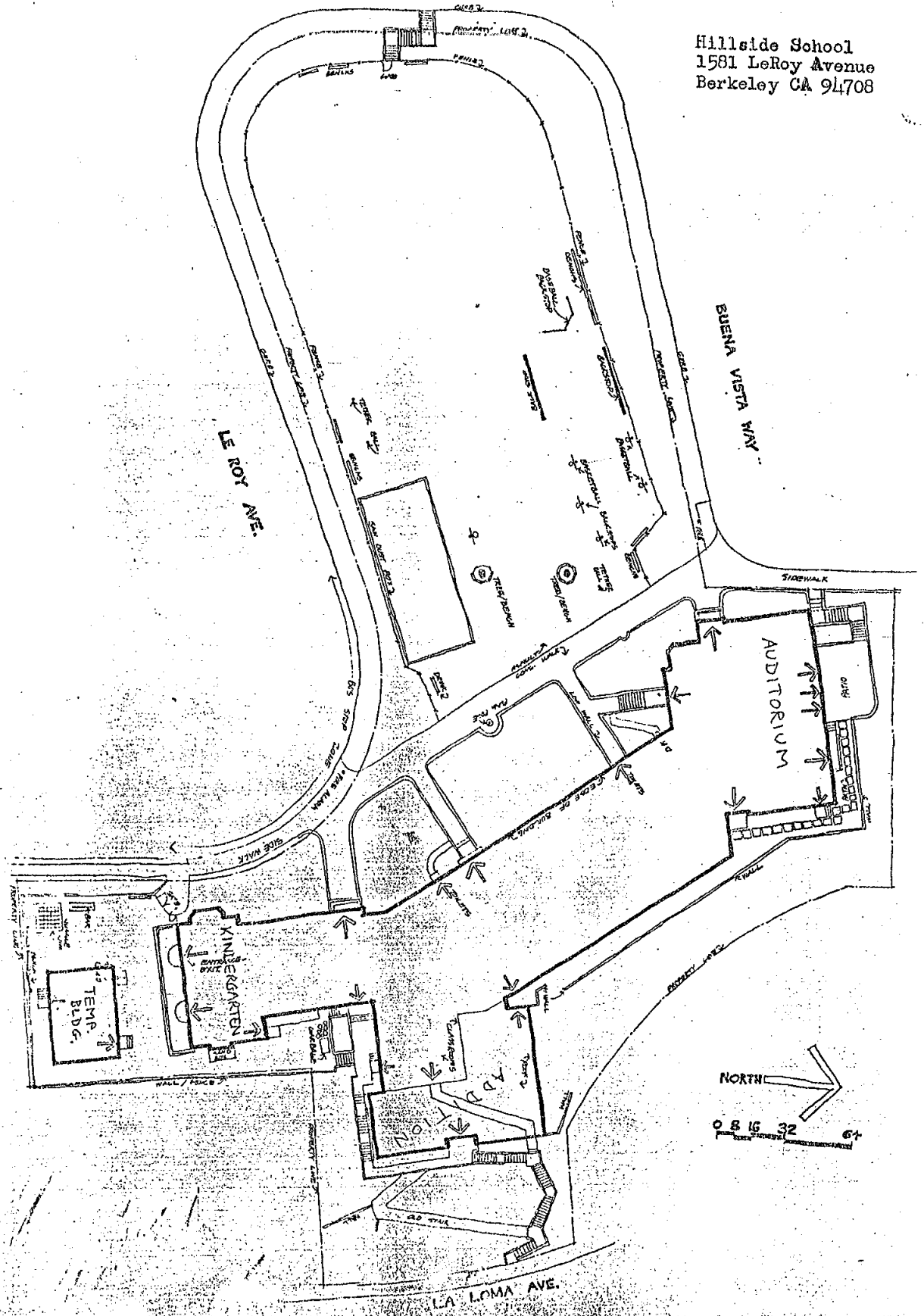
DATE ENTERED

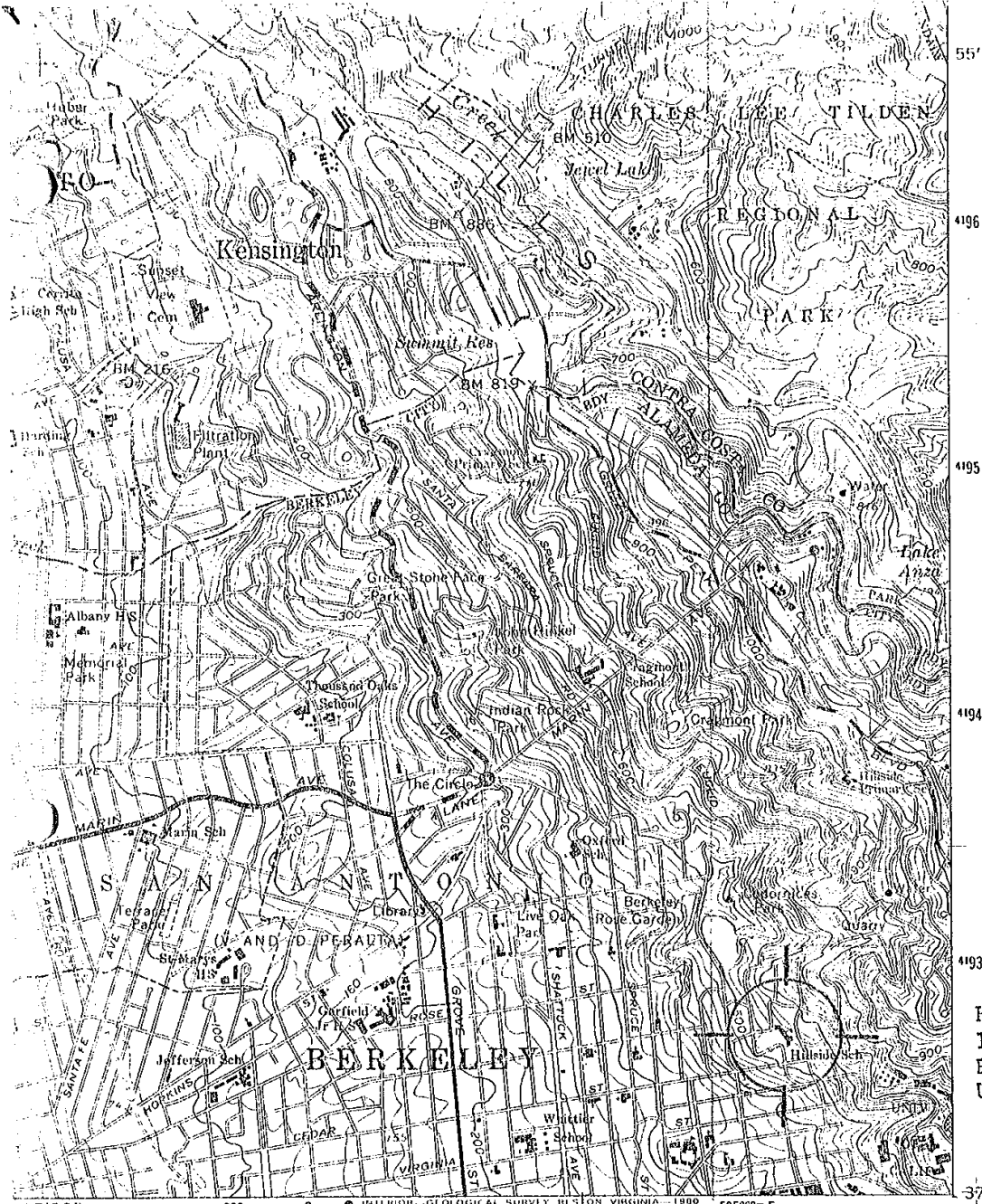
Hillside School, 1581 LeRoy Av.,
Berkeley CA 94708

Item 10 -- location map



Hillside School
1581 LeRoy Avenue
Berkeley CA 94708





Hillside School
 1581 LeRoy Avenue
 Berkeley CA 94708
 UTM reference:
 10/565300/4192660

17°30" 563 565000m.E. 37°52'30" 122°15'

OAKLAND (MAC ARTHUR BLVD) 3.3 MI.
 LAMEDA (CITY HALL) 9.2 MI.

ROAD CLASSIFICATION

Heavy-duty ——— Light-duty - - - - -
 Medium-duty ——— Unimproved dirt
 ○ Interstate Route ○ State Route



QUADRANGLE LOCATION

Purple tint indicates extension of urban areas

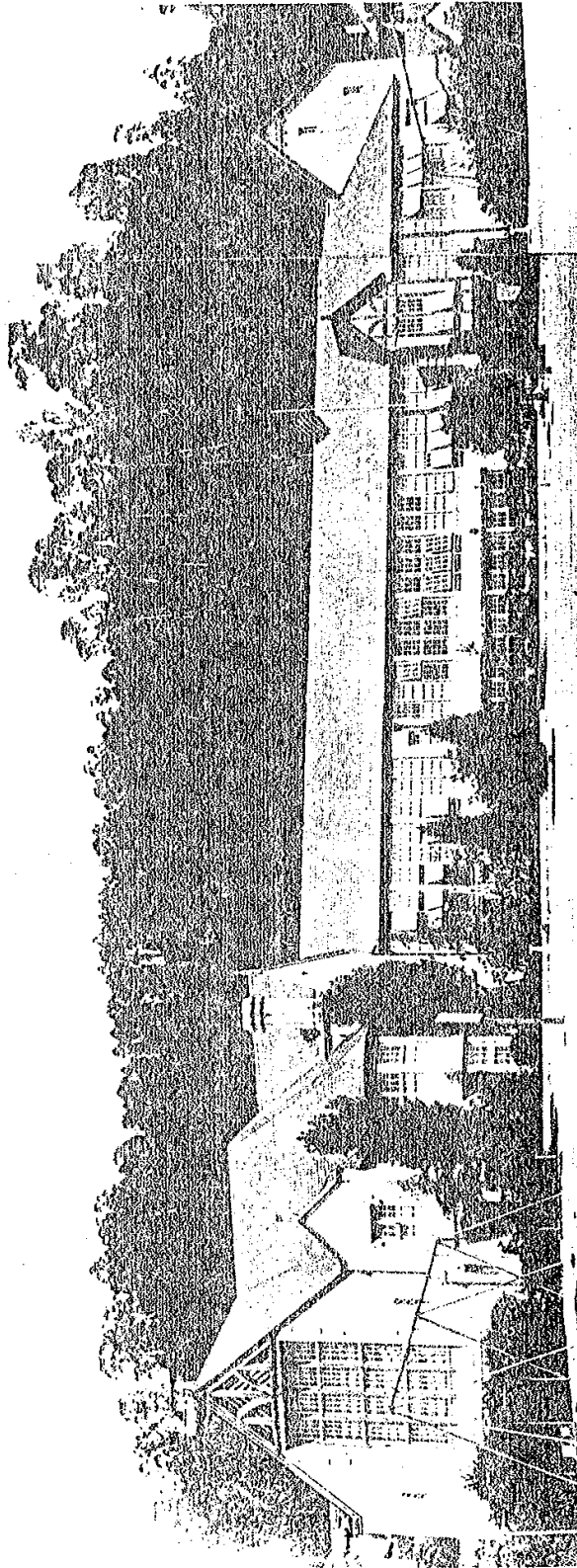
RICHMOND, CALIF.

N3752.5—W12215/7.5

1959
 PHOTOREVISED 1980
 DMA 1559 IV NE—SERIES V895

(OAKLAND EAST)
 1559 SW

ITEM 5.C, ATTACHMENT 4
LPC 08-01-19
Page 10 of 15

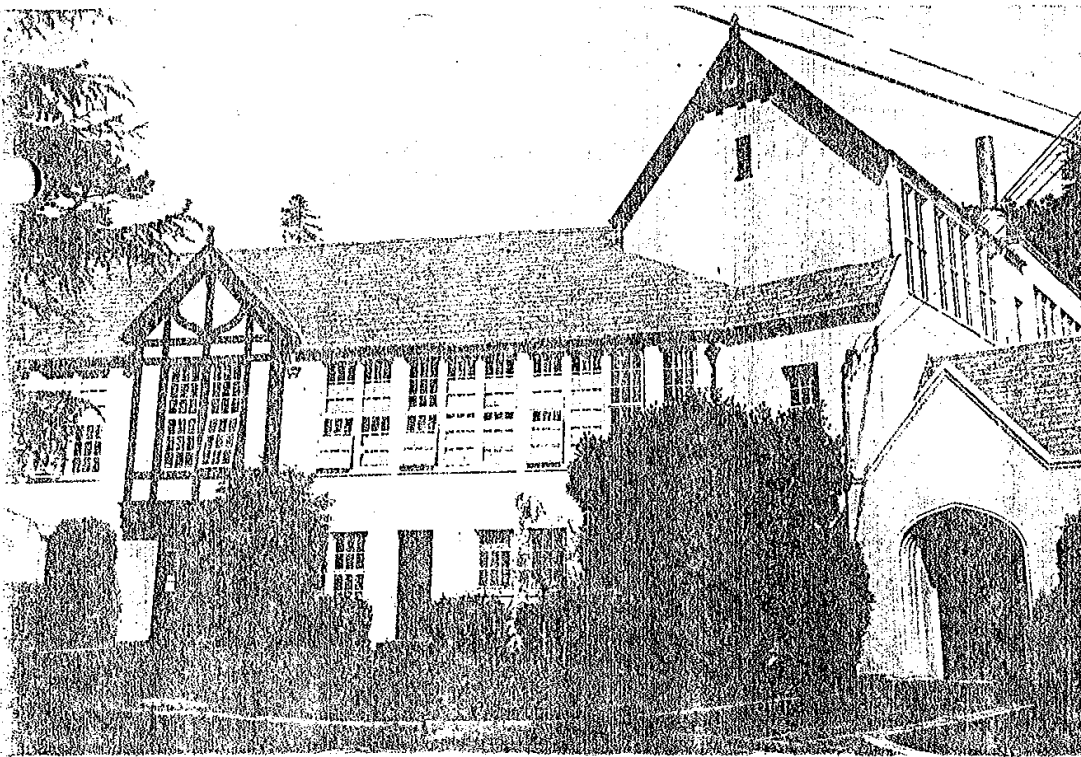


West Elevation - Hillside School
Berkeley
4-21-35
7news. (12)

Hillside School, 1581 Leroy Av.,
Berkeley CA 94708 -- April 1979,
Berk.Sch.Dist. Field Act survey--
copy neg. Berk.Arch.Heritage.
Elevation (S kindergarten with
dressed) (smaller) present.

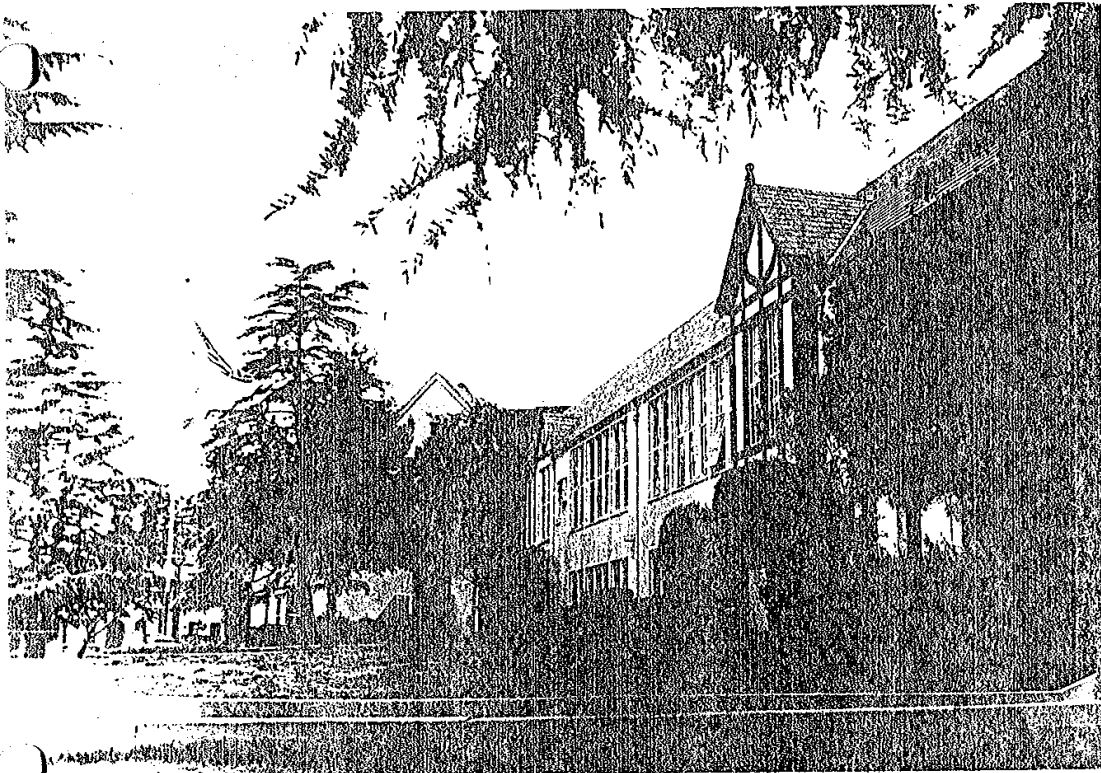
Hillside School, 1581 LeRoy Av.,
Berkeley CA 94708. Anonymous
Aerial view, c.1940s, looking east,
school & playground at center. #2
Print at Hillside Sch., copy neg.
B.Marvin, 2646 Claremont, 94705.





Hillside School, 1581 LeRoy, Berkeley CA 94708
S part of W facade: basement finished for offices
(main entc. below beamed gable), parts of 3-story
E classroom wing & 1-story S kindergarten wing.
B. Marvin, 2646 Claremont, 94705 -- March 1982

Hillside School, 1581 LuRoy Av.,
Berkeley CA 94708 - April 1982.
View N along central classroom
wing toward auditorium; gables
over office & library doors. #5
B.Marvin, 2646 Claremont, 94705.



CITY OF BERKELEY

Memorandum

June 29, 1982

TO: EDYTHE CAMPBELL, City Clerk

FROM: MIKE TOLBERT, Secretary, Landmarks Preservation Commission

SUBJECT: NOTICE OF DECISION REGARDING THE HILLSIDE SCHOOL,
LOCATED AT 1581 LEROY AVENUE

At its meeting of June 21, 1982, the Landmarks Preservation Commission voted unanimously to:

DESIGNATE THE HILLSIDE SCHOOL, LOCATED AT 1581 LEROY AVENUE, AS A BERKELEY LANDMARK BECAUSE OF ITS FINE EXAMPLE OF WALTER RATCLIFF, JR.'S SCHOOL OF ARCHITECTURE, FOR ITS PHYSICAL POSITION IN THE STREETScape AND IN THE NEIGHBORHOOD, AND ITS MEANING TO BERKELEY.

Attached is a copy of the Notice of Decision, which according to the provisions of the Landmarks Preservation Ordinance, is to be forwarded to the City Council at its next regularly scheduled meeting.



MIKE TOLBERT, Secretary
Landmarks Preservation Commission

Attachment: Notice of Decision

Crane, Fatema

From: Krishen Laetsch <krishenlaetsch@gmail.com>
Sent: Monday, May 27, 2019 3:16 PM
To: Landmarks Preservation Commission
Subject: 1581 LeRoy Avenue, Structural Alteration Permit LMSAP2019-0004

LPC@CityofBerkeley.info

To: Berkeley Landmarks Preservation Commission Secretary, City of Berkeley Permit Service Center

Re: **1581 LeRoy Avenue, Structural Alteration Permit LMSAP2019-0004**, Thursday, June 6, 2019, LPC Hearing, Multi-Purpose Room

I am a Hillside School alumnus and represent a property owner near 1581 LeRoy Ave.

Hillside school has provided open space for almost a century to generations of families and thousands of children. Open space once developed (including the transition from playground to parking lot) is gone.

It seems like a purposeful bait-and-switch maneuver to purchase the property while making promises to keep the playground as open space and then, within less than a year, begin the process to turn 75% of the playground into a parking lot and private sculpture garden and remove the Buena Vista/LeRoy path from possible public use.

Please allow me to share a few thoughts:

- 1) The current owner, prior to the purchase, and during an August 9, 2018 meeting, promised neighbors that the playground **'would remain as such, be open, and that the playground would not be blocked.'** The LMSAP2019-0004 request for fence, parking lot and pool is completely contrary to what the owner promised and to the benefit of the neighbors and residents of Berkeley.
- 2) During an April 2019 neighborhood meeting with the owner, architect and member of the city council there was no mention of a swimming pool. There was mention of frequent conferences albeit the owner and architect would not articulate the estimated number of conferences, approximate number of participants or number of people spending the night. It was mentioned, several times, that the City is forcing the owner to add parking spaces on the playground as well as where the previous small playground and a classroom existed.
- 3) **The playground has been open space for almost a century.** There are few open spaces in Berkeley. As stewards for future generations the lawmakers and neighbors should be public proponents for open space just as the owner promised before the purchase.

4) **The path between Buena Vista and LeRoy Avenue has been in the public domain for more than ninety years.** The current owner is using it to park a large motor home and has made it clear, by renaming the path on Google Maps and in public statements, that it is his private path. It has been a public path for nine decades. By placing his name on Google Maps and blocking much of it with a motor home should he have the right to claim the path just because he has money?

5) The Buena Vista/LeRoy area is on or near the Hayward fault. **The playground, the only large open space in the area, has been considered an emergency staging area for fire, earthquake and helicopter evacuation during a disaster.** It is a resource for the entire area and not just the homes that border it.

My hope is that the Landmarks Preservation Commission will not grant permits to install a swimming pool, change the playground into a parking lot and fence off the largest portion of the playground. The owner promised that the playground would remain as open space for the community. His permit application is demonstrating that the promise was a ploy to secure the property for development.

Each of us owe it to those who come after us to maintain this fragment of north Berkeley open space.

Thank you for your consideration.

27 May 2019

Crane, Fatema

From: Michael Scott <michaelscott8815@sbcglobal.net>
Sent: Tuesday, May 28, 2019 4:13 PM
To: Landmarks Preservation Commission
Subject: Hillside 1581 Le Roy Ave

Dear Landmarks Preservation Commission,

I would like to ask the Commission to help create a public access easement for as much of the current open space at Hillside School as possible with the city of Berkeley or East Bay Regional Parks or another entity as the holder of the easement.

Currently the property has City of Berkeley landmark status, and is listed in the National Register of Historic Places and is undergoing a transition to a private residence. The new owner, Sam Seppala, has lavished attention and resources in restoring and repurposing the old school building, much to the satisfaction and delight of neighbors. The building looks better than it has in decades and is well on the way to substantial structural improvements. However his statements about the playground have shifted dramatically from 'I'm not going to develop it,' and 'let the neighbors decide' in August 2018 when we first met to March 2019 when his architect commented that two-thirds of the playground will be fenced and closed to the public for eighteen parking spaces and an area for projects and sheds. Mr. Seppala considers this aspect of his proposals to be integral to his plans. If it is not approved, he will probably sell the playground. Despite attempts to get a commitment for the remaining open space to remain open and publically accessible, Mr. Seppala has been reticent to offer assurances of any kind. As neighbors we would willingly give our support for his project in return for binding assurances of public access in perpetuity for as much of the remaining playground as possible. We are not asking for the whole loaf, but we are ready to compromise to preserve some public access open space for now and the future.

Background

Since it was built in 1925, Hillside School, located at 1581 Le Roy Ave, has offered the public a one-acre asphalted playground with baseball diamond, basketball court, kids climbing structures and other features, which have changed little over time. While legally owned by the Berkeley Unified School District (BUSD) and more recently the German International School and currently Sam Seppala, Hillside playground has been a de facto public park for 93 years. It's still a safe place to learn how to ride a bike, as I did many decades ago, or ride a scooter or learn how to ride a skateboard or hit a baseball or chase a frisbee. The "playground" as the locals have always called it, is mainly accessed from the pedestrian (and emergency vehicle) path connecting Le Roy Avenue and Buena Vista Way, which has recently been re-named after the current owner, "Seppala Path". When the public school was in operation, the playground was an integral feature of the school day for physical education, play and Berkeley Junior Traffic Police training. After school hours and on weekends, the playground was the commons, the defining feature of the neighborhood, where adults and children would congregate and socialize, but mostly it was a kids play and sports area. In emergencies, the open space has been a public refuge, a safe place to congregate without fear of overhead wires or branches or collapsing buildings. The open space also offers a defensible space in an area that burned

to the ground in 1923 and continues to be recognized as a fire hazard zone with narrow streets and chock-a-block housing.

Times change and in 1983 Hillside Public School was closed for lack of enrollment; later it was proscribed from operating as a public school because it sits on Hayward Earthquake fault lines. During this period BUSD rented the space to various tenants, including private schools and a day care center that used both building and playground. The YMCA successfully operated after school and summer programs for 15 years that drew children from across all of Berkeley and Albany. Although Hillside ceased being a neighborhood school 36 years ago, it continues to define our neighborhood with its playground and open space. It's in constant use by neighbors, and parents drive their children from across town, university students come over to play group sports, Little League teams practice on the diamond, etc. It's said that compared with other cities in California, Berkeley lacks open, play space. Four generations of my family have played there: my parents, me and my siblings, our children and their children, that is, our four grandchildren. The first thing the grandchildren ask when they come over is, "Can we go to the playground?"

In August 2010, we surveyed 77 neighborhood households in the immediate vicinity of Hillside and learned the following:

- 98% consider the playground an integral part of the neighborhood
- 65% consider the playground very important; 27% of some importance
- 84% believe the opens space should be preserved
- 57% believe it should be improved; 37% maybe
- 54% are willing to work to preserve it; 31% maybe
- 41% are willing to contribute financially to open space preservation; 38% maybe; 20% no.

Over the years BUSD was not in a position to maintain either the building or playground, and as a result both suffered serious neglect, and decades of deferred maintenance. For example, the several outside water fountains ceased functioning leading to YMCA worries about keeping kids hydrated. The German School made many playground improvements, including building a new drinking fountain, fencing in a toddler play area and rebuilding the frequently used pedestrian path connecting Le Roy and Buena Vista. Earlier with YMCA input based on 15 years' use, we imagined a revived playground along the following lines:

1. Create a unified toddler soft area with modern age-appropriate modern play structures inside a fenced area

2. Move basketball court farther west and away from trees and soft area

-Level and resurface expanded full size court with modern backboards/standards

-Create two new half-court hoops near fence on Buena Vista side using 8.5-9.0 ft. hoops for younger children

-Install removable poles/supports for volleyball and other net games on leveled surface

-Remove existing bare poles and non-functioning backboards

3. Increase the number of benches and sitting areas

Let no one say there aren't ideas about a vibrant and improved playground based on extensive use and assessment, but perhaps these have been superseded by events. Since purchasing the property, Mr. Seppala has allowed the public access to the playground as he focuses most of his attention and resources on the building. Gardeners have regularly trimmed shrubs and cut back weeds, which is much appreciated. On the other hand, he seems resistant to neighborhood input for an improved playground. Now he plans to occupy most of it for parking spaces and other personal projects, leaving the rest in limbo. This may be our last opportunity at Hillside to put in a word for children and public play space.

ITEM 5.C, ATTACHMENT 5
LPC 08-01-19
Page 6 of 15

Dear Landmark Preservation Commission:

As a Hillside neighbor, I am writing to you because I feel that it is important to find a way to keep as much of the current playground area at Hillside School as possible open for public use. I would urge you to explore and support a way to ensure that there is open space with public access in perpetuity.

I appreciate Sam Seppala's efforts, expenditure and energy to repair and restore the school building and the time he has spent consulting with neighbors re. his plans, and I am very excited by what I see happening there. Our grandchildren love to play in the playground, as do other neighborhood children and as did our own children, and kudos to Sam for recognizing the value of this and maintaining some open space for children in his plans. My hope now is to find a way to guarantee that this space, or perhaps even a larger portion of the current open space, continue to be open in perpetuity and to urge you to do whatever possible to advance this effort.

I also feel that maintaining significant open space is consistent and compatible with the Landmark status of the building and with the surrounding residential neighborhood and therefore would like to see limits placed on the number of parking spaces allowed as well as on future uses. The street is also quite narrow and not conducive to easy passage of much increased traffic.

In addition, although perhaps not directly related to Landmark status, the property being discussed is located in a high-risk fire zone, a landslide zone and a fault zone. I'm also concerned that loss of open space would effect evacuation and other potentially life-saving strategies.

Thank you for your consideration of these comments.

Crane, Fatema

From: Mary Lee Noonan <mle Noonan@comcast.net>
Sent: Thursday, May 30, 2019 4:15 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Avenue

After the fire of 1923, when the Hillside School was rebuilt on its present site, the guiding principle for its design was compatibility with its residential neighborhood of single family homes. Using the vocabulary of the then popular historical revivals, Walter Ratcliff sited the building gracefully at the foot of a steep embankment, avoiding any awkward visual intrusion on its neighbors. That the building should now be officially converted from a school building to residential use is an unexpected but in many respects very natural evolution of this process.

The adaptation of the schoolyard presents a more complex challenge than the building itself. As part of a private home, it should be appropriately developed according to the City's zoning guidelines for the landscaping of residential property. For example, uses such as a sculpture garden, an outdoor studio space, along with eating and recreational areas could be integrated within attractive, park-like plantings. A private understanding, comparable to Greenwood Common's approach, that neighbors would be welcome visitors could be worked out. The new character and physical integrity of a home that is also a very special landmark would be maintained.

To permanently designate a multiplicity of parking spaces and to establish permanent vehicle storage lots with related fencing are steps associated with a commercial property rather than a residential neighborhood. In due course, I understand that the former classrooms will be made available to as many as 10 artists, Mr. Seppala's guests, for use as daytime studios. Their vehicles could be parked on the perimeter of the property. Visitors to exhibitions or occasional conferences could be absorbed locally. They would generate far less pressure than a football game.

Respectfully submitted,

Mary Lee Noonan

2599 Buena Vista Way

1594 LeRoy Avenue
Berkeley, California 94708
May 28, 2019

Secretary, Landmarks Preservation Commission
City of Berkeley Permit Service Center
2120 Milvia Street
Berkeley, California 94704

RECEIVED

JUN 03 2019

LAND USE PLANNING

Dear Sir,

My wife and I strongly oppose the city of Berkeley granting a structural alteration permit which would result in the conversion of the beautiful and historic Hillside Elementary School, a significant 95 year-old landmark, into a large money-making version of an Air B&B. As noted in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties, while some historic buildings can be adapted for new or continuing use, major modifications should not result in the loss of the property's historic character and integrity, which is exactly why the structural alteration permit should be denied.

The history of Hillside Elementary School is remarkable. The first Hillside School was built in 1901 and destroyed by the 1923 fire. The second Hillside School was located at the University School at 1414 Walnut from 1923 to 1926. The present Hillside school was built on the corner of LeRoy and Buena Vista avenues on the land of several homes destroyed in the 1923 fire. The school was designed by prominent Berkeley architect Walter H. Ratcliff, and is landmarked for the quality of the architectural design and construction. In 1982 it was added to the National Register of Historic Places.

I submit that installation of a swimming pool with a terrace and railing, along with conversion of the playground, which is one of the very few places in Berkeley today where children can play safely, into a parking lot are self-aggrandizing make-overs akin to the conversion of the Cathedral Notre-Dame de Paris into a casino. This school was built for children and should remain as such.

Sincerely,


Michael D. O'Reilly

Crane, Fatema

From: Beverly Cheney <bcheney@pacbell.net>
Sent: Monday, June 17, 2019 9:09 AM
To: Landmarks Preservation Commission
Cc: Zoning Adjustments Board (ZAB)
Subject: 1581 Le Roy (Hillside School)

Re: Zoning Permit ZP2019-0061 and LMSAP2019-0004

Re: LMSAP2019-0004 and ZP2019-0061

I am opposed to converting Hillside School to a single family residence.

Having lived nearby for 45 years I have a strong emotional attachment to the site. Our children would happily have attended Hillside School had it not been closed the year they entered elementary school. They regularly played there, after school, weekends and summers. One son played basketball there daily and worked summers as a counselor at the YMCA day camp. When the Boy Scouts rented out parking spaces for Cal games he and his friends sold cookies to fans. The playground has served as a community gathering spot for picnics, as a dog park, a toddler park and a meet-and-greet place. It has always been a vital part of the community.

As the city has become more densely populated and more congested, with more pedestrians, cars and bicycles, the open space and the respite it provides has become increasingly important to the community.

A schoolyard, for obvious reasons of safety and privacy, is only publicly available during evenings, weekends and summers. If this property becomes a single family home it is natural for an owner, over time, to feel possessive of his entire lot and to want to control the full use of it; the presence of the public could seem intrusive and annoying resulting in an effort to close it off with signs, fences and locks. (Ironic as the school was built, twice, with public funds.)

The path that cuts through Hillside School between Buena Vista and Le Roy has for nearly 100 years been used by the public as a shortcut for pedestrian traffic to and from downtown and the University. It would be a huge loss to not have this path.

In addition, we live in an area prone to earthquakes and to fire (and fires often follow earthquakes). We are greatly at risk. We need all the paths we can find in an emergency, during a natural disaster, when narrow roads are clogged and impassable.

I have always loved walking through Hillside school. Its distinctive architecture is not much appreciated from either Le Roy or Buena Vista. To fully view the building, which is long and narrow, one walks the path and the building slowly unfolds. One enjoys the details of the architecture. Flanked on one side by enormous redwood trees the setting, which includes the green space and the open space, provides an experience of serenity. It is truly a respite, an urban oasis.

We have no way of judging the generosity of the current owner, whether he intends to leave the path and a portion of the playground open and accessible, for the time being or not. It is clear, however, that we have no guarantee that the open space and open access we have enjoyed in the will continue. We need that

protection. The current or any future owner could deny it because of liability issues or any other reason and we would have no recourse.

The current owner has posted: “no public access”, and has obstructed the path with an airstream trailer which he is living in, and a large pick-up truck and often a dumpster and other heavy equipment. A guest in our house, recently returning home late at night, was startled when the owner jumped out of the trailer and gave him a hard stare. He felt intimidated.

It is unclear to me what “moderate home activity” is. What would prevent that from morphing into commercial or industrial activity? Reportedly the 3 sheds are to be used by artists as is the open space yet there is no electricity and no plumbing for the sheds. I have seen Burning Man art projects that are two stories tall and involve steel and welding and heavy vehicles to transport them. One values art and one wants artists to have places to live and work but I question the appropriateness of this in a residential neighborhood. What about the noise? What happens to the artwork when it rains? Will the neighbors face enormous fences that obscure the activity?

Regarding the additional 18 parking spaces, how will it affect home values when properties on Le Roy and Buena Vista face onto a CVS type parking lot?

Lastly, I am concerned about adding to the urban congestion by adding so many parking spaces (18 above ground, an unknown number below ground and many more on the south side of the building). This is totally inappropriate for the neighborhood and more suitable to an industrial facility.

I ask that the city respect the traditional social and cultural uses of the school. We need open space, access, and the right to enjoy the beauty and tranquility of this much-loved architectural treasure.

RECEIVED

1594 Le Roy Avenue JUL 12 2019
Berkeley, CA 94708 Initial: _____
July 6, 2019 Berkeley Rent Board

Landmarks Preservation Commission
City of Berkeley Permit Service Center
2120 Milvia Street
Berkeley, California 94704

Received

JUL 19 2019

Land Use Planning

Re: LMSAP2019-0004

To Whom It May Concern:

Since 1985, my husband and I have lived in the residential neighborhood that surrounds the former Hillside Elementary School and its contiguous open space playground. As you are aware, that property recently was purchased by Mr. Sam Seppala as a single family residence.

It is my understanding that, despite Mr. Seppala's initial oral assurances to our neighborhood that he had no intention of developing the playground space or blocking it from public use, he now proposes to transform most of what has been a neighborhood public open space schoolyard for over 90 years into a private parking lot with 18 spaces for those participating in weekend artist conferences and for artists who might use space in his residence for art studios. Mr. Seppala's proposal to this commission seeks to inappropriately transform his personal single residence into something akin to a commercial or institutional building regardless of whether or not money changes hands.

The open space in question, which is included in the Hillside property site that has been placed on the National Register of Historic Places, is not only an historical part of the community; in many ways it defines and enriches the character of our neighborhood. Our neighborhood is tight knit in large part because the open space brings community members together. Besides generations or neighbors meeting through use of the playground, many neighborhood social gatherings and emergency training sessions have taken place there. Life in our neighborhood is enhanced by having open space in our midst, and loss of public access to that space would severely alter the character of the neighborhood.

I urge this commission to preserve the historical site in its entirety. In particular, I urge you to deny Mr. Seppala's request to turn the majority of the current open space into a large parking lot that would be inconsistent with, and antithetical to, the overall character of our residential neighborhood.

Sincerely,

A handwritten signature in black ink that reads "Linda Feldman". The signature is written in a cursive style with a long, sweeping underline.

Linda Feldman

1597 Le Roy Avenue
Berkeley, CA 94708
July 19, 2019

To the Landmarks Preservation Commission:

Regarding LMSAP2019-0004

For nearly a century the Hillside schoolyard has provided almost an acre of open space for the surrounding residential neighborhood. It is the site of community gatherings, family events and picnics, casual basketball and softball games, and peaceful walks and conversations on sunny days. It has been a welcoming place for three generations of children to learn to ride their first bikes, to roller-skate, to fly kites, and to play catch and frisbee. For older neighbors and those with limited mobility it has provided an easily accessible place to enjoy the outdoors. It was included in the site description of the Hillside property in the successful application for its placement on the National Register of Historic Places. It is the vital and essential center of the Hillside community.

In August 2018, as Mr. Seppala contemplated the purchase of the Hillside property, he met informally with a group of nearby residents in order to introduce himself, to share his plans for the site, and to hear the views of his potential neighbors. The participants were unanimous in emphasizing to him the importance of maintaining the schoolyard as open space for the benefit of the community. In response to their queries, he stressed that, "I don't have any intention to develop the playground" and added that he would not block it off: "I don't really feel like closing down [the playground] and putting up barriers. I don't see any reason for that." He added that, "I don't have the intention to invite lots of people coming there. That school [building] is enough for me." And he said that he would not locate parking spaces on the schoolyard. He welcomed the idea of working with the neighborhood to maintain and improve the schoolyard as a public resource.

The proposal now before you from Mr. Seppala would instead close two-thirds of the schoolyard to the public by surrounding it with a fence. Rather than an open area with a vista of the neighborhood and the historic building, it would become a private 18-space parking lot and a yard with storage sheds and displays. The remaining one-third of the schoolyard would continue to be open to the public, according to Mr. Seppala, but only "for the time being."

Mr. Seppala's proposal for the schoolyard is entirely contrary to the historic character of the site, to the well-being of the surrounding residential neighborhood, and to his own explicit assurances when he met with neighbors before his purchase of the property.

Thank you for your attention to the concerns of a Hillside neighbor.

Yours sincerely,

Robert D. Jackson

Crane, Fatema

From: Larry Ormsby <larry@ormsbypark.com>
Sent: Tuesday, July 23, 2019 1:07 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

I am a neighbor of the above property (we share a fence) living at 2639 Cedar Street.

I am deeply concerned about the loss of open space and the long term plans under consideration. Our family has used that open space since moving here in 1996... my two young children still use it regularly and would like to continue to do so. Already with the collection of trailers/Air Stream or otherwise, it is becoming clear that the space is rapidly going to be less "user friendly". We wish the owner only the best in his endeavors to beautify the property and make it something we can all be proud of. Our hope and assumption is that he will. Even so, we are beginning to recognize that hope is not enough comfort given the importance of the space to our community on so many levels.

It is our family's wish that the pathway crossing in front of the school be made an easement with unfettered access. It is also our wish that the large majority of the open space be kept open for play and unfettered access by the community, as it has been for almost 100 years.

I unfortunately cannot attend the August 1st Planning/LPC meeting but wanted my views shared.

Regards,

Larry Ormsby
510-918-9928

ORMSBYPARK

Comment for Consideration by Landmark Preservation Commission

Date of Comment: July 23, 2019

Date of Commission Meeting: August 1, 2019

Subject: 1581 Le Roy Avenue, Structural Alteration Permit LMSAP2019-0004

From: John Horton, owner 1546 Le Roy Avenue, Johnho.home@gmail.com,

Comment:

Land Use Planning
Received
July 24, 2019

My wife and I heartily endorse and welcome the restoration of the Hillside School. Our concerns are entirely regarding anything that would lead to the permanent development of the playground. We understand that the recommendations of the Landmarks Preservation Commission are key inputs to the eventual Zoning Commission, so we wish to go on record as to concerns regarding anything that would undermine the essence of the Hillside property permanently, now or in the foreseeable future.

Our home is one of the properties immediately facing the playground. When my wife and I purchased our house in 2014 we considered the school property was a significant asset in several respects. The unobstructed view of the Hillside School from our house is impressive and charming. The access to the playground was and is a major attraction since our home, as is the case for most of the homes in our hilly area, lacks yard space for any play that requires even a typical backyard area. The continued access to a portion of the playground facilities will provide the function of both recreation and a gathering place while at the same time it provides an incentive for families with children to move into our neighborhood and for older residents to remain active. In addition, any construction of housing there would imply years of disruptions. The existence of the school was a strong element for our decision to make our purchase; were it an empty lot about to be developed we would have chosen elsewhere.

The project as conceived and presented to your Commission is fine, preserving the open space that offsets the school visually as well as a portion of the playground for continued access to play. The assurance that we seek from the LPC and from the Zoning Commission is a statement of the intent not to allow the construction of housing in the future on what is today the playground.

We understand that the City of Berkeley had several bids for the purchase of the Hillside School property, including two higher bids that would have built housing on the playground. The selection of Mr. Sappala's bid, despite being lower in price, prevailed precisely because of its intent to preserve and improve the property rather than use the playground essentially as an empty lot. We trust that the City will ensure that its original intent is respected and not allow for development of housing on the playground at some later date.

Thank you,

John Horton

(John Horton & Irene Collaço)

Comment for Consideration by Landmark Preservation Commission

Date of Comment: July 23, 2019

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Subject: 1581 Le Roy Avenue, Structural Alteration Permit LMSAP2019-0004

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Thank you,

John Horton

(John Horton & Irene Collaço)

SUPPLEMENTAL ITEM - 1581 LE ROY
LPC 08-01-19
Page 2 of 41

Dear Landmark Preservation Commission:

I emailed comments regarding 1581 LeRoy Ave. to the Commission prior to the June 6 meeting. I have added some additional comments and am resubmitting my comments for consideration at the August 1 meeting.

As a Hillside neighbor, I am writing to you because I feel that it is important to find a way to keep the walkway connecting Le Roy and Buena Vista and as much of the current playground area at Hillside School as possible open for public use. I would urge you to explore and support a way to ensure that there is a pathway and some open space with public access in perpetuity.

I appreciate Sam Seppala's efforts, expenditure and energy to repair and restore the school building and the time he has spent consulting with neighbors re. his plans. I am very excited by what I see happening there and look forward to his making the building his home and offering some of the space to artists for studio use during the day.

Our grandchildren love to play in the playground, as do other neighborhood children and as did our own children, and kudos to Sam for recognizing the value of this and maintaining some open space for children in his plans. My hope now is to find a way to guarantee that this space, or perhaps even a larger portion of the current open space than was indicated in the plans submitted, continue to be open in perpetuity and to urge you to do whatever possible to advance this effort.

I also feel that maintaining significant open space is consistent and compatible with the Landmark status of the building and with the surrounding residential neighborhood and therefore would like to see limits placed on the number of parking spaces allowed as well as on future uses.

SUPPLEMENTAL ITEM - 1581 LE ROY
LPC 08-01-19
Page 4 of 41

The street is also quite narrow and not conducive to easy passage of much increased traffic.

In addition, although perhaps not directly related to Landmark status, the property being discussed is located in a high-risk fire zone, a landslide zone and a fault zone. Past owners and tenants have made the open space available to neighbors as a possible gathering space during an emergency, thus contributing to public safety. I'm also concerned that loss of open space would effect evacuation and other potentially life-saving strategies that contribute to public safety during an emergency.

Thank you for your consideration of these comments.

Crane, Fatema

From: Michael Scott <michaelscott8815@sbcglobal.net>
Sent: Wednesday, July 24, 2019 6:20 PM
To: Landmarks Preservation Commission
Subject: SAPermit LMSAP2019-0004
Attachments: 2LPC07232019.docx; hillsidemap58001.pdf; WheelerTract002.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear LPC,

I have attached a second submission regarding proposed changes at Hillside School. It presents title searches that a neighbor and I carried out at the county registrar as we searched for easements or other stipulations conditioning the pathway between Le Roy Ave. and Buena Vista Way, and the large playground next to the path.

In addition to the written document, there are two historic maps, courtesy of Berkeley Architectural Heritage Association (BAHA), also attached. These maps suggest that the pathway noted above may have been an actual city street or a plan for the same at an earlier time.

Thank you for your attention to this matter, and if I may say, the secretary to the LPC, Ms. Fatema Crane, offered excellent questions and observations over the phone the other day.

Respectfully yours,

Michael Scott
Hillside class of '55

Early Hillside Land Titles and 1901 Map Showing Different Streets

Michael Scott July 11, 2019

Assignment

Locate land titles for 1581 Le Roy Ave/Hillside School for 1923-1925 to find out if there were easements and or other conditions of sale.

Overview

In the idiom of land titles and deeds, the Hillside school property is made up of five parcels (according to the “grant deed” of December 2012 recording the ownership by the German school). By rough observation, most of the property is within parcel two (all the playground and possibly part of the building footprint), followed in area by parcel three (bounded on the east by La Loma Avenue and constituting most of the building footprint). Parcels four and five are smaller areas created by the arc of Le Roy Avenue’s curve from north/south to west/east. Parcel one, for which we did find title transfer records, is now Sam Seppala’s southern parking lot and former kindergarten playground or “Little Hillside” as the locals used to call it. Keep in mind that in title language “parcels” are divided into “lots” which in turn may be subdivided into one or more house lots, using the common parlance term.

Beverly Cheney and I searched Alameda county title transfer records for Hillside School with special reference to the immediate post-fire period from September 1923 to 1925 when the school building was constructed, apparently on recently acquired property. We looked for deeds that may have included easements or conditions mentioning such features as the pathway between Buena Vista and Le Roy. In sum, we found a single instance, and somehow missed all the other transfers. How disappointing after

hours of slogging at the county's computers, but the one instance is revealing and now we have a more precise map citation for finding the lion share of the land transfers. There may be more nuggets to find.

Separately Beverly did find in the Berkeley Architectural Heritage Association (BAHA) photographs and maps that possibly suggest Seppala Path was once a city street. In the early 1900s Le Roy Avenue had a different name ("Lookout Place"), and so did Buena Vista Way ("Hillside Avenue"). For example, a 1901 map of the Wheeler Tract, filed by a licensed surveyor with the Alameda County Clerk, shows "Hillside Way" apparently crossing what became "Seppala Pathway" between what became the school building and the playground. "Hillside Way" conforms to the current "Buena Vista Way" in its east transit from Euclid Avenue but it arcs south and joins Le Roy Avenue just before crossing Cedar street. It creates a playground-like shape that mimics the current Hillside open space. (Please see the attached pdf file of the Wheeler Tract map.)

Also I did extensive sampling of numerous digitized drawings acquired from the architect (and former Hillside student) Caleb Cushing, including original 1924 Walter Ratcliff Jr. drawings, reconstruction drawings from 1936, fire protection drawings 1938, topographic and boundary drawings 1962, survey and fire alarm systems 1968. No references to pathways or titles were located.

Findings

Previously parcel one, now Sam Seppala's southern parking lot, was sold by the city of Berkeley to the Berkeley School District in September 1924 for a "market value" of \$5,000. (The entry is under the file name "Berk" from 1924, vol. 865, page 226 of titles a recorded action of the sale of real property from the City of Berkeley to the Berkeley School District.) The action was

approved 30 September 1924, one year to the month after the devastating fire.

Either the city owned this lot before the fire (possibly it was the site of the former local fire house) or it purchased lots from burned out homeowners for purposes we don't know—perhaps for such civic goals as a new site for Hillside School. There are no conditions or easements noted in the title transfer we read and copied for our records.

The September 1923 Berkeley Fire map (Berkeley Historical Society) shows a couple of structures on or near this lot that burned, along with every other structure on both sides of Le Roy Ave. and Buena Vista Way that constitute or abut what was to become Hillside School property.

We did not find titles for most of the property (now playground) that must have changed hands from the dozen burned out homeowners to the school district. Perhaps the city also intervened here to acquire the property for the purpose of reselling to the school district. To begin to answer these questions would require a review of the city council deliberations from September 1923 to December 1924. Also now we have a more precise description: “lots 1 through 10 block 5 ‘amended map of a portion of La Loma Park and the Wheeler tract’ filed October 15, 1902 in book of maps page 45 in the office of the county recorder of Alameda County.” To turn over this stone will require another trip to the county office. (See attached Assessor’s map 58, 2245, page 2, “Amended Map of a Portion of La Loma Park and the Wheeler Tract.”)

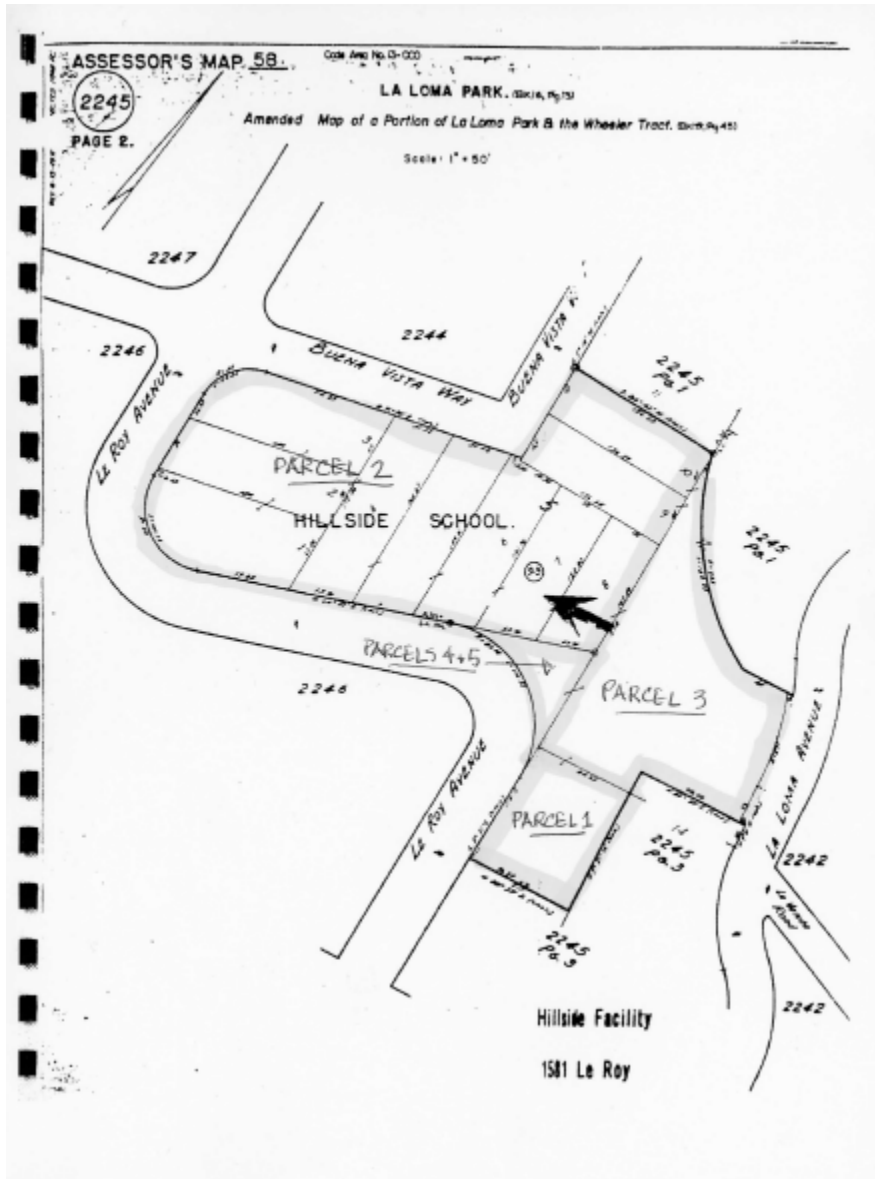
The helpful county archivist directed us to the city of Berkeley Planning department for plans for the school building that may show the path and any easements, as well as to the Bancroft Library.

SUPPLEMENTAL ITEM - 1581 LE ROY
LPC 08-01-19
Page 9 of 41

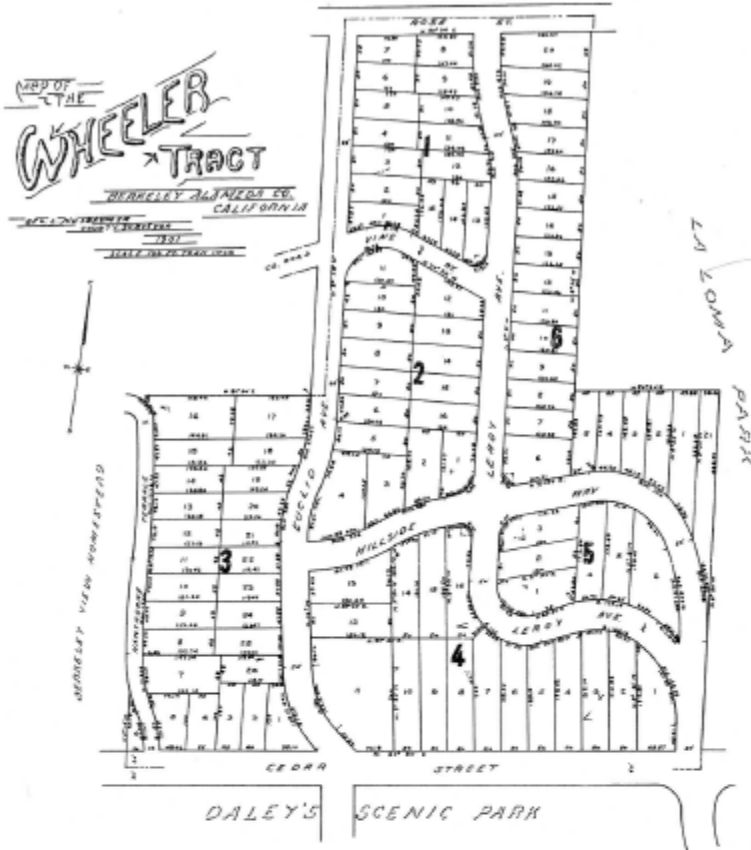
Before the 1923 fire, Hillside's property was house lots—some 15 or 16 house lots, counting structures shown on the Fire Map. This second parcel is the largest and constitutes most of the entire property. These are the burned out lots that previous home owners sold and eventually were purchased by the Berkeley School District, perhaps via the city of Berkeley as occurred in the case of lot 13. Lots 5 and 6 in particular correspond with what was to become Seppala Pathway between Buena Vista and Le Roy.

Parcel three is the second largest, defined by La Loma on the east and the eastern edge of parcel two, roughly corresponding to the building's footprint. Parcels four and five are small areas created by the arc of Le Roy's curve from north/south to west/east.

SUPPLEMENTAL ITEM - 1581 LE ROY
LPC 08-01-19
Page 10 of 41



SUPPLEMENTAL ITEM - 1581 LE ROY
LPC 08-01-19
Page 11 of 41



The Within and of the Property of the County of Alameda, California, do hereby certify that the above is a true and correct copy of the original as filed in my office on the 4th day of April, 1901.

Wheeler & Wheeler
Surveyors
San Francisco, California

Judson Wheeler
Surveyor

Judson Wheeler
Surveyor

Judson Wheeler
Surveyor

Filed for Record in the County of Alameda, California, on the 4th day of April, 1901.



K 3989

Filed at Request of
Judson Wheeler
April 4, 1901
at 10 min past 9 A.M.
in the office of the County Recorder
of the County of Alameda
State of California.

A. J. Brown
County Recorder
R. S. Brown
Deputy Recorder

EX 16 A 17

APRIL 4, 1901
LIC. SURVEYOR
FILED ALAMEDA CO. CLERK

Crane, Fatema

From: jackson-barschi@sophocles.com
Sent: Thursday, July 25, 2019 12:36 PM
To: Landmarks Preservation Commission
Subject: Re: LMSAP2019-0004

To the Landmarks Planning Commission:

I am disturbed by the plans to create a parking lot and storage area on two-thirds of the playground of the Hillside School. It is incompatible with the neighborhood of single family residences. I think that it would change the character of the neighborhood immensely. It would be an eye-sore to my neighbors who live adjacent to the playground, and potentially reduce the value of their properties.

Sincerely,

Edith Barschi
1597 Le Roy Ave.

Crane, Fatema

From: Lois Brandwynne <cminorlois@gmail.com>
Sent: Thursday, July 25, 2019 12:22 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave.LMSAP2019-0004

Dear Planning Commission,

The idea that a property formerly designated as a school should suddenly change hands through private purchase and lose its public character, so vital to the hillside community with its limited free space, is wrong and will have negative consequences in the future.

Respectfully,
Lois Brandwynne
2621 Rose St.
Berkeley, CA 94708
510-843-6003

Crane, Fatema

From: Margaret Cullen <margcullen@gmail.com>
Sent: Thursday, July 25, 2019 3:39 PM
To: Landmarks Preservation Commission; CullenMichaelA@aol.com
Subject: 1581 LeRoy Ave. LMSAP2019-0004

Hello,

We live at 2535 Buena Vista Way, directly across the street from Mr. Seppala's property. Though we are not on the side where the parking lot is proposed, the plantings offer little camouflage of the playground area. We had asked Mr. Seppala and the architect at a prior neighborhood meeting to plant trees/shrubbery in front of the existing cyclone fence as our home faces it directly. The new plan that was sent does not indicate that this will be done as promised and we can not go along with the proposal without this minor accommodation.

Thank you,
Margaret and Michael Cullen

Margaret Cullen, M.A., M.F.T.
Founding Faculty
Compassion Institute
www.compassioninstitute.com
Senior Teacher
Center for Compassion, Altruism and Education
Stanford University
<http://ccare.stanford.edu/education/cct-staff/>

Crane, Fatema

From: Ann Hughes <ahughes@lmi.net>
Sent: Thursday, July 25, 2019 1:41 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

To members of the Landmarks Preservation Commission, regarding the above topic:

I wish to add my voice to those wanting the public right-of-way for the path and playground at Hillside School to be maintained.

I have lived in the Shasta/Tamalpais Road area for 50 years, raising children, and now, grandchildren in this neighborhood. The path is a normal and often daily route for residents here when accessing by foot or bicycle the UC campus, the Elmwood area, sports and music events, etc. It seems especially ironic that this pedestrian route might be closed in order to add a parking lot! The city eliminates parking and driving paths in favor of non-vehicular traffic elsewhere in town (e.g. Oxford Street) - why not also here?

The playground speaks for itself, as used by folks of all ages for the usual reasons: exercise, meeting up, dog watching, and just sitting around in an open spot. For those in the immediate area, there is no other park setting.

I hope that while granting the property owner some satisfaction, you will at the same time provide a scheme to keep these long-standing uses protected and permanent.

Ann Hughes

Crane, Fatema

From: Mary Lee Noonan <mleenoonan@comcast.net>
Sent: Thursday, July 25, 2019 4:00 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Avenue, Public Hearing

Dear Members of the Landmarks Preservation Commission:

The integration of the former Hillside School into our neighborhood as a single family residence is indeed welcome. But may I raise two questions about items that will be before the Commission at your hearing on August 1, 2019, the categorical exemption of this project from CEQA review and "landscape improvements" that are included in the structural Alteration Permit.

Clearly Mr. Seppala's heroic restoration of the school building will have nothing but positive effects on the preservation of an important historical resource in Berkeley. On the other hand, is his plan for the development of the playground in keeping with the integrity of the landmark as recognized by the National Register of Historic Places, the State Register and by the City of Berkeley? According to CEQA Guidelines (Article 19, Section 15331, Class 31, for Historical Resource Restoration/Rehabilitation), "A categorical exemption shall not be used for any activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." I believe that the striping of an extensive parking lot and the storage of house trailers, along with related fencing, will impose a non-residential character on the project that will have an adverse effect on the environment.

Which brings me to a second aspect of my environmental concerns, the "unusual circumstances" of Mr. Seppala's proposal: his plan for an art center. He has described it to all of us in the neighborhood as "art related activities" including "private art classes, seminars, workshops and retreats," as well as exhibitions and the use of former classrooms as studios. With what feels like a verbal slight of hand, Mr. Seppala refers to the future participants in these activities as his "guests" and hopes to accommodate them by applying for a Moderate Home Occupation Permit. In fact, isn't he creating a philanthropic institution within his new home without the benefit of a formal legal structure, an institution whose environmental impact should be considered in your deliberations? Obviously it is not a commercial project, but just because money will not be changing hands in terms of rents or tuition or tickets, his vision is still an institutional one. In all respects, Mr. Seppala's conversion of the Hillside School into a single family residence with an Accessory Dwelling Unit needs to be consistent with its applicable zoning designation and regulations, as well as within the guidelines of CEQA.

Sincerely yours,

SUPPLEMENTAL ITEM - 1581 LE ROY

LPC 08-01-19

Page 17 of 41

Mary Lee Noonan

2599 Buena Vista Way

Crane, Fatema

From: Sandra Schlesinger <sandra.schles@gmail.com>
Sent: Thursday, July 25, 2019 7:36 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave.LMSAP2019-0004

To Whom it May Concern:

July 25, 2019

I am disappointed with the plan Mr Seppala is submitting to the Planning Commission. I will be traveling at the time of the meeting; therefore, I cannot attend.

The playground area is one of the few open spaces in the North Berkeley neighborhood. The space allows for meeting neighbors, watching children play, exercising dogs, relaxing, relative quiet. The diminished size of the area open to the neighborhood is upsetting. Too, Mr. Seppala's reservation of allowing access on the path and to the diminished playground area "for the time being" is alarming.

All those parking spaces, presumably sometimes filled with cars, house trailers, and sheds will definitely change the feel of the open area and the neighborhood, and impact the peaceful fenced area.

I am surprised and sad that Mr. Seppala is so willing to abandon this rare open area for more traffic, structures, and general commotion. It is one thing to offer artists' studio space in the building itself (a fine idea) and quite another to expand the offerings to the outside area to the detriment of the neighborhood.

Yours truly,

Sandra Schlesinger
1619 Le Roy Avenue

Crane, Fatema

From: Ernst Valfer <esvalfer@gmail.com>
Sent: Thursday, July 25, 2019 1:19 PM
To: Landmarks Preservation Commission
Subject: 1551 Le Roy Ave. LMSAP 2019-0004

We, neighbors, living at 2621 Rose St, Berkeley, CA 94708 are concerned about 3 issues of the proposed modifications of the Hillside School property.

1. Continued public access to the foot pass across the property. Not only is this a necessary north-south pass through but, in case of natural emergency it may become a critical access issue.
2. Maintenance of most of the open space and playground on the property. We are short of open space in Berkeley and, in case of natural emergency, it is the only reasonably safe open space where families and members of the nearby community could assemble if homes and infrastructure is destroyed by fire, earthquake or other similar tragic destruction.
3. The property's use for plastic art creation and display (paintings, sculpture, etc.) is fine. But use for very loud activities, such as raves or rock concerts in the Assembly Hall or open space would be most disturbing to the neighborhood incl. loss of sleep. Present Berkeley noise ordinance is not sufficient to prevent such activities as I remember decades ago such recorded music played at maximum volume on Tamalpais St. keeping us awake on Rose St. and call to the police were generally unsuccessful or effected the noise cessation only after several hours of sleep deprivation.

Respectfully,
Ernst and Lois Valfer
2621 Rose St. Berkeley, 94708
510.843.6003

Crane, Fatema

From: laura altieri <laura.altieri@gmail.com>
Sent: Friday, July 26, 2019 12:28 PM
To: Landmarks Preservation Commission
Cc: bcheney@pacbell.net
Subject: 1581 le roy ave lmsap2019-0004

I write to express my anger and sadness over proposed changes to the lot at Hillside school. The tall cyclone fences will make my beautiful street look like a war zone. Who needs such fences?? And no single family dwelling should be permitted 20 parking spots. I live at 2514 Buena Vista Way, Berkeley California 94708. This is a quiet residential area. Me Seppola knew that when he moved in and he made promises about maintaining the character and keeping the yard open to the community. Kids, adults and dogs use that open space extensively. My 5 year old plays there at least once a week. We have no other open space nearby, and no other hardscape for bike riding and skating. I myself learned how to ride a bike in that cement schoolyard.

The proposed changes are far outside zoning rules, ruinous for the neighborhood and ugly. I further fear the effect on my house value of a fenced fortress full of cars.

Sincerely,
Laura Altieri

Crane, Fatema

From: JOSHUA PIOVIA-SCOTT <joshps33@hotmail.com>
Sent: Friday, July 26, 2019 2:39 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave

Follow Up Flag: Follow up
Flag Status: Completed

Dear Landmark Preservation Commission,

I am writing to ask the Commission to help ensure public access for as much of the current open space at Hillside School as possible, including both the open space to the west of the property and the walkway connecting Le Roy and Buena Vista. I think that it is critical that this public access be somehow guaranteed or formally confirmed going forward.

I appreciate new owner Sam Seppala's significant efforts to repair and restore the former school building and am confident that there is a solution that will allow him to do the things that he would like to do with the property and also preserve the substantial and longstanding benefits that the open space, playground and walkway have provided to the neighborhood for almost 100 years. I know this history well as four generations of my family have lived nearby and spent thousands of hours in this open space and on the playground. My grandparents, parents and now my children have all lived at one time or another across the street from 1581 Le Roy and, along with countless others, have had this open space as an important part of their lives. When my children and I visit my parents it is usually only a matter of minutes before they ask when they can go play at the playground. There is almost constant use of this space by the public and the activities that I have enjoyed in the open area to the west of Hillside School include: basketball, baseball, football, frisbee, lacrosse, bike riding, skateboarding, tag, capture the flag, picnicking, tree climbing and just running around and/or being outside in the midst of a pretty densely populated neighborhood.

In addition to the immense value of this open space to the neighborhood and its residents (and future residents!) for recreation, outdoor activities and play; there are not insignificant issues of narrow, curving and steep surrounding streets, a high-risk fire and landslide zone, and the fact that the property sits on top of the Hayward fault. Removing this open space would negatively impact residents and all others in the area at the time of a natural disaster.

Thank you for your consideration of these concerns.

Joshua Piovia-Scott (Berkeley High School class of 1993)

Crane, Fatema

From: Beverly Cheney <bcheney@pacbell.net>
Sent: Friday, July 26, 2019 4:46 PM
To: Landmarks Preservation Commission
Cc: Zoning Adjustments Board (ZAB)
Subject: 1581 Le Roy (LMSAP2019-0004 and ZP2019-0061)

I wish to add to my previous comments regarding the proposed changes to Hillside School. (Please scroll down to view two maps and one photo.)

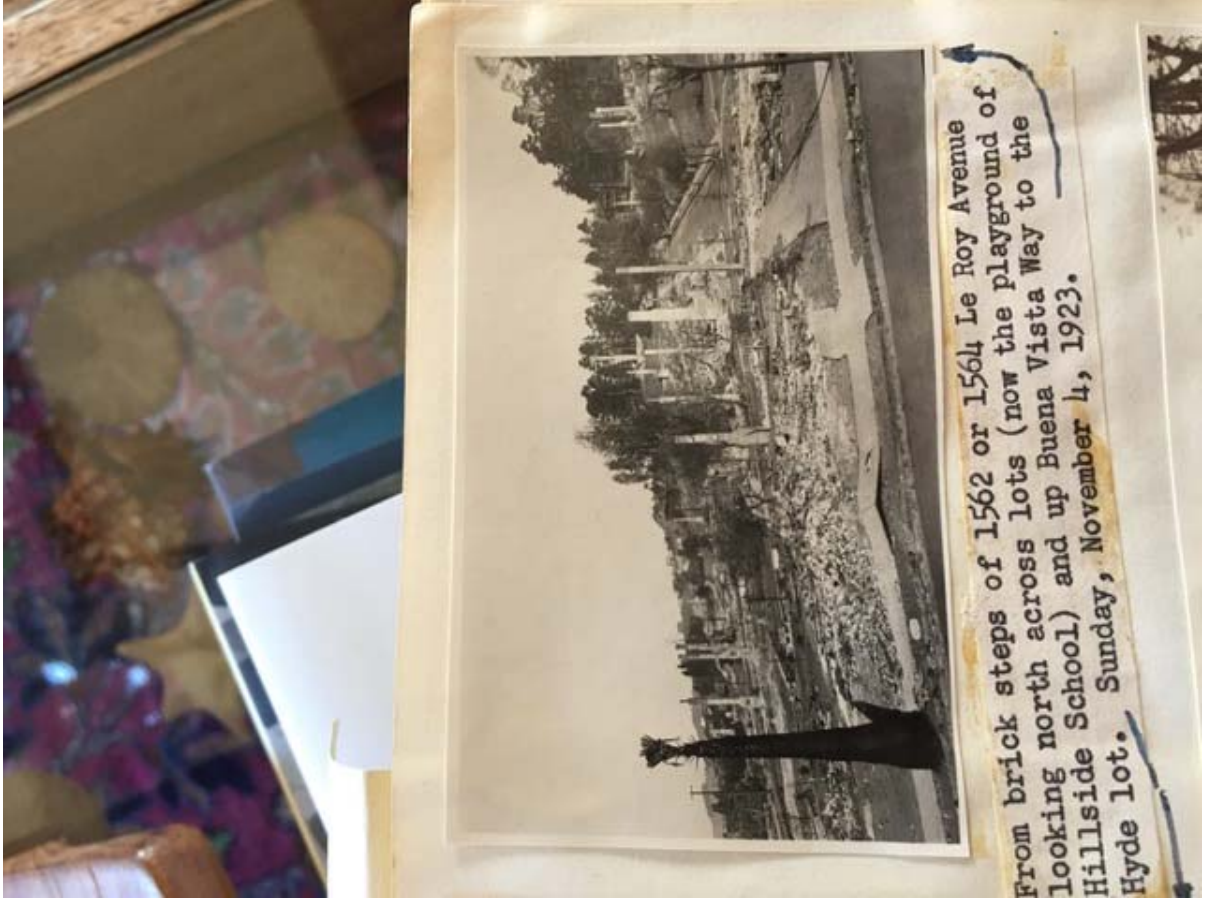
The school, the playground and the path are included in the Historic Landmark designation. The school when it was built contained an auditorium which was intended to have a dual purpose, to be an auditorium for the school and to be available for public use. The playground and the path for the past 93 years have been used by the public for access and for recreational and social activities. The public has had a de facto right of way.

Attached is a 1901 map of the Wheeler Tract which shows Hillside Way before part of it became Buena Vista Ave. It begins at Euclid and ends at LeRoy. Also attached is a 1902 map (or, 1904, difficult to see clearly) showing Hillside Way angling north and continuing uphill (as Buena Vista Ave. currently exists). Houses were built and later destroyed by the 1923 fire on the Hillside School site. I think it is unlikely that the original Hillside Way was ever eliminated. It seems more plausible that it was kept even when there were houses around it. (See photo.) It had been in active use and why change that? Hillside Path exists in roughly the same place today as it did in 1901.

My concern is that what has been public if it becomes private is lost. Potentially a private owner could close off access and deny any public use. An owner may initially choose not to but over time may and likely would choose to do otherwise, especially if unchallenged. Is it possible for the City of Berkeley to protect its citizens' need for open space and access to an essential path? The neighbors who have a strong interests in this are unlikely to want to pursue litigation for financial reasons and also such action tears neighborhoods apart. Ideally, the city will act in some way to protect, for now and in the future, the rights of way that have traditionally been ours.

Beverly Cheney
1459 Greenwood Terrace
Berkeley, CA 94708
home: 510 540-8663
cell: 510 684

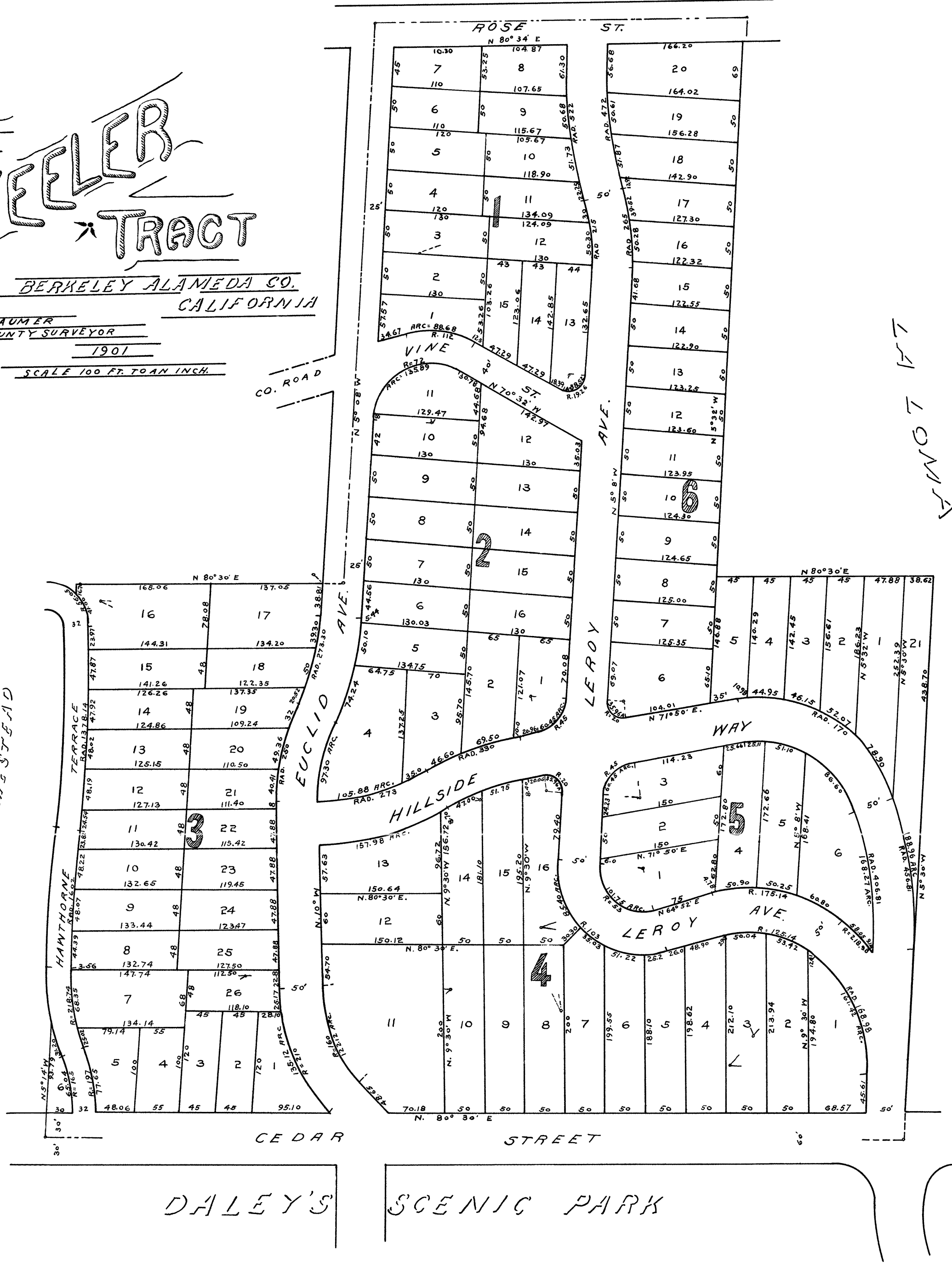
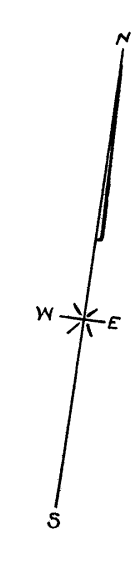
SUPPLEMENTAL ITEM - 1581 LE ROY
LPC 08-01-19
Page 23 of 41



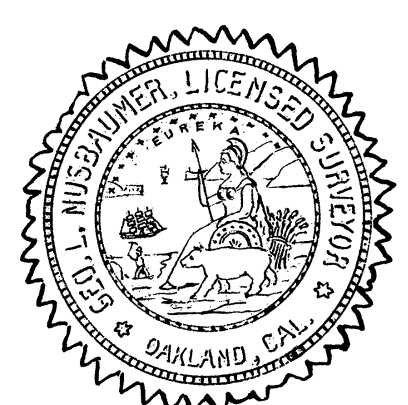
SUPPLEMENTAL ITEM - 1581 LE ROY
LPC 08-01-19
Page 24 of 41



MAP OF
 THE
WHEELER
 TRACT
 BERKELEY ALAMEDA CO.
 CALIFORNIA
 GEO. L. NUSBAUMER
 COUNTY SURVEYOR
 1901
 SCALE 100 FT. TO AN INCH.



In witness whereof, the Proprietors of the land designated and shown upon the above Map, hereunto
 affixed my hand and seal this 3rd day of March, 1901
 State of California, } ss. Judson Wheeler
 COUNTY OF ALAMEDA, }
 On this 3rd day of March, in the year of our Lord, one thousand nine
 hundred and one, before me, George Schmidt, a Notary Public
 in and for said County, and State, residing therein, duly commissioned and sworn, personally appeared
Judson Wheeler
 known to me to be the person whose names are subscribed to the within instrument, and ac-
 knowledged to me that he executed the same.
 In witness whereof, I have hereunto set my hand and affixed my Official Seal, the day and year
 in this certificate first above written.
George Schmidt
 Notary Public in and for the County of Alameda,
 State of California.
 Post Office Address BERKELEY CALIF.



Geo. L. Nusbaumer
 Licensed Surveyor and
 County Surveyor.
 March 20th 1901.

K 3959
 Filed at Request of
Judson Wheeler
 April 4th 1901
 at 11 min. past 9 A.M.
 in the office of the County Re-
 corder of the County of Alameda
 State of California.
A. K. Green
 County Recorder.
R. S. Peck
 Deputy Recorder.

BR 16 R 18

Crane, Fatema

From: John Fike <fikepros@lmi.net>
Sent: Friday, July 26, 2019 4:53 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

To Whom It May Concern-

While I think it is wonderful that the old Hillside School building is being preserved, and I'm also enthusiastic about the idea of affordable spaces for local artists as the main use of this building, I find it inconceivable that a public thoroughfare that has existed for close to a century could be taken away.

I also think that 18 parking spots is extremely excessive, especially considering there is a sizable parking lot just south of the building, and also considering the existing plans to build additional underground parking. I think every effort should be made to preserve the open space of the playground for community use. If nothing else, this is a primed opportunity for a compromise, win-win solution that serves both the new owner and the neighborhood community.

Thank you for your consideration-

John Fike
1149 High Court
Berkeley
510-847-4470

Crane, Fatema

From: linneazero <linneazero@yahoo.com>
Sent: Friday, July 26, 2019 10:06 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

This is in regards to the proposed changes to Hillside school.

My family and I have lived on the 1500 block of Le Roy ave in Berkeley for over 40 years. My husbands family has been here for 80 years. My child's grandfather attended K-6 at Hillside school as did many other people I know. My nephew played at the Hillside chess school for years. My child plays at the playground at Hillside now as we did when we were kids.

We are concerned about the proposed changes for several reasons. It concerns us that the new owner reserves the right to take away access to the walk way and play ground, which this neighborhood has had access to for close to one hundred years.

We are also concerned that there is a proposed 18 new parking spaces to be included on the property, and change to residential use.

How many apartments are to be expected? How many more people will this bring into this already congested neighborhood? There is very limited parking here, so many more people and their visitors will make it a nightmare. We already have considerable property crime in this neighborhood as well and are concerned by the increased crime this will potentially bring.

The people who live here appreciate the neighborhood for being a quite and relatively safe place to be. We hope the city will reconsider changing our beloved Landmark school to residential use and the loss of public access.

Thank you for your consideration
Karin Linnea Hald

Sent from my T-Mobile 4G LTE Deviceuilt

Crane, Fatema

From: JOSHUA PIOVIA-SCOTT <joshps33@hotmail.com>
Sent: Friday, July 26, 2019 2:39 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave

Follow Up Flag: Follow up
Flag Status: Completed

Dear Landmark Preservation Commission,

I am writing to ask the Commission to help ensure public access for as much of the current open space at Hillside School as possible, including both the open space to the west of the property and the walkway connecting Le Roy and Buena Vista. I think that it is critical that this public access be somehow guaranteed or formally confirmed going forward.

I appreciate new owner Sam Seppala's significant efforts to repair and restore the former school building and am confident that there is a solution that will allow him to do the things that he would like to do with the property and also preserve the substantial and longstanding benefits that the open space, playground and walkway have provided to the neighborhood for almost 100 years. I know this history well as four generations of my family have lived nearby and spent thousands of hours in this open space and on the playground. My grandparents, parents and now my children have all lived at one time or another across the street from 1581 Le Roy and, along with countless others, have had this open space as an important part of their lives. When my children and I visit my parents it is usually only a matter of minutes before they ask when they can go play at the playground. There is almost constant use of this space by the public and the activities that I have enjoyed in the open area to the west of Hillside School include: basketball, baseball, football, frisbee, lacrosse, bike riding, skateboarding, tag, capture the flag, picnicking, tree climbing and just running around and/or being outside in the midst of a pretty densely populated neighborhood.

In addition to the immense value of this open space to the neighborhood and its residents (and future residents!) for recreation, outdoor activities and play; there are not insignificant issues of narrow, curving and steep surrounding streets, a high-risk fire and landslide zone, and the fact that the property sits on top of the Hayward fault. Removing this open space would negatively impact residents and all others in the area at the time of a natural disaster.

Thank you for your consideration of these concerns.

Joshua Piovia-Scott (Berkeley High School class of 1993)

Crane, Fatema

From: JOSHUA PIOVIA-SCOTT <joshps33@hotmail.com>
Sent: Friday, July 26, 2019 2:39 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave

Dear Landmark Preservation Commission,

I am writing to ask the Commission to help ensure public access for as much of the current open space at Hillside School as possible, including both the open space to the west of the property and the walkway connecting Le Roy and Buena Vista. I think that it is critical that this public access be somehow guaranteed or formally confirmed going forward.

I appreciate new owner Sam Seppala's significant efforts to repair and restore the former school building and am confident that there is a solution that will allow him to do the things that he would like to do with the property and also preserve the substantial and longstanding benefits that the open space, playground and walkway have provided to the neighborhood for almost 100 years. I know this history well as four generations of my family have lived nearby and spent thousands of hours in this open space and on the playground. My grandparents, parents and now my children have all lived at one time or another across the street from 1581 Le Roy and, along with countless others, have had this open space as an important part of their lives. When my children and I visit my parents it is usually only a matter of minutes before they ask when they can go play at the playground. There is almost constant use of this space by the public and the activities that I have enjoyed in the open area to the west of Hillside School include: basketball, baseball, football, frisbee, lacrosse, bike riding, skateboarding, tag, capture the flag, picnicking, tree climbing and just running around and/or being outside in the midst of a pretty densely populated neighborhood.

In addition to the immense value of this open space to the neighborhood and its residents (and future residents!) for recreation, outdoor activities and play; there are not insignificant issues of narrow, curving and steep surrounding streets, a high-risk fire and landslide zone, and the fact that the property sits on top of the Hayward fault. Removing this open space would negatively impact residents and all others in the area at the time of a natural disaster.

Thank you for your consideration of these concerns.

Joshua Piovia-Scott (Berkeley High School class of 1993)

Crane, Fatema

From: JOSHUA PIOVIA-SCOTT <joshps33@hotmail.com>
Sent: Friday, July 26, 2019 4:28 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave

Dear Landmark Preservation Commission,

I am writing to ask the Commission to help ensure public access for as much of the current open space at Hillside School as possible, including both the open space to the west of the property and the walkway connecting Le Roy and Buena Vista. I think that it is critical that this public access be somehow guaranteed or formally confirmed going forward.

I appreciate new owner Sam Seppala's significant efforts to repair and restore the former school building and am confident that there is a solution that will allow him to do the things that he would like to do with the property and also preserve the substantial and longstanding benefits that the open space, playground and walkway have provided to the neighborhood for almost 100 years. I know this history well as four generations of my family have lived nearby and spent thousands of hours in this open space and on the playground. My grandparents, parents and now my children have all lived at one time or another across the street from 1581 Le Roy and, along with countless others, have had this open space as an important part of their lives. When my children and I visit my parents it is usually only a matter of minutes before they ask when they can go play at the playground. There is almost constant use of this space by the public and the activities that I have enjoyed in the open area to the west of Hillside School include: basketball, baseball, football, frisbee, lacrosse, bike riding, skateboarding, tag, capture the flag, picnicking, tree climbing and just running around and/or being outside in the midst of a pretty densely populated neighborhood.

In addition to the immense value of this open space to the neighborhood and its residents (and future residents!) for recreation, outdoor activities and play; there are not insignificant issues of narrow, curving and steep surrounding streets, a high-risk fire and landslide zone, and the fact that the property sits on top of the Hayward fault. Removing this open space would negatively impact residents and all others in the area at the time of a natural disaster.

Thank you for your consideration of these concerns.

Joshua Piovia-Scott (Berkeley High School class of 1993)

Crane, Fatema

From: JOSHUA PIOVIA-SCOTT <joshps33@hotmail.com>
Sent: Friday, July 26, 2019 4:33 PM
To: Darya Barar; Landmarks Preservation Commission; Landmarks Preservation Commission
Cc: Mike Scott; Vicki Piovia
Subject: 1581 Le Roy Ave

Dear Landmark Preservation Commission,

I am re-sending the email from my wife Darya Barar below to the "LPC@CityofBerkeley.info" address rather than the "PlanningLPC@CityofBerkeley.info" address.

Unfortunately, I think a number of emails regarding the Hillside School property located at 1581 Le Roy Ave may have been sent to the "PlanningLPC@CityofBerkeley.info" address.

Thank you for your attention to this matter.

Joshua Piovia-Scott

From: Darya Barar <daryabarar@hotmail.com>
Sent: Friday, July 26, 2019 9:57 PM
To: PlanningLPC@cityofberkeley.info <PlanningLPC@cityofberkeley.info>
Cc: Mike Scott <michaelscott8815@sbcglobal.net>; Vicki Piovia <Vickipiovia@sbcglobal.net>; joshps33@hotmail.com <joshps33@hotmail.com>
Subject: Hillside

Dear Landmark Preservation Commission,

I am writing to ask the Commission to help ensure public access for as much of the current open space at Hillside School as possible, including both the open space to the west of the property and the walkway connecting Le Roy and Buena Vista. I think that it is critical that this public access be somehow guaranteed or formally confirmed going forward.

I appreciate new owner Sam Seppala's significant efforts to repair and restore the former school building and am confident that there is a solution that will allow him to do the things that he would like to do with the property and also preserve the substantial and longstanding benefits that the open space, playground and walkway have provided to the neighborhood for almost 100 years. I know this history well as four generations of my husbands family have lived nearby and spent thousands of hours in this open space and on the playground. My children have had this open space as an important part of their lives. When my children and I visit my in-laws it is usually only a matter of minutes before they ask when they can go play at the playground. There is almost constant use of this space by the public and the activities that I have enjoyed in the open area to the west of Hillside School include: basketball, baseball, football, frisbee, lacrosse, bike riding, skateboarding, tag, capture the flag, picnicking, tree climbing and just running around and/or being outside in the midst of a pretty densely populated neighborhood.

As an arborist, I also appreciate the value of the trees, birds, and wildlife that have made homes for themselves in the trees and shrubs that encircle the play area. I've seen hawks, raptors and other bird species.

As well as foxes, coyotes, and deer. it would be gravely detrimental to reduce this area to anything but what it is a home for the neighborhood. Removing this open space would negatively impact residents and all others in the area at the time of a natural disaster.

Thank you for your consideration of these concerns.

Darya Barar
Berkeley resident (2828 Dohr St)

Crane, Fatema

From: familiaviolich@yahoo.com
Sent: Friday, July 26, 2019 1:49 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP 2019-0004

Landmark Preservation Commission
Permit Center
2120 Milvia St.
Berkeley, CA 94707

Charles Eames and Hillside School

Dear Commissioners,

My first most memorable film was Blacktop, a short documentary, filmed in 1952 by Charles Eames, shown to us at Hillside School, that captured water finding its way across an asphalt playground.

As a student at Hillside during recess, I remember watching with fascination how the water we played with, just like the janitor's soapy water in the film, would encounter pebbles, move pine needles and float dust and dirt as if directed by some unknown force pulling it down that sloping sheet of asphalt.

Years have passed. I've been playground director, neighborhood father and grandfather on that schoolyard and yet what still most captures my imagination is the movement of water across that space, that open space.

Artists, parked cars and basketball courts will come and go but water, like ourselves, given the preservation of Hillside School's open space, should be permitted to flow.

Please, leave Hillside School's open space open for that possibility.

Let the water we played with, as children, help us now, as community, to find our way.

Thank you,
Antonio Violich,
Class of '60

90 Tamalpais Road
Berkeley, CA 94708

Crane, Fatema

From: familiaviolich@yahoo.com
Sent: Monday, July 29, 2019 1:59 AM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP 2019-0004

Landmark Preservation Commission
Permit Center
2120 Milvia St.
Berkeley, CA 94707

Greenwood Common and Hillside School

Dear Commisioners,

William Wurster and Samuli Seppälä, worlds apart, now share a similar place in history.

They stand, one in legacy and the other in fact, on private properties, Greenwood Common and Hillside School, that have had a tradition of shared public interest.

I grew up on Tamalpais Road in the vicinity of both, playing with my friends on Greenwood Common and as well as with my classmates at Hillside School. Over the years both sites have acquired landmark status and have afforded the neighboring community a sense of place. Thank you for your continuing support in keeping them both culturally relevant.

Of course, as is the case with private property, the owners of both sets of parcels retain the right to restrict public access. However, over my lifetime, I have seen that the Greenwood Common model has worked well to benefit both the private and public realms. In the private one, individual owners have formed community around a common understanding and in the public one, the greater community has been trusted to respect the opportunities presented.

I would hope that, nurtured by the children born to both Greenwood Common and Hillside School, Mr. Sepälä will be inspired, as was Prof. Wurster nearly 60 years ago, to include the neighboring community in his visions for the future.

Given the Commission's recent intervention to uphold the character of Greenwood Common I would also hope that, as regards the future of Hillside School, the Commission will act accordingly.

Thank you,
Antonio Violich
Class of '60, Hillside School

90 Tamalpais Road
Berkeley, CA 94708

Crane, Fatema

From: familiaviolich@yahoo.com
Sent: Monday, July 29, 2019 8:51 AM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP 2019-0004

Landmark Preservation Commission
Permit Center
[2120 Milvia St.](#)
[Berkeley, CA 94707](#)

Greenwood Common and Hillside School

Dear Commisioners,

William Wurster and Samuli Seppälä, worlds apart, now share a similar place in history.

They stand, one in legacy and the other in fact, on private properties, Greenwood Common and Hillside School, that have had a tradition of shared public interest.

I grew up on Tamalpais Road in the vicinity of both, playing with my friends on Greenwood Common and as well as with my classmates at Hillside School. Over the years both sites have acquired landmark status and have afforded the neighboring community a sense of place. Thank you for your continuing support in keeping them both culturally relevant.

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I would hope that, nurtured by the children born to both Greenwood Common and Hillside School, Mr. Sepälä will be inspired, as was Prof. Wurster nearly seventy years ago, to include the neighboring community in his visions for the future.

Given the Commission's recent intervention to uphold the character of Greenwood Common I would also hope that, as regards the future of Hillside School, the Commission will act accordingly.

Thank you,
Antonio Violich
Class of '60, Hillside School

90 Tamalpais Road

SUPPLEMENTAL ITEM - 1581 LE ROY

LPC 08-01-19

Page 36 of 41

Berkeley, CA 94708

Crane, Fatema

From: familiaviolich@yahoo.com
Sent: Monday, July 29, 2019 9:38 AM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP 2019-0004

Landmark Preservation Commission
Permit Center
[2120 Milvia St.](#)
[Berkeley, CA 94707](#)

Re: Corrected Version of “Greenwood Common and Hillside School”

Dear Commissioners,

Please submit for the record the corrected version of my letter entitled Greenwood Common and Hillside School just sent to you at 8:50 this morning.

When I woke up this morning I realized I had made a miscalculation in the text of the letter I had written you last night.

The second to last paragraph of the corrected version now reads as follows:

“ . . . ,as was Prof. Wurster nearly seventy years ago, . . . ”

and not “ . . . nearly 60 years. . . ” as I had previously indicated.

Thank you for your consideration,
Antonio Violich

Crane, Fatema

From: Bob B. BUCHANAN <view@berkeley.edu>
Sent: Tuesday, July 30, 2019 2:28 PM
To: Landmarks Preservation Commission
Subject: Hillside

Landmarks Preservation Commission
City of Berkeley

We wish to add our strong support to the neighborhood effort to preserve the former Hillside playground for future generations. The site:

- Is the only open space in the area.
- Serves as a community resource especially important for children.
- Would be critical in a natural disaster such fire or earthquake.

It is in the best interests of the neighborhood and the city to maintain its current status.

Sincerely,
Bob and Melinda Buchanan
19 Tamalpais Road

Crane, Fatema

From: Bronwyn Hall <news.bhh@gmail.com>
Sent: Tuesday, July 30, 2019 9:40 AM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

Dear Planning Commission,

I was very sorry to hear that there was a private sale of the Hillside School. It seems like a very shortsighted move on the part of the city to have sold this property off rather than doing what was necessary to make it usable for something. As neighbors who have walked the path by the school every day (best way to campus) and used the playground, it would be a great shame if the property was closed to us. Surely the path is a right of way and the playground should be public. How did this area possibly get privatized?

I fully support the idea that solution which preserves full public access be found,

Bronwyn

(Ms.) Bronwyn H. Hall
123 Tamalpais Road
Berkeley, CA 94708
USA

Crane, Fatema

From: Susan <susanmreganmft@gmail.com>
Sent: Tuesday, July 30, 2019 8:37 AM
To: Landmarks Preservation Commission
Subject: Attention

Dear Neighbors:

On behalf of the neighbors who met to discuss the playground and Buena Vista/Le Roy path we wish to share information about to Mr. Seppala's (owner of the Hillside Property) proposed changes and request your input.

The original Hillside School (different location) was built in 1899. After the 1923 fire the school, designed by Walter Ratcliff, Jr., was built in 1925 at its present location. In 1982 the building, the Buena Vista/Le Roy path and the playground were declared a national Historic Landmark. The public school was closed in 1983 and in 2008 the Berkeley Unified School District approved its sale to the German School, which in turn sold it in September 2018 to Mr. Sam Seppala.

Mr. Seppala is requesting that the designation be changed from "school" to "private residence." A map rendering of the playground as proposed by Seppala is on the reverse side of this letter.

Initially, Mr. Seppala informed neighbors of his intentions to leave the path (between Buena Vista Way and Le Roy Ave.) and the playground open to the public. More recently Mr. Seppala stated that he intends to leave the path and just one third of the playground open to the public "**for the time being**" and he "**reserves the right to rescind public access at any time.**"

Concerns about the path and the playground no longer being accessible to the public were common themes at two recent meetings with representatives from 27 households. For 93 years there has been public access and the playground provides much needed open space. These have been a vital community asset for foot traffic and social and recreational purposes as well as the playground serving as an emergency area during fire and/or earthquake as it provides a secure area free of overhead power lines and structures. Neighbors also has questions about the proposed mix-use of the building.

Neighbors have asked: Can the common, public right to access of path and/or playground be preserved? Do the plans for the use of the building, as a single-family residence plus an *Accessory Dwelling Unit*, allowing for "moderate home activity" include a non-profit entity? What impact will the 18 parking spaces, house trailers, sheds, etc., have on the existing playground and on the surrounding neighborhood? Is the city requiring 18

parking spaces on the playground or is that the owner's request? The answers to these questions will have long-term ramifications.

Can you respond to this request?

Thank you.

Susan Regan
Berkeley



Z O N I N G
A D J U S T M E N T S
B O A R D
S T A F F R E P O R T

FOR BOARD ACTION
OCTOBER 24, 2019

1581 Le Roy Avenue – The Hillside School

Use Permit #ZP2019-0061 to convert the vacant, elementary school property to residential use: to establish the approximately 50,000-sq. ft., main building as a single-family residence and accessory dwelling unit, incorporating several former classrooms as private (non-commercial) art studio space; to install an unenclosed swimming pool and hot tub within a new roof deck; to construct an approximately 36-sq. ft., elevator penthouse above the second story (but below the third story roof ridge); to convert a former multi-purpose room to a garage; to create a new, surface parking lot and to locate up to five, new storage sheds within portions of the former playground to be partially re-purposed as an outdoor (non-commercial) art practice space; and to complete landscape improvements along the public interface.

I. Background

A. Land Use Designations:

- General Plan: Low Density Residential
- Zoning: Single-Family Residential/Hillside Overlay (R-1/H)

B. Zoning Permits Required:

- Use Permit, under BMC (Berkeley Municipal Code) Section 23D.16.030, to create a dwelling unit in the R-1 district;
- Administrative Use Permit, under BMC Section 23D.12.080, to locate parking spaces with the required front yard setback of a residential property;
- Administrative Use Permit, under BMC Section 23D.16.030, to install an unenclosed hot tub on a residential property; and
- Administrative Use Permit, under BMC Section 23D.16.070.C, to construct a residential building addition greater than 14 ft. in average height.

C. CEQA Determination: Categorically exempt pursuant to the following Sections of the CEQA Guidelines: Section 15301 for “Existing Facilities,” 15303 for “New Construction or Conversion of Small Structures,” and 15331 for “Historical Resources Restoration/Restoration.”

D. Parties Involved:

- Applicant/Architect Jerri Holan, AIA, Holan & Associates, 1323 Solano Ave., Albany, CA
- Property Owner Samuli Seppälä, 1581 Le Roy Avenue, Berkeley, CA

Figure 1: Vicinity Map



Figure 2: Proposed Site Plan

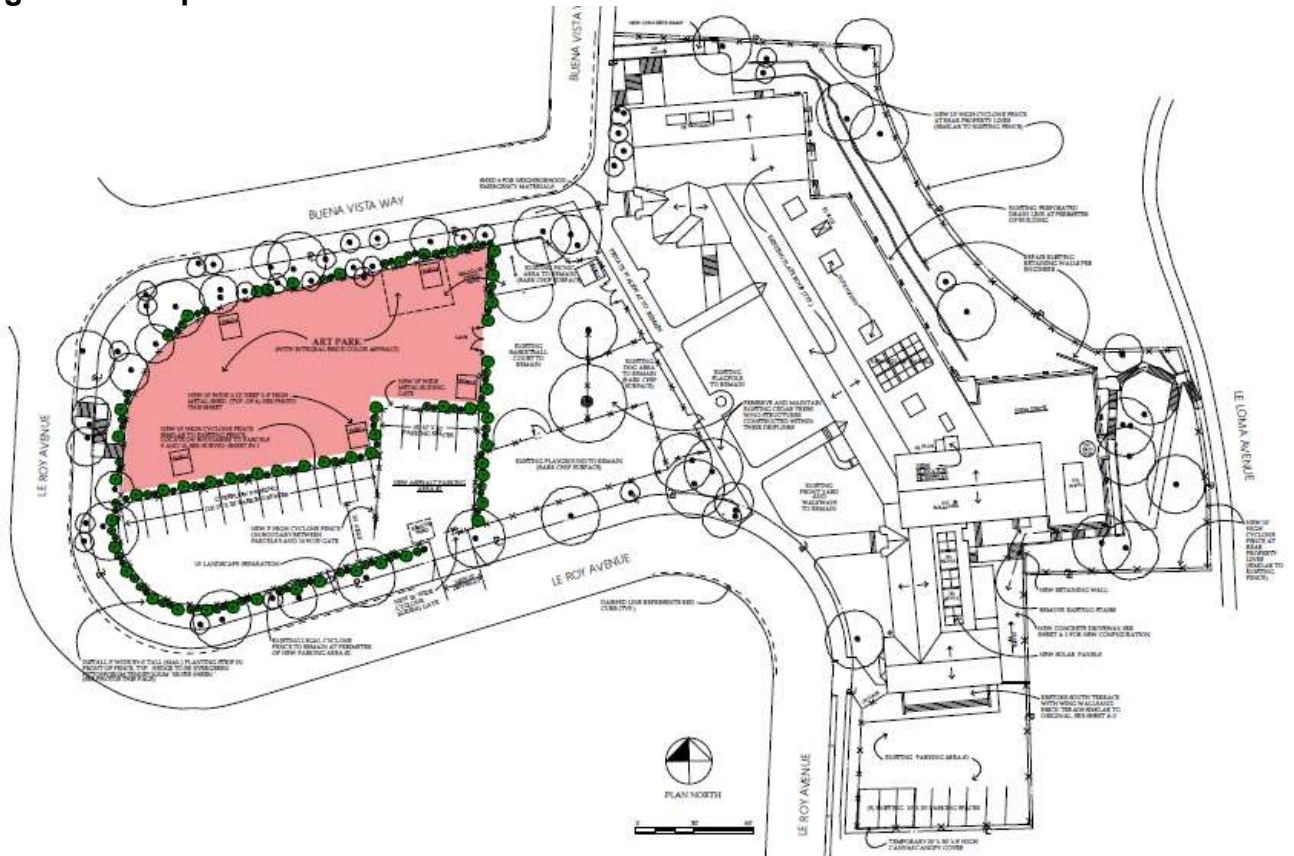


Figure 3 : Partial Aerial photograph of subject building, looking northeast



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		School	R-1/H	Low Density Residential
Surrounding Properties	North	Single-Family Residences		
	South			
	East			
	West			

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	These ordinances do not apply to this application which for a residential conversion of less than five units.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)		
Creeks	No	This site is not located within 30 ft. of the center line of an open creek.
Historic Resources	Yes	This property is listed on the National Register of Historic Places, and was designated as a City Landmark in 1982. On August 1, 2019, the Landmarks Preservation Commission approved the Structural Alteration Permit for this conversion request; the approval is subject to appeal and certification by City Council.
Housing Accountability Act Gov't Code Section 65589.5(j)	Yes	Because this proposal conforms to the objective standards of the BMC, it would be subject to the HAA; see Section V of this report.
Oak Trees	Yes	This site features coast live oak trees, and these trees would not be affected by the proposed conversion request.
Residential Preferred Parking (RPP)	Yes	This area is included in the RPP program.
Seismic Hazards (SHMA)	Yes	This site is located in SHMA area of the Berkeley. This proposal, however, is not subject to an investigation because it is not defined as a "project," owing to its limited scope, minimum construction and conversion from a more intense use (e.g.: K-12 school) to a less intense use as a residence.
Soil/Groundwater Contamination	No	This project site is not located in an Environmental Management Area of Berkeley nor does it appear on the lists of hazardous waste sites compiled by the Secretary of Environmental Protection.
Transit Proximity	Yes	This site is located within two blocks of AC Transit Line 65.

Table 3: Project Chronology

Date	Action
April 1, 2019	Application submitted
June 6, 2019	LPC opened and continued the Structural Alteration Permit hearing awaiting staff recommendations for final action.
August 1, 2019	LPC approved the Structural Alteration Permit pursuant to certain Findings & Conditions; see Attachment 1 of this report.
October 9, 2019	Public hearing notices mailed/posted
October 24, 2019	ZAB hearing

Table 4: Development Standards

Standard BMC Sections 23D.16.070-080		Existing School (approximate)	Proposed Residence	Permitted/ Required
Lot Area (sq. ft.)		117,500	No change	5,000 min
Gross Floor Area (sq. ft.)		50,300		Not regulated
Dwelling Units		0	1+ADU	1+ADU max
Building Height	Average	35	No change	28 max
	Maximum	50		30 max
	Stories	3		3 max
Building Setbacks	Front	20		20 min
	Rear	15		20 min
	Left Side	25		min
	Right Side	25		min
Lot Coverage (%)		22		
Usable Open Space (sq. ft.)		22,000	10,000	800 min
Parking		7	30	1 min

II. Project Setting

- A. Neighborhood/Area Description:** The project site is located the 1500-block of Le Roy Avenue, in the Berkeley Hills neighborhood. This is a low-density, residential neighborhood that primarily features single-family residences along with schools, churches and City parks. It is characterized by sloping terrain, mature vegetation, winding street patterns, and expansive westward-facing views of the San Francisco Bay.
- B. Site Conditions:** The subject property is a large, approximately 117,500-sq. ft., through lot parcel that is oriented in the east-west direction, with street frontage on Le Roy Avenue and Buena Vista Way on its western end, and La Loma Street on its eastern end. The parcel is irregularly-shaped, and laterally abuts several interior parcels on the north and south.

The Hillside School, the subject main building, was constructed in 1925 and then substantially rehabilitated between 1934 and 1938. It was designed in the Tudor Revival style by prominent Berkeley architect Walter H. Ratcliff Jr. (1881-1978). The

building ranges from one to three stories in height. In 1963, a modern-era, single-story addition designed by the Ratcliff firm was constructed on the eastern portion. The building is approximately 50,000 sq. ft. in total area and located on the west side of the subject parcel.

The subject building consists of five primary segments:

- Auditorium wing – one story with a basement
- Central classroom wing – two stories
- Southern classroom wing- three stories
- Kindergarten wing – one story
- 1963 building addition – one story

There are landscaped and terraced areas immediately surrounding the building, and a large, approximately 44,000-sq. ft. open area featuring the school playground on the east side of the property, which is partially landscaped but primarily paved with asphalt.

This property is listed on the National Register of Historic Places, and was designated as a City Landmark in 1982.

The building and site operated as a school until 2017, when the last school organization relocated and sold the property after concluding that the structural and seismic rehabilitation program required for an expanded school use at this site would be cost-prohibitive. The current owner is a private individual who purchased the property in 2018.

III. Project Description

The applicant proposes to convert the former elementary school site and building to residential use. In accordance with the Development Standards for maximum residential density in the R-1 district, the proposal requests that the interior of the 50,000-sq. ft., three-story school building be re-purposed and partially remodeled to include a total of two new dwelling units: a single-family residence and an accessory dwelling unit. The proposed dwelling units and vast, interior building space have been designed for private individuals whose lifestyle includes an active and varied art practice.

The primary dwelling unit would be located on the two upper stories of the southern classroom wing, and would feature a total of five bedrooms, three full bathrooms, two half-bathrooms, a living room, a family room, a kitchen and other amenities such as a laundry facilities. A new elevator would serve the primary unit, and a new penthouse would be created on the roof of the central classroom wing. The accessory dwelling unit would be located on the lower story of the central classroom wing, and total 800 sq. ft. in

area. The remaining eight classrooms would be used as artist studio space, for the private use of the property's residential occupants and their guests.

The school's former multi-purpose room, on the lower story of the three-story classroom wing, would be converted to a garage for up to three vehicles. A new vehicle door would be created on the southern elevation of this area of the building, and accessed via a new sloped driveway that would be created on the east side of the kindergarten wing. A new rooftop, outdoor space with a new safety rail, an unenclosed swimming pool and hot tub would be installed in the roof of the 1963 building addition.

The auditorium, existing restrooms and most storage rooms would maintain as such. The auditorium would be used for entertaining and hosting events by the residential occupants for themselves and their guests. Some, smaller rooms and interior spaces would be converted to service use for the proposed improvements and new uses, such as an elevator shaft and pool equipment room.

The applicant anticipates that residential occupants of this site would host a small number guests on a regular basis (as many of five) and, occasionally, would host large, non-commercial events by invitation only. For this reason, the proposal includes the introduction of an on-site, surface parking lot serving up to 18 vehicles, to be located on a portion of the existing blacktop within the former school yard. An existing, 10 ft.-tall chain-link fence that encloses the area would remain, and new trees would be planted to supplement the existing, mature vegetation along the right-of-way interface in order to provide a continuous, organic visual screen for the proposed surface parking lot and outdoor art practice space.

A portion of the open, school yard would be used for outdoor art activities. This area has been delineated on the proposed site plan as an "Art Park," and would feature as many as five, detached storage sheds of not larger than 120 sq. ft. or taller than 10 ft. in average height.

The proposed projects plans are included in Attachment 3 of this report. The applicant's detailed description of the intent and purpose of this conversion project is provided in the Applicant Statement, Attachment 4.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this Use Permit application on April 1, 2019, the applicant installed two Proposed Development signs at the site: near the Le Roy Avenue entrance, and near the La Loma Avenue street frontage.

The applicant and property owner meet with members of the neighborhood on several occasions before and after submitting this application to discuss the residential conversion proposal and provide information about the intended private art practice. Those meetings occurred on July 10, 30 and August 20, 2019, at the home of the President of the Hillside Association of Berkeley. A meditation session

with SEEDS occurred on September 30, 2019, at the Hillside School site. While some neighbors were supportive of the project and appreciative of the proposed improvements to the property, many others were opposed to the project. The themes of their objections are summarized in Table 5, below, along with a brief staff response. Correspondences received on this matter are provided as Attachment 6 of this report.

On October 9, 2019, City staff mailed and posted notices of tonight's hearing, in accordance with BMC Section 23B.32.020 (Public Notice Requirements).

B. Landmarks Preservation Commission (LPC) Review: Because the subject property is listed on Berkeley's register of historically significant properties, this project is subject to prior Structural Alteration Permit approval, in accordance with BMC Section 3.24.200. On June 6 and August 1, 2019, the LPC reviewed the applicant's proposal for exterior changes to the property and main building, and then approved the project subject to certain Findings and Conditions of Approval; see Attachment 2 of this report. Some Commissioners requested that staff forward the following comments for ZAB's consideration of this Use Permit application:

- Limit the number of sheds to not more than five in order to control for the proliferation of unsightly structures in the open area, which is prominently located.
- Reduce the number of parking spaces in the new surface parking lot to the minimum needed to accommodate the anticipated guests.

Several members of the public attended the Structural Alteration Permit hearings, and many others wrote letters to the City. All letters received, whether addressed to the LPC or ZAB, are attached for ZAB's consideration; see Attachment 6. While some neighbors were supportive of the project and appreciative of the proposed improvements to the property, many others who spoke during Public Comment were opposed to the project. The themes of their objections are summarized in Table 5, below, along with a brief staff response.

Table 5 – Summary of Public Comments

General Comment	Staff Response
The proposed change to residential use is exclusively private.	The proposal to convert the former school site to a private residence is permissible under the BMC, and does not warrant concern with respect to Zoning requirements; see Section V.B.
The new property owner may preclude public access to this site, the play area and the private walkway between Buena Vista Way on the north and Le Roy Avenue on the south.	At this time, the City has no interest in pursuing an access easement at this site. The neighbors' request for such an easement is a civil matter, and City staff would not compel the property owner to enter into such an agreement. See Section V.G.

General Comment	Staff Response
The nature and scale of a private residential art practice at the site is unknown.	The applicant has described all aspects, including the scale, of the proposed residential art practice in her Applicant Statement; see Attachment 4 and staff's discussion in Sections V.C and F of this report.
Future occupants' will have the ability to host large events.	Anticipated events at this site are discussed in Section V.F.

V. Issues and Analysis

A. Housing Accountability Act. The Housing Accountability Act requires that when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact¹ on public health or safety unless disapproved or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

This conversion project where no new construction is proposed, meets the applicable regulatory standards of the BMC related to maximum residential density and minimum usable open space and off-street parking. Therefore, §65589.5(j) **does** apply to this project as currently proposed.

B. Creation of dwelling units on a former school site in R-1 district. The proposal to convert the former school site to residential use and achieve the maximum residential density permitted in the R-1 district is found to be reasonable and generally non-detrimental. This proposal adheres to the R-1 district standards for dwelling unit density, and exceeds the requirements for minimum usable open space and off-street parking; see Table 5, above. Further, the proposal is compatible with the *Purposes* of the district (BMC Section 23D.16.020), which are:

- A. *Recognize and protect the existing pattern of development in the low density, single family residential areas of the City in accordance with the Master Plan;*
- B. *Make available housing for persons who desire detached housing accommodations and a relatively large amount of Usable Open Space;*

¹ As used in the Act, a "specific, adverse impact" means a "significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, polices, or conditions as they existed on the date the application was complete."

- C. *Protect adjacent properties from unreasonable obstruction of light and air; and*
- D. *Permit the construction of community facilities such as places for religious assembly, Schools, parks and libraries which are designed to serve the local population when such will not be detrimental to the immediate neighborhood.*

Specifically, this proposal would re-use a vacant school site while introducing minimal changes to the building and its scale and massing, thereby maintaining the existing pattern of development in the immediate area and avoiding sunlight or air obstructions. The proposal would establish a low-density residential use on a site with abundant open space.

The site is located in an environmentally sensitive area (earthquake fault rupture and landside) and previous engineering assessments found that extensive structural and seismic improvements would be required in order to continue and expand its K-12 school use to full capacity. These upgrades proved cost-prohibitive to the most recent K-12 occupant, who then decided to relocate to a more suitable school site and to sell the property. Under these circumstances, staff concludes that it is not likely that a school would occupy this site at this time.

Owing to its alignment with the regulations of the R-1 district and consistency with the district *Purposes*, staff concludes that proposed conversion to residential use is permissible and recommends that the Board take favorable action on this request.

- C. Private, residential art practice.** The proposal to accommodate a private, residential art practice in dwelling units on a converted former-school site is found to be reasonable and generally non-detrimental. As a private residence located in a residential district, this site is not permitted to establish an “*arts/craft studio*” use (BMC Section 23F.04, “Definitions”), generally defined as an *establishment*, which staff interprets to be a commercial or institutional, or otherwise non-residential, land use activity. The analogous but permitted residential activity is defined as follows:

Artist Studio: A detached accessory building used by residents of a main dwelling Unit on the same lot, to create original works of art and craft products, but not for living quarters or sleeping purposes. (BMC Section 23F.04)

In this case, the applicant proposes such a use, though not located in a detached, accessory building and, instead, contained within a large main building and a confined outdoor area. Staff concludes, therefore, that the art activity is permissible on this residential property and, further, that the proposed location within the main building would be reasonable because the approximately 50,000-sq. ft. building could provide adequate space to sufficiently maintain both the dwelling uses and the art practice.

The outdoor art practice, similarly, could be found reasonable and consistent with the use of a residentially zoned property. Outdoor activity in R zones is generally un-

regulated and presumed to align with the primary use of the site. To ensure that the proposed art activities would not result in excessive noise, light glare or other disturbances, staff recommends that the Board consider an approval with specific conditions to limit hours of late-night outdoor activity and require downcast lighting, and adherence to the Community Noise Ordinance (BMC 13.42).

The Board must consider this request and the specific circumstances of this case, which appear to support a finding that the proposed residential art practice at this location would be reasonable, consistent with the BMC provisions for activity in residential districts, and not likely to result in detrimental impacts for the immediate neighborhood.

D. New surface parking lot within required front yard setback. The applicant proposes to establish an 18-vehicle parking lot in a portion of the former school's playground area. As a proposed single-family residence, this conversion request would require only one off-street parking space, in accordance with BMC Section 23D.16.080A (*Parking*). However, the applicant proposes a total of 30 spaces: 7 spaces in the existing parking area of the former school that would be maintained, 3 interior spaces in the new garage, and 18 new spaces in a surface lot. The 18-vehicle surface lot is intended to address the anticipated demand for parking that would result from visitors arriving by car for occasional events. The applicant arrived at the number 18 of spaces based on the estimated rate of regular visitors to the site (the equivalent of approximately five vehicles) as well as the anticipated number of visitors for the occasional events.

The BMC does not suggest a formula for this kind of over-flow parking in a residential context. In BMC Section 23D.16.080, the R-1 district sets standards for other uses, such as care facilities and libraries. BMC Section 23D.16.080.B (*Parking*) reads:

Other Uses requiring a Use Permit, including but not limited to Child Care Centers, Clubs, Lodges, and community centers, shall provide the number of Off-Street Parking Spaces determined by the Board, based on the amount of traffic generated by the particular Use and comparable with specified standards for other Uses.

After discussing this Use Permit application with the City Traffic Engineer, staff concluded that the applicant's proposal of 18 spaces is reasonable given the limited frequency of the proposed events. The Traffic Engineer did not formally comment on the applicant's rationale for arriving at 18 over-flow spaces and, instead, suggested that the applicant employ professional to review the proposal and assess the parking demand. Some interested parties, including some members of the LPC, believe 18 is "too many" spaces and requests that the Board consider approving the project with fewer spaces.

If the Board considers approving fewer spaces, then staff recommends that the reduction in space occur in areas of the proposed surface parking lot nearest the front property line in order to maintain an unobstructed front yard setback.

The proposal to maintain the existing chain-link fence and supplement the existing mature vegetation along the right-of-way with select new plantings would provide an effective yet visually penetrable screen. Such a screen would be preferred over a solid fence or other kind of screen, and would ensure continuity of the natural, organic character of the former playground area and the public interface.

For all of these reasons, staff recommends that the Board consider approving the proposed surface parking lot, number of spaces as presented by the applicant, and the locations of some spaces within 20 ft. of the front property line.

- E. New building features: rooftop hot tub and elevator penthouse.** The proposal to install a hot tub and swimming pool within a new roof deck on the eastern side of the subject building, is subject to Administrative Use Permit approval, in accordance with BMC Section 23D.08.060.C (*Fences and Other Accessory Structures*). This ordinance requires that any pumping equipment be mounted and enclosed so that its sound is not audible beyond the nearest, shared property line. In this case, the nearest abutting residence is located to the east of the subject site, at 1530 La Loma Avenue, approximately 100 ft. to the south of the proposed hot tub location. As a Condition of Approval, the applicant would be required to enclose any such equipment or otherwise ensure compliance with this standard prior to building permit approval for installation of the hot tub.

The proposed elevator penthouse of the north side of the three-story classroom wing would be approximately 28 ft. in height, and would not exceed the R-1 district's maximum height limit of 28 ft., or extend beyond the existing building height of 30 ft. or roofline profile. The proposed size of approximately 36-sq. ft. is modest and would not result in a significant increase in total building area or massing and scale. For these reasons, it is found to be permissible and unlikely to result in any detrimental effects.

- F. Visitors and events on site – scale and frequency.** In her statement (Attachment 4), the applicant explains that the property owner anticipates hosting up to 25 regular visitors for art activities on a weekly basis for six to nine months of the year. During this time, the owner will also hold invitation-only events that may draw as many as a 100 visitors. These figures represent the greatest number of possible visitors and frequency of events, but the applicant believes the figures would be far lower in reality. Nevertheless, the approximately 2.5-acre site and 50,000-sq ft. building are large enough to accommodate groups of this size. Both the number of visitors and recurrence of events are generally lower and less intense than the historic school use at this site. Therefore, staff believes the applicant's request to use the site in this manner would be unlikely to worsen traffic, congestion and noise conditions for abutting neighbors and the area as a whole.

G. Neighbors' request for an access easement. Multiple neighbors of the site have requested that the property owner enter into a access easement agreement to ensure the public's ability to use the paved pathway that exceeds across the site provide a pedestrian and bicycle link between Buena Vista Way to the north and Le Roy Avenue to the south. This pathway has been unobstructed and used by the public for several past decades.

Since acquiring the property in 2018, the property owner has maintained the pathway unobstructed and indicates (via the Applicant Statement) that he remains open to this informal arrangement indefinitely at this time, and wishes for a cooperative relationship with the neighborhood. However, as a private individual, he also recognizes the responsibility, legal liability and potential intrusion of privacy this arrangement engenders and, therefore, reserves the right to reconsider this arrangement in the future should circumstances require it.

Public Works staff has confirmed that there is no interest in pursuing a public access easement for this site. Public safety staff has also confirmed that this site has not been identified as a possible location for City-sponsored public safety response activities or services, as some members of the public have suggested. So, City staff has taken no action in regard to, nor general interest in, this private property.

Given these circumstances, staff does not believe the Board should consider compelling the property owner to enter into an access easement agreement with the City or other parties.

H. General Plan Consistency: The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-7–Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
2. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City's share of regional housing needs.
3. Policy UD-6: Encourage adaptive reuse of historically or architecturally interesting building in cases where the new use would be compatible with the structure itself and the surrounding area.

Staff Analysis: This proposal to establish two, new dwelling units within an existing, vacant school building and on site that may otherwise go under-utilized due to its location in an environmental sensitive area, is expected to result in highest and best use of the site at this time when only this proposal as come forward for consideration. By maintaining, improving and re-purposing this City

Landmark building and site, the proposal would be compatible with the scale, historic character and surrounding uses.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

- A. APPROVE Use Permit #ZP2019-0061 pursuant to Section 23B.32.030 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Approved Structural Alteration Permit Findings & Conditions (pending appeal and City Council certification)
3. Project Plans, dated October 10, 2019
4. Applicant Statement, dated October 9, 2019
5. Notice of Public Hearing
6. Correspondence Received

Staff Planner: Fatema Crane, Senior Planner LPC Secretary, fcrane@cityofberkeley.info, (510) 981-7413

ATTACHMENT 1

FINDINGS AND CONDITIONS

OCTOBER 24, 2019

1581 Le Roy Avenue

Use Permit #ZP2019-0061 convert the vacant, elementary school property to residential use: to establish the approximately 50,000-sq. ft., main building as a single-family residence and accessory dwelling unit, incorporating several former classrooms as private (non-commercial) art studio space; to install an unenclosed swimming pool and hot tub within a new roof deck; to construct an approximately 36-sq. ft., elevator penthouse above the second story (but below the third story roof ridge); to convert a former multi-purpose room to a garage; to create a new, surface parking lot and to locate up to five, new storage sheds within portions of the former playground to be partially re-purposed as an outdoor (non-commercial) art practice space; and to complete landscape improvements along the public interface.

PERMITS REQUIRED

- Use Permit, under BMC (Berkeley Municipal Code) Section 23D.16.030, to create a dwelling unit in the R-1 district;
- Administrative Use Permit, under BMC Section 23D.12.080, to locate parking spaces with the required front yard setback of a residential property;
- Administrative Use Permit, under BMC Section 23D.16.030, to install an unenclosed hot tub on a residential property; and
- Administrative Use Permit, under BMC Section 23D.16.070.C, to construct a residential building addition greater than 14 ft. in average height.

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 15301 ("Existing Facilities"), Section 15303 (New Construction or Conversion of Small Structures), and Section 15331 (Historical Resources Restoration/Restoration).
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) will not cause a substantial adverse change in the significance of a historical resources as evident in the August 1, 2019 Landmarks Preservation Commission findings of compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

II. ZONING ORDINANCE FINDINGS FOR APPROVAL

1. As required by Section 23B.32.040.A of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental

to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

- A. The proposal to convert and re-purpose the existing, vacant school site to residential use is consistent with the Purposes of the R-1 district (BMC Section 23D.16.020) related to maintaining and protecting the area's existing, low-density development pattern, making housing available to persons who desire relatively large amounts of open space, and protecting adjacent properties from potential sunlight or building mass impacts typically associated with new development.
 - B. The proposal to establish dwelling uses that incorporate a private art practice is consistent with the residential use and character of an R-district, where residents are expected to engage in such private activities and to host visitors. The site conditions are found to sufficiently accommodate the anticipated number of guests and frequency of activities because: (1) the subject site and main building are especially large at approximately 50,000 sq. ft. where residences in the area average 2,700 sq. ft.; and (2) the proposal includes the provision of surplus, off-street parking.
 - C. The proposed art practice and related activities are exclusive to the residential occupants of this property and their invited guest. The proposed art studios and art outdoor "art park" space are permitted for, and shall be limited to, the creation of original works of art and craft products. These spaces and activities are not commercial enterprises. Given these circumstances, the Board finds that the proposed activities are consistent with the private residential use of the subject property.
 - D. The outdoor art practice activities will be limited to the hours between sunrise and sunset, year-round, and will be subject to the Community Noise ordinance (BMC Section 13.42), in order to minimize potential impacts to adjacent residences and the neighborhood, and to ensure compliance with the City's applicable peace and welfare provisions.
2. In accordance with BMC Section 23D.16.070.B and F (*Development Standards*) and 23D.16.080.A (Parking), the Board finds that the proposal to create two new dwelling units at the subject property is permissible because proposed property conditions will adhere to the R-1 district standards for maximum residential density and will surpass the standards for minimum usable open space and off-street parking.
 3. In accordance with BMC Section 23D.16.070.C (*Development Standards* – main building height) and 23D.16.090.B (*Findings*), the Board finds that the proposal to construct an elevator penthouse to a height of 28 ft. above grade is permissible because the new construction is not expected to result in view or sunlight impacts for adjacent residences owing to its proposed location below the existing roof ridge and within the building's existing profile.
 4. In accordance with BMC Section 23D.12.170 (Site, Location and Screening of Uncovered Parking Spaces), the Board finds that the proposal to locate parking spaces with the required 20-ft. front yard setback at the subject property is permissible because the new spaces will be effectively screened by the existing and newly proposed vegetation and plantings, thereby minimizing the potential for parked vehicles to create significant visual impacts.
 5. In accordance with BMC Section 23D.08.020.B (Height Limits for Accessory Buildings or Structures), the proposal to locate as many as five storage sheds of not more than 10 ft. in average height within the front depth of this property is found to be permissible because these

1581 LE ROY AVENUE- USE PERMIT #ZP2019-0061
October 24, 2019

FINDINGS & CONDITIONS
Page 3 of 12

structures will not result in detrimental impacts to light, air (or building-to-building separation), privacy or views of the adjacent properties. The structures are of minimal height, thereby avoiding light and view impacts. They will not include windows or create sightlines, thereby avoiding privacy impacts. They will not be located within protected view corridors, as defined in BMC Section 23C.04 (*Definitions, views*), thereby avoiding view impacts.

6. In accordance with BMC Section 23D.08.060.C (Fences and Other Accessory Structures), Board finds that the proposal to install a new, unenclosed hot tub on the roof of the subject building is permissible because, as conditioned herein, any pump shall be mounted and/or enclosed so that it is not audible beyond the nearest, shared property.

III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions and Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with Section 23B.56.030.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

8. Exercise and Lapse of Permits (Section 23B.56.100)

- A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

9. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

IV. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23B.32.040.D, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

- 10. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis.

Please designate the name of this individual below:

Project Liaison _____
Name Phone #

- 11. Landmarks Preservation Commission - Structural Alteration Permit compliance. Prior to submittal of any building permit for this project, the applicant shall demonstrate compliance with the Structural Alteration Permit for this project.

Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)

- 12. Construction and Demolition.** Applicant shall submit a Waste Diversion Form and Waste Diversion Plan that meet the diversion requirements of BMC Chapters 19.24 and 19.37.
- 13. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at:
 - http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
 - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project.

Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Issuance of Any Building (Construction) Permit

14. **Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
15. **Public Works.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

During Construction:

16. **Construction Hours.** Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
17. **Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
 - Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

18. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
19. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
20. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
21. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by

a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

22. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
 - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).

- H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
 - I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 23. Public Works - Construction.** Construction must comply with the State-wide general permit requiring owner to (1) notify the State; (2) prepare and implement a Stormwater Pollution Prevention Plan (SWPPP); and (3) monitor the effectiveness of the plan. Additional information may be found online at <http://www.swrcb.ca.gov>. As part of the permit submittal, the Public Works Department will need a) a copy of the “Notice of Intent” filed with the State Water Resources Control Board (SWRCB)/Division of Water Quality; b) the Waste Discharger Identification (WDID) number issued by the SWRCB for the project; c) a copy of the SWWPP prepared for each phase of the project; and d) the name of the individual who will be responsible for monitoring the site for compliance to the approved SWPPP.
- 24. Public Works - Implement BAAQMD-Recommended Measures during Construction.** For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.
- 25. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

26. Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
27. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
28. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
29. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
30. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

31. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
32. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 10, 2019, except as modified by conditions of approval.
33. Construction and Demolition Diversion. A Waste Diversion Report, with receipts or weigh slips documenting debris disposal or recycling during all phases of the project, must be completed and submitted for approval to the City's Building and Safety Division. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement. A copy of the Waste Diversion Plan shall be available at all times at the construction site for review by City Staff.

At All Times:

34. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
35. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.

1581 LE ROY AVENUE- USE PERMIT #ZP2019-0061
October 24, 2019

FINDINGS & CONDITIONS
Page 12 of 12

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36. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
 37. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
 38. Limited hours of outdoor art activities. The outdoor activities related to the private, residential art practice shall be limited to the hours between sunrise and sunset, year-round.
 39. Subject to Review. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the private, residential art practice has violated any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
 40. Limitation on Use of Property. The subject property shall be maintained exclusively as a single-family residence and accessory dwelling unit. Any changes or additions to the use of this property shall be fully subject to the provisions and requirements of the Berkeley Municipal Code.
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PENDING
COUNCIL CERTIFICATION
AND APPEAL

ATTACHMENT 1

FINDINGS AND CONDITIONS

1581 Le Roy Avenue – The Hillside School

Structural Alteration Permit #LMSAP2019-0004

To make exterior alterations to a City Landmark school building and site in order to convert them to residential use; changes include installation of a vehicle door, new windows, a rooftop swimming pool and hot tub, a surface parking lot, five storage sheds, perimeter fences and landscape improvements.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 153331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

SECRETARY OF THE INTERIOR’S STANDARDS FINDINGS

Regarding the Secretary of the Interior’s Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The property and subject portion of the building be given a new residential use and proposed exterior changes will result in limited alterations to the historic building and overall site.
2. Because the proposed exterior changes to this site are limited and expected to have a limited overall effect on the character of the site, as described above, this property will retain its historic character as perceived through its building and site design.
3. The Hillside School will continue to be recognized as a physical record of Berkeley’s primary school and neighborhood development, where this site is the focal point of the immediate area. The building will retain its appearance, Tudor Revival style, location and relation to its surroundings.
4. No changes to a property that have acquired historic significance in their own right are the subject of this request.

5. The distinctive materials and features of this Tudor Revival building – such as its half-timber details and decorative architectural details – will not be affected by this request for exterior alterations and, therefore, will be preserved.
6. As conditioned herein, all repair and replacement work related to character-defining features of this building and site shall be designed to match the historic style, color, texture and, where possible, materials.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials are prohibited by the Conditions herein.
8. Because limited excavation will be required for the proposed alterations of this building and site, any existing archeological resources at this site will be unaffected by this proposal. Subsequent Use Permit approval of this project would include the City's standards conditions upon the discovery of any subsurface resources.
9. The proposed project is not expected to result in the destruction of historic fabric, materials, features or spatial relationships at this Landmark site. Certain new work – such as installation of a roof deck, swimming pool and hot tub – would occur on a portion of the building that is not historically significant, in and of itself. All other new work is limited in size and scale and, thereby, will be compatible with the current conditions of this Landmark site.
10. The work proposed with this project will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment will be unimpaired.

LANDMARK PRESERVATION ORDINANCE FINDINGS

1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve and enhance the characteristics and features specified in the designation for this property. Specifically:
 - The proposed building alterations are designed to either restore character-defining features, such as windows and doors, or replicate and compliment these details with new windows and doors, including a new garage door on the rear of the building. The Art Park and parking lot will be effectively screened by the existing chain link fence as well as with new, organic vegetative plantings to ensure continuity with the residential surroundings and the maintenance of the open character of the former school playground.
 - The proposal to legalize installation of the existing chain link fence is reasonable because the approximate height of 10 feet is effective for securing the site, and the design and materials maintain a visually open interface with the public-of-way. As conditioned herein, new plantings will screen the fence as well as the proposed parking lot and Art Park activities.
 - The new elevator penthouse will be located at the rear of the building, not readily visible from the right-of-way, and could be removed without significant impact to the historic

1581 LE ROY AVENUE
Page 3 of 6

STRUCTURAL ALTERATION PERMIT - Findings and Conditions
#LMSAP2019-0004

building and its character-defining features.

- The new, sloped driveway will be located on the rear of the building, the historic service area, and will not be readily visible from the public right-of-way.
- The new swimming pool and hot tub will be installed on the roof of the 1963 building addition, thereby avoiding impacts to the historically significant portions of the building.
- The proposed storage sheds will be limited by Condition #14 herein to a total of five and, therefore, will not result in the proliferations of accessory structures of inferior quality and design in the front yard area.

DRAFT

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Plans and Representations Become Conditions

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

3. Subject to All Applicable Laws and Regulations

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

4. Exercise and Lapse of Permits (Section 23B.56.100)

B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

A. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

5. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS

The following additional conditions are attached to this Permit:

6. **Use Permit approval.** This Structural Alteration Permit is contingent upon Use Permit approval for this project.
7. **Repair and replacement of character-defining features.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
8. **Chemical Treatments.** Any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.
9. **Roof equipment.** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and design review may be required.
10. **Clear glass.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass shall be indicated on all drawings, and shall be reviewed for approval by historic preservation staff, prior to approval of any building permit for this project.
11. **Exterior Lighting.** Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
12. **Landscape Plan.** Prior to approval of any building permit for this project, the proposed landscape improvements shall be revised to include new plantings to screen – or to supplement existing plantings – on both the north *and* south sides of the former playground area. Further, the landscape plan may be modified as needed to ensure compliance with zoning criterion for open space pavement.
13. **Irrigated, water efficient landscape.** New areas of landscape shall provide irrigation. This shall be called out on Landscape building permit drawings. The property owner shall maintain automatic irrigation and drainage facilities adequate to assure healthy growing conditions for all required planting and landscape. The landscape shall be drought-tolerant and achieve maximum water efficiency.
14. **Storage sheds within the front yard area.** The storage sheds shall be limited to not more than five total and to their proposed height, floor area and locations. Prior to issuance of any building permit for this project, the Commission shall appoint a Subcommittee to approval the final design of the storage sheds.
15. **Curb cuts.** All curbs and curb cuts shall be constructed per the standards and specifications of the Public Works Department. Curb cuts no longer utilized shall be restored per the Public Works Department specifications.

1581 LE ROY AVENUE
Page 6 of 6

STRUCTURAL ALTERATION PERMIT - Findings and Conditions
#LMSAP2019-0004

16. **Woodland maintenance.** The property owner shall establish and maintain a plan for maintenance and enhancement of the rustic woodland, which shall include a dripline protection zone wherein no structures has been place or items shall be stored.
17. **New surface parking lot.** Prior to issuance of any building permit for this project, the applicant shall re-design new parking area to further reduce visual impact to the playground area.
18. **Woodland maintenance.** The property owner shall establish and maintain a plan for maintenance and enhancement of the rustic woodland, which shall include a dripline protection zone wherein no structures has been place or items shall be stored.
19. At all times, the property owner shall preserve the existing pathways.

DRAFT



EXISTING WEST ELEVATIONS, 2019

PARCEL CONDITIONS:

- 1) Building is on the National Register of Historic Places and is a City Landmark;
- 2) Building is in the Fault Zone;
- 3) Building is in the Landslide Zone;
- 4) Building is not in a Creek Zone.

SCOPE OF ALTERATION WORK (NO SQUARE FOOTAGE BEING ADDED):

- 1) CHANGE OF OCCUPANCY FROM EDUCATIONAL TO SINGLE-FAMILY RESIDENTIAL WITH ADU;
- 2) REPLACE & RESTORE MISCELLANEOUS DOORS, WINDOWS & SIDELIGHTS;
- 3) RESTORE DAMAGED 3-STORY SOUTH WALL & REPLACE FOUNDATION;
- 4) RESTORE SOUTH TERRACE, ADD WING WALLS AND BRICK STAIRS SIMILAR TO ORIGINAL TERRACE.
- 5) CONVERT KITCHEN TO GARAGE AND ADD NEW CONCRETE DRIVEWAY AND RETAINING WALLS;
- 6) ADD ELEVATOR;
- 7) ADD BATHROOMS TO SECOND FLOOR;
- 8) REMODEL THIRD FLOOR AND ADD REAR DECK WITH STUCCO GUARD RAILS, POOL AND HOT TUB;
- 9) REPLACE ELECTRICAL AND MECHANICAL SYSTEMS;
- 10) ADD SOLAR PANELS;
- 11) ADD NEW FENCING WITH HEDGE SCREENS;
- 12) ADD NEW PARKING AREA 2;
- 13) REPAVE ART PARK AREA WITH INTEGRAL COLOR ASPHALT.

SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATING HISTORIC BUILDINGS:

As a property on the National Register of Historic Properties, the following Standards shall be followed:

- Standard 1** - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Standard 2** - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Standard 3** - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
- Standard 4** - Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Standard 5** - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Standard 6** - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Standard 7** - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Standard 8** - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Standard 9** - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
- Standard 10** - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2016 CALIFORNIA HISTORICAL BUILDING CODE (CHBC) NOTES:

As a qualified historic building, the application of the following provisions of the CHBC apply:

SECTION 8-102.1.6 - Qualified buildings shall not be subject to additional work required by the regular code beyond that required to complete the work undertaken.

SECTION 8-901.5 - Qualified buildings are exempted from compliance with energy conservation standards.

PLANNING, ZONING, & BUILDING INFORMATION:

APN: 058-2245-009-03 Fire Zone 2

Zoning: R-1H Existing Educational Building Occupancy (E) is converting to Single-family Residential Occupancy (R-3)

Three-story, Type VB Construction, Fully Sprinklered

Lot Size: 117,546 sf Footprint Size: 25,695 sf

First Floor Size: 25,695 sf
Second Floor Size: 21,562 sf
Third Floor Size: 3,045 sf

TOTAL SIZE 50,302 SF

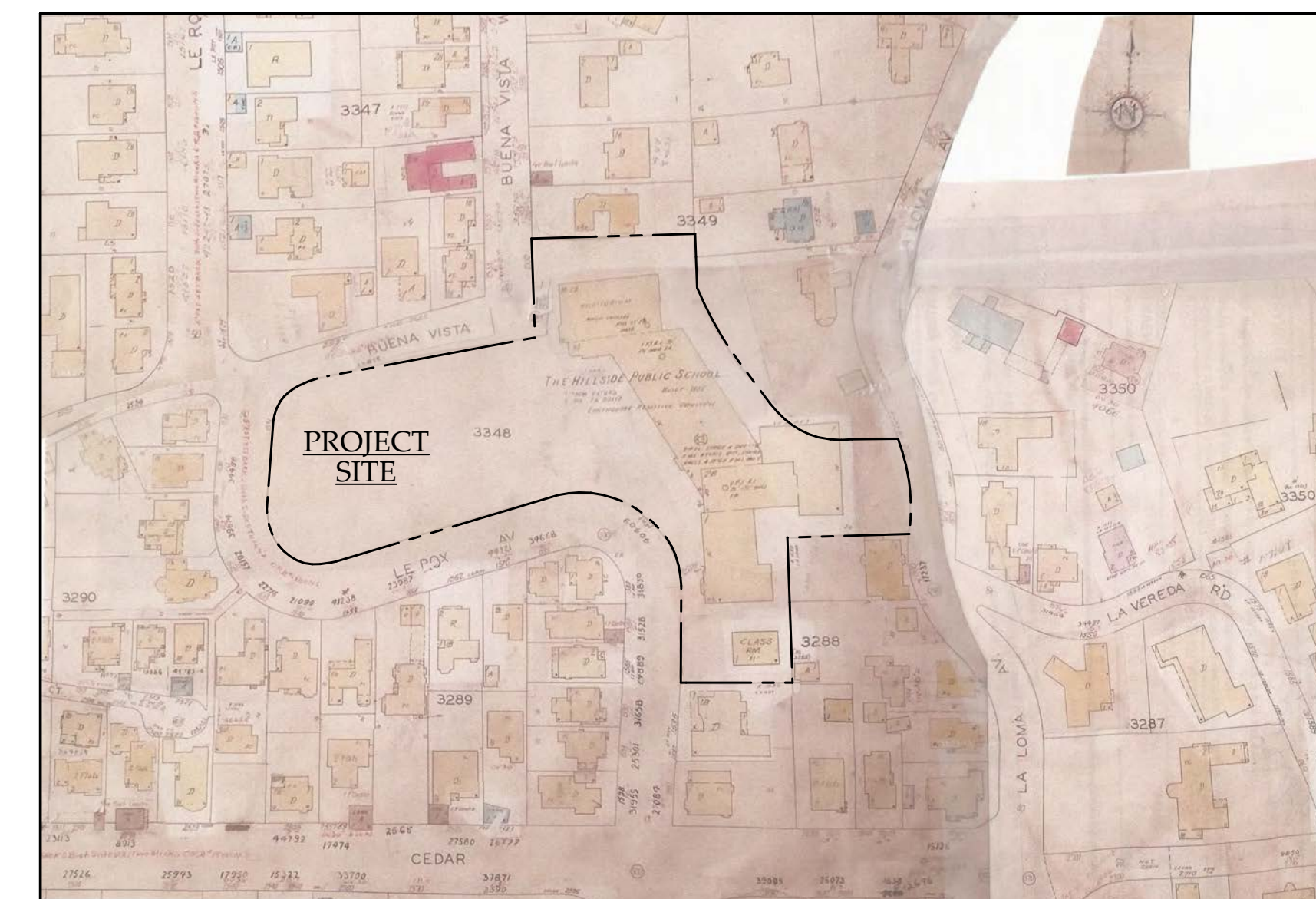


TABULATION FORM

Project Address:	1581 Le Roy Avenue		Date:	Feb. 20, 2019
Applicant's Name:	Jerri Holan & Associates			
Zoning District:	R-1H			
Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:				
	Existing	Proposed	Permitted/Required	
Units, Parking Spaces & Bedrooms				
Number of Dwelling Units (#)	0	2	2	
Number of Parking Spaces (#)	9	27	1	
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	0	5	0	
Yards and Height	(Feet)	(Feet)	(Feet)	
Front Yard Setback	10-20	10-20	20	
Side Yard Setbacks (facing property):				
Left: (Feet)	25	25	4	
Right: (Feet)	25	25	4	
Rear Yard Setback	(Feet)	(Feet)	(Feet)	
	15-40	15-40	20	
Building Height*	(# Stories)	(# Stories)	(# Stories)	
	3	3	3	
Average*	(Feet)	(Feet)	(Feet)	
	35	35	35	
Maximum*	(Feet)	(Feet)	(Feet)	
	50	50	35	
Areas	(Square-Feet)	(Square-Feet)	(Square-Feet)	
Lot Area	117,546	117,546	5,000	
Gross Floor Area*	(Square-Feet)	(Square-Feet)	(Square-Feet)	
Total Area Covered by All Floors	50,302	50,302	N/A	
Building Footprint*	(Square-Feet)	(Square-Feet)	(Square-Feet)	
Total of All Structures	25,695	25,695	N/A	
Lot Coverage* (Footprint/Lot Area)	(%)	(%)	(%)	
	22	22	40	
Useable Open Space*	(Square-Feet)	(Square-Feet)	(Square-Feet)	
	91,851	91,851	800	
Floor Area Ratio* Non-Residential only (Except ES-R)				

*See Definitions - Zoning Ordinance Title 23F. Revised: 05/15

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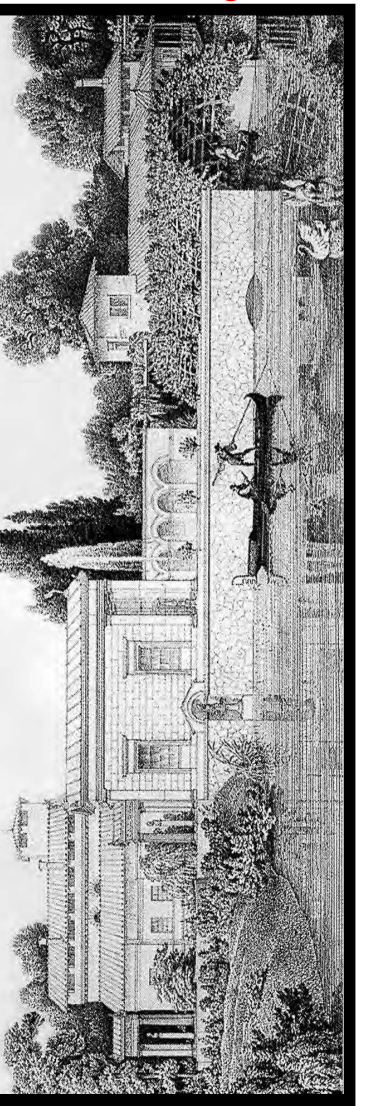


1 VICINITY MAP

APPROX. SCALE: 1" = 100'

DRAWING INDEX

- T-1 TITLE SHEET
- T-2 SUPPLEMENTAL TITLE SHEET
- A-1 SITE & ROOF PLAN
- SY-1 LEGAL DESCRIPTIONS & CONDITIONS
- SY-2 SURVEY
- A-2 FIRST & SECOND FLOOR PLANS
- A-3 THIRD FLOOR PLANS & BUILDING SECTION
- A-4 PARTIAL ELEVATIONS & DETAILS



JERRI HOLAN & ASSOCIATES
ARCHITECT * ENGINEERS * PLANNERS
1323 Solano Avenue, Suite 204, Albany, CA 94706
www.holanarchitects.com 510.528.1079

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPALA
1581 Le Roy Avenue
Berkeley, CA

Revisions:
May 20, 2019 - Supplemental Submissions for Use Permit
July 23, 2019 - Supplemental Submissions for Use Permit
8/10/19 - Planning Revisions
9/10/19 - LPC Revisions
10/16/19 - ZAB Submittal
Issue Date:
April 1, 2019 - Submitted for Use Permit
April 1, 2019 - Submitted for Structural Alteration Permit & Design Review

TITLE SHEET
SHEET
T-1
of 6



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GENERAL AND SITE PLAN NOTES:

1. These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
2. Use of these drawings constitutes acceptance.
3. Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
4. The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
5. The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
6. All work shall conform to the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Historical Building Code (CHBC), The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.
7. By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawings and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
8. The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
9. The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
10. The site shall be kept clean at all times. Materials indicated to be reinstalled shall be stored and protected onsite unless otherwise noted. THE BASEMENT AREA WILL BE AVAILABLE FOR STORAGE OF NEW WINDOW UNITS DURING CONSTRUCTION. Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
11. Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
12. All items not noted as new (N) are existing.
13. All existing walls, floors, and ceilings at removed, new or modified construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.



SMALL P. SILVER SHEEN HEDGE



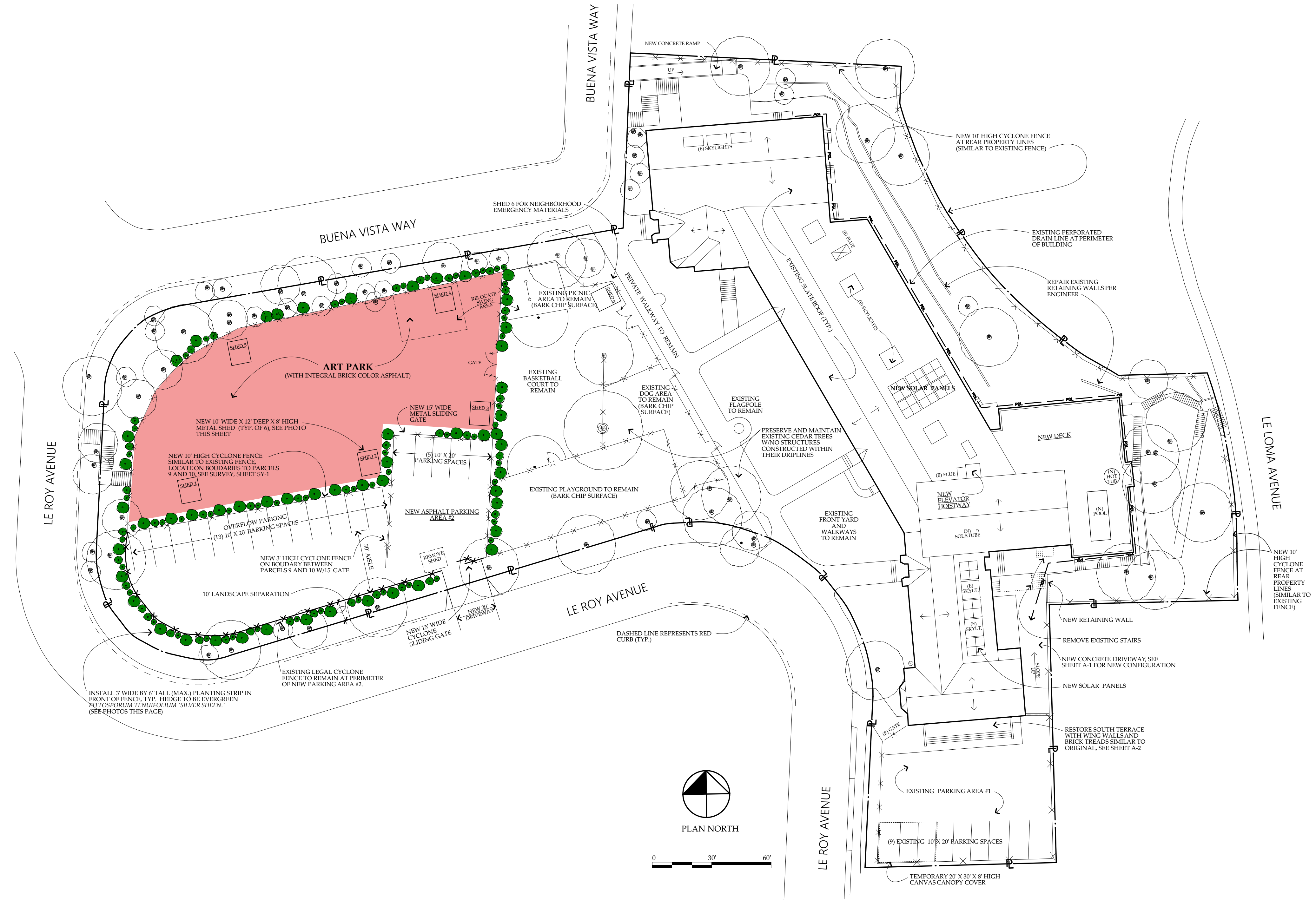
MEDIUM P. SILVER SHEEN HEDGE



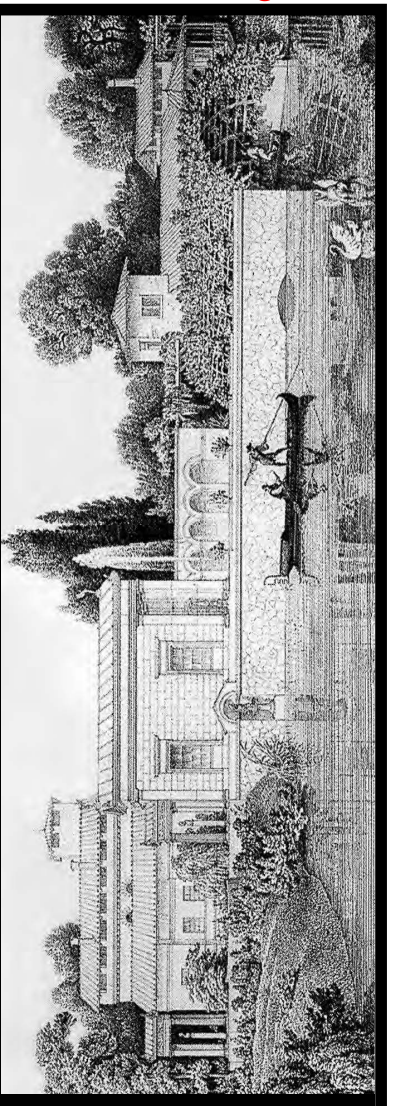
LARGE P. SILVER SHEEN HEDGE



PROPOSED NEW SHED



1 SITE & ROOF PLAN
A-1



JERRI HOLAN & ASSOCIATES
ARCHITECT * ENGINEERS * PLANNERS
1323 Solano Avenue, Suite 204, Albany, CA 94706
www.holanarchitects.com 510.528.1079

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPALA
1581 Le Roy Avenue
Berkeley, CA

Revisions:

May 20, 2019 - Supplemental Submissions for Use Permit
July 23, 2019 - Supplemental Submissions for Use Permit
8/10/19 - Planning Revisions
9/10/19 - LPC Revisions
10/10/19 - ZAB Submittal

Issue Date:
April 1, 2019 - Submitted for Use Permit
April 1, 2019 - Submitted for Structural Alteration Permit & Design Review

SITE & ROOF PLAN

SHEET
A-1
of 6

C:\Users\jerriholan\Documents\jerriholan&associates\drawings\HILLSIDE SCHOOL\PLANNING DRWG\S\HILLSIDE.PLANNING.101019.pln

LEGAL DESCRIPTION

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF HILLSIDE WAY WITH THE WESTERN LINE OF LOT NO. 8, IN BLOCK NO. 5, AS SAID WAY, LOT AND BLOCK ARE SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE EASTERLY ALONG SAID LINE OF SAID WAY, 9.78 FEET TO THE WESTERN LINE OF LOT NO. 9, IN SAID BLOCK NO. 5, AS SHOWN ON SAID MAP; THENCE SOUTHERLY ALONG SAID LINE OF SAID LOT NO. 9, 1.66 FEET TO THE SOUTHWESTERN CORNER THEREOF; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT 9, 40.35 FEET TO THE NORTHEASTERN CORNER OF SAID LOT 6; THENCE SOUTHERLY ALONG THE EASTERN LINE OF SAID LOT 6, 60 FEET; THENCE AT RIGHT ANGLES WESTERLY, 50 FEET, MORE OR LESS, TO THE WESTERN LINE OF SAID LOT 6; THENCE NORTHERLY ALONG SAID LAST MENTIONED LINE, 60 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 6 IN BLOCK 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 2:

BEGINNING AT A POINT ON THE EASTERN LINE OF LE ROY AVENUE FORMERLY LOOKOUT PLACE, DISTANT THEREON SOUTHERLY ONE HUNDRED AND TEN AND 12/100 (100.12) FEET FROM THE NORTHWESTERN CORNER OF LOT NO. 13, AS SAID STREET AND LOT ARE SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG SAID EASTERN LINE OF LE ROY AVENUE FIFTY AND 12/100 (50.12) FEET TO THE SOUTHWESTERN CORNER OF THE LOT OF LAND HERETOFORE CONVEYED BY GEORGE P.W. JENSEN AND HATTIE L. JENSEN, HIS WIFE, TO ROSA A. COREN, SINGLE, BY DEED DATED DECEMBER 26, 1906 AND RECORDED JANUARY 17, 1907, IN LIBER 1208 OF DEEDS, PAGE 336; RUNNING THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LAND SO CONVEYED TO ROSA A. COREN, NINETY-THREE (93) FEET, MORE OR LESS, TO THE EASTERN LINE OF LOT NO. 13, AS PER SAID MAP, AND DISTANT THEREON SIXTY (60) FEET SOUTHERLY FROM THE NORTHEASTERN CORNER OF SAID LOT NO. 13, THENCE SOUTHERLY ALONG SAID EASTERN LINE OF SAID LOT NO. 13, FIFTY (50) FEET; THENCE WESTERLY IN A STRAIGHT LINE TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 13, AS SAID LOT IS DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "LA LOMA PARK, BERKELEY, ALAMEDA COUNTY, CALIFORNIA, C.L. ENGINS, TOWN ENGINEER, OCTOBER 1900", FILED NOVEMBER 12, 1900, IN LIBER 16 OF MAPS, PAGE 13 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 3:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF LOT NO. 2, HERINAFTER REFERRED TO, WITH THE EASTERN LINE OF LE ROY AVENUE, AS SAID LOT AND AVENUE ARE SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG SAID LINE OF LE ROY AVENUE, 50 FEET; THENCE NORTH 71' 50" EAST 110 FEET; THENCE SOUTHERLY PARALLEL WITH THE SAID LINE OF LE ROY AVENUE, 50 FEET TO THE SAID SOUTHERN LINE OF LOT NO. 2; THENCE SOUTH 71' 50" WEST ALONG SAID LAST NAMED LINE 110 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 2, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT," FILED OCTOBER 15, 1902 IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 4:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF HILLSIDE WAY WHERE THE SAME IS INTERSECTED BY THE EASTERN LINE OF LOT NOS. 2 AND 3, IN BLOCK NO. 5, AS SAID WAY AND LOTS AND BLOCK ARE SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE SOUTHERLY ALONG SAID EASTERN BOUNDARY LINE 110 FEET; THENCE SOUTH 71' 50" WEST ALONG THE SOUTHERN BOUNDARY LINE OF SAID LOT NO. 2, 40 FEET; THENCE NORTHERLY PARALLEL WITH SAID EASTERN BOUNDARY LINE OF SAID LOT NO. 2, 21.50 FEET; THENCE SOUTH 71' 50" WEST ALONG THE SOUTHERN BOUNDARY LINE OF SAID LOT NO. 3, 10 FEET; THENCE NORTHERLY PARALLEL WITH SAID EASTERN BOUNDARY LINE OF SAID LOT NO. 3, 60 FEET; MORE OR LESS, TO SAID LINE OF HILLSIDE WAY; THENCE EASTERLY ALONG SAID LINE OF HILLSIDE WAY, 50 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING THE EASTERN 40 FEET OF LOT NO. 2, AND THE EASTERN 50 FEET OF LOT NO. 3, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT," FILED OCTOBER 15, 1902, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 5:

BEING LOT NO. 9, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON A CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK, AND THE WHEELER TRACT," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 6:

LOT NO. 8 IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK, AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA," FILED OCTOBER 15, 1902 IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF THE SAID COUNTY OF ALAMEDA.

PARCEL 7:

BEGINNING AT THE INTERSECTION OF THE NORTHERN LINE OF LE ROY AVENUE, WITH THE EASTERN LINE OF LOT NO. 6, HERINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG SAID LINE OF LOT NO. 6, 61.70 FEET; THENCE AT RIGHT ANGLE WESTERLY 50 FEET, MORE OR LESS TO THE WESTERN LINE OF SAID LOT 6; THENCE SOUTHERLY ALONG SAID LINE OF LOT NO. 6, 27.40 FEET, MORE OR LESS, TO A POINT DISTANT THEREON NORTHERLY, 71.81 FEET FROM THE POINT NORTHERN LINE OF SAID LE ROY AVENUE; THENCE AT RIGHT ANGLES EASTERLY 3 FEET; THENCE SOUTHERLY PARALLEL WITH SAID WESTERN LINE OF SAID LOT NO. 6, 71 FEET, MORE OR LESS, TO THE NORTHERN LINE OF SAID LE ROY AVENUE; THENCE EASTERLY ALONG SAID LAST MENTIONED LINE, 50 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 6, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902 IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 8:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, AT THE INTERSECTION THEREOF WITH THE WESTERN LINE OF LOT NO. 4, IN BLOCK NO. 5, AS SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE SOUTHERLY ALONG SAID LAST NAMED LINE, 85 FEET; THENCE AT RIGHT ANGLES EASTERLY, 50 FEET, MORE OR LESS, TO THE EASTERN LINE OF SAID LOT NO. 4; THENCE NORTHERLY ALONG SAID LAST NAMED LINE TO THE SAID LINE OF BUENA VISTA WAY; THENCE WESTERLY ALONG SAID LINE OF BUENA VISTA WAY TO THE POINT OF BEGINNING.

PARCEL 8 CONTINUED:

BEING A PORTION OF LOT NO. 4, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA", FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 9:

BEGINNING AT A POINT ON THE NORTHERN LINE OF LE ROY AVENUE, THE SAID POINT OF BEGINNING BEING THE SOUTHWESTERN CORNER OF LOT 4 IN BLOCK 5, AS PER MAP HERINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG THE WESTERN LINE OF SAID LOT 4, 87.46 FEET; THENCE AT A RIGHT ANGLES EASTERLY TO THE EASTERN LINE OF SAID LOT 4; THENCE SOUTHERLY ALONG THE SAID EASTERN LINE OF LOT 4, TO THE SAID NORTHERN LINE OF LE ROY AVENUE; THENCE WESTERLY ALONG SAID LAST NAMED LINE, 53.21 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 4, IN BLOCK 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY," ETC., FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 10:

LOT NO. 1 IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE SHOWN ON THE MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 11:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, SAID POINT BEING THE NORTHWESTERN CORNER OF LOT NO.5, BLOCK 5, AS SAID WAY, LOT AND BLOCK ARE SHOWN ON THE MAP HERINAFTER DESCRIBED; RUNNING THENCE SOUTHERLY ALONG THE WESTERN LINE OF SAID LOT NO. 5, SEVENTY-FIVE AND 83/100 (75.83) FEET; THENCE AT RIGHT ANGLES EASTERLY FIFTY (50) FEET MORE OR LESS TO THE EASTERN LINE OF SAID LOT NO. 5; THENCE NORTHERLY ALONG SAID LINE OF LAST MENTIONED LINE EIGHTY-SEVEN AND 40/100 (87.40) FEET MORE OR LESS TO THE SAID LINE OF BUENA VISTA WAY, THENCE WESTERLY ALONG SAID LINE FIFTY-ONE AND 32/100 (51.32) FEET TO THE PLACE OF BEGINNING.

BEING THE NORTHERLY PORTION OF LOT NO. 5, IN BLOCK NO.5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON A CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY ALAMEDA COUNTY, CALIFORNIA," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 12:

BEGINNING AT A POINT ON THE LINE DIVIDING LOTS NOS. 4 AND 5 IN BLOCK NO. 5, AS PER MAP HERINAFTER REFERRED TO; WHERE THE SAME IS INTERSECTED BY THE NORTHERN LINE OF LE ROY AVENUE, RUNNING THENCE NORTHERLY ALONG SAID DIVIDING LINE, 90 FEET; THENCE AT RIGHT ANGLES EASTERLY, 55 FEET; THENCE SOUTHERLY PARALLEL WITH THE LINE DIVIDING LOTS NOS. 4 AND 5 AS PER SAID MAP, 71 FEET, MORE OR LESS, TO THE NORTHERN LINE OF LE ROY AVENUE; AND THENCE WESTERLY ALONG SAID LAST NAMED LINE 56.21 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING PORTION OF LOTS NOS. 5 AND 6 IN BLOCK NO. 5, AS SAID LOTS AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY ALAMEDA COUNTY, CALIFORNIA," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 13:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, DISTANT THEREON SOUTHERLY 50 FEET; THENCE NORTHERLY TO THE POINT OF INTERSECTION THEREOF WITH THE LINE DIVIDING LOTS NOS. 3 & 4 IN BLOCK NO. 6, AS SAID WAY, LOTS AND BLOCK ARE SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE WESTERLY ALONG SAID LINE OF BUENA VISTA WAY, 64.23 FEET; THENCE CONTINUING ALONG SAID SOUTHERN LINE OF BUENA VISTA WAY AND THE EASTERN LINE OF LE ROY AVENUE, AS SHOWN ON SAID MAP ON THE ARC OF A CIRCLE TO THE LEFT OF THE RADIUS OF WHICH IS 45 FEET, A DISTANT OF 60.45 FEET; THENCE CONTINUING ALONG SAID EASTERN LINE OF LE ROY AVENUE, 24.23 FEET; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT NO. 3, 100 FEET; THENCE NORTHERLY PARALLEL WITH THE AFORESAID LINE DIVIDING LOTS NOS. 3 AND 4 IN BLOCK NO. 5, 60 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO.3, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 14:

LOT 10 IN BLOCK 5, AS SAID LOT AND BLOCK ARE SHOWN ON MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA," FILED OCTOBER 15, 1902 IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 15:

ALL OF LOT NUMBERED 7 IN BLOCK NUMBERED 6, AS SAID LOT AND BLOCK ARE LAID DOWN AND DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 16:

BEGINNING AT THE INTERSECTION OF THE WESTERN LINE OF LA LOMA AVENUE WITH A LINE DRAWN PARALLEL WITH THE NORTHERN LINE OF LOT 12 AND DISTANT THEREFROM SOUTHERLY 40 FEET, AS SAID AVENUE AND LOT ARE SHOWN ON MAP HERINAFTER REFERRED TO; RUNNING THENCE WESTERLY ALONG SAID PARALLEL LINE SO DRAWN 146.46 FEET MORE OR LESS TO THE WESTERN LINE OF SAID LOT 12; THENCE SOUTHERLY ALONG SAID LINE OF SAID LOT 12, 275 FEET TO THE SOUTHERN LINE OF SAID LOT 12; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT 12, 108.55 FEET; THENCE AT RIGHT ANGLES NORTHERLY 20 FEET; THENCE EASTERLY PARALLEL WITH SAID SOUTHERN LINE OF SAID LOT 12, 103.03 FEET, MORE OR LESS TO SAID WESTERN LINE OF SAID LA LOMA AVENUE; THENCE NORTHERLY ALONG SAID LINE OF LA LOMA AVENUE TO THE POINT OF BEGINNING.

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT ON THE WESTERN LINE OF LOT 12, AS SAID LOT IS SHOWN ON MAP HERINAFTER REFERRED TO, DISTANT THEREON FORTY (40) FEET SOUTHERLY FROM THE NORTHERN CORNER OF SAID LOT AND RUNNING THENCE NO. 80' 39" EAST, PARALLEL WITH THE NORTHERLY LINE OF SAID LOT, ONE HUNDRED FORTY-SIX AND 46/100 (146.46) FEET TO THE WESTERN LINE OF LA LOMA AVENUE; THENCE SOUTHERLY ALONG THE WESTERN LINE OF SAID LOT 12, 275 FEET TO THE SOUTHERN LINE OF SAID LOT 12; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT 12, 108.55 FEET; THENCE SOUTH 80'39" WEST FIFTY-ONE AND 0/100 (51.0) FEET; THENCE NORTHWESTERLY CURVING TO THE RIGHT ON AN ARC WITH A RADIUS OF TWO HUNDRED AND TWENTY-FIVE (225) FEET AND ALONG CHORD WHICH BEARS NORTH 48' 53" WEST ONE HUNDRED EIGHTY AND 55/100 (180.55) FEET TO THE POINT OF BEGINNING.

PARCEL 16 CONTINUED:

BEING A PORTION OF LOT 12, AS SAID LOT IS DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED "LA LOMA PARK, ALAMEDA COUNTY, CALIFORNIA," FILED NOVEMBER 12, 1900 IN LIBER 16 OF MAPS, PAGE 13, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

EXCEPTING THEREFROM, ALL THAT PORTION OF LAND DESCRIBED IN THE DEED TO THE CITY OF BERKELEY, A MUNICIPAL CORPORATION, RECORDED APRIL 24, 1962, REEL 610, IMAGE 300, ALAMEDA COUNTY RECORDS.

PARCEL 17:

THAT PORTION OF LE ROY AVENUE COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, BLOCK 5, AS SAID LOT AND BLOCK ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF A LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA," FILED IN THE OFFICE OF THE RECORDER OF ALAMEDA COUNTY, OCTOBER 15, 1902, AND RUNNING THENCE SOUTHWESTERLY ALONG THE NORTHERN LINE OF LE ROY AVENUE ONE HUNDRED TWENTY-SIX AND FORTY-ONE HUNDREDTHS (126.41) FEET; THENCE LEAVING SAID NORTH LINE AND RUNNING NORTHEASTERLY AND SOUTHERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO THE LAST SAID COURSE, THE RADIUS OF WHICH ARC IS EIGHTY-NINE AND TWELVE HUNDREDTHS (89.12) FEET, A DISTANCE ON SAID ARC OF ONE HUNDRED SEVENTY AND FIFTY-TWO HUNDREDTHS (170.52) FEET TO THE EASTERN LINE OF LE ROY AVENUE; THENCE NORTHERLY TANGENT TO THE LAST SAID COURSE ALONG SAID EASTERN LINE OF LE ROY AVENUE ONE HUNDRED TWENTY-SIX AND FORTY-ONE HUNDREDTHS (126.41) FEET TO THE POINT OF BEGINNING.

PARCEL 18:

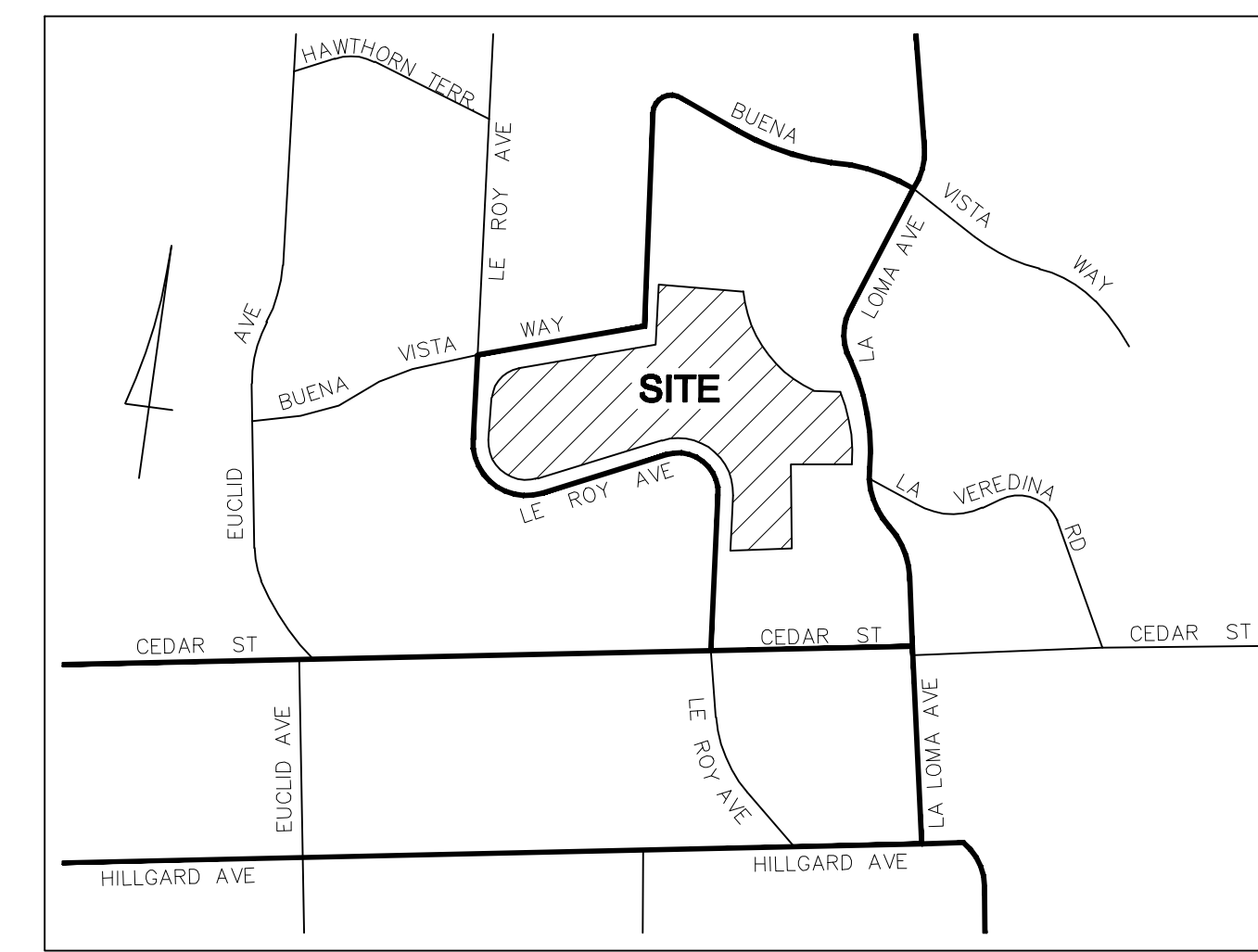
BEGINNING AT A POINT ON THE EASTERN LINE OF LE ROY AVENUE DISTANT THEREON ONE HUNDRED SEVENTY SIX AND 24/100 (178.24) FEET NORTHERLY FROM THE NORTHERN LINE OF CEDAR STREET AND RUNNING THENCE NORTHERLY ALONG THE EASTERN LINE OF LE ROY AVENUE SIXTY (60) FEET; THENCE EASTERLY PARALLEL WITH THE NORTHERN LINE OF CEDAR STREET EIGHT-EIGHT AND 55/100 (88.55) FEET; THENCE AT A RIGHT ANGLE SOUTHERLY FIFTY NINE AND 85/100 (59.85) FEET; THENCE WESTERLY PARALLEL WITH THE NORTHERN LINE OF CEDAR STREET NINETY TWO AND 740/100 (92.74) FEET TO THE POINT OF BEGINNING.

BEING THE NORTHERN FIFTY NINE AND 85/100 (59.85) FEET OF LOT THIRTEEN AS SAID LOT IS SHOWN ON THE MAP ENTITLED "LA LOMA PARK" FILED IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, CALIFORNIA, NOVEMBER 12, 1900 IN LIBER 16 OF MAPS, AT PAGE 13.

TITLE REPORT

PRELIMINARY REPORT ORDER NO. 1117019517-JS, DATED JULY 26, 2018, ISSUED BY OLD REPUBLIC TITLE COMPANY:
 555 12TH STREET, SUITE 2000
 OAKLAND, CALIF. 94607
 TEL (510) 272-1121
 CONTACT: JENNIFER SENHAJI

NO EASEMENTS WERE DISCLOSED BY SAID PRELIMINARY REPORT.



GENERAL NOTES

- DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
- GROUND CONDITIONS SHOWN HEREON REFLECT CONDITIONS ON THE DATE OF THE SURVEY.
- FIELD SURVEY PERFORMED IN OCTOBER 2018.
- NO RESPONSIBILITY OF CONTENT, COMPLETENESS OR ACCURACY OF THE CLIENT PROVIDED TITLE REPORT IS ASSUMED BY THIS PLAT OR THE SURVEYOR; ONLY SURVEY RELATED ITEMS ARE SHOWN HEREON.
- DETAILS DRAWN NEAR PROPERTY LINE(S) ARE NOT NECESSARILY TO SCALE.
- ENCROACHMENTS AND OR CLEARANCES ARE SHOWN AT OR NEAR GROUND LEVEL UNLESS OTHERWISE NOTED.
- ENCROACHMENTS UPON AND BY THE ADJOINING PROPERTIES ARE HEREBY NOTED AND IT SHALL BE THE RESPONSIBILITY SOLELY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ANY ISSUE WHICH MAY ARISE THEREFROM.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL THE UTILITIES MARKED BY THE RESPECTIVE UTILITY COMPANY PRIOR TO CONSTRUCTION.
- PRIOR TO ANY DIGGING, CALL U.S.A. (1-800-642-2444) AT LEAST 48 HOURS IN ADVANCE TO HAVE EXISTING UNDERGROUND UTILITIES MARKED.
- ONLY ACCESSIBLE SURFACE UTILITIES VISIBLE ON THE DATE OF THIS SURVEY WERE LOCATED AND ARE SHOWN.
- THE LOCATIONS OF UNDERGROUND UTILITIES, WHERE SHOWN, ARE NOT DEFINITIVE NOR COMPLETE, AND ARE PER RECORD DRAWINGS PROVIDED BY THE CITY, AND NO RESPONSIBILITY OF CONTENT, COMPLETENESS OR ACCURACY OF THE UNDERGROUND UTILITIES IS ASSUMED BY THIS PLAT OR THE SURVEYOR. ALL USERS ARE ADVISED TO CONTRACT SEPARATELY WITH AN UNDERGROUND UTILITY LOCATION COMPANY AND TO REVIEW PUBLIC, QUASI-PUBLIC AND GIS UTILITY DATA SOURCES IF THEY WANT MORE INFORMATION.

ASSESSOR PARCEL NUMBER:

073-232-32

LOT AREA:

2.64 ± ACRES

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF:

SAMULI SEPPALA IN: OCTOBER 2018

I HEREBY STATE THAT THE TOPOGRAPHY AND BOUNDARIES SHOWN ON THIS MAP IS BASED UPON A FIELD SURVEY MADE BY ME, DYLAN M. GONSALVES, PLS 8475

DURING THE MONTH OF OCTOBER, 2018

I FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

Dylan M. Gonsalves
 DYLAN M. GONSALVES DATE
 P.L.S. 8475



DMG ENGINEERING, Inc.
 30 OAKVUE COURT
 PLEASANT HILL, CA 94523
 PHONE: (925) 787-0463
 FAX: (925) 287-8503

DMG ENGINEERING, INC.
 RESTRICTED ENGINEERING DRAWINGS
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REVISIONS	
NO.	DATE

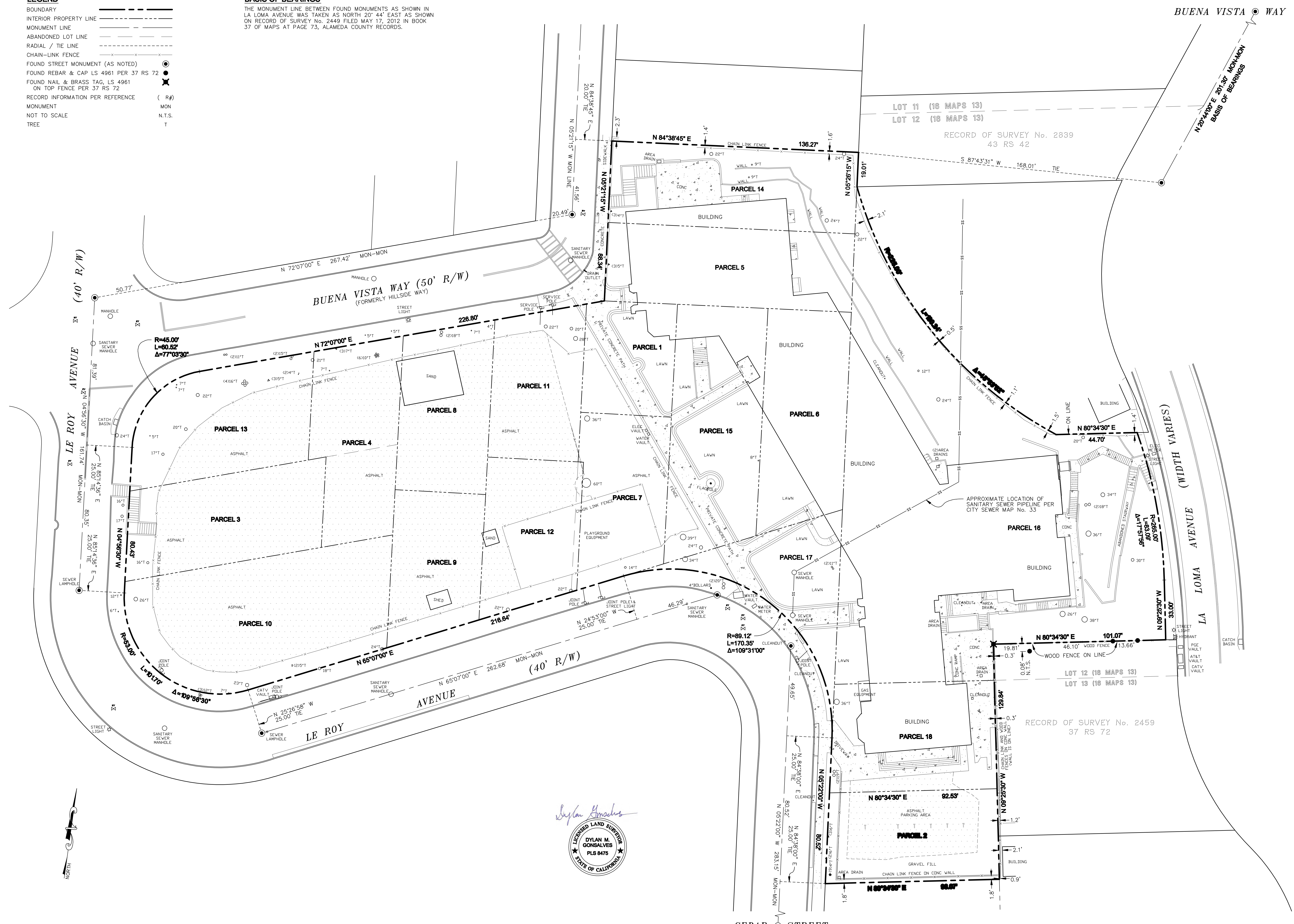
TOPOGRAPHIC & BOUNDARY SURVEY
 ALAMEDA COUNTY A.P.N. 58-2245-9-3
 1581 LE ROY AVENUE
 CITY OF BERKELEY - CALIFORNIA
 SCALE: 1 INCH = 20 FEET
 AUGUST 2019

SHEET 1
 OF 2 SHEETS
 ORIG.DWG: 8-7-2019
 REV.DWG:
 JOB: 18-132

LEGEND

BOUNDARY	---
INTERIOR PROPERTY LINE	---
MONUMENT LINE	---
ABANDONED LOT LINE	---
RADIAL / TIE LINE	---
CHAIN-LINK FENCE	---
FOUND STREET MONUMENT (AS NOTED)	○
FOUND REBAR & CAP LS 4961 PER 37 RS 72	⊗
FOUND NAIL & BRASS TAG, LS 4961 ON TOP FENCE PER 37 RS 72	⊗
RECORD INFORMATION PER REFERENCE MONUMENT	(R#)
NOT TO SCALE	MON
TREE	T

BASIS OF BEARINGS
THE MONUMENT LINE BETWEEN FOUND MONUMENTS AS SHOWN IN LA LOMA AVENUE WAS TAKEN AS NORTH 20° 44' EAST AS SHOWN ON RECORD OF SURVEY No. 2449 FILED MAY 17, 2012 IN BOOK 37 OF MAPS AT PAGE 73, ALAMEDA COUNTY RECORDS.



DMG ENGINEERING, Inc.
30 OAKVUE COURT
PLEASANT HILL, CA 94523
PHONE: (925) 787-0463
FAX: (925) 287-8503

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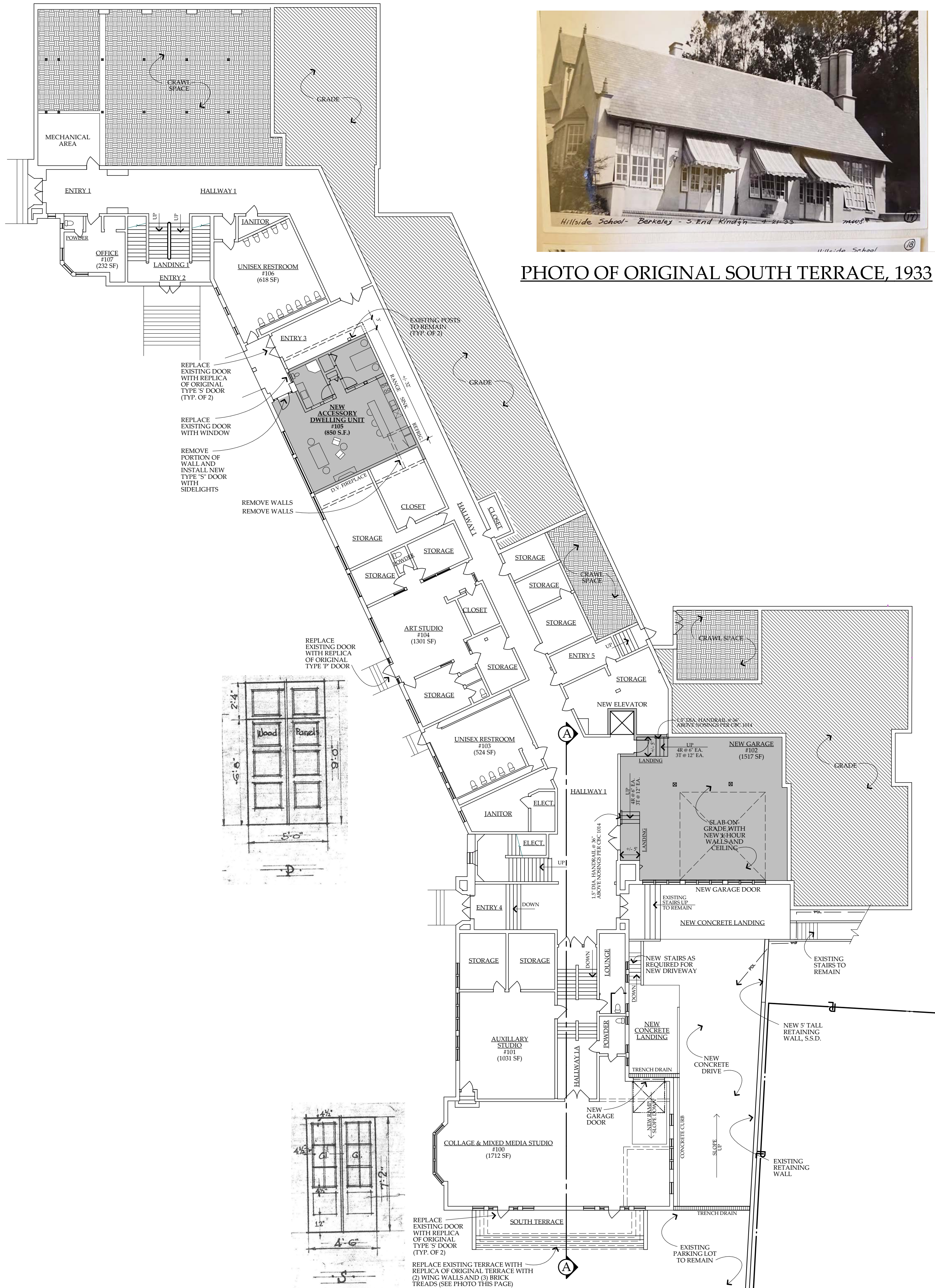
REVISIONS

NO.	DATE	BY

TOPOGRAPHIC & BOUNDARY SURVEY
ALAMEDA COUNTY A.P.N. 58-2245-9-3
1581 LE ROY AVENUE
CITY OF BERKELEY - CALIFORNIA
SCALE: 1 INCH = 20 FEET
OCTOBER 2018

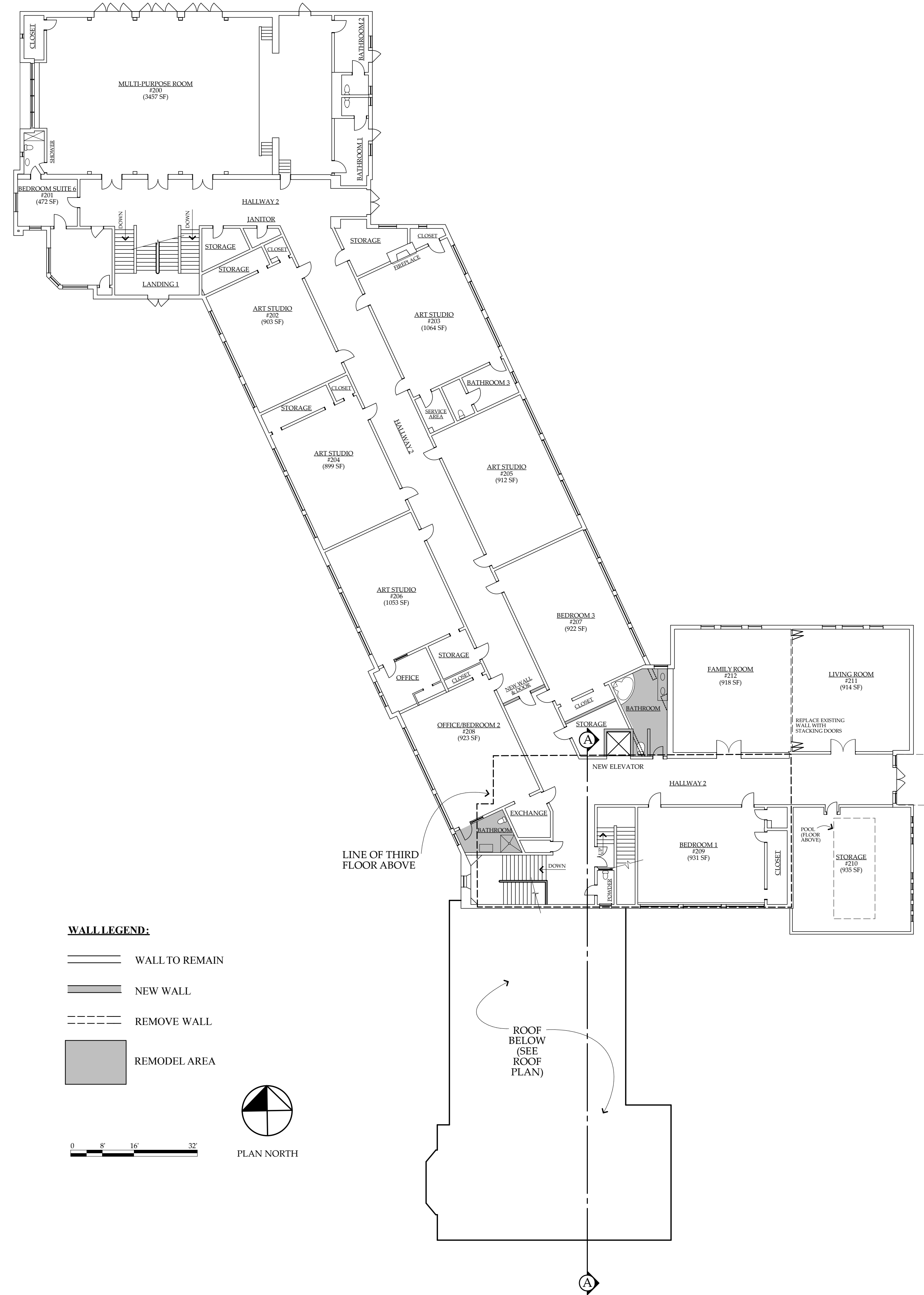
SHEET 2
OF 2 SHEETS
ORIG.DWG: 8-7-2019
REV.DWG:
JOB: 18-132

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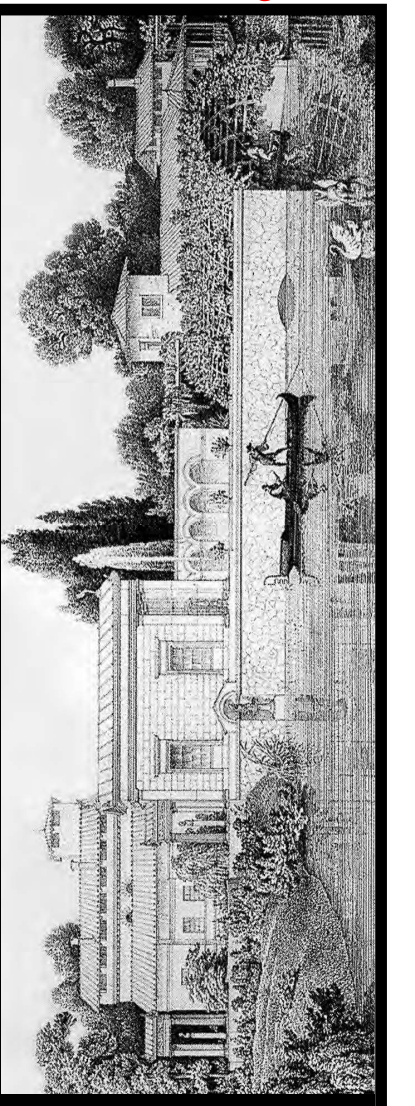
1
A-2 FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"



2
A-2 SECOND FLOOR PLAN

SCALE: 1/16" = 1'-0"



JERRI HOLAN & ASSOCIATES
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www.holanarchitects.com 510.528.1079

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPALA
1581 Le Roy Avenue
Berkeley, CA

Revisions:

May 20, 2019 - Supplemental Submissions for Use Permit
July 23, 2019 - Supplemental Submissions for Use Permit
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Issue Date:
April 1, 2019 - Submitted for Use Permit
April 1, 2019 - Submitted for Structural Alteration Permit & Design Review

FIRST & SECOND
FLOOR PLANS

SHEET

A-2

of 6

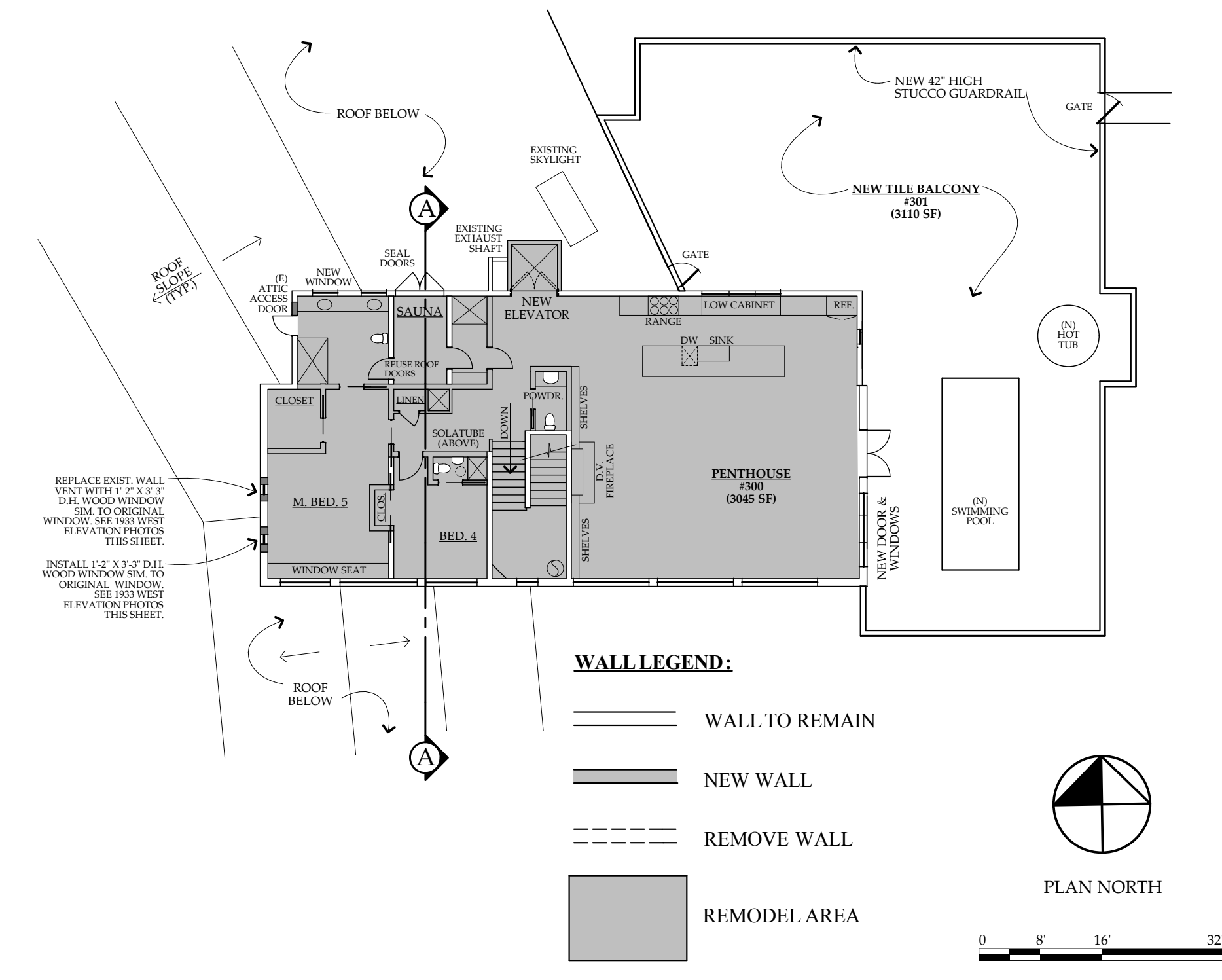




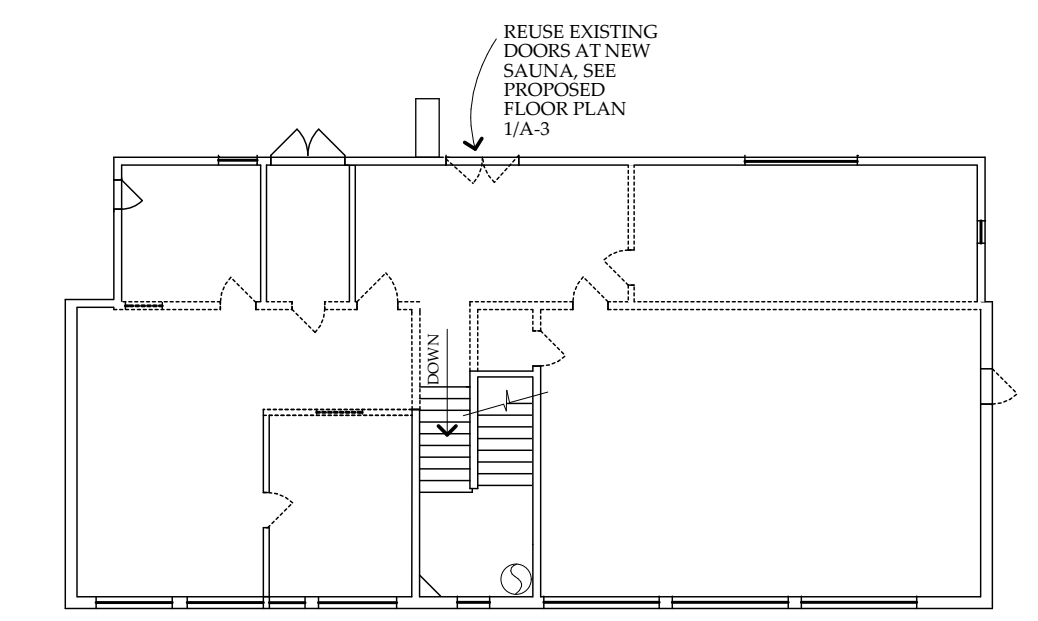
2019 WEST ELEVATION



1933 WEST ELEVATIONS

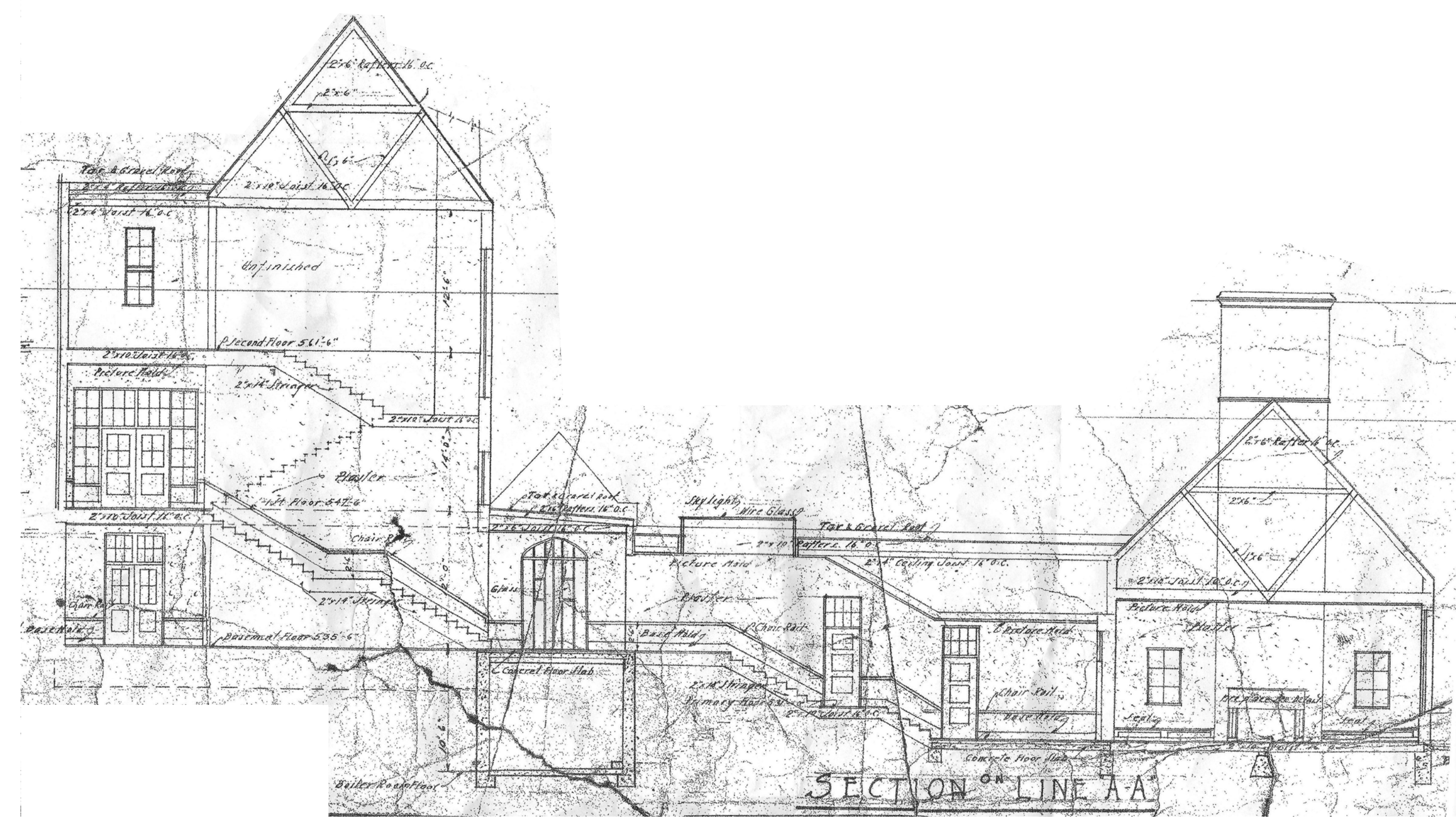


1 THIRD FLOOR PLAN
A-3



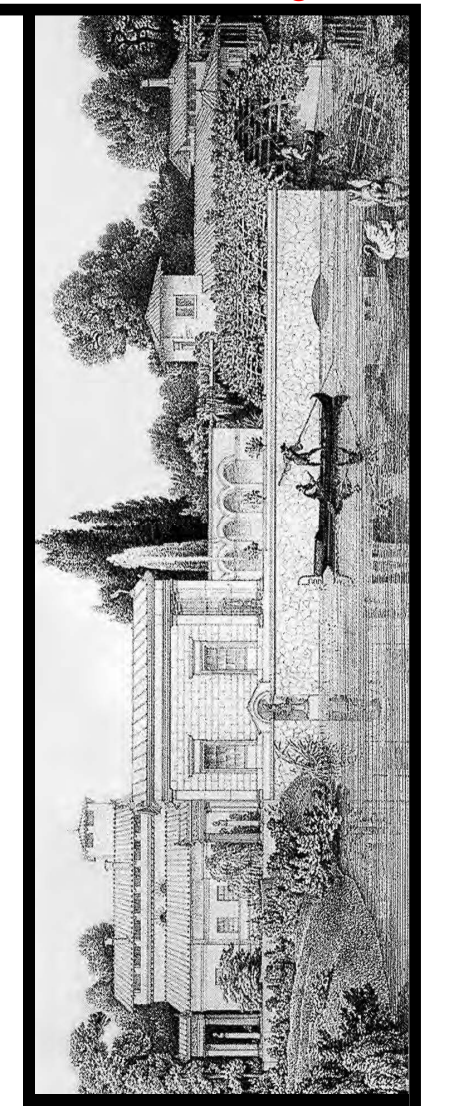
2 THIRD FLOOR DEMOLITION PLAN
A-3

- FACADE RESTORATION & WOOD TREATMENT NOTES:**
- 1) ALL WORK SHALL CONFORM TO THE 1995 SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATION OF HISTORIC BUILDINGS.
 - 2) PRIOR TO DEMOLITION, THE CONTRACTOR WILL MEET WITH THE PRESERVATION ARCHITECT ON SITE TO REVIEW HISTORIC MATERIALS AND TREATMENTS.
 - 3) RETAIN ALL ORIGINAL WOOD MEMBERS ON THE FRONT AND SIDES. MEMBERS SHALL BE PROTECTED AND PRESERVED DURING CONSTRUCTION.
 - 4) SURFACE PREPARATION: REMOVE DAMAGED AND DETERIORATED PAINT FROM ALL WOOD SURFACES TO THE NEXT SOUND LAYER USING THE GENTLEST MEANS POSSIBLE (HANDSCRAPING AND HANDSANDING). USE CHEMICAL STRIPPERS PRIMARILY TO SUPPLEMENT HAND METHODS. IF APPROPRIATE, DETACHABLE WOOD ELEMENTS MAY BE CHEMICALLY DIP-STRIPPED. USE ELECTRIC HOT-AIR GUNS WITH CARE ON DECORATIVE WOOD FEATURES.
 - 5) INSPECT WOOD MEMBERS FOR DAMAGE. ORIGINAL WOOD MEMBERS THAT ARE DAMAGED OR DETERIORATED, SHALL BE REPAIRED OR STABILIZED. IF REPLACEMENT IS NECESSARY, APPROVAL FROM PRESERVATION ARCHITECT IS REQUIRED. REPLACEMENT MATERIALS SHALL MATCH ORIGINALS IN MATERIAL, DESIGN, AND TEXTURE.
 - 6) REPAIR, STABILIZE, AND CONSERVE FRAGILE WOOD USING WELL-TESTED CONSOLIDANTS WHEN APPROPRIATE. REPAIR WOOD FEATURES BY PATCHING, PIECING, OR REINFORCING THE WOOD USING RECOGNIZED PRESERVATION METHODS. THE NEW WORK SHALL BE PHYSICALLY AND VISUALLY COMPATIBLE AND BE IDENTIFIABLE UPON CLOSE INSPECTION.
 - 7) PROTECT WOOD MEMBERS BY PROVIDING PROPER DRAINAGE AND AVOID WATER ACCUMULATION ON FLAT OF HORIZONTAL SURFACES.
 - 8) NO HARSH TREATMENT OR CHEMICALS SHALL BE USED ON ORIGINAL WOOD MEMBERS. TREATMENTS THAT CAUSE DAMAGE TO ORIGINAL WOOD MEMBERS SHALL NOT BE USED.
 - 9) PATCH AND REPAIR ANY DAMAGED STUCCO AND MATCH EXISTING STUCCO TEXTURE.
 - 10) APPLY COMPATIBLE PAINT OR FINISH COAT SYSTEM FOLLOWING PROPER SURFACE PREPARATION ON STUCCO AND WOOD SURFACES. MATCH EXISTING INTERIOR AND EXTERIOR COLORS.
 - 11) IF ANY SIGNIFICANT ARCHEOLOGICAL RESOURCES ARE FOUND, CONTACT THE CITY OF BERKELEY FOR APPROPRIATE MEASURES.



3 NORTH/SOUTH BUILDING SECTION A-A LOOKING EAST, 1925
A-3

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



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THIRD FLOOR
PLANS AND BLDG.
SECTION

SHEET

A-3

of 6

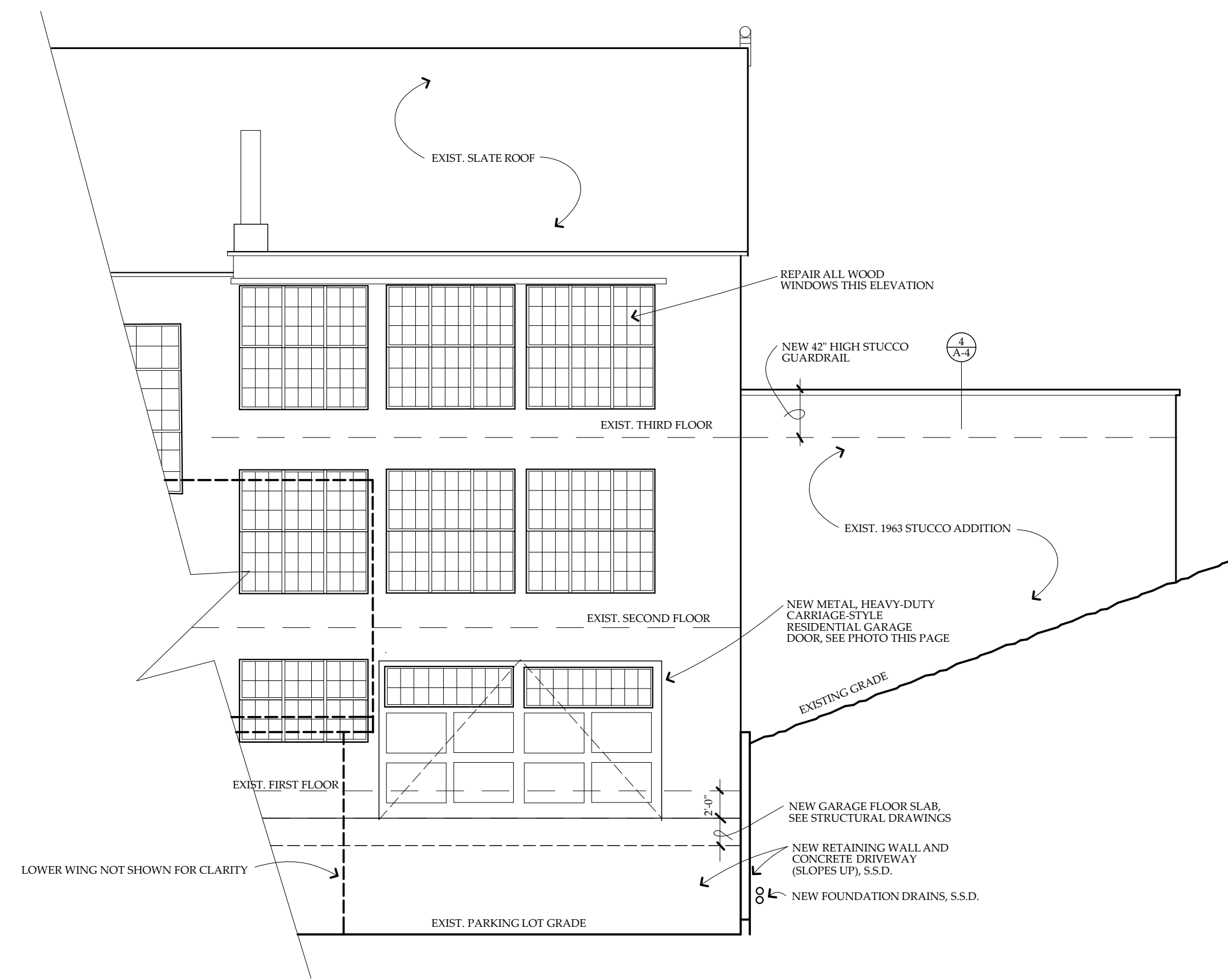




SOUTH ELEVATION PHOTO

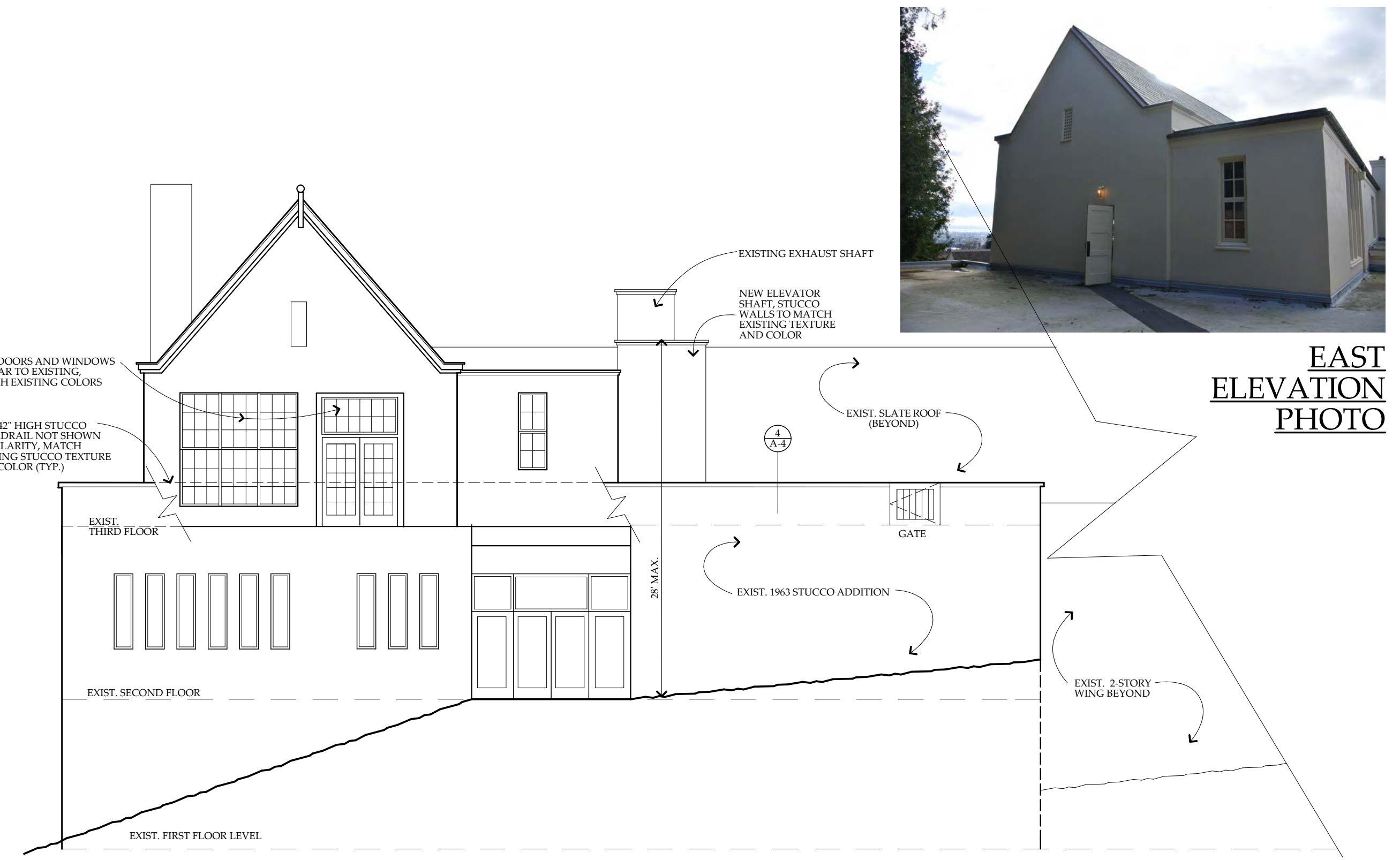


PROPOSED GARAGE DOORS



1 SOUTH ELEVATION DETAIL
A-4

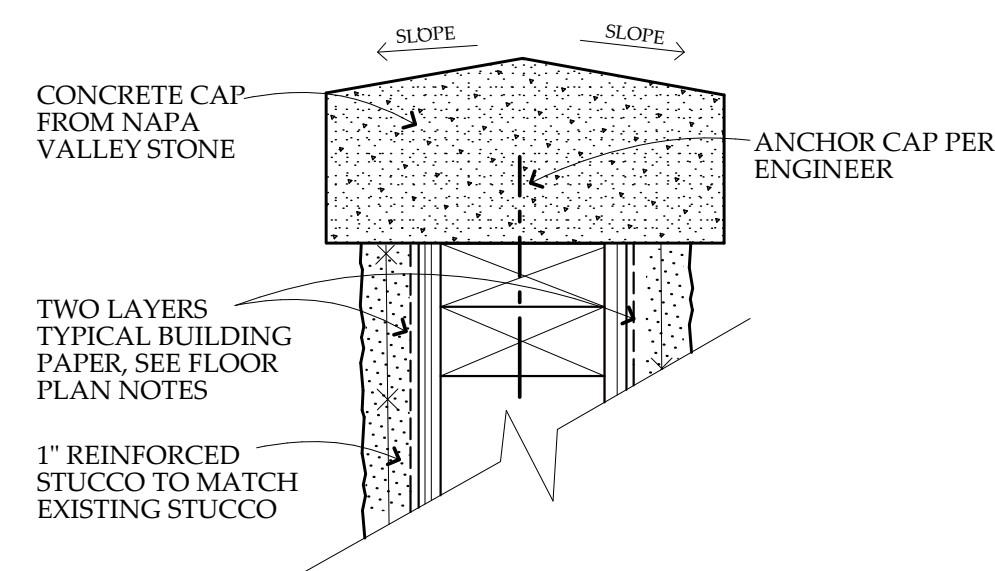
SCALE: 1/8" = 1'-0"



EAST ELEVATION PHOTO

2 EAST ELEVATION DETAIL
A-4

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

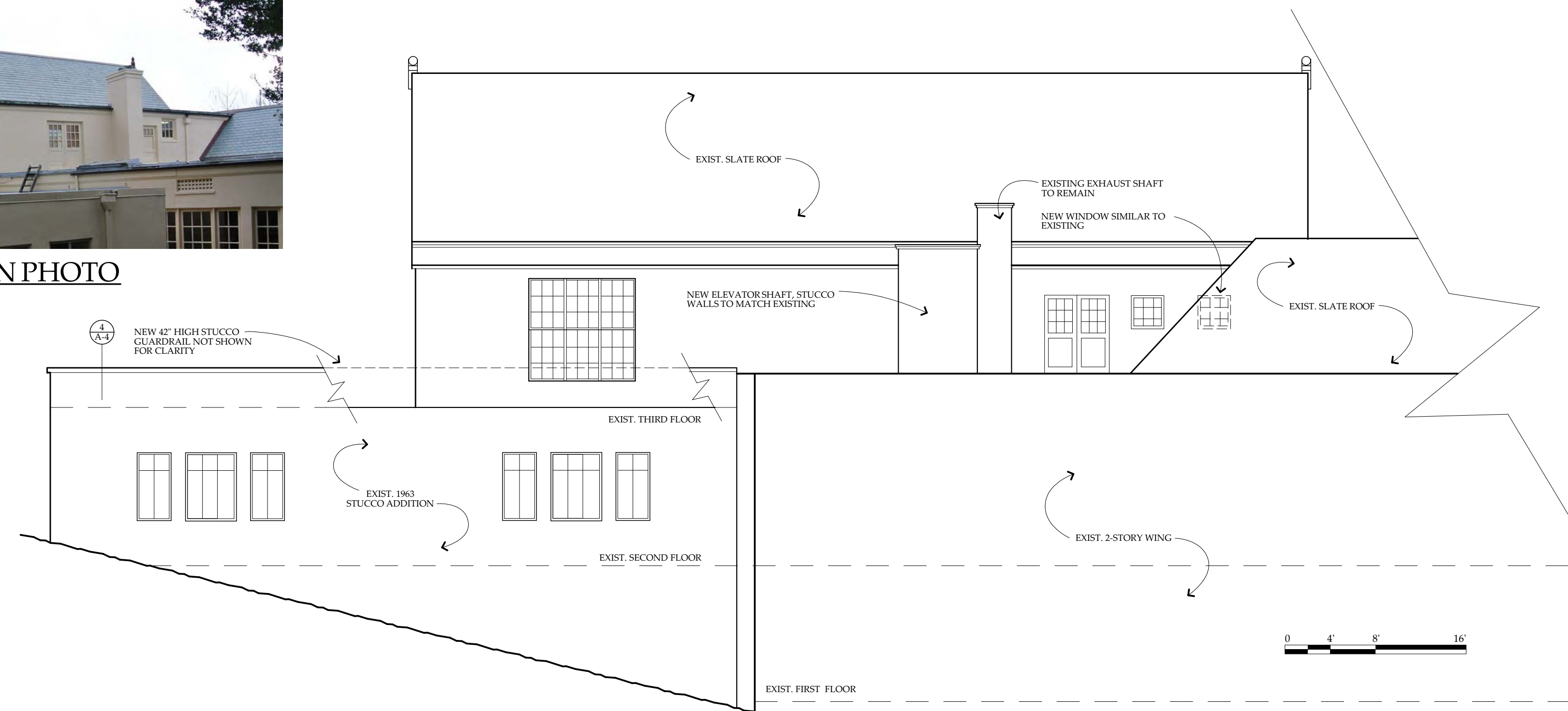


4 STUCCO GUARDRAIL DETAIL
A-4

SCALE: 3" = 1'-0"

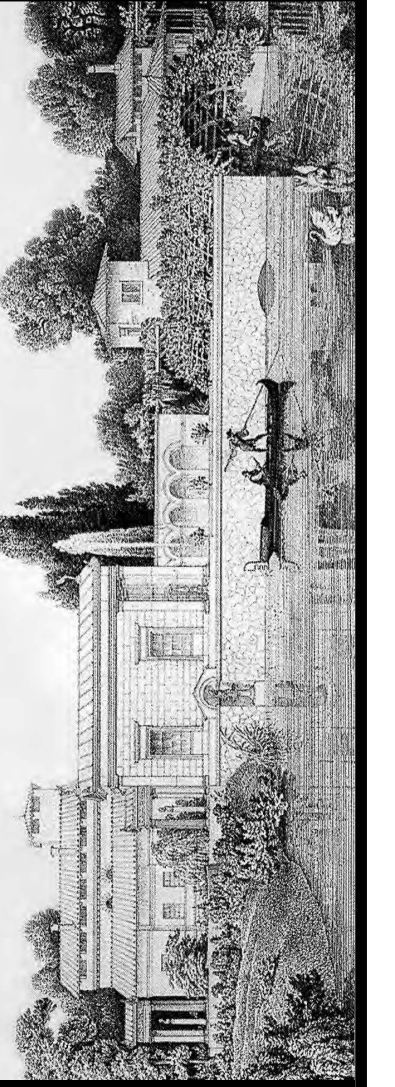


NORTH ELEVATION PHOTO



3 NORTH ELEVATION DETAIL
A-4

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



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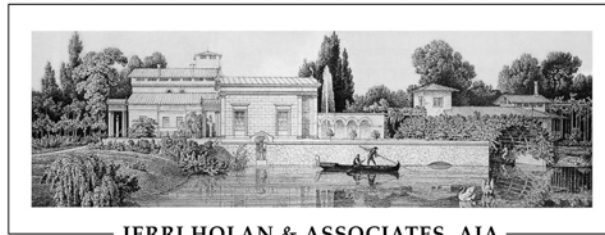
PARTIAL ELEVATIONS & DETAILS

SHEET

A-4

of 6





JERRI HOLAN & ASSOCIATES, AIA
Architects ♦ Engineers ♦ Planners

APPLICANT'S STATEMENT

Hillside School

1581 Le Roy Avenue

October 9, 2019

OWNER'S VISION FOR HILLSIDE SCHOOL

I moved to Berkeley because I love the Bay Area, especially the values the Berkeley community represents and the active and sophisticated artists' milieu that exists here and around the UC campus. I purchased the property in September, 2018, with the vision of developing the historic Neo-Tudor school as a private residence with artist studios and an art park. The large, woodsy site is the perfect setting for the establishment of an artists collective or art center. The landmark Tudor building is also ideal because its restoration requires many specialized crafts and opportunities to showcase these skills. I am very involved in creating mixed media art, and along with my partner, am very excited about developing a center that will inspire the creation of many other art forms. We look forward to becoming integral and long-term contributors to this special building and its unique community.

HISTORICAL USES

Designed by Master Architect Walter Ratcliff in 1925, the K-6 Hillside School was designated City Landmark #61 in 1980. In 1982, the +/- 45,000 sf school was placed on the National Register of Historic Places. It is a Neo-Tudor, stucco and half-timber, slate-roofed, mostly two-story building with a plan that follows the contours of the hillside. The front yard of the school was designed as a playground for the school. In 1963, Ratcliff Architects added 5,000 sf (four additional classrooms) to the rear, second floor of the school.

BUSD closed the school in 1980 and leased space to various educational institutions. In 2014, the German International School (GIS) purchased the property and performed some

maintenance items. Due to the site's location on an earthquake fault line and landslide zone, GIS could not afford the CEQA-mandated mitigations. GIS subsequently sold the property to the current Owner, Samuli Seppälä, who intends to convert the educational building into a single-family residence, a much less hazardous and intense use.

NEW USES

Mr. Seppälä intends to maintain the original building almost in its entirety and will restore and preserve most of its interior and exterior features. While the facade of the building is intact with a high degree of integrity, it is in dire need of repairs and maintenance. The building, in general, is in poor condition and the goal of the current improvements is to restore original doors and repair windows in addition to a general upgrade of the structure's foundation, framing, electrical, mechanical and plumbing systems. Drainage improvements have been installed for the entire structure. A significant amount of termite and structural repair will also be conducted during construction.

Residential

The building will be the Owner's primary residence for himself, his partner and their children. The remodel project converts mainly the southern wing into living quarters and preserves and restores all the important interior spaces including the Auditorium, classrooms, hallways, and grand staircases. Some minor modifications to secondary elevations on the south and east sides of the 3-story portion of the building are being proposed to accommodate the new single-family use.

The rear of the building will remain intact with the exception of adding doors and windows to the third floor of the east elevation. The new doors will access a new proposed roof deck built on the existing flat roof of the 1963 addition. This deck will feature a pool and hot tub and its required guardrails will be constructed of stucco to match the building's exterior finish. A residential elevator is being added to the rear of the building and it is located to maintain interior circulation and finishes as well as to have minimal impact on the building's exterior.

The residence will include an 850 sf Accessory Dwelling Unit (ADU). This ADU will have no negative impact on the neighborhood and will occasionally be used by an "artist-in-residence."

Art Center

While the large building will primarily be a residence, the Owner intends to host private art classes, seminars, workshops and retreats on his property. The northern portions of the building will re-purpose the existing classrooms into art studios. The proposed studios will be used by the Owner and visiting guest artists. Mr. Seppälä will weekly host a maximum of 25

artists for art-related projects throughout the year. The large Mixed Media Studio will be used by the Owner while the five other proposed studios will each accommodate approximately five artists (at about 1,000 sf each, studios would give each artist approximately 200 sf to work in). The existing auditorium and new Art Park [in the old, unused playground area] will be used to display and present their work.

Art activities and the type of art work produced will vary from year to year. Currently, the Owner is creating mixed media (wood, metal, plastics) art and he has invited one or two artists who make large fabric pieces to share studio space. Mr. Seppälä is also in communication with sculptors who do large work in concrete and clay and groups of artists who build large signs, tents and small woodworking projects – these artists would utilize the outdoor Art Park. Groups of artists who work on small pieces (paint, print, graphics) and already established artistic groups will also be invited to utilize the art studios. The auditorium would be used for monthly gatherings to share and present work and might also be used by groups of philosophers.

About once a month, occasional art showings are expected to have 75-100 visitors and artists. Approximately twice a month, displays may attract 50-75 visitors while daily and weekly use would accommodate 25-50 artists and visitors.

To accommodate this new private art collective, the Owner is proposing to reconfigure the unused, western portion of the existing playground. A second parking area will be added to the property to accommodate 18 cars in the southern asphalt playground area. The northern asphalt area will be converted to an Art Park for artists' work and display areas. Storage sheds will be used for artists' materials and equipment, art storage, weatherproofing, and security.

The proposed artistic activities and related events are not commercial and will have minimal impacts on the neighborhood. Artists will be invited by the Owner to use the grounds and facility and the site will not be open to the public except on a case-by-case basis. The existing eastern portion of the playground and the private pathway are currently used by the neighborhood. Like the School's previous owners, Mr. Seppälä will continue to allow the neighbors to use the path and playground which includes a dog park, playground and swing areas, basketball courts, and a picnic area. The Owner will continue to work with the neighborhood to accommodate his new use of the School and their continued use of the property.

Hours of Operation

The Owner has agreed to limit the operation of the exterior Art Park during the hours of sunrise to sunset year round. The eastern, public playground would also be limited to these hours.

The hours of the interior facilities are being proposed from 9 am to 9 pm, Monday through Saturday and 10 am to 7 pm on Sunday. The art studios are not intended to be operational full-time. Instead, the studios are expected to be used six to nine months of the year as the Owner travels extensively for business purposes.

The Art Park [and Art Center] will conform to the City of Berkeley's Noise Ordinance and will not disrupt the residential neighborhood. The Art Park will not be operational in the evening and will not require any exterior lighting with the exception of wall sconces on the storage sheds. Installed lighting will be "dark sky" fixture types so no glare will emanate from the property. The building itself will only have the existing restored Wall Lanterns and some additional security motion-sensor night lights.

Traffic and Parking

Along with Planning staff, the Owner and Applicant met with the City Traffic Engineer to review traffic and parking concerns related to the proposed art center. Due to the narrow and winding street frontage as well as the dense neighborhood, the City would not allow street parking for new activities, artists and their visitors. Onsite parking was recommended for all new activities on this property. The Owner will allow neighbors to use the parking areas when he or artists are not using the spaces. The Traffic Engineer agreed that onsite parking would make the dense neighborhood less congested for daily traffic as well as for emergency vehicles.

The Owner's family will primarily use the existing Parking Area #1. The Owner will generally park his trailers inside the new Garage or in Parking Area #1 when not in use.

To accommodate artists, the City recommended basing the number of parking spaces on daily use and not occasional, maximum use. The Engineer agreed it would be reasonable to assume that 75% of the proposed [weekly] 25 artists would need parking spaces (approximately 18 spaces) due to infrequent public transportation and the difficulty of accessing the steep site. 25% of the visitors would probably use the bus, bikes, or carpool. The Owner is proposing that Parking Area #2 contain 18 spaces, five of which will be primary spaces. The westernmost 13 spaces will be designated "Overflow" parking and be used only when necessary to accommodate artists. The overflow parking will probably be developed last, after other areas of the Art Park are completed.

The new Parking Area #2 and Art Park will be screened with a 3' wide by 6' high hedge as well as the existing cyclone fence. Both hedge and fence are intended to maintain the open sense of the property and allow visual access across the Art Park.



Z O N I N G
A D J U S T M E N T S
B O A R D

NOTICE OF PUBLIC HEARING

1581 Le Roy Avenue – The Hillside School

Use Permit #ZP2019-0061 to convert the vacant, elementary school property to residential use: to establish the approximately 50,000-sq. ft., main building as a single-family residence and accessory dwelling unit, incorporating several former classrooms as private (non-commercial) art studio space; to install an unenclosed swimming pool and hot tub within a new roof deck; to construct an approximately 36-sq. ft., elevator penthouse above the second story (but below the third story roof ridge); to convert a former multi-purpose room to a garage; to create a new, surface parking lot and to locate up to five, new storage sheds within portions of the former playground to be partially re-purposed as an outdoor (non-commercial) art practice space; and to complete landscape improvements adjacent to the public interface.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on October 24, 2019, at the **Berkeley Unified School District meeting room, 1231 Addison Street**, (wheelchair accessible). The meeting starts at 7:00 p.m.

A. Land Use Designations:

- General Plan: Low-Density Residential
- Zoning: Single-Family Residential/Hillside Overlay

B. Zoning Permits Required:

- Use Permit, under BMC (Berkeley Municipal Code) Section 23D.16.030, to create a dwelling unit in the R-1 district;
- Administrative Use Permit, under BMC Section 23D.12.080, to locate parking spaces with the required front yard setback of a residential property;
- Administrative Use Permit, under BMC Section 23D.16.030, to install an unenclosed hot tub on a residential property; and
- Administrative Use Permit, under BMC Section 23D.16.070.C, to construct a residential building addition greater than 14 ft. in average height.

C. CEQA Determination: Categorically exempt pursuant to Section 15331 for “Historical Resource Restoration/Rehabilitation” of the CEQA Guidelines.

D. Parties Involved:

- Applicant/Architect Jerri Holan, AIA, Holan & Associates, 1323 Solano Ave., Albany, CA
- Property Owner Samuli Seppälä, 1581 Le Roy Avenue, Berkeley, CA

Further Information:

All application materials are available at the Land Use Planning Division, during normal office hours or online at: <http://www.cityofberkeley.info/zoningapplications>. The Zoning Adjustments Board agenda and all agenda materials regarding this project will be available online 6 days prior to this meeting at: <http://www.cityofberkeley.info/zoningadjustmentsboard>.

Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7413 or fcrane@cityofberkeley.info.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@cityofberkeley.info.

Communication Disclaimer:

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 relevant board, commission or committee. 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 to the relevant board, commission or committee for further information.

Communications and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@cityofberkeley.info. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://www.cityofberkeley.info/zoningadjustmentboard/>.

Correspondence received by 8:00 AM, on the Thursday before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by Noon Tuesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #1, which is released the end of the day Tuesday, two days before the public hearing;
- **Correspondence received by Noon Wednesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #2, which is released the end of the day Wednesday, one day before the public hearing; or
- **Correspondence received by 3 PM Thursday** will be given to the Zoning Adjustment Board just prior to the public hearing.

Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.

**Accessibility Information / ADA Disclaimer:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Land Use Planning Division, during regular business hours.

Notice Concerning Your Legal Rights:

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

ATTACHMENT 5
ZAB 10-24-2019
Page 4 of 4

1581 LE ROY AVENUE
Page 4 of 4

NOTICE OF PUBLIC HEARING
Posted OCTOBER 9, 2019

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

Crane, Fatema

From: Krishen Laetsch <krishenlaetsch@gmail.com>
Sent: Monday, May 27, 2019 3:16 PM
To: Landmarks Preservation Commission
Subject: 1581 LeRoy Avenue, Structural Alteration Permit LMSAP2019-0004

LPC@CityofBerkeley.info

To: Berkeley Landmarks Preservation Commission Secretary, City of Berkeley Permit Service Center

Re: **1581 LeRoy Avenue, Structural Alteration Permit LMSAP2019-0004**, Thursday, June 6, 2019, LPC Hearing, Multi-Purpose Room

I am a Hillside School alumnus and represent a property owner near 1581 LeRoy Ave.

Hillside school has provided open space for almost a century to generations of families and thousands of children. Open space once developed (including the transition from playground to parking lot) is gone.

It seems like a purposeful bait-and-switch maneuver to purchase the property while making promises to keep the playground as open space and then, within less than a year, begin the process to turn 75% of the playground into a parking lot and private sculpture garden and remove the Buena Vista/LeRoy path from possible public use.

Please allow me to share a few thoughts:

- 1) The current owner, prior to the purchase, and during an August 9, 2018 meeting, promised neighbors that the playground **'would remain as such, be open, and that the playground would not be blocked.'** The LMSAP2019-0004 request for fence, parking lot and pool is completely contrary to what the owner promised and to the benefit of the neighbors and residents of Berkeley.
- 2) During an April 2019 neighborhood meeting with the owner, architect and member of the city council there was no mention of a swimming pool. There was mention of frequent conferences albeit the owner and architect would not articulate the estimated number of conferences, approximate number of participants or number of people spending the night. It was mentioned, several times, that the City is forcing the owner to add parking spaces on the playground as well as where the previous small playground and a classroom existed.
- 3) **The playground has been open space for almost a century.** There are few open spaces in Berkeley. As stewards for future generations the lawmakers and neighbors should be public proponents for open space just as the owner promised before the purchase.

4) **The path between Buena Vista and LeRoy Avenue has been in the public domain for more than ninety years.** The current owner is using it to park a large motor home and has made it clear, by renaming the path on Google Maps and in public statements, that it is his private path. It has been a public path for nine decades. By placing his name on Google Maps and blocking much of it with a motor home should he have the right to claim the path just because he has money?

5) The Buena Vista/LeRoy area is on or near the Hayward fault. **The playground, the only large open space in the area, has been considered an emergency staging area for fire, earthquake and helicopter evacuation during a disaster.** It is a resource for the entire area and not just the homes that border it.

My hope is that the Landmarks Preservation Commission will not grant permits to install a swimming pool, change the playground into a parking lot and fence off the largest portion of the playground. The owner promised that the playground would remain as open space for the community. His permit application is demonstrating that the promise was a ploy to secure the property for development.

Each of us owe it to those who come after us to maintain this fragment of north Berkeley open space.

Thank you for your consideration.

27 May 2019

Crane, Fatema

From: Michael Scott <michaelscott8815@sbcglobal.net>
Sent: Tuesday, May 28, 2019 4:13 PM
To: Landmarks Preservation Commission
Subject: Hillside 1581 Le Roy Ave

Dear Landmarks Preservation Commission,

I would like to ask the Commission to help create a public access easement for as much of the current open space at Hillside School as possible with the city of Berkeley or East Bay Regional Parks or another entity as the holder of the easement.

Currently the property has City of Berkeley landmark status, and is listed in the National Register of Historic Places and is undergoing a transition to a private residence. The new owner, Sam Seppala, has lavished attention and resources in restoring and repurposing the old school building, much to the satisfaction and delight of neighbors. The building looks better than it has in decades and is well on the way to substantial structural improvements. However his statements about the playground have shifted dramatically from 'I'm not going to develop it,' and 'let the neighbors decide' in August 2018 when we first met to March 2019 when his architect commented that two-thirds of the playground will be fenced and closed to the public for eighteen parking spaces and an area for projects and sheds. Mr. Seppala considers this aspect of his proposals to be integral to his plans. If it is not approved, he will probably sell the playground. Despite attempts to get a commitment for the remaining open space to remain open and publically accessible, Mr. Seppala has been reticent to offer assurances of any kind. As neighbors we would willingly give our support for his project in return for binding assurances of public access in perpetuity for as much of the remaining playground as possible. We are not asking for the whole loaf, but we are ready to compromise to preserve some public access open space for now and the future.

Background

Since it was built in 1925, Hillside School, located at 1581 Le Roy Ave, has offered the public a one-acre asphalted playground with baseball diamond, basketball court, kids climbing structures and other features, which have changed little over time. While legally owned by the Berkeley Unified School District (BUSD) and more recently the German International School and currently Sam Seppala, Hillside playground has been a de facto public park for 93 years. It's still a safe place to learn how to ride a bike, as I did many decades ago, or ride a scooter or learn how to ride a skateboard or hit a baseball or chase a frisbee. The "playground" as the locals have always called it, is mainly accessed from the pedestrian (and emergency vehicle) path connecting Le Roy Avenue and Buena Vista Way, which has recently been re-named after the current owner, "Seppala Path". When the public school was in operation, the playground was an integral feature of the school day for physical education, play and Berkeley Junior Traffic Police training. After school hours and on weekends, the playground was the commons, the defining feature of the neighborhood, where adults and children would congregate and socialize, but mostly it was a kids play and sports area. In emergencies, the open space has been a public refuge, a safe place to congregate without fear of overhead wires or branches or collapsing buildings. The open space also offers a defensible space in an area that burned

to the ground in 1923 and continues to be recognized as a fire hazard zone with narrow streets and chock-a-block housing.

Times change and in 1983 Hillside Public School was closed for lack of enrollment; later it was proscribed from operating as a public school because it sits on Hayward Earthquake fault lines. During this period BUSD rented the space to various tenants, including private schools and a day care center that used both building and playground. The YMCA successfully operated after school and summer programs for 15 years that drew children from across all of Berkeley and Albany. Although Hillside ceased being a neighborhood school 36 years ago, it continues to define our neighborhood with its playground and open space. It's in constant use by neighbors, and parents drive their children from across town, university students come over to play group sports, Little League teams practice on the diamond, etc. It's said that compared with other cities in California, Berkeley lacks open, play space. Four generations of my family have played there: my parents, me and my siblings, our children and their children, that is, our four grandchildren. The first thing the grandchildren ask when they come over is, "Can we go to the playground?"

In August 2010, we surveyed 77 neighborhood households in the immediate vicinity of Hillside and learned the following:

- 98% consider the playground an integral part of the neighborhood
- 65% consider the playground very important; 27% of some importance
- 84% believe the opens space should be preserved
- 57% believe it should be improved; 37% maybe
- 54% are willing to work to preserve it; 31% maybe
- 41% are willing to contribute financially to open space preservation; 38% maybe; 20% no.

Over the years BUSD was not in a position to maintain either the building or playground, and as a result both suffered serious neglect, and decades of deferred maintenance. For example, the several outside water fountains ceased functioning leading to YMCA worries about keeping kids hydrated. The German School made many playground improvements, including building a new drinking fountain, fencing in a toddler play area and rebuilding the frequently used pedestrian path connecting Le Roy and Buena Vista. Earlier with YMCA input based on 15 years' use, we imagined a revived playground along the following lines:

1. Create a unified toddler soft area with modern age-appropriate modern play structures inside a fenced area

2. Move basketball court farther west and away from trees and soft area

-Level and resurface expanded full size court with modern backboards/standards

-Create two new half-court hoops near fence on Buena Vista side using 8.5-9.0 ft. hoops for younger children

-Install removable poles/supports for volleyball and other net games on leveled surface

-Remove existing bare poles and non-functioning backboards

3. Increase the number of benches and sitting areas

Let no one say there aren't ideas about a vibrant and improved playground based on extensive use and assessment, but perhaps these have been superseded by events. Since purchasing the property, Mr. Seppala has allowed the public access to the playground as he focuses most of his attention and resources on the building. Gardeners have regularly trimmed shrubs and cut back weeds, which is much appreciated. On the other hand, he seems resistant to neighborhood input for an improved playground. Now he plans to occupy most of it for parking spaces and other personal projects, leaving the rest in limbo. This may be our last opportunity at Hillside to put in a word for children and public play space.

Dear Landmark Preservation Commission:

As a Hillside neighbor, I am writing to you because I feel that it is important to find a way to keep as much of the current playground area at Hillside School as possible open for public use. I would urge you to explore and support a way to ensure that there is open space with public access in perpetuity.

I appreciate Sam Seppala's efforts, expenditure and energy to repair and restore the school building and the time he has spent consulting with neighbors re. his plans, and I am very excited by what I see happening there. Our grandchildren love to play in the playground, as do other neighborhood children and as did our own children, and kudos to Sam for recognizing the value of this and maintaining some open space for children in his plans. My hope now is to find a way to guarantee that this space, or perhaps even a larger portion of the current open space, continue to be open in perpetuity and to urge you to do whatever possible to advance this effort.

I also feel that maintaining significant open space is consistent and compatible with the Landmark status of the building and with the surrounding residential neighborhood and therefore would like to see limits placed on the number of parking spaces allowed as well as on future uses. The street is also quite narrow and not conducive to easy passage of much increased traffic.

In addition, although perhaps not directly related to Landmark status, the property being discussed is located in a high-risk fire zone, a landslide zone and a fault zone. I'm also concerned that loss of open space would effect evacuation and other potentially life-saving strategies.

Thank you for your consideration of these comments.

Crane, Fatema

From: Mary Lee Noonan <mleenoonan@comcast.net>
Sent: Thursday, May 30, 2019 4:15 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Avenue

After the fire of 1923, when the Hillside School was rebuilt on its present site, the guiding principle for its design was compatibility with its residential neighborhood of single family homes. Using the vocabulary of the then popular historical revivals, Walter Ratcliff sited the building gracefully at the foot of a steep embankment, avoiding any awkward visual intrusion on its neighbors. That the building should now be officially converted from a school building to residential use is an unexpected but in many respects very natural evolution of this process.

The adaptation of the schoolyard presents a more complex challenge than the building itself. As part of a private home, it should be appropriately developed according to the City's zoning guidelines for the landscaping of residential property. For example, uses such as a sculpture garden, an outdoor studio space, along with eating and recreational areas could be integrated within attractive, park-like plantings. A private understanding, comparable to Greenwood Common's approach, that neighbors would be welcome visitors could be worked out. The new character and physical integrity of a home that is also a very special landmark would be maintained.

To permanently designate a multiplicity of parking spaces and to establish permanent vehicle storage lots with related fencing are steps associated with a commercial property rather than a residential neighborhood. In due course, I understand that the former classrooms will be made available to as many as 10 artists, Mr. Seppala's guests, for use as daytime studios. Their vehicles could be parked on the perimeter of the property. Visitors to exhibitions or occasional conferences could be absorbed locally. They would generate far less pressure than a football game.

Respectfully submitted,

Mary Lee Noonan

2599 Buena Vista Way

1594 LeRoy Avenue
Berkeley, California 94708
May 28, 2019

Secretary, Landmarks Preservation Commission
City of Berkeley Permit Service Center
2120 Milvia Street
Berkeley, California 94704

RECEIVED

JUN 03 2019

LAND USE PLANNING

Dear Sir,

My wife and I strongly oppose the city of Berkeley granting a structural alteration permit which would result in the conversion of the beautiful and historic Hillside Elementary School, a significant 95 year-old landmark, into a large money-making version of an Air B&B. As noted in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties, while some historic buildings can be adapted for new or continuing use, major modifications should not result in the loss of the property's historic character and integrity, which is exactly why the structural alteration permit should be denied.

The history of Hillside Elementary School is remarkable. The first Hillside School was built in 1901 and destroyed by the 1923 fire. The second Hillside School was located at the University School at 1414 Walnut from 1923 to 1926. The present Hillside school was built on the corner of LeRoy and Buena Vista avenues on the land of several homes of homes destroyed in the 1923 fire. The school was designed by prominent Berkeley architect Walter H. Ratcliff, and is landmarked for the quality of the architectural design and construction. In 1982 it was added to the National Register of Historic Places.

I submit that installation of a swimming pool with a terrace and railing, along with conversion of the playground, which is one of the very few places in Berkeley today where children can play safely, into a parking lot are self-aggrandizing make-overs akin to the conversion of the Cathedral Notre-Dame de Paris into a casino. This school was built for children and should remain as such.

Sincerely,


Michael D. O'Reilly

Crane, Fatema

From: Beverly Cheney <bcheney@pacbell.net>
Sent: Monday, June 17, 2019 9:09 AM
To: Landmarks Preservation Commission
Cc: Zoning Adjustments Board (ZAB)
Subject: 1581 Le Roy (Hillside School)

Re: Zoning Permit ZP2019-0061 and LMSAP2019-0004

Re: LMSAP2019-0004 and ZP2019-0061

I am opposed to converting Hillside School to a single family residence.

Having lived nearby for 45 years I have a strong emotional attachment to the site. Our children would happily have attended Hillside School had it not been closed the year they entered elementary school. They regularly played there, after school, weekends and summers. One son played basketball there daily and worked summers as a counselor at the YMCA day camp. When the Boy Scouts rented out parking spaces for Cal games he and his friends sold cookies to fans. The playground has served as a community gathering spot for picnics, as a dog park, a toddler park and a meet-and-greet place. It has always been a vital part of the community.

As the city has become more densely populated and more congested, with more pedestrians, cars and bicycles, the open space and the respite it provides has become increasingly important to the community.

A schoolyard, for obvious reasons of safety and privacy, is only publicly available during evenings, weekends and summers. If this property becomes a single family home it is natural for an owner, over time, to feel possessive of his entire lot and to want to control the full use of it; the presence of the public could seem intrusive and annoying resulting in an effort to close it off with signs, fences and locks. (Ironic as the school was built, twice, with public funds.)

The path that cuts through Hillside School between Buena Vista and Le Roy has for nearly 100 years been used by the public as a shortcut for pedestrian traffic to and from downtown and the University. It would be a huge loss to not have this path.

In addition, we live in an area prone to earthquakes and to fire (and fires often follow earthquakes). We are greatly at risk. We need all the paths we can find in an emergency, during a natural disaster, when narrow roads are clogged and impassable.

I have always loved walking through Hillside school. Its distinctive architecture is not much appreciated from either Le Roy or Buena Vista. To fully view the building, which is long and narrow, one walks the path and the building slowly unfolds. One enjoys the details of the architecture. Flanked on one side by enormous redwood trees the setting, which includes the green space and the open space, provides an experience of serenity. It is truly a respite, an urban oasis.

We have no way of judging the generosity of the current owner, whether he intends to leave the path and a portion of the playground open and accessible, for the time being or not. It is clear, however, that we have no guarantee that the open space and open access we have enjoyed in the will continue. We need that

protection. The current or any future owner could deny it because of liability issues or any other reason and we would have no recourse.

The current owner has posted: “no public access”, and has obstructed the path with an airstream trailer which he is living in, and a large pick-up truck and often a dumpster and other heavy equipment. A guest in our house, recently returning home late at night, was startled when the owner jumped out of the trailer and gave him a hard stare. He felt intimidated.

It is unclear to me what “moderate home activity” is. What would prevent that from morphing into commercial or industrial activity? Reportedly the 3 sheds are to be used by artists as is the open space yet there is no electricity and no plumbing for the sheds. I have seen Burning Man art projects that are two stories tall and involve steel and welding and heavy vehicles to transport them. One values art and one wants artists to have places to live and work but I question the appropriateness of this in a residential neighborhood. What about the noise? What happens to the artwork when it rains? Will the neighbors face enormous fences that obscure the activity?

Regarding the additional 18 parking spaces, how will it affect home values when properties on Le Roy and Buena Vista face onto a CVS type parking lot?

Lastly, I am concerned about adding to the urban congestion by adding so many parking spaces (18 above ground, an unknown number below ground and many more on the south side of the building). This is totally inappropriate for the neighborhood and more suitable to an industrial facility.

I ask that the city respect the traditional social and cultural uses of the school. We need open space, access, and the right to enjoy the beauty and tranquility of this much-loved architectural treasure.

July 26, 2019

To: Landmarks Preservation Commission

Re: 1581 LeRoy Ave. Berkeley

Dear Commission Members,

I live directly across the street from the 1581 LeRoy property on Buena Vista Way, and our house looks out onto the playground area. I and my family are concerned about the conversion of the property and the proposed use by Mr. Sam Seppala on a number of fronts.

1) Change of Designation from School to Private Residence

While this requested change may be to the city, a straightforward bureaucratic step, I wonder about the ramifications of such a change in designation and would like to express my concerns. The size and access to the playground/public areas along with the walkway for public access that traverses the property from LeRoy to Buena Vista are concerns I share with many of my neighbors.

Secondly, I would like to know if the property is designated as a "private residence", does that mean that at some future date, whether under Mr. Seppala's control, or that of his heirs, the property could eventually be subdivided into smaller parcels for other single family homes. As a resident who would be directly affected by such a drastic change in the use of the property, I would want to know if this is the case and if theoretically, more houses could be built on what is now the playground area, can any safeguards or stipulations be placed upon Mr. Seppala to mitigate against such an eventuality. I would certainly support having some sort of restriction or guarantee so that the nature and character of our neighborhood would not be changed by Mr. Seppala's use or that of his family or heirs alone. It is vital that if any designation change happens that we have assurances that we will not be confronted by even more drastic changes to our neighborhood.

2) Design and Use of Current Playground Area

In various neighborhood meetings, Mr. Seppala has expressed a number of different views about the playground area and its use. Initially, he stated that he did not want to change the nature of the playground and it would be kept open and available to the neighborhood. More recently, as he began working with his architect and plans became more elaborate, we were notified that the playground area available to the neighborhood would be reduced by 2/3, and only a small remaining piece would be open to the public. The larger area would be designated for 18 parking spaces, and an area for sculpture displays, work areas, and sheds, for Mr. Seppala's use. We have been told this access was "for the time being", and he "reserves the right to rescind public access at any time". Several concerns come to mind:

- a) Why have 18 dedicated parking places been designated by the city for this property? From what has been described in meetings with Mr. Seppala, he is creating a parking area within the building, and there is an outside parking lot on the south side of the building on LeRoy

already. It should be recalled that when the property was functioning as a school, street parking was used by teachers, staff and parents, with no apparent negative impacts to the neighborhood. Why cannot street parking be suggested in this case, instead of taking up space that the public can make use of and enjoy, thus reducing any friction between the neighborhood and Mr. Seppala.

Varying explanations have been offered by Mr. Seppala's architect that the city had determined that according to proposed use of the space for artists, the 18 proposed parking spaces were required.

I wonder if the decision can be delayed requiring the proposed parking spaces be delayed and revisited after Mr. Seppala begins operation in earnest of the building after renovations are completed and the actual needed capacity for parking can be better assessed. After all, we have been told he was not certain of the scope of the activities he would be undertaking in the newly renovated building, and my impression is that the build out of 18 spaces was the maximum limit of capacity that would be needed for what has been proposed for the building's use.

Mr. Seppala's expressed intentions have seemed to change as the plans have become more elaborate for the use of the building for artist workspace. He has gone from telling neighbors he was intending to have little impact on the playground and that acre of open space, to restricting such use and having workspaces for artists and holding workshops. Such activities are welcome, but this brings up another point. If he is not charging money or rent, or any kind of fee for the use of the building, the *de facto* use is still like that of a commercial enterprise. The actual impact of what is proposed for the use of the building would still seem to be undetermined.

- b) The proposed six-foot high fence is insufficient to conceal the sheds, sculptures, and other aspects of the redesigned playground. As one who looks directly onto the playground area from my house, I would prefer to look onto more greenery than cars or sheds. Mr. Seppala had indicated after one of neighborhood meetings that he would be willing to do plantings as a barrier, but no such planting outside the current fenced area are proposed. I would appreciate if this could be clarified.
- c) We have held several neighborhood meetings to acquaint ourselves with Mr. Seppala and discuss plans for his property. While he has been most polite and indicates he intends to be a "good neighbor", there has been a lack of consistency in how plans have been characterized for his neighbors. As mentioned above, he initially indicated he would leave the playground as it is, and now 2/3 of the open space would be taken for his use. Similarly, on the access path I believe Mr. Seppala initially promised this would remain as it was, but over time limitations on the size of the path have changed and he reserves the right to "rescind access at any time".

The nature of the site is enormously important to the character and the nature of the neighborhood. As a resident for 18 years I know that the playground area has been used by countless children everyday, dog walkers, and others who cherish having this open space. In addition, the access path is vital to many walkers in the neighborhood and this too, having been a path since the early part of the 20th century should be retained to keep the character of the neighborhood intact.

I urge the committee to closely question Mr. Seppala about his intentions about all uses of the property, find a solution to preserve more of the playground space, keep the walking path as is and accessible to all, and determine whether the requested change in designation of the property will have implications for the future use and transformation of the property, and if so, whether some kind of stipulations can be put in place to prevent such an outcome from taking place. I do want Mr. Seppala to make good use of his new property and home, and I hope the Commission can help ensure that the his intention and promise to be a good neighbor can be kept and that the sentiment of neighborliness can be returned by those of us who live nearby.

Yours sincerely,

Michael Cullen

2535 Buena Vista Way

Berkeley

Tel: 510-666-9339

RECEIVED

1594 Le Roy Avenue JUL 12 2019
Berkeley, CA 94708 Initial: _____
July 6, 2019 Berkeley Rent Board

Landmarks Preservation Commission
City of Berkeley Permit Service Center
2120 Milvia Street
Berkeley, California 94704

Received

JUL 19 2019

Land Use Planning

Re: LMSAP2019-0004

To Whom It May Concern:

Since 1985, my husband and I have lived in the residential neighborhood that surrounds the former Hillside Elementary School and its contiguous open space playground. As you are aware, that property recently was purchased by Mr. Sam Seppala as a single family residence.

It is my understanding that, despite Mr. Seppala's initial oral assurances to our neighborhood that he had no intention of developing the playground space or blocking it from public use, he now proposes to transform most of what has been a neighborhood public open space schoolyard for over 90 years into a private parking lot with 18 spaces for those participating in weekend artist conferences and for artists who might use space in his residence for art studios. Mr. Seppala's proposal to this commission seeks to inappropriately transform his personal single residence into something akin to a commercial or institutional building regardless of whether or not money changes hands.

The open space in question, which is included in the Hillside property site that has been placed on the National Register of Historic Places, is not only an historical part of the community; in many ways it defines and enriches the character of our neighborhood. Our neighborhood is tight knit in large part because the open space brings community members together. Besides generations or neighbors meeting through use of the playground, many neighborhood social gatherings and emergency training sessions have taken place there. Life in our neighborhood is enhanced by having open space in our midst, and loss of public access to that space would severely alter the character of the neighborhood.

I urge this commission to preserve the historical site in its entirety. In particular, I urge you to deny Mr. Seppala's request to turn the majority of the current open space into a large parking lot that would be inconsistent with, and antithetical to, the overall character of our residential neighborhood.

Sincerely,

A handwritten signature in black ink that reads "Linda Feldman". The signature is written in a cursive style with a long, sweeping underline.

Linda Feldman

1597 Le Roy Avenue
Berkeley, CA 94708
July 19, 2019

To the Landmarks Preservation Commission:

Regarding LMSAP2019-0004

For nearly a century the Hillside schoolyard has provided almost an acre of open space for the surrounding residential neighborhood. It is the site of community gatherings, family events and picnics, casual basketball and softball games, and peaceful walks and conversations on sunny days. It has been a welcoming place for three generations of children to learn to ride their first bikes, to roller-skate, to fly kites, and to play catch and frisbee. For older neighbors and those with limited mobility it has provided an easily accessible place to enjoy the outdoors. It was included in the site description of the Hillside property in the successful application for its placement on the National Register of Historic Places. It is the vital and essential center of the Hillside community.

In August 2018, as Mr. Seppala contemplated the purchase of the Hillside property, he met informally with a group of nearby residents in order to introduce himself, to share his plans for the site, and to hear the views of his potential neighbors. The participants were unanimous in emphasizing to him the importance of maintaining the schoolyard as open space for the benefit of the community. In response to their queries, he stressed that, "I don't have any intention to develop the playground" and added that he would not block it off: "I don't really feel like closing down [the playground] and putting up barriers. I don't see any reason for that." He added that, "I don't have the intention to invite lots of people coming there. That school [building] is enough for me." And he said that he would not locate parking spaces on the schoolyard. He welcomed the idea of working with the neighborhood to maintain and improve the schoolyard as a public resource.

The proposal now before you from Mr. Seppala would instead close two-thirds of the schoolyard to the public by surrounding it with a fence. Rather than an open area with a vista of the neighborhood and the historic building, it would become a private 18-space parking lot and a yard with storage sheds and displays. The remaining one-third of the schoolyard would continue to be open to the public, according to Mr. Seppala, but only "for the time being."

Mr. Seppala's proposal for the schoolyard is entirely contrary to the historic character of the site, to the well-being of the surrounding residential neighborhood, and to his own explicit assurances when he met with neighbors before his purchase of the property.

Thank you for your attention to the concerns of a Hillside neighbor.

Yours sincerely,

Robert D. Jackson

Crane, Fatema

From: Larry Ormsby <larry@ormsbypark.com>
Sent: Tuesday, July 23, 2019 1:07 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

I am a neighbor of the above property (we share a fence) living at 2639 Cedar Street.

I am deeply concerned about the loss of open space and the long term plans under consideration. Our family has used that open space since moving here in 1996... my two young children still use it regularly and would like to continue to do so. Already with the collection of trailers/Air Stream or otherwise, it is becoming clear that the space is rapidly going to be less "user friendly". We wish the owner only the best in his endeavors to beautify the property and make it something we can all be proud of. Our hope and assumption is that he will. Even so, we are beginning to recognize that hope is not enough comfort given the importance of the space to our community on so many levels.

It is our family's wish that the pathway crossing in front of the school be made an easement with unfettered access. It is also our wish that the large majority of the open space be kept open for play and unfettered access by the community, as it has been for almost 100 years.

I unfortunately cannot attend the August 1st Planning/LPC meeting but wanted my views shared.

Regards,

Larry Ormsby
510-918-9928

ORMSBYPARK

Comment for Consideration by Landmark Preservation Commission

Date of Comment: July 23, 2019

Date of Commission Meeting: August 1, 2019

Subject: 1581 Le Roy Avenue, Structural Alteration Permit LMSAP2019-0004

From: John Horton, owner 1546 Le Roy Avenue, Johnho.home@gmail.com,

Comment:

My wife and I heartily endorse and welcome the restoration of the Hillside School. Our concerns are entirely regarding anything that would lead to the permanent development of the playground. We understand that the recommendations of the Landmarks Preservation Commission are key inputs to the eventual Zoning Commission, so we wish to go on record as to concerns regarding anything that would undermine the essence of the Hillside property permanently, now or in the foreseeable future.

Our home is one of the properties immediately facing the playground. When my wife and I purchased our house in 2014 we considered the school property was a significant asset in several respects. The unobstructed view of the Hillside School from our house is impressive and charming. The access to the playground was and is a major attraction since our home, as is the case for most of the homes in our hilly area, lacks yard space for any play that requires even a typical backyard area. The continued access to a portion of the playground facilities will provide the function of both recreation and a gathering place while at the same time it provides an incentive for families with children to move into our neighborhood and for older residents to remain active. In addition, any construction of housing there would imply years of disruptions. The existence of the school was a strong element for our decision to make our purchase; were it an empty lot about to be developed we would have chosen elsewhere.

The project as conceived and presented to your Commission is fine, preserving the open space that offsets the school visually as well as a portion of the playground for continued access to play. The assurance that we seek from the LPC and from the Zoning Commission is a statement of the intent not to allow the construction of housing in the future on what is today the playground.

We understand that the City of Berkeley had several bids for the purchase of the Hillside School property, including two higher bids that would have built housing on the playground. The selection of Mr. Sappala's bid, despite being lower in price, prevailed precisely because of its intent to preserve and improve the property rather than use the playground essentially as an empty lot. We trust that the City will ensure that its original intent is respected and not allow for development of housing on the playground at some later date.

Thank you,

John Horton

(John Horton & Irene Collaço)

Land Use Planning
Received
July 24, 2019

ATTACHMENT 6
ZAB 10-24-2019
Page 19 of 199

Dear Landmark Preservation Commission:

I emailed comments regarding 1581 LeRoy Ave. to the Commission prior to the June 6 meeting. I have added some additional comments and am resubmitting my comments for consideration at the August 1 meeting.

As a Hillside neighbor, I am writing to you because I feel that it is important to find a way to keep the walkway connecting Le Roy and Buena Vista and as much of the current playground area at Hillside School as possible open for public use. I would urge you to explore and support a way to ensure that there is a pathway and some open space with public access in perpetuity.

I appreciate Sam Seppala's efforts, expenditure and energy to repair and restore the school building and the time he has spent consulting with neighbors re. his plans. I am very excited by what I see happening there and look forward to his making the building his home and offering some of the space to artists for studio use during the day.

Our grandchildren love to play in the playground, as do other neighborhood children and as did our own children, and kudos to Sam for recognizing the value of this and maintaining some open space for children in his plans. My hope now is to find a way to guarantee that this space, or perhaps even a larger portion of the current open space than was indicated in the plans submitted, continue to be open in perpetuity and to urge you to do whatever possible to advance this effort.

I also feel that maintaining significant open space is consistent and compatible with the Landmark status of the building and with the surrounding residential neighborhood and therefore would like to see limits placed on the number of parking spaces allowed as well as on future uses.

ATTACHMENT 6
ZAB 10-24-2019
Page 21 of 199

The street is also quite narrow and not conducive to easy passage of much increased traffic.

In addition, although perhaps not directly related to Landmark status, the property being discussed is located in a high-risk fire zone, a landslide zone and a fault zone. Past owners and tenants have made the open space available to neighbors as a possible gathering space during an emergency, thus contributing to public safety. I'm also concerned that loss of open space would effect evacuation and other potentially life-saving strategies that contribute to public safety during an emergency.

Thank you for your consideration of these comments.

Crane, Fatema

From: Michael Scott <michaelscott8815@sbcglobal.net>
Sent: Wednesday, July 24, 2019 6:20 PM
To: Landmarks Preservation Commission
Subject: SAPermit LMSAP2019-0004
Attachments: 2LPC07232019.docx; hillsidemap58001.pdf; WheelerTract002.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear LPC,

I have attached a second submission regarding proposed changes at Hillside School. It presents title searches that a neighbor and I carried out at the county registrar as we searched for easements or other stipulations conditioning the pathway between Le Roy Ave. and Buena Vista Way, and the large playground next to the path.

In addition to the written document, there are two historic maps, courtesy of Berkeley Architectural Heritage Association (BAHA), also attached. These maps suggest that the pathway noted above may have been an actual city street or a plan for the same at an earlier time.

Thank you for your attention to this matter, and if I may say, the secretary to the LPC, Ms. Fatema Crane, offered excellent questions and observations over the phone the other day.

Respectfully yours,

Michael Scott
Hillside class of '55

Early Hillside Land Titles and 1901 Map Showing Different Streets

Michael Scott July 11, 2019

Assignment

Locate land titles for 1581 Le Roy Ave/Hillside School for 1923-1925 to find out if there were easements and or other conditions of sale.

Overview

In the idiom of land titles and deeds, the Hillside school property is made up of five parcels (according to the “grant deed” of December 2012 recording the ownership by the German school). By rough observation, most of the property is within parcel two (all the playground and possibly part of the building footprint), followed in area by parcel three (bounded on the east by La Loma Avenue and constituting most of the building footprint). Parcels four and five are smaller areas created by the arc of Le Roy Avenue’s curve from north/south to west/east. Parcel one, for which we did find title transfer records, is now Sam Seppala’s southern parking lot and former kindergarten playground or “Little Hillside” as the locals used to call it. Keep in mind that in title language “parcels” are divided into “lots” which in turn may be subdivided into one or more house lots, using the common parlance term.

Beverly Cheney and I searched Alameda county title transfer records for Hillside School with special reference to the immediate post-fire period from September 1923 to 1925 when the school building was constructed, apparently on recently acquired property. We looked for deeds that may have included easements or conditions mentioning such features as the pathway between Buena Vista and Le Roy. In sum, we found a single instance, and somehow missed all the other transfers. How disappointing after

hours of slogging at the county's computers, but the one instance is revealing and now we have a more precise map citation for finding the lion share of the land transfers. There may be more nuggets to find.

Separately Beverly did find in the Berkeley Architectural Heritage Association (BAHA) photographs and maps that possibly suggest Seppala Path was once a city street. In the early 1900s Le Roy Avenue had a different name ("Lookout Place"), and so did Buena Vista Way ("Hillside Avenue"). For example, a 1901 map of the Wheeler Tract, filed by a licensed surveyor with the Alameda County Clerk, shows "Hillside Way" apparently crossing what became "Seppala Pathway" between what became the school building and the playground. "Hillside Way" conforms to the current "Buena Vista Way" in its east transit from Euclid Avenue but it arcs south and joins Le Roy Avenue just before crossing Cedar street. It creates a playground-like shape that mimics the current Hillside open space. (Please see the attached pdf file of the Wheeler Tract map.)

Also I did extensive sampling of numerous digitized drawings acquired from the architect (and former Hillside student) Caleb Cushing, including original 1924 Walter Ratcliff Jr. drawings, reconstruction drawings from 1936, fire protection drawings 1938, topographic and boundary drawings 1962, survey and fire alarm systems 1968. No references to pathways or titles were located.

Findings

Previously parcel one, now Sam Seppala's southern parking lot, was sold by the city of Berkeley to the Berkeley School District in September 1924 for a "market value" of \$5,000. (The entry is under the file name "Berk" from 1924, vol. 865, page 226 of titles a recorded action of the sale of real property from the City of Berkeley to the Berkeley School District.) The action was

approved 30 September 1924, one year to the month after the devastating fire.

Either the city owned this lot before the fire (possibly it was the site of the former local fire house) or it purchased lots from burned out homeowners for purposes we don't know—perhaps for such civic goals as a new site for Hillside School. There are no conditions or easements noted in the title transfer we read and copied for our records.

The September 1923 Berkeley Fire map (Berkeley Historical Society) shows a couple of structures on or near this lot that burned, along with every other structure on both sides of Le Roy Ave. and Buena Vista Way that constitute or abut what was to become Hillside School property.

We did not find titles for most of the property (now playground) that must have changed hands from the dozen burned out homeowners to the school district. Perhaps the city also intervened here to acquire the property for the purpose of reselling to the school district. To begin to answer these questions would require a review of the city council deliberations from September 1923 to December 1924. Also now we have a more precise description: “lots 1 through 10 block 5 ‘amended map of a portion of La Loma Park and the Wheeler tract’ filed October 15, 1902 in book of maps page 45 in the office of the county recorder of Alameda County.” To turn over this stone will require another trip to the county office. (See attached Assessor’s map 58, 2245, page 2, “Amended Map of a Portion of La Loma Park and the Wheeler Tract.”)

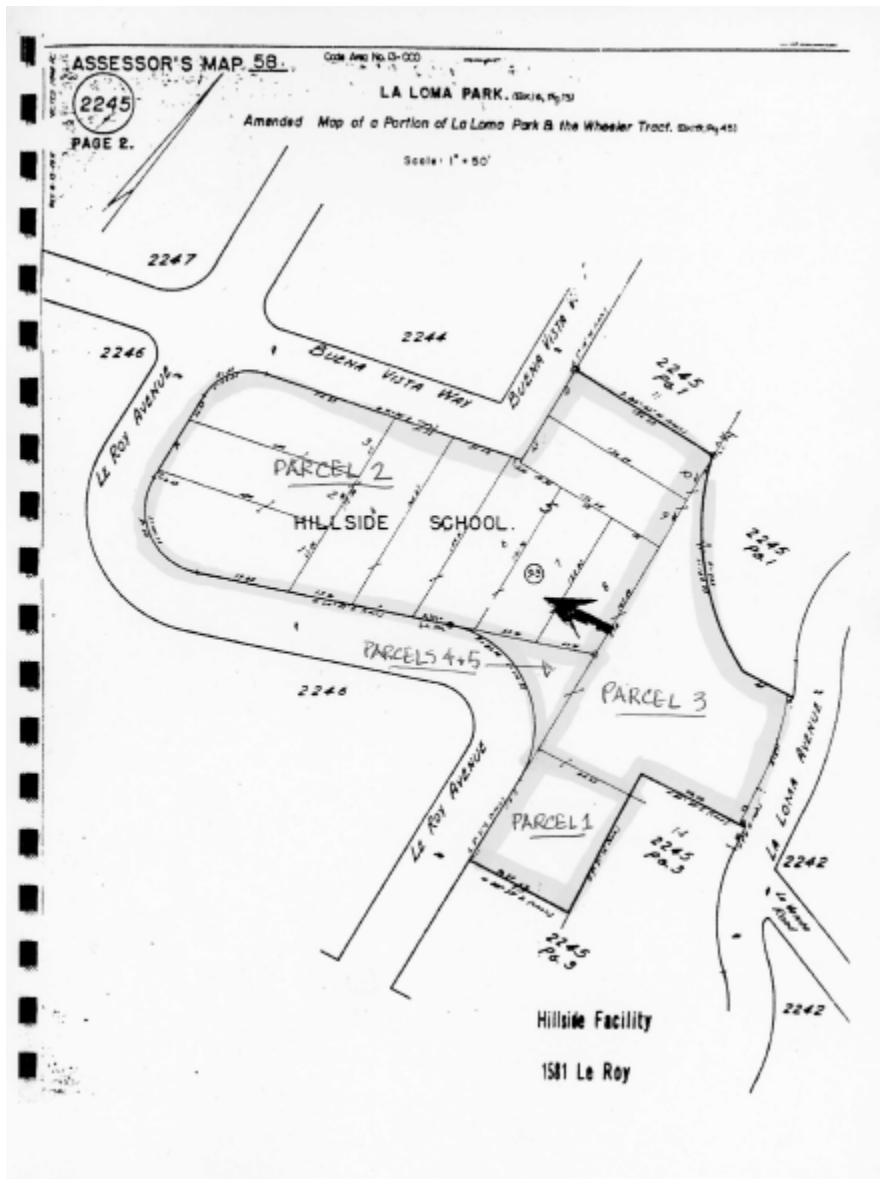
The helpful county archivist directed us to the city of Berkeley Planning department for plans for the school building that may show the path and any easements, as well as to the Bancroft Library.

ATTACHMENT 6
ZAB 10-24-2019
Page 26 of 199

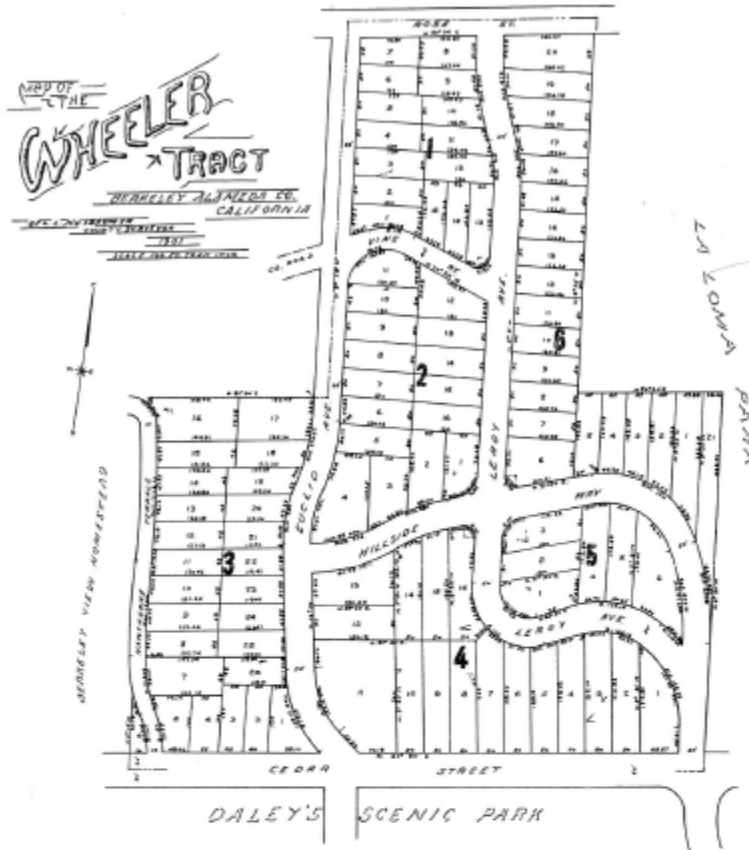
Before the 1923 fire, Hillside's property was house lots—some 15 or 16 house lots, counting structures shown on the Fire Map. This second parcel is the largest and constitutes most of the entire property. These are the burned out lots that previous home owners sold and eventually were purchased by the Berkeley School District, perhaps via the city of Berkeley as occurred in the case of lot 13. Lots 5 and 6 in particular correspond with what was to become Seppala Pathway between Buena Vista and Le Roy.

Parcel three is the second largest, defined by La Loma on the east and the eastern edge of parcel two, roughly corresponding to the building's footprint. Parcels four and five are small areas created by the arc of Le Roy's curve from north/south to west/east.

ATTACHMENT 6
ZAB 10-24-2019
Page 27 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 28 of 199



The Within and Without of the Property described herein are the same as those described above, and the same as those described in the original plat of the same.

State of California, County of Alameda, City of Berkeley, I, Jordan Wheeler, Surveyor, do hereby certify that the above is a true and correct copy of the original plat of the same, as the same appears on file in my office.

Witness my hand and the seal of my office, this 4th day of April, 1901.

Jordan Wheeler
Surveyor

James A. [unclear]
County Clerk

For Office Use Only - RECORD CALL.



K 3988

Filed at Request of
Jordan Wheeler
April 14, 1901
at 12 min past 9 A.M.
in the office of the County Recorder of the County of Alameda State of California.

R. C. [unclear]
County Recorder

SK 16 A 17

APRIL 4, 1901
LIC. SURVEYOR
FILED ALAMEDA CO. CLERK

Crane, Fatema

From: jackson-barschi@sophocles.com
Sent: Thursday, July 25, 2019 12:36 PM
To: Landmarks Preservation Commission
Subject: Re: LMSAP2019-0004

To the Landmarks Planning Commission:

I am disturbed by the plans to create a parking lot and storage area on two-thirds of the playground of the Hillside School. It is incompatible with the neighborhood of single family residences. I think that it would change the character of the neighborhood immensely. It would be an eye-sore to my neighbors who live adjacent to the playground, and potentially reduce the value of their properties.

Sincerely,

Edith Barschi
1597 Le Roy Ave.

Crane, Fatema

From: Lois Brandwynne <cminorlois@gmail.com>
Sent: Thursday, July 25, 2019 12:22 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave.LMSAP2019-0004

Dear Planning Commission,

The idea that a property formerly designated as a school should suddenly change hands through private purchase and lose its public character, so vital to the hillside community with its limited free space, is wrong and will have negative consequences in the future.

Respectfully,
Lois Brandwynne
2621 Rose St.
Berkeley, CA 94708
510-843-6003

Crane, Fatema

From: Margaret Cullen <margcullen@gmail.com>
Sent: Thursday, July 25, 2019 3:39 PM
To: Landmarks Preservation Commission; CullenMichaelA@aol.com
Subject: 1581 LeRoy Ave. LMSAP2019-0004

Hello,

We live at 2535 Buena Vista Way, directly across the street from Mr. Seppala's property. Though we are not on the side where the parking lot is proposed, the plantings offer little camouflage of the playground area. We had asked Mr. Seppala and the architect at a prior neighborhood meeting to plant trees/shrubbery in front of the existing cyclone fence as our home faces it directly. The new plan that was sent does not indicate that this will be done as promised and we can not go along with the proposal without this minor accommodation.

Thank you,
Margaret and Michael Cullen

Margaret Cullen, M.A., M.F.T.
Founding Faculty
Compassion Institute
www.compassioninstitute.com
Senior Teacher
Center for Compassion, Altruism and Education
Stanford University
<http://ccare.stanford.edu/education/cct-staff/>

Crane, Fatema

From: Ann Hughes <ahughes@lmi.net>
Sent: Thursday, July 25, 2019 1:41 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

To members of the Landmarks Preservation Commission, regarding the above topic:

I wish to add my voice to those wanting the public right-of-way for the path and playground at Hillside School to be maintained.

I have lived in the Shasta/Tamalpais Road area for 50 years, raising children, and now, grandchildren in this neighborhood. The path is a normal and often daily route for residents here when accessing by foot or bicycle the UC campus, the Elmwood area, sports and music events, etc. It seems especially ironic that this pedestrian route might be closed in order to add a parking lot! The city eliminates parking and driving paths in favor of non-vehicular traffic elsewhere in town (e.g. Oxford Street) - why not also here?

The playground speaks for itself, as used by folks of all ages for the usual reasons: exercise, meeting up, dog watching, and just sitting around in an open spot. For those in the immediate area, there is no other park setting.

I hope that while granting the property owner some satisfaction, you will at the same time provide a scheme to keep these long-standing uses protected and permanent.

Ann Hughes

Crane, Fatema

From: Mary Lee Noonan <mleenoonan@comcast.net>
Sent: Thursday, July 25, 2019 4:00 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Avenue, Public Hearing

Dear Members of the Landmarks Preservation Commission:

The integration of the former Hillside School into our neighborhood as a single family residence is indeed welcome. But may I raise two questions about items that will be before the Commission at your hearing on August 1, 2019, the categorical exemption of this project from CEQA review and "landscape improvements" that are included in the structural Alteration Permit.

Clearly Mr. Seppala's heroic restoration of the school building will have nothing but positive effects on the preservation of an important historical resource in Berkeley. On the other hand, is his plan for the development of the playground in keeping with the integrity of the landmark as recognized by the National Register of Historic Places, the State Register and by the City of Berkeley? According to CEQA Guidelines (Article 19, Section 15331, Class 31, for Historical Resource Restoration/Rehabilitation), "A categorical exemption shall not be used for any activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." I believe that the striping of an extensive parking lot and the storage of house trailers, along with related fencing, will impose a non-residential character on the project that will have an adverse effect on the environment.

Which brings me to a second aspect of my environmental concerns, the "unusual circumstances" of Mr. Seppala's proposal: his plan for an art center. He has described it to all of us in the neighborhood as "art related activities" including "private art classes, seminars, workshops and retreats," as well as exhibitions and the use of former classrooms as studios. With what feels like a verbal slight of hand, Mr. Seppala refers to the future participants in these activities as his "guests" and hopes to accommodate them by applying for a Moderate Home Occupation Permit. In fact, isn't he creating a philanthropic institution within his new home without the benefit of a formal legal structure, an institution whose environmental impact should be considered in your deliberations? Obviously it is not a commercial project, but just because money will not be changing hands in terms of rents or tuition or tickets, his vision is still an institutional one. In all respects, Mr. Seppala's conversion of the Hillside School into a single family residence with an Accessory Dwelling Unit needs to be consistent with its applicable zoning designation and regulations, as well as within the guidelines of CEQA.

Sincerely yours,

ATTACHMENT 6
ZAB 10-24-2019
Page 34 of 199

Mary Lee Noonan
2599 Buena Vista Way

Crane, Fatema

From: Sandra Schlesinger <sandra.schles@gmail.com>
Sent: Thursday, July 25, 2019 7:36 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave.LMSAP2019-0004

To Whom it May Concern:

July 25, 2019

I am disappointed with the plan Mr Seppala is submitting to the Planning Commission. I will be traveling at the time of the meeting; therefore, I cannot attend.

The playground area is one of the few open spaces in the North Berkeley neighborhood. The space allows for meeting neighbors, watching children play, exercising dogs, relaxing, relative quiet. The diminished size of the area open to the neighborhood is upsetting. Too, Mr. Seppala's reservation of allowing access on the path and to the diminished playground area "for the time being" is alarming.

All those parking spaces, presumably sometimes filled with cars, house trailers, and sheds will definitely change the feel of the open area and the neighborhood, and impact the peaceful fenced area.

I am surprised and sad that Mr. Seppala is so willing to abandon this rare open area for more traffic, structures, and general commotion. It is one thing to offer artists' studio space in the building itself (a fine idea) and quite another to expand the offerings to the outside area to the detriment of the neighborhood.

Yours truly,

Sandra Schlesinger
1619 Le Roy Avenue

Crane, Fatema

From: Ernst Valfer <esvalfer@gmail.com>
Sent: Thursday, July 25, 2019 1:19 PM
To: Landmarks Preservation Commission
Subject: 1551 Le Roy Ave. LMSAP 2019-0004

We, neighbors, living at 2621 Rose St, Berkeley, CA 94708 are concerned about 3 issues of the proposed modifications of the Hillside School property.

1. Continued public access to the foot pass across the property. Not only is this a necessary north-south pass through but, in case of natural emergency it may become a critical access issue.
2. Maintenance of most of the open space and playground on the property. We are short of open space in Berkeley and, in case of natural emergency, it is the only reasonably safe open space where families and members of the nearby community could assemble if homes and infrastructure is destroyed by fire, earthquake or other similar tragic destruction.
3. The property's use for plastic art creation and display (paintings, sculpture, etc.) is fine. But use for very loud activities, such as raves or rock concerts in the Assembly Hall or open space would be most disturbing to the neighborhood incl. loss of sleep. Present Berkeley noise ordinance is not sufficient to prevent such activities as I remember decades ago such recorded music played at maximum volume on Tamalpais St. keeping us awake on Rose St. and call to the police were generally unsuccessful or effected the noise cessation only after several hours of sleep deprivation.

Respectfully,

Ernst and Lois Valfer

2621 Rose St. Berkeley, 94708

510.843.6003

Crane, Fatema

From: laura altieri <laura.altieri@gmail.com>
Sent: Friday, July 26, 2019 12:28 PM
To: Landmarks Preservation Commission
Cc: bcheney@pacbell.net
Subject: 1581 le roy ave lmsap2019-0004

I write to express my anger and sadness over proposed changes to the lot at Hillside school. The tall cyclone fences will make my beautiful street look like a war zone. Who needs such fences?? And no single family dwelling should be permitted 20 parking spots. I live at 2514 Buena Vista Way, Berkeley California 94708. This is a quiet residential area. Me Seppola knew that when he moved in and he made promises about maintaining the character and keeping the yard open to the community. Kids, adults and dogs use that open space extensively. My 5 year old plays there at least once a week. We have no other open space nearby, and no other hardscape for bike riding and skating. I myself learned how to ride a bike in that cement schoolyard.

The proposed changes are far outside zoning rules, ruinous for the neighborhood and ugly. I further fear the effect on my house value of a fenced fortress full of cars.

Sincerely,
Laura Altieri

Crane, Fatema

From: JOSHUA PIOVIA-SCOTT <joshps33@hotmail.com>
Sent: Friday, July 26, 2019 2:39 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave

Follow Up Flag: Follow up
Flag Status: Completed

Dear Landmark Preservation Commission,

I am writing to ask the Commission to help ensure public access for as much of the current open space at Hillside School as possible, including both the open space to the west of the property and the walkway connecting Le Roy and Buena Vista. I think that it is critical that this public access be somehow guaranteed or formally confirmed going forward.

I appreciate new owner Sam Seppala's significant efforts to repair and restore the former school building and am confident that there is a solution that will allow him to do the things that he would like to do with the property and also preserve the substantial and longstanding benefits that the open space, playground and walkway have provided to the neighborhood for almost 100 years. I know this history well as four generations of my family have lived nearby and spent thousands of hours in this open space and on the playground. My grandparents, parents and now my children have all lived at one time or another across the street from 1581 Le Roy and, along with countless others, have had this open space as an important part of their lives. When my children and I visit my parents it is usually only a matter of minutes before they ask when they can go play at the playground. There is almost constant use of this space by the public and the activities that I have enjoyed in the open area to the west of Hillside School include: basketball, baseball, football, frisbee, lacrosse, bike riding, skateboarding, tag, capture the flag, picnicking, tree climbing and just running around and/or being outside in the midst of a pretty densely populated neighborhood.

In addition to the immense value of this open space to the neighborhood and its residents (and future residents!) for recreation, outdoor activities and play; there are not insignificant issues of narrow, curving and steep surrounding streets, a high-risk fire and landslide zone, and the fact that the property sits on top of the Hayward fault. Removing this open space would negatively impact residents and all others in the area at the time of a natural disaster.

Thank you for your consideration of these concerns.

Joshua Piovia-Scott (Berkeley High School class of 1993)

Crane, Fatema

From: Beverly Cheney <bcheney@pacbell.net>
Sent: Friday, July 26, 2019 4:46 PM
To: Landmarks Preservation Commission
Cc: Zoning Adjustments Board (ZAB)
Subject: 1581 Le Roy (LMSAP2019-0004 and ZP2019-0061)

I wish to add to my previous comments regarding the proposed changes to Hillside School. (Please scroll down to view two maps and one photo.)

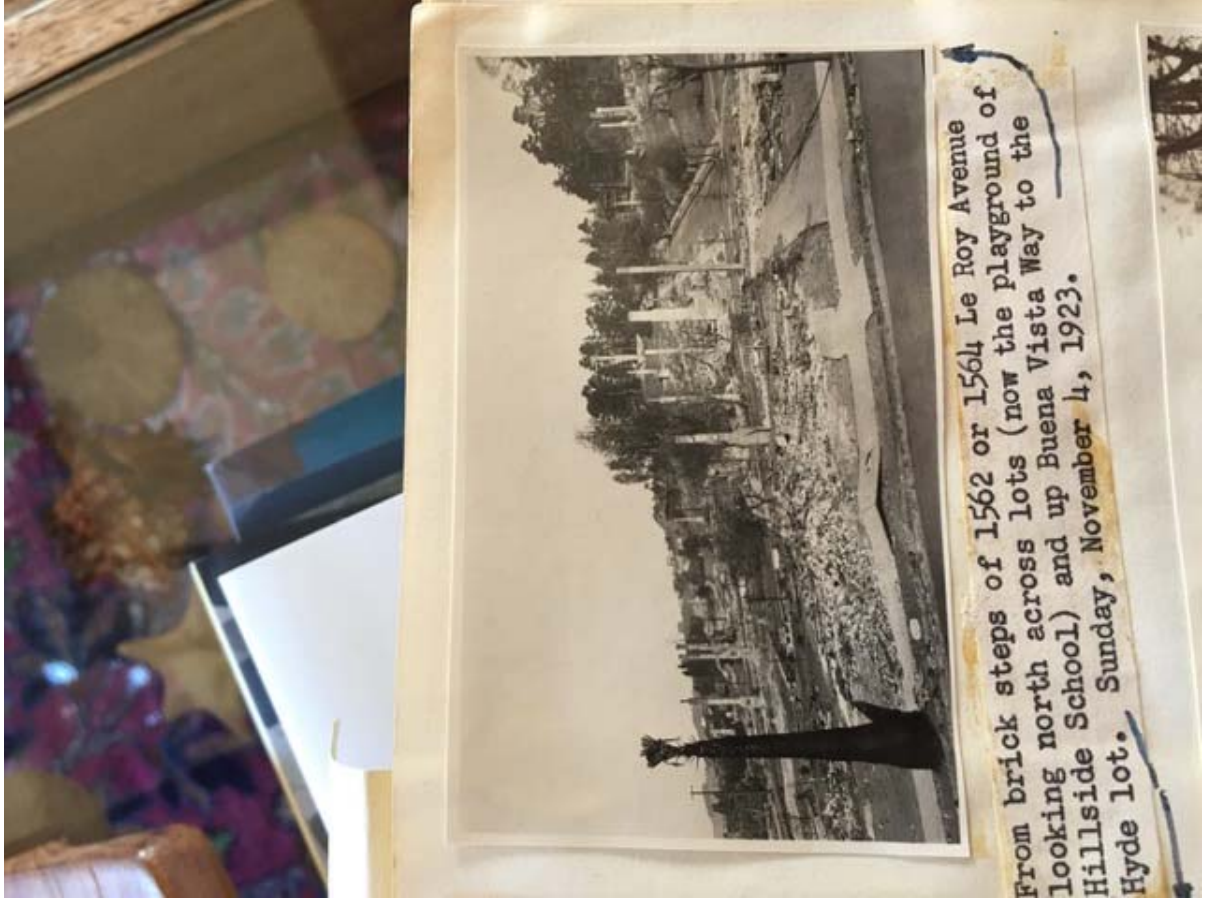
The school, the playground and the path are included in the Historic Landmark designation. The school when it was built contained an auditorium which was intended to have a dual purpose, to be an auditorium for the school and to be available for public use. The playground and the path for the past 93 years have been used by the public for access and for recreational and social activities. The public has had a de facto right of way.

Attached is a 1901 map of the Wheeler Tract which shows Hillside Way before part of it became Buena Vista Ave. It begins at Euclid and ends at LeRoy. Also attached is a 1902 map (or, 1904, difficult to see clearly) showing Hillside Way angling north and continuing uphill (as Buena Vista Ave. currently exists). Houses were built and later destroyed by the 1923 fire on the Hillside School site. I think it is unlikely that the original Hillside Way was ever eliminated. It seems more plausible that it was kept even when there were houses around it. (See photo.) It had been in active use and why change that? Hillside Path exists in roughly the same place today as it did in 1901.

My concern is that what has been public if it becomes private is lost. Potentially a private owner could close off access and deny any public use. An owner may initially choose not to but over time may and likely would choose to do otherwise, especially if unchallenged. Is it possible for the City of Berkeley to protect its citizens' need for open space and access to an essential path? The neighbors who have a strong interests in this are unlikely to want to pursue litigation for financial reasons and also such action tears neighborhoods apart. Ideally, the city will act in some way to protect, for now and in the future, the rights of way that have traditionally been ours.

Beverly Cheney
1459 Greenwood Terrace
Berkeley, CA 94708
home: 510 540-8663
cell: 510 684

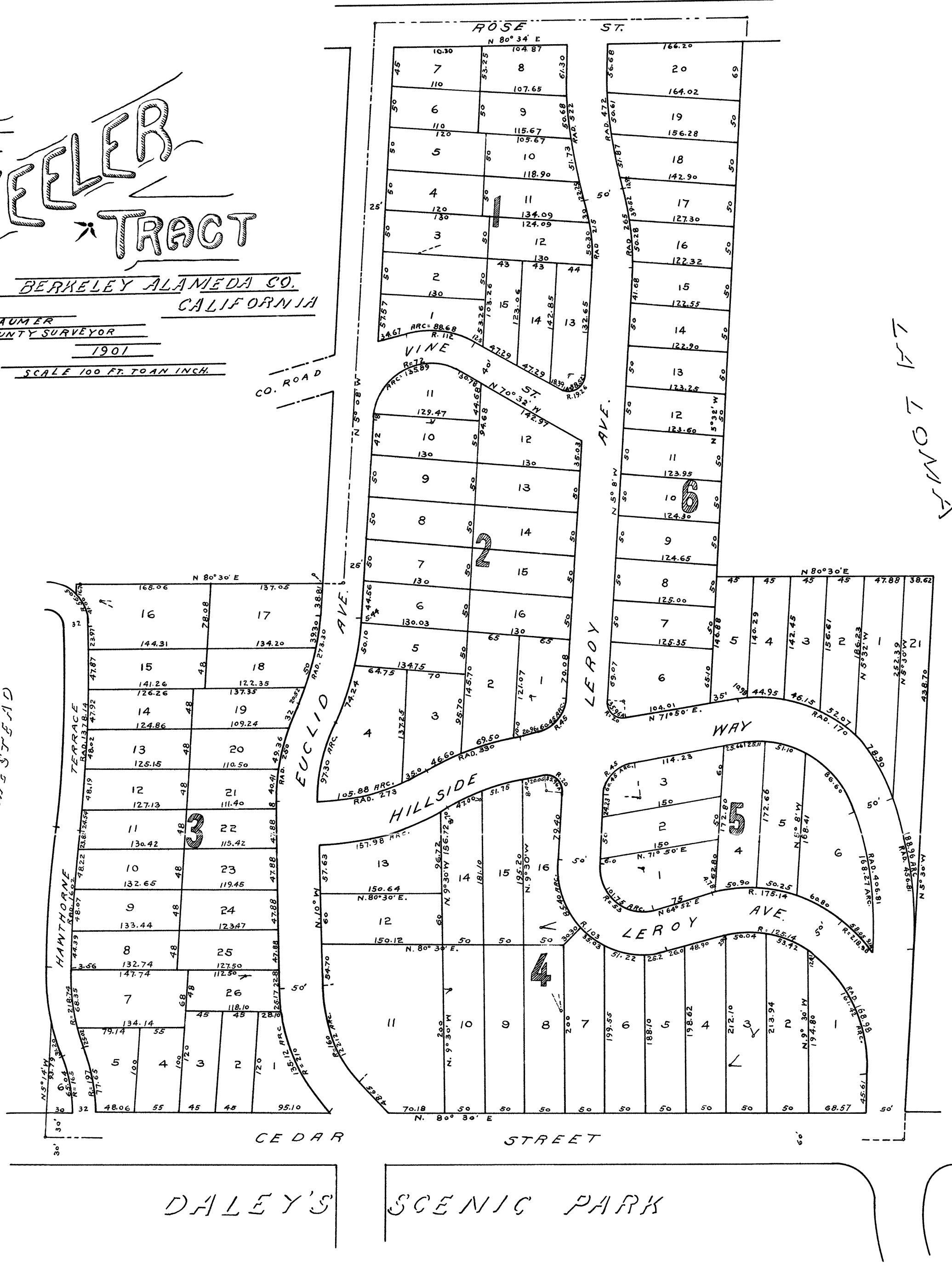
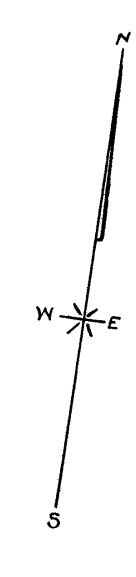
ATTACHMENT 6
ZAB 10-24-2019
Page 40 of 199



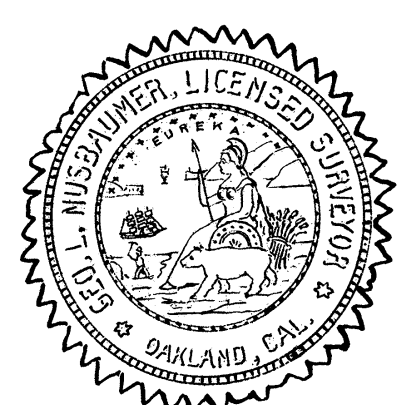
ATTACHMENT 6
ZAB 10-24-2019
Page 41 of 199



MAP OF
THE
WHEELER TRACT
BERKELEY ALAMEDA CO.
CALIFORNIA
GEO. L. NUSBAUMER
COUNTY SURVEYOR
1901
SCALE 100 FT. TO AN INCH.



In witness whereof, the Proprietors of the land designated and shown upon the above Map, hereunto
affixed my hand and seal this 3rd day of March 1901
State of California, } ss. Judson Wheeler
COUNTY OF ALAMEDA, }
On this 3rd day of March in the year of our Lord, one thousand nine
hundred and one, before me, George Schmidt, a Notary Public
in and for said County, and State, residing therein, duly commissioned and sworn, personally appeared
Judson Wheeler
known to me to be the person whose names are subscribed to the within instrument, and ac-
knowledged to me that he executed the same.
In witness whereof, I have hereunto set my hand and affixed my Official Seal, the day and year
in this certificate first above written.
George Schmidt
Notary Public in and for the County of Alameda,
State of California.
Post Office Address BERKELEY CALIF.



Geo. L. Nusbaumer
Licensed Surveyor and
County Surveyor.
March 20th 1901.

K 3959

Filed at Request of
Judson Wheeler
April 4th 1901
at 11 min. past 9 A.M.
in the office of the County Re-
corder of the County of Alameda
State of California.
A. K. Green
County Recorder.
R. S. Peck
Deputy Recorder.

BR 16 R 18

Crane, Fatema

From: John Fike <fikepros@lmi.net>
Sent: Friday, July 26, 2019 4:53 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

To Whom It May Concern-

While I think it is wonderful that the old Hillside School building is being preserved, and I'm also enthusiastic about the idea of affordable spaces for local artists as the main use of this building, I find it inconceivable that a public thoroughfare that has existed for close to a century could be taken away.

I also think that 18 parking spots is extremely excessive, especially considering there is a sizable parking lot just south of the building, and also considering the existing plans to build additional underground parking. I think every effort should be made to preserve the open space of the playground for community use. If nothing else, this is a primed opportunity for a compromise, win-win solution that serves both the new owner and the neighborhood community.

Thank you for your consideration-

John Fike
1149 High Court
Berkeley
510-847-4470

Crane, Fatema

From: linneazero <linneazero@yahoo.com>
Sent: Friday, July 26, 2019 10:06 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

This is in regards to the proposed changes to Hillside school.

My family and I have lived on the 1500 block of Le Roy ave in Berkeley for over 40 years. My husbands family has been here for 80 years. My child's grandfather attended K-6 at Hillside school as did many other people I know. My nephew played at the Hillside chess school for years. My child plays at the playground at Hillside now as we did when we were kids.

We are concerned about the proposed changes for several reasons. It concerns us that the new owner reserves the right to take away access to the walk way and play ground, which this neighborhood has had access to for close to one hundred years.

We are also concerned that there is a proposed 18 new parking spaces to be included on the property, and change to residential use.

How many apartments are to be expected? How many more people will this bring into this already congested neighborhood? There is very limited parking here, so many more people and their visitors will make it a nightmare. We already have considerable property crime in this neighborhood as well and are concerned by the increased crime this will potentially bring.

The people who live here appreciate the neighborhood for being a quite and relatively safe place to be. We hope the city will reconsider changing our beloved Landmark school to residential use and the loss of public access.

Thank you for your consideration
Karin Linnea Hald

Sent from my T-Mobile 4G LTE Deviceuilt

Crane, Fatema

From: JOSHUA PIOVIA-SCOTT <joshps33@hotmail.com>
Sent: Friday, July 26, 2019 2:39 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave

Follow Up Flag: Follow up
Flag Status: Completed

Dear Landmark Preservation Commission,

I am writing to ask the Commission to help ensure public access for as much of the current open space at Hillside School as possible, including both the open space to the west of the property and the walkway connecting Le Roy and Buena Vista. I think that it is critical that this public access be somehow guaranteed or formally confirmed going forward.

I appreciate new owner Sam Seppala's significant efforts to repair and restore the former school building and am confident that there is a solution that will allow him to do the things that he would like to do with the property and also preserve the substantial and longstanding benefits that the open space, playground and walkway have provided to the neighborhood for almost 100 years. I know this history well as four generations of my family have lived nearby and spent thousands of hours in this open space and on the playground. My grandparents, parents and now my children have all lived at one time or another across the street from 1581 Le Roy and, along with countless others, have had this open space as an important part of their lives. When my children and I visit my parents it is usually only a matter of minutes before they ask when they can go play at the playground. There is almost constant use of this space by the public and the activities that I have enjoyed in the open area to the west of Hillside School include: basketball, baseball, football, frisbee, lacrosse, bike riding, skateboarding, tag, capture the flag, picnicking, tree climbing and just running around and/or being outside in the midst of a pretty densely populated neighborhood.

In addition to the immense value of this open space to the neighborhood and its residents (and future residents!) for recreation, outdoor activities and play; there are not insignificant issues of narrow, curving and steep surrounding streets, a high-risk fire and landslide zone, and the fact that the property sits on top of the Hayward fault. Removing this open space would negatively impact residents and all others in the area at the time of a natural disaster.

Thank you for your consideration of these concerns.

Joshua Piovia-Scott (Berkeley High School class of 1993)

Crane, Fatema

From: JOSHUA PIOVIA-SCOTT <joshps33@hotmail.com>
Sent: Friday, July 26, 2019 2:39 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave

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Thank you for your consideration of these concerns.

Joshua Piovia-Scott (Berkeley High School class of 1993)

Crane, Fatema

From: JOSHUA PIOVIA-SCOTT <joshps33@hotmail.com>
Sent: Friday, July 26, 2019 4:28 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave

Dear Landmark Preservation Commission,

I am writing to ask the Commission to help ensure public access for as much of the current open space at Hillside School as possible, including both the open space to the west of the property and the walkway connecting Le Roy and Buena Vista. I think that it is critical that this public access be somehow guaranteed or formally confirmed going forward.

I appreciate new owner Sam Seppala's significant efforts to repair and restore the former school building and am confident that there is a solution that will allow him to do the things that he would like to do with the property and also preserve the substantial and longstanding benefits that the open space, playground and walkway have provided to the neighborhood for almost 100 years. I know this history well as four generations of my family have lived nearby and spent thousands of hours in this open space and on the playground. My grandparents, parents and now my children have all lived at one time or another across the street from 1581 Le Roy and, along with countless others, have had this open space as an important part of their lives. When my children and I visit my parents it is usually only a matter of minutes before they ask when they can go play at the playground. There is almost constant use of this space by the public and the activities that I have enjoyed in the open area to the west of Hillside School include: basketball, baseball, football, frisbee, lacrosse, bike riding, skateboarding, tag, capture the flag, picnicking, tree climbing and just running around and/or being outside in the midst of a pretty densely populated neighborhood.

In addition to the immense value of this open space to the neighborhood and its residents (and future residents!) for recreation, outdoor activities and play; there are not insignificant issues of narrow, curving and steep surrounding streets, a high-risk fire and landslide zone, and the fact that the property sits on top of the Hayward fault. Removing this open space would negatively impact residents and all others in the area at the time of a natural disaster.

Thank you for your consideration of these concerns.

Joshua Piovia-Scott (Berkeley High School class of 1993)

Crane, Fatema

From: JOSHUA PIOVIA-SCOTT <joshps33@hotmail.com>
Sent: Friday, July 26, 2019 4:33 PM
To: Darya Barar; Landmarks Preservation Commission; Landmarks Preservation Commission
Cc: Mike Scott; Vicki Piovia
Subject: 1581 Le Roy Ave

Dear Landmark Preservation Commission,

I am re-sending the email from my wife Darya Barar below to the "LPC@CityofBerkeley.info" address rather than the "PlanningLPC@CityofBerkeley.info" address.

Unfortunately, I think a number of emails regarding the Hillside School property located at 1581 Le Roy Ave may have been sent to the "PlanningLPC@CityofBerkeley.info" address.

Thank you for your attention to this matter.

Joshua Piovia-Scott

From: Darya Barar <daryabarar@hotmail.com>
Sent: Friday, July 26, 2019 9:57 PM
To: PlanningLPC@cityofberkeley.info <PlanningLPC@cityofberkeley.info>
Cc: Mike Scott <michaelscott8815@sbcglobal.net>; Vicki Piovia <Vickipiovia@sbcglobal.net>; joshps33@hotmail.com <joshps33@hotmail.com>
Subject: Hillside

Dear Landmark Preservation Commission,

I am writing to ask the Commission to help ensure public access for as much of the current open space at Hillside School as possible, including both the open space to the west of the property and the walkway connecting Le Roy and Buena Vista. I think that it is critical that this public access be somehow guaranteed or formally confirmed going forward.

I appreciate new owner Sam Seppala's significant efforts to repair and restore the former school building and am confident that there is a solution that will allow him to do the things that he would like to do with the property and also preserve the substantial and longstanding benefits that the open space, playground and walkway have provided to the neighborhood for almost 100 years. I know this history well as four generations of my husbands family have lived nearby and spent thousands of hours in this open space and on the playground. My children have had this open space as an important part of their lives. When my children and I visit my in-laws it is usually only a matter of minutes before they ask when they can go play at the playground. There is almost constant use of this space by the public and the activities that I have enjoyed in the open area to the west of Hillside School include: basketball, baseball, football, frisbee, lacrosse, bike riding, skateboarding, tag, capture the flag, picnicking, tree climbing and just running around and/or being outside in the midst of a pretty densely populated neighborhood.

As an arborist, I also appreciate the value of the trees, birds, and wildlife that have made homes for themselves in the trees and shrubs that encircle the play area. I've seen hawks, raptors and other bird species.

As well as foxes, coyotes, and deer. it would be gravely detrimental to reduce this area to anything but what it is a home for the neighborhood. Removing this open space would negatively impact residents and all others in the area at the time of a natural disaster.

Thank you for your consideration of these concerns.

Darya Barar
Berkeley resident (2828 Dohr St)

Crane, Fatema

From: familiaviolich@yahoo.com
Sent: Friday, July 26, 2019 1:49 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP 2019-0004

Landmark Preservation Commission
Permit Center
2120 Milvia St.
Berkeley, CA 94707

Charles Eames and Hillside School

Dear Commissioners,

My first most memorable film was Blacktop, a short documentary, filmed in 1952 by Charles Eames, shown to us at Hillside School, that captured water finding its way across an asphalt playground.

As a student at Hillside during recess, I remember watching with fascination how the water we played with, just like the janitor's soapy water in the film, would encounter pebbles, move pine needles and float dust and dirt as if directed by some unknown force pulling it down that sloping sheet of asphalt.

Years have passed. I've been playground director, neighborhood father and grandfather on that schoolyard and yet what still most captures my imagination is the movement of water across that space, that open space.

Artists, parked cars and basketball courts will come and go but water, like ourselves, given the preservation of Hillside School's open space, should be permitted to flow.

Please, leave Hillside School's open space open for that possibility.

Let the water we played with, as children, help us now, as community, to find our way.

Thank you,
Antonio Violich,
Class of '60

90 Tamalpais Road
Berkeley, CA 94708

Crane, Fatema

From: familiaviolich@yahoo.com
Sent: Monday, July 29, 2019 1:59 AM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP 2019-0004

Landmark Preservation Commission
Permit Center
2120 Milvia St.
Berkeley, CA 94707

Greenwood Common and Hillside School

Dear Commisioners,

William Wurster and Samuli Seppälä, worlds apart, now share a similar place in history.

They stand, one in legacy and the other in fact, on private properties, Greenwood Common and Hillside School, that have had a tradition of shared public interest.

I grew up on Tamalpais Road in the vicinity of both, playing with my friends on Greenwood Common and as well as with my classmates at Hillside School. Over the years both sites have acquired landmark status and have afforded the neighboring community a sense of place. Thank you for your continuing support in keeping them both culturally relevant.

Of course, as is the case with private property, the owners of both sets of parcels retain the right to restrict public access. However, over my lifetime, I have seen that the Greenwood Common model has worked well to benefit both the private and public realms. In the private one, individual owners have formed community around a common understanding and in the public one, the greater community has been trusted to respect the opportunities presented.

I would hope that, nurtured by the children born to both Greenwood Common and Hillside School, Mr. Sepälä will be inspired, as was Prof. Wurster nearly 60 years ago, to include the neighboring community in his visions for the future.

Given the Commission's recent intervention to uphold the character of Greenwood Common I would also hope that, as regards the future of Hillside School, the Commission will act accordingly.

Thank you,
Antonio Violich
Class of '60, Hillside School

90 Tamalpais Road
Berkeley, CA 94708

Crane, Fatema

From: familiaviolich@yahoo.com
Sent: Monday, July 29, 2019 8:51 AM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP 2019-0004

Landmark Preservation Commission
Permit Center
[2120 Milvia St.](#)
[Berkeley, CA 94707](#)

Greenwood Common and Hillside School

Dear Commisioners,

William Wurster and Samuli Seppälä, worlds apart, now share a similar place in history.

They stand, one in legacy and the other in fact, on private properties, Greenwood Common and Hillside School, that have had a tradition of shared public interest.

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I would hope that, nurtured by the children born to both Greenwood Common and Hillside School, Mr. Sepälä will be inspired, as was Prof. Wurster nearly seventy years ago, to include the neighboring community in his visions for the future.

Given the Commission's recent intervention to uphold the character of Greenwood Common I would also hope that, as regards the future of Hillside School, the Commission will act accordingly.

Thank you,
Antonio Violich
Class of '60, Hillside School

90 Tamalpais Road

ATTACHMENT 6
ZAB 10-24-2019
Page 53 of 199

Berkeley, CA 94708

Crane, Fatema

From: familiaviolich@yahoo.com
Sent: Monday, July 29, 2019 9:38 AM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP 2019-0004

Landmark Preservation Commission
Permit Center
[2120 Milvia St.](#)
[Berkeley, CA 94707](#)

Re: Corrected Version of “Greenwood Common and Hillside School”

Dear Commissioners,

Please submit for the record the corrected version of my letter entitled Greenwood Common and Hillside School just sent to you at 8:50 this morning.

When I woke up this morning I realized I had made a miscalculation in the text of the letter I had written you last night.

The second to last paragraph of the corrected version now reads as follows:

“ . . . ,as was Prof. Wurster nearly seventy years ago, . . . ”

and not “ . . . nearly 60 years. . . ” as I had previously indicated.

Thank you for your consideration,
Antonio Violich

Crane, Fatema

From: Bob B. BUCHANAN <view@berkeley.edu>
Sent: Tuesday, July 30, 2019 2:28 PM
To: Landmarks Preservation Commission
Subject: Hillside

Landmarks Preservation Commission
City of Berkeley

We wish to add our strong support to the neighborhood effort to preserve the former Hillside playground for future generations. The site:

- Is the only open space in the area.
- Serves as a community resource especially important for children.
- Would be critical in a natural disaster such fire or earthquake.

It is in the best interests of the neighborhood and the city to maintain its current status.

Sincerely,
Bob and Melinda Buchanan
19 Tamalpais Road

Crane, Fatema

From: Bronwyn Hall <news.bhh@gmail.com>
Sent: Tuesday, July 30, 2019 9:40 AM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

Dear Planning Commission,

I was very sorry to hear that there was a private sale of the Hillside School. It seems like a very shortsighted move on the part of the city to have sold this property off rather than doing what was necessary to make it usable for something. As neighbors who have walked the path by the school every day (best way to campus) and used the playground, it would be a great shame if the property was closed to us. Surely the path is a right of way and the playground should be public. How did this area possibly get privatized?

I fully support the idea that solution which preserves full public access be found,

Bronwyn

(Ms.) Bronwyn H. Hall
123 Tamalpais Road
Berkeley, CA 94708
USA

Crane, Fatema

From: Susan <susanmreganmft@gmail.com>
Sent: Tuesday, July 30, 2019 8:37 AM
To: Landmarks Preservation Commission
Subject: Attention

Dear Neighbors:

On behalf of the neighbors who met to discuss the playground and Buena Vista/Le Roy path we wish to share information about to Mr. Seppala's (owner of the Hillside Property) proposed changes and request your input.

The original Hillside School (different location) was built in 1899. After the 1923 fire the school, designed by Walter Ratchiff, Jr., was built in 1925 at its present location. In 1982 the building, the Buena Vista/Le Roy path and the playground were declared a national Historic Landmark. The public school was closed in 1983 and in 2008 the Berkeley Unified School District approved its sale to the German School, which in turn sold it in September 2018 to Mr. Sam Seppala.

Mr. Seppala is requesting that the designation be changed from "school" to "private residence." A map rendering of the playground as proposed by Seppala is on the reverse side of this letter.

Initially, Mr. Seppala informed neighbors of his intentions to leave the path (between Buena Vista Way and Le Roy Ave.) and the playground open to the public. More recently Mr. Seppala stated that he intends to leave the path and just one third of the playground open to the public "**for the time being**" and he "**reserves the right to rescind public access at any time.**"

Concerns about the path and the playground no longer being accessible to the public were common themes at two recent meetings with representatives from 27 households. For 93 years there has been public access and the playground provides much needed open space. These have been a vital community asset for foot traffic and social and recreational purposes as well as the playground serving as an emergency area during fire and/or earthquake as it provides a secure area free of overhead power lines and structures. Neighbors also has questions about the proposed mix-use of the building.

Neighbors have asked: Can the common, public right to access of path and/or playground be preserved? Do the plans for the use of the building, as a single-family residence plus an *Accessory Dwelling Unit*, allowing for "moderate home activity" include a non-profit entity? What impact will the 18 parking spaces, house trailers, sheds, etc., have on the existing playground and on the surrounding neighborhood? Is the city requiring 18

parking spaces on the playground or is that the owner's request? The answers to these questions will have long-term ramifications.

Can you respond to this request?

Thank you.

Susan Regan
Berkeley

Crane, Fatema

From: Zoning Adjustments Board (ZAB)
Sent: Thursday, September 26, 2019 9:13 AM
To: Crane, Fatema
Subject: FW: 1581 Le Roy Avenue

From: Mary Lee Noonan [mailto:mleenoonan@comcast.net]
Sent: Wednesday, September 25, 2019 6:09 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue

To Members of the Zoning Adjustments Board:

At the same time that I deeply respect Samuli Seppala's extraordinary efforts to rehabilitate the former Hillside School building, I honestly don't understand his plan for the use of the property. On the one hand, I gather that it is to be his private, single family residence in keeping with the zoning for our R-1 neighborhood. On the other hand, it is to be an art center making studio space available to multiple artists as well as welcoming participants at retreats, exhibitions and other related events. How can the property be legally both a private home and an institution? This ambiguity and the lack of clarity surrounding the details of Mr. Seppala's plan cast a cloud of uncertainty over the project. How can the participants associated with the art center be considered "guests," a label that strikes me as a graceful fiction, a verbal sleight of hand that seeks to erase the distinction between public and private. Will the art center be incorporated as a non-profit organization? What is Mr. Seppala asking our residential neighborhood to accept?

I trust that the deliberations of the Zoning Adjustments Board will provide clear answers to these questions. In the process, I hope that the land use regulations that apply to my home or and my neighbors', particularly the guidelines that have to do with landscaping and off street parking, will apply at 1581 Le Roy.

Sincerely yours,

Mary Lee Noonan

2599 Buena Vista Way

Crane, Fatema

From: Gertrude Allen <gertrudeallen@earthlink.net>
Sent: Wednesday, October 02, 2019 4:16 PM
To: Crane, Fatema
Cc: jerri holan
Subject: Hillside School property

2 October 2019

City of Berkeley Zoning Board

Attn: Fatema Crane

I am writing in regard to the applicant owner of what was the Hillside School on LeRoy Ave. in Berkeley. I live about a block from the property and my children went to Hillside School many years ago. I guess we all wish that it were still the good old school that it was - but that was yesterday and we now live today.

I am very grateful that Mr. Seppala purchased this property. The outlook without this rather surprising event was probably years of further neglect of the property, or perhaps purchase by a developer with the intention of putting many houses at the site.

As it is, we have a purchaser without a clear idea of what he intends to do, but has shown true regard for his new neighbors. I'm concerned about the proposed use of cars on the property and hope that such plans change. However, I think he is entitled to plan approval and let us all hope for and count on good will among neighbors. I think that we have every reason to be optimistic given Mr. Seppala's attitude and willingness to continue providing us with most of the old "schoolyard."

Sincerely,

Gertrude E. Allen
1486 Greenwood Terrace
Berkeley, CA 94708

cc: City Council]
Jerri Holan

From: Zoning Adjustments Board (ZAB)
Subject: FW: use permit #ZP2019-0061

From: laura altieri [mailto:laura.altieri@gmail.com]
Sent: Monday, October 14, 2019 11:57 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: Krishen Laetsch <krishenlaetsch@gmail.com>
Subject: use permit #ZP2019-0061

Hello Zoning Adjustment Board,

I write to object to the proposed zoning changes to Hillside school, use permit #ZP2019-0061.

I am a neighbor from 2514 Buena Vista Way. My family has lived on the block for 27 years and we have used the path and playground at Hillside that whole time, with dogs, kids and grand kids. I myself learned to ride a bike there as an adult. There are very few open flat spaces to do such things in Berkeley.

But in addition to the sentimental arguments, and the arguments about people needing gathering spaces to make strong neighborhoods and healthy individuals, I'd like to make a legal argument. I'm not a real estate lawyer, but given Hillside's historic landmark status and the neighborhood's uninterrupted use of the pathway and playground for 118 years, there is surely an easement that has been created de facto if not de jure for the public to continue to have access to this parcel.

When Mr. Samueli bought this property, he knew it was a National Historic Landmark-- not just the building but the path and the playground. He knew there was a path that the neighbors used and in fact he told us neighbors when he bought it that that the playground and path would remain as such. That promise appears to now be vanishing and replaced with a proposal for a private 18-space parking lot, five sheds, surrounding very tall fences, gates and driveway. However, the law and equity on our side. After 118 years of public use, there is little reason to allow 100 neighbors to lose their playground and access path all for one man's gain. He may see us neighbors and our desire to access this longtime spot as a nuisance, however he came to the "nuisance"- the "nuisance" did not come to him. He knew what he was buying when he bought it. It is not in the City's interest to grant this usage permit. Many more Berkeley residents are adversely affected than positively affected by the change.

I would also like to comment on Mr. Samueli's bad faith. He has already dismantled the fence to the playground prior to the ZAB making a decision. This makes it much less convenient as a place for dogs or small kids. He has left large RVs and planters in the path to block access. We have several senior citizens in the area who now struggle to walk down it. He also called a mediation to delay neighbor's objections to the City, and then refused to discuss the main topic on the agenda- the path. I am sorry to see this behavior rewarded.

Sincerely,
Laura Altieri

From: Zoning Adjustments Board (ZAB)
Subject: FW: Hillside Preservation
Attachments: Hillside Playground Letter.pdf

From: Bob B. BUCHANAN [mailto:view@berkeley.edu]
Sent: Monday, October 14, 2019 7:07 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Hillside Preservation

I attach a letter with my comments for preserving the Hillside Path and Playground. Unfortunately I won't be able to attend the ZAB hearing on Thursday.

Bob Buchanan
19 Tamalpais Road
19 Tamalpais Road

ATTACHMENT 6
ZAB 10-24-2019
Page 63 of 199

October 14, 2019

Zoning Adjustment Board
Berkeley, CA
RE: #ZP2019-0061

Dear Fellow Citizens

I am writing in strong support of preserving the Hillside Path and Playground. As a resident of La Vereda and Tamalpais Roads, I have seen the benefits of the area to our neighborhood for more than 50 years. Simply put, they are treasures that should be preserved for future generations.

Sincerely Yours,



Bob B. Buchanan
19 Tamalpais Road

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

-----Original Message-----

From: Eric VanDusen [mailto:ericvd@gmail.com]
Sent: Monday, October 14, 2019 10:35 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: charles@studiokda.com
Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

Dear ZAB

I am a neighbor at 2628 Hilgard, my family has been using the Hillside School property for 15years, our kids learned to ride bikes there, and they still use it to play sports all the time.

I am writing to support Sam Seppala and to ask you to support his proposal. Sam has taken on the care of this precious neighborhood property, and has been very patient with the neighborhood, who basically consider his private property to be their neighborhood community asset.

I ask that you vote yes on the proposed change of use so that Seppala can continue to invest in and steward and keep the Hillside school as an amazing asset of our neighborhood. He has great renovation plans and the place is already looking better than it ever has in the almost 20 years I have lived in the neighborhood.

Thank You,
Eric Van Dusen and Kara Nelson
(and Oliver and Simon Van Dusen)
2628 Hilgard

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue, Use Permit #ZP2019-0061

From: edie barschi [mailto:edieb75@gmail.com]
Sent: Tuesday, October 15, 2019 3:17 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Re: 1581 Le Roy Avenue, Use Permit #ZP2019-0061

To the Zoning Adjustments Board:

Regarding: 1581 Le Roy Avenue, Use Permit #ZP2019-0061

I am disturbed by the plans to create a parking lot and storage area on two-thirds of the playground of the Hillside School. It is incompatible with the neighborhood of single family residences. I think that it would change the character of the neighborhood immensely. It would be an eye-sore to my neighbors who live adjacent to the playground and potentially reduce the value of their properties.

Sincerely,

Edith Barschi
1597 Le Roy Ave.

From: Zoning Adjustments Board (ZAB)
Subject: FW: To the ZAB Secretary: re Use Permit #ZP2019-0061
Attachments: Hillside -- RDJackson ZAB.pdf

-----Original Message-----

From: jackson-barschi@sophocles.com [mailto:jackson-barschi@sophocles.com]
Sent: Tuesday, October 15, 2019 3:01 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: To the ZAB Secretary: re Use Permit #ZP2019-0061

To the ZAB Secretary --

Attached is my written comment on the subject "1581 Le Roy Avenue, Use Permit #ZP2019-0061" which is on the ZAB agenda for October 24.

Kindly acknowledge receipt, and please confirm that it will be provided to the members of the ZAB in advance of the October 24 meeting.

Thank you.

Robert Jackson

1597 Le Roy Avenue
Berkeley, CA 94708
October 15, 2019

To the Zoning Adjustments Board:

Regarding: 1581 Le Roy Avenue, Use Permit #ZP2019-0061

For nearly a century the Hillside schoolyard has provided almost an acre of open space for the surrounding residential neighborhood. It is the site of community gatherings, family events and picnics, casual basketball and softball games, and peaceful walks and conversations on sunny days. It has been a welcoming place for three generations of children to learn to ride their first bikes, to roller-skate, to fly kites, and to play catch and frisbee. For older neighbors and those with limited mobility it has provided an easily accessible place to enjoy the outdoors. It was included in the site description of the Hillside property in the successful application for its placement on the National Register of Historic Places. It is a vital and essential center of the Hillside community.

An indispensable part of the schoolyard is the paved path that borders the school building and provides a continuous and direct pedestrian connection between Buena Vista Way and Le Roy Avenue. Without this path, which has been open to the public since at least 1923, pedestrians would be diverted around the entire schoolyard, a detour of 200 yards. Such a diversion would, however, be far more than an inconvenience. In this densely populated neighborhood, which is exceptionally vulnerable to both fire and earthquake, closing public access to the path would seriously limit access by first responders in an emergency and, most important, would impede the rapid evacuation of residents.

In August 2018, as Mr. Seppala contemplated the purchase of the Hillside property, he met informally with a group of nearby residents in order to introduce himself, to share his plans for the site, and to hear the views of his potential neighbors. The participants were unanimous in emphasizing to him the importance of maintaining the schoolyard as open space for the benefit of the community. In response to their queries, he stressed that, "I don't have any intention to develop the playground" and added that he would not block it off: "I don't really feel like closing down [the playground] and putting up barriers. I don't see any reason for that." He added that, "I don't have the intention to invite lots of people coming there. That school [building] is enough for me." And he said that he would not

locate parking spaces on the schoolyard. He welcomed the idea of working with the neighborhood to maintain and improve the schoolyard as a public resource.

Contrary to Mr. Seppala's assurances, the proposal now before you would instead close two-thirds of the schoolyard to the public by surrounding it with a fence. Rather than an open area with a vista of the neighborhood and the historic building, it would become a private 18-space parking lot and a yard with storage sheds and displays. Most important, while Mr. Seppala has declared that the remaining one-third of the schoolyard, including the pedestrian path, would continue to be open to the public, his commitment applies only "for the time being." He has repeatedly declined to engage community members in a discussion of extending and formalizing this commitment, most recently at a mediation session on September 30.

Mr. Seppala's proposal for the schoolyard is entirely contrary to the historic character of the site, to the well-being of the surrounding residential neighborhood, and to his own explicit assurances when he met with neighbors before his purchase of the property. It also expands his project well beyond that of basic historical resource restoration and rehabilitation by introducing significant elements that would have a major impact on community access to open space and passage, disaster preparedness, emergency response, and public safety.

Thank you for your attention to the concerns of a Hillside neighbor.

Yours sincerely,

Robert D. Jackson

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 LeRoy Avenue Use Permit #ZP2019-0061 (Sepala)

From: Richard Mains [mailto:rmains@mainsgate.com]
Sent: Tuesday, October 15, 2019 7:30 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 LeRoy Avenue Use Permit #ZP2019-0061 (Sepala)

Dear City of Berkeley,

As a long-time (35 year) neighbor of the Hillside School living on nearby Cedar Street, I've been tracking the process that Mr. Sepala, the new owner, has followed to receive a use permit to upgrade and modify the property he purchased about a year ago. I took our children there to use the playground for many years and observed the gradual degradation of the property as its complex use and ownership evolved. Mr. Sepala's investment in dramatically improving the property while meeting the many Historical Landmark requirements for the building have been very impressive and his plan to provide public access to much of the playground is greatly appreciated. His overall plans are a creative way to ensure that the neighborhood will benefit for many years to come. I plan to attend the October 24th meeting to share my views further and hope that it will result in the above Use Permit being provided so Mr. Sepala can proceed with his plans and improvements. Our neighborhood will surely be the ultimate beneficiary.

Many thanks,

Richard Mains
510-847-6996

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 LeRoy Avenue Use Permit #ZP2019-0061

From: Sandra Schlesinger [mailto:sandra.schles@gmail.com]
Sent: Tuesday, October 15, 2019 9:18 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 LeRoy Avenue Use Permit #ZP2019-0061

Re: 1581 Le Roy Ave

I am disappointed and deeply saddened to think that the playground might be converted to a parking area with sheds, vehicles, and non-neighborhood activity. Since the fence has been partially removed, the playground, which was once a meeting area for neighbors with children and dogs, has been considerably diminished. I met neighbors there whom I otherwise would never have known. The chaos that will ensue with the addition of vehicles and off-neighborhood activity is very unsettling..

This area is already so congested with the 1581 playground offering a relatively tranquil place to relax. The houses are packed together throughout the neighborhood; here is the one open space. The path in front of the "school" allows walkers a way to avoid circling around the block. and is a natural path for anyone going up or down the hill. To close it off would be unacceptable, even anti-social.

I understand that the owner does own this property and feels he should be able to do what he wants with it. Changing the playground area changes the atmosphere of the entire neighborhood and diminishes property values, which is the last of my concerns. Having a small space of tranquility in this Berkeley neighborhood is a treasure which would be very sadly missed.

Yours truly,
Sandra Schlesinger
1619 Le Roy Avenue

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 LeRoy Ave., Use Permit #ZP2019-0061

From: Linda Schweidel [mailto:linda@fomlaw.com]
Sent: Tuesday, October 15, 2019 10:00 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 LeRoy Ave., Use Permit #ZP2019-0061

Dear Berkeley Zoning Adjustment Board -- My husband David and I have lived at 1480 Le Roy Ave. for nearly 22 years. I am writing to request that Sam Seppala's conversion project for the Hillside School include a permanent easement or public right of way for continued access to the pathway between Buena Vista Way and Le Roy Ave. We take a walk most nights after dinner "around the school" with our dog, and that has been -- for all these years -- a great source of joy, exercise, and community-building. (We almost always run into our neighbors and have a chance to chat.) So my main concern is that the public continue to have access to the pathway, both for safety reasons and community reasons -- that pathway is a boon to the community and has been so for many decades. My other concern is what's going to happen to the playground under the proposed plan. It too is a boon to the community; it is where we plan to go immediately in the event of a large earthquake or fire. I hope whatever plans Sam has for the playground can be undertaken in a way that will minimize the impact on that precious open space -- where we have played basketball, pushed our girls in the swings, played on the play structure, ridden bikes, and thrown the ball for our dog. I am concerned that it not be turned into a parking lot. Sam has been doing major work at the former school, and he has been a great addition to the neighborhood. My sincere hope is that a plan can be worked out that will preserve the path, and that the open space of the current playground can be protected as much as possible. Thank you for considering my request.
-Linda-

Linda M. Schweidel
Friedman McCubbin Law Group LLP
425 California Street, 25th Floor
San Francisco, CA 94104
Tel: (415) 434-2626
Fax: (415) 434-1937
linda@fomlaw.com

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

From: HOLLY SINGH [mailto:hollysingh@comcast.net]
Sent: Tuesday, October 15, 2019 7:14 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

Dear Zoning Board,
I am writing in support of Sam's request for a change of use permit of the former Hillside building. I have been greatly heartened by the improvements he has made. It looks beautiful!
Please vote yes on his proposed change of use permit.
With best regards,
Holly Singh,
1501 Le Roy Avenue

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

From: Patsy Slater [mailto:patsy@simplyslater.com]
Sent: Tuesday, October 15, 2019 7:11 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Re: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

To The ZAB members:

As someone who has lived on Cedar Street since 1979, around the corner from Hillside School, I firmly believe that the current owner has acted, and continues to act, in good faith. His transformations of the property, both completed and proposed, represent a huge improvement to the property and the neighborhood. I have used the playground extensively, both with children and grandchildren, over the years. My husband and I walk the path between the school and the playground daily with our dogs. Yet should access to that path become difficult in the future, walking on LeRoy, rather than directly across the path, does not represent an undo hardship.

I believe that Seppala's actions and plans take into account the well being of the neighbors and the neighborhood, and that insisting that things remain unchanged in perpetuity is both unrealistic and unreasonable.

I strongly support Samuel Seppala's application for a permit to the ZAB Board; I hope you do too!

Sincerely,

Patricia Slater

On Tue, Oct 15, 2019 at 7:08 AM Patsy Slater <patsy@simplyslater.com> wrote:

To The ZAB members:

As someone who has lived on Cedar Street since 1979, around the corner from Hillside School, I firmly believe that the current owner has acted, and continues to act, in good faith. His transformations of the property, both completed and proposed, represent a huge improvement to the property and the neighborhood. I have used the playground extensively, both with children and grandchildren, over the years. My husband and I

ATTACHMENT 6
ZAB 10-24-2019
Page 74 of 199

walk the path between the school and the playground daily with our dogs. Yet should access to that path become difficult in the future, walking on LeRoy, rather than directly across the path, does not represent an undo hardship.

I believe that Seppala's actions and plans take into account the well being of the neighbors and the neighborhood, and that insisting that things remain unchanged in perpetuity is both unrealistic and unreasonable.

I strongly support Samuel Seppala's application for a permit to the ZAB Board; I hope you do too!

Sincerely,

Patricia Slater

From: Zoning Adjustments Board (ZAB)
Subject: FW: Hillside School property

From: Ernst Valfer [mailto:esvalfer@gmail.com]
Sent: Tuesday, October 15, 2019 4:43 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Hillside School property

Dear Board,

My wife, Lois, and I have lived at 2621 Rose St, Berkeley, CA 94708 since July 1961. The path through the schoolyard was always a necessary time and distance saving shortcut to the campus and the Telegraph Ave. area. Now that we are much older and partially handicapped, this path is even much more of a necessity to reach the area between us and the campus. By all means it should remain publicly accessible at all times for the future.

The playground and open area of the Hillside campus is the only open area nearby that can serve as a safe and accessible assembly point for residents in this neighborhood in case of emergency. Many of us are hoping to set up a neighborhood emergency supplies cache that would remain free of fallen trees and buildings. The proposed use of this area by the owner for various sheds and structures as well as a large parking area would negate the above mentioned use for emergencies, independent of the presently highly desirable use as a playground.

We can not attend the Zoning Board meeting next week and via this email urge the Board to assure that these highly necessary public uses of the path and playground be preserved permanently.

Respectfully,
Ernst and Lois Valfer

From: Zoning Adjustments Board (ZAB)
Subject: FW: Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

From: Warren Breslau [mailto:warrenbreslau@gmail.com]
Sent: Wednesday, October 16, 2019 6:27 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

Zoning Adjustment Board
About: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

I'm Warren Breslau, current president of The Crucible's Board of Directors.

The Crucible is a nonprofit organization and art school dedicated to making the fine and industrial arts accessible for all ages, backgrounds, and abilities. Our work is centered in Oakland and the East Bay, where we provide high-quality, fun classes and workshops to over 8,000 people each year.

I would like to address the value that art and artists bring to any community and especially the need for offering non-commercial art space also in Berkeley. I know that Sam Seppala's and Veronica Petersen's free, non-commercial artist and project space will be carefully done because I have talked with them about project, artist community and selection process.

The fact that Hillside School will be also their personal home guarantees that the artists' activities will be those that would enhance and not prevent the peaceful enjoyment of the neighbors.

I ask that you vote yes on Sam's proposal so that he can move forward with his restoration plans for the former Hillside School building.

And that you vote "yes" to his requested change of use so that he can move forward enriching Berkeley.

Thank you!

Warren Breslau

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy (Hillside School)

From: Beverly Cheney [mailto:bcheney@pacbell.net]
Sent: Wednesday, October 16, 2019 4:22 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Fwd: 1581 Le Roy (Hillside School)

From:

Beverly Cheney
1459 Greenwood Terrace
Berkeley, CA 94708
510 540-8663

Re:

LMSAP2019-0004 Structural Alteration Permit and

ZP2019-0061 Zoning Permit

Hillside School as listed in the National Register of Historic Places includes the path and the playground which have been in public use for 93 years (possibly 120 years). See the attached map of La Loma Park, 1900, which shows "Lookout Place" and the attached map of Wheeler Park, 1901, which shows "Hillside Way". These indicate the path existed before homes were built on the site (homes later destroyed in the 1923 fire); the path existed before Buena Vista Way was created. As people are creatures of habit it seems reasonable to assume the path existed continuously rather than it existed, disappeared and reappeared. If the property becomes a private residence rather than a school the owner (current or future) could close off access to the path and the playground and the public would have no recourse. I ask that an easement or something equivalent (enforceable) be created to protect the public's right to access.

We have had two neighborhood meetings with Mr. Seppala and one SEEDS meeting which he arranged. Additionally, many of us have spoken with him informally. He has consistently and adamantly opposed granting an easement.

The environmental impact of his proposed changes includes the effects on people and the neighborhood. Open space is cherished. The path and playground are familiar and essential aspects of our community for recreation, community gatherings, etc. In the event of an earthquake or a fire (and fires often follow earthquakes) the open space provides a refuge and a potential staging area; the path can be an essential escape route for citizens fleeing disaster along narrow, congested streets. This area is at a severe, high risk for fire.

The school was built with taxpayer money and built to serve the interests of the community, replacing a smaller, previously existing Hillside School. The auditorium in particular was

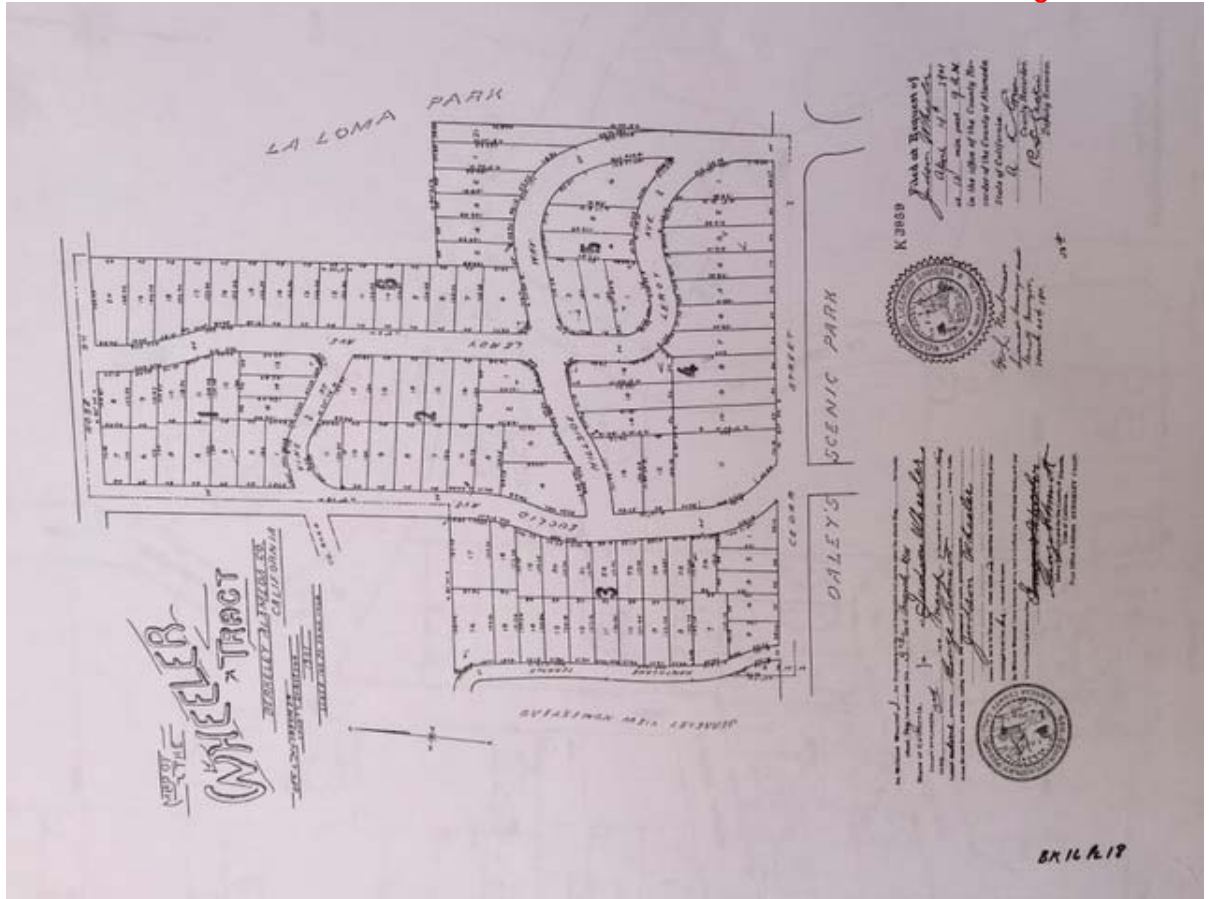
intended to serve a dual purpose, to be a gathering place for students but also to be used for community events. The School was where we went to cast our vote on Election Day.

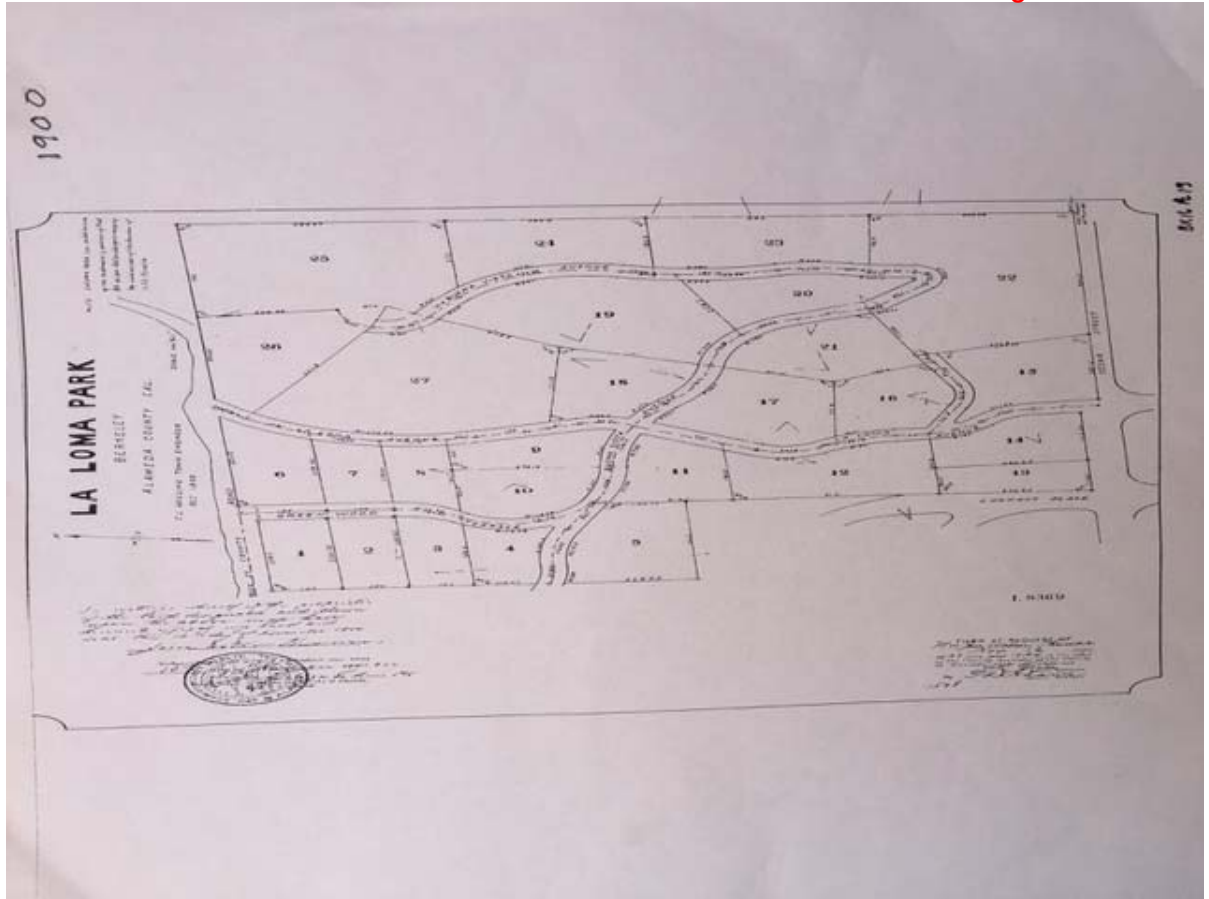
While some improvements to the building seem inappropriate given its historic nature (adding a hot tub, swimming pool and an above ground deck) perhaps they are not inappropriate for a 50,302 square foot residence (listed in Wikipedia as the 49th largest home in the U.S., Mar-a-Lago being the 22nd largest).

The “moderate home activity” seems to be a sleight-of-hand. The plan calls for an art center including 5 artist studios, each 1,000 sq. ft., plus the owner’s personal art studio, 2,000 sq. ft., 5 outdoor sheds for storage, and 25 or so parking spaces. We are being told this is not commercial activity because no money is changing hands but it seems quasi commercial or at least institutional. This has raised a lot of questions and concerns among the neighbors. What are the guidelines for commercial vs. routine home activity?

Lastly, for those neighbors looking out at the playground and seeing a tall fenced in parking lot and a bunch of sheds that would be a sight that contrasts sharply with the elegance and stateliness of the Tudor style building and totally at odds with it.

ATTACHMENT 6
ZAB 10-24-2019
Page 79 of 199





From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

From: MC [mailto:mc@michaelchristian.com]
Sent: Wednesday, October 16, 2019 4:37 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

Zoning Adjustment Board

About: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

Hello,

My name is I'm Michael Christian a Berkeley-based sculptor. Ive been working in my current studio Xian Productions in Berkeley for the past 18 years. I currently have a piece placed at the Downtown Berkeley BART Plaza.

I would like to address the value that art and artists bring to a community and especially offering non-commercial art space in Berkeley. Over the years I've witnessed the Bay Area lose precious art spaces with increased development myself losing out to this as well.

Sam Seppala's and Veronica Petersens's non-commercial and free artist space offering is an extremely rare example of full support for the arts. I believe it will be carefully done because I have talked with them about the project they are taking on and feel it would be a rare positive move for the artist community at large.

The fact that this would also be their personal home makes a huge difference from it just being an art space alone as the artists' activities will be those that would enhance the neighborhood as opposed to conflicting with which is not always the case. Samuli works in the public sector and i done believe he got to where he is today making people unhappy.

I ask that you vote yes on Sam's proposal so that he can move forward with his restoration plans for the former Hillside School building.

And that you vote "yes" to his requested change of use so that he can more forward enriching Berkeley.

Thank you!

Michael Christian

<http://michaelchristian.com/>

From: Zoning Adjustments Board (ZAB)
Subject: FW: Public Comment on Use Permit #2019-0061
Attachments: 2019.10.17 Hillside School Comments_Final.pdf

From: Rebecca Davis [mailto:rebecca@lozeaudrury.com]
Sent: Wednesday, October 16, 2019 9:14 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Public Comment on Use Permit #2019-0061

Attached, please find comments of the Hillside Path & Playground Preservation Association regarding Use Permit #2019-0061, scheduled to be heard by the Zoning Adjustments Board on October 24, 2019. Please contact me if you have any questions.

Sincerely,

Rebecca Davis

Rebecca L. Davis
Lozeau | Drury LLP
1939 Harrison St., Suite 150
Oakland, CA 94612
P: 510.836.4200
F: 510.836.4205
rebecca@lozeaudrury.com

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1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
rebecca@lozeaudrury.com

October 17, 2019

Via Email

Shoshana O’Keefe, Chairperson
Denise Pinkston, Vice Chairperson
Igor Tregub, Board Member
Teresa Clarke, Board Member
Patrick Sheahan, Board Member
John Selawsky, Board Member
Carrie Olson, Board Member
Charles Kahn, Board Member
Dohee Kim, Board Member
Zoning Adjustments Board
Land Use Planning Division
City of Berkeley
1947 Center Street, Second Floor
Berkeley, CA 94704
zab@cityofberkeley.info

Greg Powell
Zoning Adjustments Board Secretary
Land Use Planning Division
City of Berkeley
1947 Center Street, Second Floor
Berkeley, CA 94704
zab@cityofberkeley.info

Re: Hillside School Project, 1581 Le Roy Avenue; Use Permit #ZP2019-0061

Dear Chairperson O’Keefe, Vice Chairperson Pinkston, ZAB Members, and ZAB Secretary:

I am writing on behalf of Hillside Path & Playground Preservation Association, an unincorporated association composed of residents of Berkeley living near the Hillside School located at 1581 Le Roy Avenue (the “Hillside School Property”), concerning the application of the current owner to convert the property from its previous use as a school, to residential use (Use Permit #ZP2019-0061) (the “Project”). Hillside Path & Playground Preservation Association asks the Zoning Adjustment Board (“ZAB”) to reject the Project because it fails to comply with the California Environmental Quality Act (“CEQA”).

This comment was prepared with the assistance of fire expert Noah Brownlow. Mr. Brownlow’s expert comments and CV are attached hereto as Exhibit A.

As discussed below, there is substantial evidence that the Project will adversely impact public safety, and will adversely impact the historic significance of the Hillside School Property. Because of these significant impacts, the City cannot exempt the Project from CEQA. CEQA review is needed to analyze the Project’s impacts and implement feasible mitigation measures and alternatives to reduce adverse impacts to public safety and historic resources.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 2 of 14

A good faith effort was made by members of Hillside Path & Preservation Association to discuss the issues raised in this letter with the current owner of the Hillside School Property prior to the upcoming ZAB meeting. These efforts were fruitless, however, as the owner refused to discuss these issues prior to the ZAB hearing.

I. FACTUAL BACKGROUND

A. Hillside School

The Hillside School was built at 1581 Le Roy Avenue in 1925, following the 1923 Berkeley Hills Fire, which destroyed a number of houses previously located on the property. Once opened, the Hillside School operated as a public school until its closure in 1983. Berkeley Unified School District (“BUSD”) then leased the space to various educational institutions for approximately 25 years. In 2008 BUSD approved the sale of the Hillside School Property to the German International School, which in turn sold it in September 2018 to Samuli Seppala, the current owner and Project proponent.

Designed by Master Architect Walter Ratcliff, the Hillside School serves as an important historic resource for Berkeley, and was designated City Landmark #61 in 1980. In 1982 it was recognized nationally and placed on the National Register of Historic Places. The local and national historic designations were made for the entire Hillside School Property, including the path that runs in front of the school building that connects Le Roy Avenue and Buena Vista Way (the “Path”), as well as the playground in front of the school building (the “Playground”). A description of the historic significance of the Hillside School Property is found in the National Register of Historic Places Inventory Nomination Form, attached hereto as Exhibit B.

B. Proposed Project

The new owner of the Hillside School, Mr. Seppala, now seeks a use permit to convert the Hillside School into a single family residence with an accessory dwelling unit. He will convert the south wing of the building into living quarters, which he will use as his primary residence. Mr. Seppala also plans to create an Accessory Dwelling Unit for an artist-in-residence, and to repurpose the existing classrooms into art studios to be used by Mr. Seppala and guest artists. The Project also proposes to build a pool and hot tub on a new rooftop deck, and an elevator to serve the Mr. Seppala’s new primary residence.

Mr. Seppala is also seeking a Moderate Home Occupation Permit for artistic activities he plans on hosting at the Project site, including private art classes, seminars, workshops, and retreats at the property. In the Project application, he has proposed hosting up to 25 artists at the property, twice per month, for “art-related projects.” However at various points, he has been vague on the number of artists, and whether these events will be residencies, retreats, or day uses. To accommodate all of these new uses, Mr. Seppala plans to transform two-thirds of the Playground into a parking lot for 18 cars or trailers and an art display area. When added to other current and proposed parking, Mr. Seppala would have approximately 30 parking spaces at his

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 3 of 14

single-family residence.¹ In addition, the Project seeks to install up to five unsightly sheds on the current Playground for storage purposes. A picture of the proposed sheds is attached hereto as Exhibit C.

Mr. Seppala has allowed access on the Path and Playground “for the time being.” While this is appreciated, nothing in the Project requires him to do so. Under CEQA, a lead agency must analyze the impacts of all activity allowed under a permit, not just what is currently proposed. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398. Here, if the Project is approved, there is nothing preventing Mr. Seppala from cutting off public access to the Path or Playground. In doing so, he would limit potentially life-saving strategies that contribute to public safety during an emergency. The impact of this action must be analyzed under CEQA.

C. Fire History

The possibility of catastrophic wildfire near the Project in the Berkeley Hills is very real. The Hillside School is located in a high-risk fire zone, a landslide zone, and a fault zone. There are a number of factors that make the neighborhood a particularly high risk for fires, including its proximity to park land where the fuel load is high, narrow, curvy roads that hamper access by first responders and obstruct efficient evacuation routes, and steep topography, among others.

It is these conditions that have contributed to the East Bay Hills’ long and tragic history of catastrophic fires. In 1923, a wildfire swept through north Berkeley, in the same spot the Project is located, destroying 584 homes and 100 structures. *Id.* In 1970, the Hills Fire burned more than 400 acres, destroying 37 homes. *Id.* The Wildcat Canyon Fire in 1980 destroyed five homes in just minutes. *Id.* More recently, the Tunnel Fire, in 1991, caused more than \$1 billion in damage, and took the lives of 25 people. *Id.*

As a result of climate change, since the 1991 Tunnel Fire, “wildfires have become larger, hotter, more destructive, and more difficult to control.” Councilmember Wengraf Memo to City Council Supporting Resolution Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley (Oct. 15, 2019) (“Wengraf Memo”). We are beginning to better understand the importance of fire safety mitigation measures. This was demonstrated by the City Council’s recent adoption of a resolution on October 15, 2019, declaring wildfire prevention and safety a top priority in the City of Berkeley. Our increasing awareness of fire danger, particularly near Wildland Urban Interfaces in wooded areas with congested narrow streets, underscores the importance of public paths for use as evacuation routes, and open spaces for use as a staging area of emergency vehicles and a safe zone for people and pets.

¹ These 18 parking spaces proposed to be added to the Playground are in addition to the nine parking space created on what was formerly the kindergarten playground at the south end of the building, and a new parking garage being built in place of the former cafeteria.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 4 of 14

D. The Hillside School Playground and Path

For the past 93 years, the Playground and Path connecting Le Roy Avenue and Buena Vista Way have been open to and used by the public for recreational and social activities. The Playground contains a number of metal play structures, basketball hoops, and a large open play space. Activities taking place at the Playground go beyond just playing on the metal structures and include basketball, baseball, Frisbee, bike riding, tag, capture the flag, and picnicking, just to name a few.

The Playground has been a defining part of the neighborhood for nearly a century. It has been used and enjoyed by residents of all ages, for multiple generations. Comments submitted to the Landmark Preservation Committee (“LPC”), and likely submitted to ZAB in this proceeding as well, recount dozens of stories of Berkeley residents who climbed on the playground structures as children, took their children to the playground, and now take their grandchildren to there. Comments submitted to the LPC describing community members’ current and past uses of the playground are attached hereto as Exhibit D. The Playground’s central role in the neighborhood was by design. As Mr. Seppala’s Applicant Statement for the Project acknowledges, “[t]he front yard of the school was designed as a playground *for both the school and the neighborhood.*” Applicant’s Statement, Hillside School, 1581 Le Roy Avenue, p. 1 (March 11, 2019) (emph. added).

As an open space, the Playground is vital to the Hillside community, which has very limited free space. The Playground is the only open space where families and community members could gather in case of an emergency due to fire, earthquake, or other tragic event. As discussed in detail below, loss of access to this open space would limit potentially life-saving strategies that contribute to public safety during an emergency.

The Path is a similarly vital asset to the neighborhood. Neighbors have walked the Path in front of the school to get from Le Roy Avenue to Buena Vista Way for nearly a century. It serves as a normal and often daily route for residents when accessing the UC Campus by foot or bike.

As detailed below, the Project and its potential to cut off public access to the Path and Playground not only changes the character of the neighborhood and the historic nature of the property, but it also poses a serious public safety risk.

II. LEGAL BACKGROUND

A. California Environmental Quality Act

CEQA mandates that “the long-term protection of the environment ... shall be the guiding criterion in public decisions” throughout California. Public Resources Code (“PRC”) § 21001(d). CEQA applies to “discretionary projects” unless they are specifically exempted. PRC § 21080(a). A “project” is “the whole of an action” directly undertaken, supported, or authorized

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 5 of 14

by a public agency “which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” PRC § 21065; CEQA Guidelines, 14 CCR § 15378(a). CEQA is concerned with an action’s ultimate “impact on the environment.” *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283. CEQA requires environmental factors to be considered at the “earliest possible stage . . . before [the project] gains irreversible momentum,” *id.* at 277, “at a point in the planning process where genuine flexibility remains.” *Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296, 307.

CEQA has a three-tiered structure for protecting the environment. 14 CCR § 15002(k); *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185-86 (“*Hollywoodland*”). First, if a project is exempt under CEQA or if it is certain that the project “will not have a significant effect on the environment,” there need be no further agency evaluation. *Id.* But “where there is a reasonable possibility that a project or activity may have a significant impact on the environment, an exemption is improper.” *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 206. Second, “if there is a possibility the project will have a significant effect on the environment, the agency must perform an initial threshold study.” *Hollywoodland*, 161 Cal.App.4th at 1185-86; 14 CCR § 15063(a). If the study indicates that there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, the agency may issue a negative declaration. *Hollywoodland*, 161 Cal.App.4th at 1185-86; 14 CCR §§ 15063(b)(2), 15070. Third, an environmental impact report (“EIR”) is required if “there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” PRC § 21080(d); *see also Communities for a Better Env’t v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.

“Significant environmental effect” as used in this three-tiered test is defined very broadly as “a substantial or potentially substantial adverse change in the environment.” PRC § 21068; *see also* 14 CCR § 15382. An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.” *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 83. “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Communities for a Better Env’t v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109.

Here, because City staff proposes to exempt the Project entirely from all CEQA review, the first step of the CEQA process is at issue.

B. Categorical Exemptions

CEQA identifies certain classes of projects that are exempt from the provisions of CEQA. These are called categorical exemptions. PRC § 21084(a); 14 CCR §§ 15300, 15354. Categorical exemptions are certain classes of activities that generally do not have a significant effect on the environment. *Id.* Public agencies utilizing such exemptions must support their determination with substantial evidence. PRC § 21168.5. CEQA exemptions are narrowly

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 6 of 14

construed and “[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.” *Mountain Lion Found. v. Fish & Game Comm’n* (1997) 16 Cal.4th 105, 125; *McQueen v. Bd. of Dirs.* (1988) 202 Cal. App. 3d 1136, 1148. Erroneous reliance by an agency on a categorical exemption constitutes a prejudicial abuse of discretion and a violation of CEQA. *Azusa*, 52 Cal. App. 4th at 1192. “[I]f the court perceives there was substantial evidence that the project might have an adverse impact, but the agency failed to secure preparation of an EIR, the agency’s action must be set aside because the agency abused its discretion by failing to follow the law.” *Dunn-Edwards*, 9 Cal. App. 4th at 656.

C. Exceptions to Categorical Exemptions

CEQA contains several exceptions to categorical exemptions. 14 CCR § 15300.2. If an exception applies, the exemption cannot be used, and the agency must instead prepare an initial study and CEQA document. *McQueen*, 202 Cal. App. 3d at 1149; *Hollywoodland*, 161 Cal. App. 4th at 1187. “Even if a project falls within the description of one of the exempt classes, it may nonetheless have a significant effect on the environment based on factors such as location, cumulative impact, or unusual circumstances.” *Save Our Carmel River v. Monterey Peninsula Water Mgmt. Dist.* (2006) 141 Cal. App. 4th 677, 689. The “unusual circumstances” exception provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to “unusual circumstances.” 14 CCR § 15300.2(c).

In the context of the unusual circumstances exception, what is “unusual” is “judged relative to the *typical* circumstances related to an otherwise typical exempt project.” *Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal. App. 4th 786, 801 (emphasis added). An unusual circumstance is “some feature of the project that distinguishes it from others in the exempt class.” *San Lorenzo Valley*, 139 Cal. App. 4th at 1381. The *Azusa* Court held that the unusual circumstances test would be satisfied where the circumstances of a particular project: (i) differ from the general circumstances of the projects covered by a particular categorical exemption, and (ii) those circumstances create an environmental risk that does not exist for the general class of exempt projects. *Azusa*, 52 Cal. App. 4th at 1207; *Hollywoodland*, 161 Cal. App. 4th at 1187 (construction of new fence atop historic granite wall posed environmental risk that did not exist for “general class of exempt projects” under the Class 5 exemption due to differing historic nature of wall); *Fairbank v. City of Mill Valley* (1999) 75 Cal.App.4th 1243, 1260-1261 (court looked for “some feature of the project that distinguishes it from any other small, run-of-the-mill commercial building or use” covered by claimed exemption).

Here, the City’s determination that the Project is exempt under the “Historical Resource Restoration/Rehabilitation” exemption fails because the Project goes beyond the scope of the exemption on its face, and because the unusual circumstances exception applies, precluding reliance on an exemption.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 7 of 14

III. ANALYSIS

A. The Historical Resource Restoration/Rehabilitation exemption does not apply on its face.

The City claims that the Historic Resource Restoration/Rehabilitation CEQA exemption (also known as the Class 31 exemption) applies to the Project. 14 CCR § 15331. The City’s reliance on this exemption is misplaced.

The exemption is narrow in scope, and applies only to:

[P]rojects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

14 CCR § 15331.

CEQA exemptions, such as the Historic Resource Restoration/Rehabilitation exemption, are narrowly construed, and limited to their terms. *Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257, 1268; *Mountain Lion Found. v. Fish & Game Comm’n* (1997) 16 Cal.4th 105, 125; *McQueen v. Bd. of Dirs.* (1988) 202 Cal. App. 3d 1136, 1148. Strict construction is required in order to interpret categorical exemptions in a manner that affords the greatest environmental protection within the reasonable scope of their statutory language. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 966. “Since a determination that a project falls within a categorical exemption excuses any further compliance with CEQA whatsoever, we must construe the exemptions narrowly in order to afford the fullest possible environmental protection.” *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 697.

In the case of *Castaic Lake Water Agency v. Santa Clarita* (1995) 41 Cal.App.4th 1257, 1268, the court held that CEQA’s earthquake exemption did not apply to a city project involving earthquake retrofitting because the project also included other elements only loosely related to earthquakes. Similarly here, while the Project includes some maintenance, repair, and restoration, it includes many other elements that go far beyond the limited terms of the exemption. Thus, the exemption does not apply.

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1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 8 of 14

In addition to “maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction,” the Project also includes many activities that go far beyond the language of the exemption, including:

- Construct a new roof deck;
- Install an unenclosed swimming pool and hot tub within the new roof deck;
- Construct a 36-square foot elevator penthouse above the second story;
- Create a new surface parking lot where the playground is now located;
- Install up to five storage sheds within portions of the former Playground;
- Repurpose part of the playground as an outdoor art space.

Notice of Public Hearing (mailed Oct. 9, 2019).

With these elements, the proposed Project does not fit within the Class 31 exemption because is clearly not “limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction” of the Hillside School Property as a historic resource. The Project clearly does *include* restoration and rehabilitation activities. The problem is that the Project is not *limited* to those activities. The Project goes far beyond merely maintaining or repairing the Hillside School Property. Instead, the Applicant seeks to build new structures that never existed on the site before, and take away portions that are included as part of the Historic Landmark Designation. See Exhibit E. Among other things, the Applicant seeks to build a rooftop pool and hot tub, a new parking lot and five large storage sheds on what had previously been a historic playground. But the Class 31 exemption does not exempt projects that seek to add a pool or a parking lot to a historic resource. Similarly, converting two-thirds of the playground into a parking lot and building five sheds on the parking lot does not fit within the plain terms of the exemption. The Project goes far beyond just maintenance or repair of an historic resource – the Project changes the historic resource.

Since the Project goes far beyond the limited terms of the exemption, the exemption is legally precluded. *See, Castaic Lake*, 41 Cal. App. 4th at 1268 (CEQA earthquake exemption did not apply to rebuilding of City center because rebuilding project included elements beyond mere earthquake repairs and reconstruction).

B. The Project cannot be exempt from CEQA because it will have significant environmental impacts due to unusual circumstances.

Even assuming *arguendo* that the Project did fall within the Class 31 exemption (which it does not), the Project is still not exempt from CEQA because it falls under the “unusual circumstances” exception to categorical exemptions. 14 CCR § 15300.2(c). A categorical exemption is inapplicable “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” *Id.* Here, the Project does not present the same general risk of environmental impact as other projects falling under the Class 31 exemption, and therefore the Class 31 exemption is inapplicable.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 9 of 14

In *Berkeley Hillside*, the California Supreme Court explained that there are two ways a party may invoke the unusual circumstances exception. First, “a party may establish an unusual circumstance with evidence that the project *will* have a significant environmental effect. That evidence, if convincing, necessarily also establishes ‘a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.’” *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 (emph. added). Alternatively, “[a] party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.” *Id.*

Both of these alternatives are established here because there are unusual circumstances that distinguish this Project from other Class 31 exemption projects, and there is substantial evidence that the Project will have a significant effect on the environment.

1. They City cannot rely on a CEQA exemption because the Project will have a significant impact on public safety.

Appendix G of the CEQA Guidelines provides that a Project will have a significant impact if it would “[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.” CEQA Guidelines, Appendix G. There is substantial evidence that the Project will expose people and structures to a significant risk of loss, injury or death involving wildfires in an area where residences are intermixed with wildlands.

Wildfire fighting expert Noah Brownlow submitted herewith a detailed analysis demonstrating that the Project will put people and property at risk. See Exhibit A (“Brownlow Comments”). According to Mr. Brownlow, the Project “represents a threat to public safety by reducing access and egress to the Berkeley hills and by eliminating a potential safety zone or fire shelter deployment site for firefighters responding to [Wildland Urban Interface] fires.” Brownlow, p. 1. The increased danger stems, in part from the ability for the Project owner to cut off public access to the pathway that runs in front of the Hillside School, and connects Le Roy Avenue and Buena Vista Way. *Id.* Mr. Brownlow explains that cutting off this public access poses a threat to community members trying to evacuate, and impede emergency vehicle access. Brownlow, p. 1. The Project “would decrease both emergency vehicle access to the area, and civilian opportunities for egress. When a Northeast wind-driven fire is sweeping through the hills firefighters and residents need as many open pathways as possible, and restricting or eliminating these pathways ignores the unique threats posed to this neighborhood.” Brownlow, p. 1.

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1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 10 of 14

Mr. Brownlow concludes that:

If a fire does occur in the Berkeley Hills, this pathway could prove crucial to the safety of nearby residents in escaping a fire. By closing this pathway to the public, the public faces an increased risk of harm if a fire does occur.

Id.

The Project will also increase the risk to human life and property if a fire or other emergency occurs because firefighters and other emergency workers will face additional constraints in handling a fire or other emergency.

In both the 1991 Tunnel Fire and the 1923 Berkeley Hills Fire, “emergency personnel access and civilian egress were a limiting factor in incident stabilization and contributing factor to fatalities and property loss.” Brownlow, p. 1. In his comment letter, Mr. Brownlow describes the specific type of risks posed by Wildland Urban Interface (“WUI”) fires, and the importance of open spaces and egresses. “Due to their potential for extreme and unpredictable behavior, huge energy and potential for loss of life, firefighters have certain protocols that must be in place before they attempt to engage WUI fires.” Brownlow, p. 2. One such rule is that fire fighters must ensure that four conditions are in place at all times: 1) lookouts, 2) communications, 3) escape routes, and 4) safety zones. *Id.* The Project would impact fire fighters’ ability to safely tackle a fire at or near the Project because these conditions would not be met. *Id.* The Project “would eliminate a potential escape route and safety zone, denying firefighters a currently existing space in which to deploy personal fire shelters if overrun or to escape a deadly fire altogether.” *Id.*

Mr. Brownlow’s comments constitute substantial evidence that loss of public access to the path between Le Roy Avenue and Buena Vista Way and loss of public access to the playground will “[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires.” This significant impact precludes the City from relying on an exemption to avoid CEQA review. The City must analyze the Project’s impact on public safety under CEQA, and implement all feasible mitigation measures.

This public safety issue should be analyzed and mitigated in the open and public process created by CEQA. A CEQA process would allow the City to consider and impose feasible mitigation measures to reduce public safety risks. This may include, for example, a condition requiring the pathway between Le Roy and Buena Vista and all or a part of the playground be kept open to the public and unobstructed. Public Safety experts for the City should be consulted to determine impact the Project will have on neighbors, fire fighters, and other emergency service workers in the event of a fire or earthquake. This information must all be disclosed to the public for review and comment.

The City’s failure to include any analysis or mitigation of the Project’s public safety impacts must be cured before the Project is approved.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 11 of 14

2. The Project involves an unusual circumstance, precluding reliance on a CEQA exemption.

Even if there were not evidence that the Project *will* have a significant environmental impact, the unusual circumstances exception would still apply because, unlike “usual” or “typical” Historical Resource Restoration/Rehabilitation projects, this Project creates a significant public safety risk.

At least two elements of the Project that distinguish it from other projects in the exempt class, and these characteristics create environmental risks not generally present for “Historical Resource Restoration/Rehabilitation” projects. The first unusual circumstance is the Project’s location. Unlike most restorations, the Project is located in a High Fire Zone, within the State-designated Alquist-Priolo Earthquake Fault Zone, and is also in an earthquake-induced landslide area mapped by the California Geologic Survey on its Seismic Hazard Mapping Act map. The location of the Project makes it and the surrounding area unusually susceptible to a natural disaster. The second unusual circumstance is that, unlike most restorations, the Project may cut off a previously public path and open space, both of which are vital to public safety in the event of a fire or earthquake.

Once it is determined that a project presents an unusual circumstance, an exemption is precluded if there is substantial evidence that a project *may* have significant environmental impacts. Here, such evidence exists. As discussed above, because of the high risk location of the Project, and its potential to cut off public access to the Path and Playground open space, the Project may “decrease both emergency vehicle access to the area, and civilian opportunities for egress.” Brownlow, p. 1.

The Project’s unusual circumstances, together with Mr. Brownlow’s expert comments, preclude the City from relying on a CEQA exemption for the Project.

C. CEQA exemption is not allowed because the Project may have an adverse impact on a historic resource.

CEQA section 21084.1 prohibits the use of a CEQA exemption for projects that **may** cause a substantial adverse change in the significance of a historical resource. CEQA § 21084.1, CEQA Guidelines 15300.2(f). CEQA defines a “substantial adverse change” as the physical demolition, destruction, relocation or alteration of the historical resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. CEQA goes on to define “materially impaired” as work that materially alters, in an adverse manner, those physical characteristics that convey the resource’s historical significance and justify its inclusion in the California Register of Historic Places, a local register of historical resources, or an historical resource survey. CEQA Guidelines 15064.5(b).

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 12 of 14

As discussed above, the Hillside School, path, and playground *collectively* are listed on the National Register of Historic Places. The Project will adversely affect the Hillside School, pathway, and playground as a historic resource. As discussed above, the Project goes beyond merely restoring or rehabilitating the Hillside School.

As proposed, the school playground that has been used by community members for more than 90 years, will be made into a parking lot for up to 18 vehicles. The Project also permits the owner to install up to five unsightly, garage-like sheds on the new parking lot. In addition, the Project would turn the remaining playground into a collection space for undescribed “art.” None of this is consistent with the historic nature of the site. Instead, the action would transform the playground from a historically significant element of the property into a parking lot. Changing the Playground from its current aesthetic that is cohesive with the school, into a parking lot with five large storage sheds and random art pieces would change the character of the property as a whole. Because these changes may have an adverse impact on the Hillside school, Path, and Playground as a historic resource, the City may not exempt the Project from CEQA. Pub. Res. Code § 21084.1.

D. CEQA does not allow mitigated categorical exemptions.

A project that requires mitigation measures cannot be exempted from CEQA, nor can the agency rely on mitigation measures as a basis for determining that one of the significant effects exceptions does not apply. *Salmon Pro. & Watershed Network v. County of Marin* (2004) 125 Cal.App4th 1098, 1102. The City has imposed numerous mitigation measures on the Project. For example, the August 1, 2019 Landmarks Preservation Commission staff report includes the following conditions, among others:

- **Repair and replacement of character-defining features.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- **Chemical Treatments.** Any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.
- **Roof equipment.** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and design review may be required.
- **Clear glass.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass shall be indicated on all drawings, and shall be reviewed for approval by historic preservation staff, prior to approval of any building permit for this project.
- **Exterior Lighting.** Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
- **Landscape Plan.** Prior to approval of any building permit for this project, the

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 13 of 14

proposed landscape improvements shall be revised to include new plantings to screen—or to supplement existing plantings – on both the north *and* south sides of the former playground area. Further, the landscape plan may be modified as needed to ensure compliance with zoning criterion for open space pavement.

- **Irrigated, water efficient landscape.** New areas of landscape shall provide irrigation. This shall be called out on Landscape building permit drawings. The property owner shall maintain automatic irrigation and drainage facilities adequate to assure healthy growing conditions for all required planting and landscape. The landscape shall be drought-tolerant and achieve maximum water efficiency.
- **Storage sheds within the front yard area.** The storage sheds shall be limited to not more than five total and to their proposed height, floor area and locations.
- **Curb cuts.** All curbs and curb cuts shall be constructed per the standards and specifications of the Public Works Department. Curb cuts no longer utilized shall be restored per the Public Works Department specifications.

Since the City has imposed numerous mitigation measures, a CEQA exemption is prohibited. An agency may not rely on a categorical exemption if to do so would require the imposition of mitigation measures to reduce potentially significant effects. *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1108 (“SPAWN”); *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1198-1201. If mitigation measures are necessary, then at a minimum, the agency must prepare a mitigated negative declaration to analyze the impacts, and to determine whether the mitigation measures are adequate to reduce the impacts to below significance. The public must be allowed to analyze the proposed mitigation, comment on their adequacy, and suggest alternative measures.

CEQA requires the mitigation measures to be developed in a public process, with public review and comment, not in closed door negotiations between the city and the project proponent. Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency's decision makers and the public before certification of the EIR and approval of a project.

The formulation of mitigation measures may not be delegated to staff, because mitigation measures must be subjected to public review. The City may not delegate the formulation and approval of programs to address environmental impacts because an agency's legislative body must ultimately review and vouch for all environmental analysis mandated by CEQA. *Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308. “[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.” *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.

ATTACHMENT 6
ZAB 10-24-2019
Page 96 of 199

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 14 of 14

IV. CONCLUSION

In light of the above comments, the Hillside Path & Playground Preservation Association requests that the Zoning Adjustment Board deny Use Permit #ZP2019-0061, and send the Project back to staff with direction to review the Project's environmental impacts under CEQA.

Sincerely,



Rebecca L. Davis
Lozeau Drury LLP

Enclosures:

- Exhibit A – Expert Comment of Noah Brownlow
- Exhibit B – National Register of Historic Places Inventory – Nomination Form
- Exhibit C – Photograph of Proposed Shed
- Exhibit D – Public Comments Submitted to Landmark Preservation Commission
- Exhibit E – Landmark Designation Notice of Decision

ATTACHMENT 6
ZAB 10-24-2019
Page 97 of 199

EXHIBIT A

To: Land Use Planning Division, 1947 Center Street, Second Floor,
Berkeley, CA 94704

From: Noah Brownlow, Berkeley resident and firefighter

Re: Hillside School, 1581 Le Roy Avenue, Berkeley CA 4708,
Use Permit#ZP2019-0061

Date: 10/14/2019

I am writing as both a lifelong Berkeley resident, and career firefighter with over 15 years of experience in both structural and Wildland Urban Interface (WUI) firefighting. The proposed development of Hillside School, 1581 Le Roy Avenue, Berkeley CA 4708, Use Permit#ZP2019-0061 represents a threat to public safety by reducing access and egress to the Berkeley hills and by eliminating a potential safety zone or fire shelter deployment site for firefighters responding to WUI fires. In particular, the proposal would allow the new Hillside School owner to cut off public access to the pathway that runs in front of the Hillside School, connecting Le Roy Avenue and Buena Vista Way. According to CAL Fire, and the city of Berkeley, this neighborhood is designated a fire hazard area. If a fire does occur in the Berkeley Hills, this pathway could prove crucial to the safety of nearby residents in escaping a fire. By closing this pathway to the public, the public faces an increased risk of harm if a fire does occur.

First, as the board well knows, the East Bay hills have a long and tragic history of catastrophic fire. The Tunnel fire in 1991 killed 25 people and caused an estimated \$1.5 billion in damage (1991 dollars), the Wildcat Canyon Fire in 1980 destroyed 5 homes in minutes, the 1970 Hills Fire burned over 400 acres and destroyed 37 homes, and the Berkeley Hills fire of 1923 burned 584 homes in the very same spot this proposed development would take place. In both the Tunnel Fire and Berkeley Hills Fire emergency personnel access and civilian egress were a limiting factor in incident stabilization and contributing factor to fatalities and property loss. The proposed development would decrease both emergency vehicle access to the area, and civilian opportunities for egress. When a Northeast wind-driven fire is sweeping through the hills firefighters and residents need as many open pathways as possible, and restricting or eliminating these pathways ignores the unique threats posed to this neighborhood.

Second, WUI fires present a distinct set of risks to firefighters that call for a distinct tactical and strategic profile to mitigate. Due to their potential for extreme and unpredictable behavior, huge energy and potential for loss of life, firefighters have certain protocols that must be in place before they attempt to engage WUI fires. Foremost among these is a golden rule, a set of four conditions each firefighter must

ATTACHMENT 6
ZAB 10-24-2019
Page 99 of 199

ensure is in place at all times, lookouts-communications-escape routes-safety zones (LCES). The proposed development at Hillside School, 1581 Le Roy Avenue, Berkeley CA would eliminate a potential escape route and safety zone, denying firefighters a currently existing space in which to deploy personal fire shelters if overrun or to escape a deadly fire altogether. I humbly suggest the board consider the unique conditions that exist on this site, and the impact that this project could have on the safety of the public, and the responders who protect it.

Respectfully,
Noah Brownlow
Berkeley Resident, Fire Battalion Chief

Noah Brownlow

1908 Virginia St. Berkeley, CA 94709
(510) 848-8293 · (510) 710-0628
NoahBrownlow188@gmail.com

EXPERIENCE

- 12/2018- present **Battalion Chief**
Incident command, human resources management, budgeting and fiscal responsibility, general administrative functions, emergency services delivery.
- 10/2006- present **Firefighter/Engineer/Captain**
Emergency response, medical care, structural firefighting, WUI firefighting, auto extrication, hazardous materials response team, rescue operations, confined space rescue.
- 01/2013- 12/2018 **Business Agent/ Eboard – IAFF Local 188, AFL-CIO**
Union representative. Contract negotiations, representative during disciplinary actions- grievances, community outreach, labor-management relations, worker’s-comp. alternative dispute resolution.
- 09/2004- 10/2006 **Firefighter – Fresno Fire Department**
Emergency response to fire, medical, and rescue incidents. Public education, fire prevention and community outreach.

EDUCATION

- 08/2015- 08/2018 **U.C. Berkeley**
Bachelor’s Degree- Legal Studies
*High Distinction in General Scholarship
*Highest Honors in Legal Studies

CERTIFICATIONS

CSFM	HAZMAT Specialist	CSFM	Instructor I/II
CSFM	Firefighter I/II	CSFM	S290 Wildfire behavior
CSFM	Company Officer	CSFM	Driver Operator 1A/B
CSFM	Fire Officer-Instructor	CSFM	Rescue Systems 1
CSFM	FF1 Skill Evaluator	FEMA	ICS 100-300

ATTACHMENT 6
ZAB 10-24-2019
Page 101 of 199

EXHIBIT B

ATTACHMENT 6

ZAB 10-24-2019

Page 102 of 199

NPS Form 10-900
(3-82)OMB No. 1024-0018
Exp. 10-31-84United States Department of the Interior
National Park ServiceNational Register of Historic Places
Inventory—Nomination FormSee instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

For NPS use only

received SEP 30 1982
date entered**1. Name**

historic Hillside School

and/or common Hillside School, Hillside Primary School

2. Location

street & number 1581 LeRoy Avenue n/a not for publication

city, town Berkeley 94708 n/a vicinity of

state California code 06 county Alameda code 001

3. Classification

Category	Ownership	Status	Present Use
<input type="checkbox"/> district	<input checked="" type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture
<input checked="" type="checkbox"/> building(s)	<input type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input type="checkbox"/> commercial
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> work in progress	<input checked="" type="checkbox"/> educational
<input type="checkbox"/> site	Public Acquisition	Accessible	<input type="checkbox"/> entertainment
<input type="checkbox"/> object	<input type="checkbox"/> in process	<input type="checkbox"/> yes: restricted	<input type="checkbox"/> government
	<input type="checkbox"/> being considered	<input checked="" type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial
	<input checked="" type="checkbox"/> n/a	<input type="checkbox"/> no	<input type="checkbox"/> military
			<input type="checkbox"/> museum
			<input type="checkbox"/> park
			<input type="checkbox"/> private residence
			<input type="checkbox"/> religious
			<input type="checkbox"/> scientific
			<input type="checkbox"/> transportation
			<input type="checkbox"/> other:

4. Owner of Property

name Berkeley Unified School District

street & number 2134 Grove Street

city, town Berkeley n/a vicinity of state California 94704

5. Location of Legal Description

courthouse, registry of deeds, etc. Alameda County Courthouse

street & number 1225 Fallon Street

city, town Oakland state California 94612

6. Representation in Existing Surveystitle Berkeley Urban Conservation Survey has this property been determined eligible? yes nodate April 1980 federal state county local

depository for survey records Berkeley Architectural Heritage Assn., Box 1137,

city, town Berkeley 94701-1137 state CA

7. Description

Condition		Check one	Check one
<input type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site
<input checked="" type="checkbox"/> good	<input type="checkbox"/> ruins	<input checked="" type="checkbox"/> altered	<input type="checkbox"/> moved date <u>n/a</u>
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed		

Describe the present and original (if known) physical appearance

Hillside School is a neo-Tudor, stucco and half-timbered, slate-roofed, mostly two-story building whose rambling angular plan follows the contours of its hillside site and the winding North Berkeley streets. The west facade presents a 150'-long central classroom wing running NW-SE, with a continuous bank of wood framed classroom windows on the upper floor, offices and library on the ground floor, and two second-floor square bays with dormers and half-timbered gable ends above the doors. Large wings join the ends of this main building at angles of about 120°: at the north end the auditorium projects forward (W) of the main building, with a tall wall of windows & ornamental stickwork in its gable end which is about 60' high at the peak. There is a gabled entry hall and 2-story polygonal bay in the angle between the auditorium and main building. Behind the south end of the central block is a high-gabled 3-story classroom wing, its south wall all windows; at the back of this wing is a 1-story, L-shaped, 3-room addition (1963). South of the central block on the downward slope of the hill is the kindergarten/primary wing, a sort of miniature repetition of the main building, with a gabled dormer over the arched entrance and a large main classroom with west-facing gable & big bay window. Entrances to kindergarten & auditorium wings are low, deep-set gothic arches with heavy wooden doors, in 1½-story gable ends. All gable ends are trimmed to varying degrees with half-timbering, stickwork, and wood finials. Slate roofs of wings & dormers form a complex pattern of peaks.

The entire building was extensively reinforced and rebuilt in 1934-5 (kindergarten), 1936 (central portion), and 1937-8 (auditorium), faithfully following the style and materials of the original building. Roof of the south classroom wing was somewhat rearranged, & some parapet levels changed. The small dormer toward the north end of the main wing was added so slates would not fall on the exit in an earthquake. As a result Hillside was the only one of the older Berkeley schools not affected by the earthquake work of the mid-1970s when the others were demolished, vacated, or completely rebuilt. The bottom story of the main building was originally a recreation basement with the same wall of tall wood-framed windows as the upper floor. In 1963-4 the basement was remodeled for offices and library, and some of the window area closed off. At the same time, 3 classrooms were added inconspicuously at the back of the east wing. (This work was done by Walter Ratcliff's son.)

Notable features of the interior are the auditorium, the woodwork and detailing in the hallways, and the use of windows and wood in the classrooms. The auditorium, about 40' x 55', has hardwood floor, beamed dark wood ceiling with skylights and (incomplete) chandeliers. The west wall has a huge wood-framed, lattice-paned window, 16' x 22' high, floor to ceiling, protected by a wood balustrade; there is a spectacular view of the Bay. The stage at the east end is presently closed off by a temporary wall so the backstage area can be used as a woodshop. French doors on the north wall open onto a small patio.

Hallways follow the same irregular angles as the exterior plan. Second floor halls have skylights, unpainted wood moldings and wood framed bulletin boards, working transoms above the doors. Details include brass stair corners and studs on the wide banisters (to discourage sliding), metal and amber-glass light fixtures, and a floral terra cotta drinking fountain given in memory of two pupils in 1928. On the main corridor, 3 classrooms face east and 4 face west, all with full walls of operable wood-framed windows. Room 18, former teachers' lunchroom has a Batchelder tiled fireplace. Two west rooms have unusual glassed-in cloakrooms & conference rooms.

(SEE CONTINUATION SHEET)

ATTACHMENT 6
ZAB 10-24-2019
Page 104 of 199

FHR-8-300A
(11/78)

UNITED STATES DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

FOR HCRS USE ONLY
RECEIVED
DATE ENTERED

CONTINUATION SHEET

ITEM NUMBER 7 PAGE 1

South of the kindergarten wing there is a temporary bungalow in what was the kindergarten playground. Main playground is in the loop of Buena Vista Avenue west of the school; there is a small landscaped area just in front of the school with lawn and flagpole and large evergreen trees. Other sides of the school face up-sloping hillsides; small patio north of auditorium, mountain and native plant garden east of central wing, with a pathway up to La Loma Avenue to the east.

Examination of 1933 photographs show that cast stone shields and rosettes over the exterior doors and stone chimneys and finials were lost to Field Act work in the 1930's. However, the original slate roof remains, the original wood sash and trim remain, and many of the interior and exterior light fixtures are still in place and functioning. Original doors, wainscoting, and other millwork bear the signs of 50 years' wear and tear but are in remarkably good condition. Exterior stucco, original brick steps, and concrete paving are in excellent condition.

8. Significance

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input checked="" type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> humanitarian
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> theater
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input type="checkbox"/> politics/government	<input type="checkbox"/> transportation
		<input type="checkbox"/> invention		<input type="checkbox"/> other (specify)

Specific dates 1925

Builder/Architect Walter H. Ratcliff, Jr.

Statement of Significance (in one paragraph)

Hillside School is the oldest of the Berkeley Public Schools still operating as a school and in virtually its original state. Its distinguished craftsmanship and design, natural light and air, and careful relationship with its hillside site exemplify the progressive school architecture of the 1920s. It replaced the 1899 Hillside School founded by the Maybeck circle and inherited its teachers and traditions, after the original building burned in a 1923 fire. Hillside's neo-Tudor design by prominent Berkeley architect Walter Ratcliff is characteristic of the period revival styles used in all branches of architecture in that decade, and used extensively in the rebuilding of North Berkeley after the 1923 fire. The school is one of the major commissions of Ratcliff's later career, and the only one of his Berkeley public schools still in use. As the neighborhood school of the Maybeck coterie and their successors, and of many university families, Hillside has a tradition of vigorous public interest and loyalty, and owes its existence and survival to Berkeley's trademark civic activism.

Hillside School takes its name from the Hillside Club, the turn-of-the-century Berkeley group around the Maybecks and Keelers that prompted Arts and Crafts ideals and established the Bay Region tradition. According to tradition, when the city proposed a school for the neighborhood, the women of the club "appointed a committee to go to the Trustees and ask to be allowed to plan a school suited to the little children and the hillside." After the fire that took that rustic, Maybeck-like school, rebuilding was made possible by a special election authorizing a one-year, \$150,000 tax in May, 1925.

In its use of light and wood and the hillside site, the rebuilt school expressed an updated version of the Hillside Club ideals. Hillside's opening coincided with the publication of the Berkeley School Properties Survey by Stanford education department and a commission of local citizens, and the school embodied the recommendations of this report: auditorium doubling as a community meeting place; large playgrounds; separation of early grades from the rest of the school; special rooms for domestic science, shop, and art; and so forth. Grades were kindergarten through 6, reflecting Berkeley's early adoption of the junior high school.

Architect for the new Hillside school was Walter Ratcliff, Jr. (1881-1973), who as Berkeley's city architect presided over the construction of a group of schools in 1914-16 which, because of their architectural distinction, warranted extensive coverage in the 1916 Architect and Engineer. He was also an early planning commissioner and zoning advocate, a civic leader and businessman, as well as being one of Berkeley's most distinguished and prolific architects, founder of what is today the oldest firm in the East Bay.

9. Major Bibliographical References

Berkeley Unified School Building Department records, including Ratcliff 1925 blueprints;
(See Continuation Sheet for additional references)

10. Geographical Data

Acreeage of nominated property Approx. 2 acres)

Quadrangle name Richmod, California

Quadrangle scale 1:24000

UTM References

A

1	0	5	6	5	3	0	0	4	1	9	2	6	6	0
Zone		Easting				Northing								

B

Zone		Easting				Northing					

C

Zone		Easting				Northing					

D

Zone		Easting				Northing					

E

Zone		Easting				Northing					

F

Zone		Easting				Northing					

G

Zone		Easting				Northing					

H

Zone		Easting				Northing					

Verbal boundary description and justification Book 58, Block 2245, Parcel 9--originally Wheeler Tract Block 5, Lots 1-10 (Playground lots 1-6, School lots 7-10) & LaLoma Park Lot 12 & portion of Lot 13. Building occupies E half of property. Boundaries are drawn along lot line and encompass the historic limits of the resources.

List all states and counties for properties overlapping state or county boundaries

state na code county code

state na code county code

11. Form Prepared By

name/title Betty Marvin

organization Berkeley Architectural Heritage Assn. date April, 1982

street & number 2646 Claremont Avenue telephone (415)849-1959/845-6591

city or town Berkeley state CA 94705

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

national state local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature J. Mellon

title State Historic Preservation Officer

date 9/28/82

For NPS use only

I hereby certify that this property is included in the National Register

Delores Byer
Keeper of the National Register

Entered in the
National Register

date 10/29/82

Attest:

date

Chief of Registration

ATTACHMENT 6
ZAB 10-24-2019
Page 107 of 199

FHR-8-300A
(11/78)

UNITED STATES DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

FOR HCRS USE ONLY

RECEIVED

DATE ENTERED

CONTINUATION SHEET

ITEM NUMBER 8 PAGE 1

Beside Hillside, Ratcliff's civic and educational commissions in the mid-1920s included Mills College (1923), Pacific School of Religion, additions to Anna Head School, and the Berkeley Day Nursery (the latter two of which are listed in the National Register of Historic Places). By the early 1930s, the effects of Depression and Ratcliff's increasing absorption in his Fidelity Mortgage business caused him to retire virtually from the practice of architecture, making Hillside School one of his last Berkeley works.

In 1934-38 Hillside received extensive reinforcing and rebuilding to comply with the Field Act, regarding earthquake safety in public schools; some external ornamentation was removed but in general the building's appearance was faithfully preserved. There was a large budget item for millwork, which included reconstructing the beamed and paneled auditorium ceiling around the new bracing—something that would no longer be financially feasible. Building codes, budgets, and changing fashions in education mean that there are very few schools like Hillside left. Its intact woodwork, windows, slate roof, and original light fixtures are rare anywhere, and unique in the Berkeley schools.

Like all the public schools, Hillside has been through changes in educational theory. Originally K-6, it is K-3; enrollment was 229 when it opened in 1926, about 450 when the addition was made, and 195 in 1982. Traditions continue: the active PTA, founded in 1902, claims to be "one of the oldest in Northern California"; neighborhood pageants and dance festivals in the Hillside Club continued into the 1960s; and in recent years parents and staff and neighbors have responded to recurring proposals to close the school with something very like the cursading spirit of the Hillside Club Mothers demanding a school "suited to the little children and the hillside,"

ATTACHMENT 6
ZAB 10-24-2019
Page 108 of 199

FHR-8-300A
(11/78)

UNITED STATES DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

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DATE ENTERED.

CONTINUATION SHEET

ITEM NUMBER

9

PAGE

1

B.J.S. Cahill and W. Ratcliff, "City of Berkeley's New Public School Buildings," Architect and Engineer, May, 1916. Leslie Freudenheim, Building with Nature: Roots of the San Francisco Bay Region Tradition, 1974. Berkeley Courier, August 7, 1926. Berkeley Gazette, April 3 and May 6, 1925; August 9 and 26, September 15 and 17, 1926; October 20, 1934; Interviews with Marian Altman (Principal), Barbara Smith (school secretary), Lorraine Hays (early alumnus), PTA file at Hillside.

FHR-8-300A
(11/78)

UNITED STATES DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

FOR HCRS USE ONLY

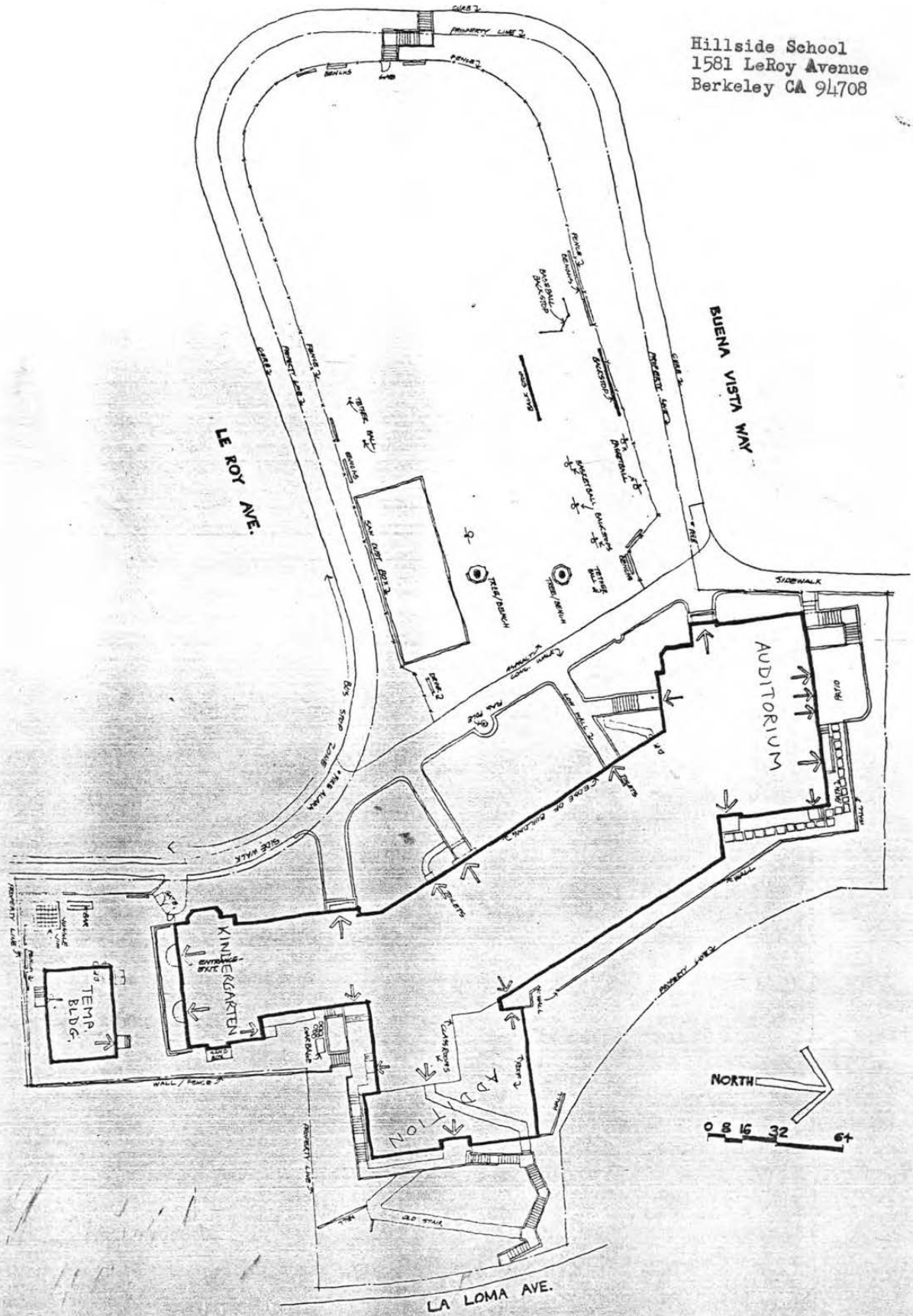
RECEIVED

DATE ENTERED

Hillside School, 1581 LeRoy Av.,
Berkeley CA 94708

Item 10 -- location map





ATTACHMENT 6
ZAB 10-24-2019
Page 111 of 199

NATIONAL REGISTER OF HISTORIC PLACES

EVALUATION / RETURN SHEET

United States Department of the Interior
National Park Service

82000961

Hillside School
Alameda County
CALIFORNIA

Working No. 9/30/82-2550

Fed. Reg. Date: 2.1.83

Date Due: 10/29/82 - 11/14/82

Action: ACCEPT 10/29/82

Entered in the RETURN

National Register REJECT

Federal Agency: _____

- resubmission
- nomination by person or local government
- owner objection
- appeal

Entered in the _____
National Register _____

Substantive Review: sample request appeal NR decision

Reviewer's comments:

Recom./Criteria _____

Reviewer _____

Discipline _____

Date _____

see continuation sheet

Nomination returned for: technical corrections cited below
 substantive reasons discussed below

1. Name

2. Location

3. Classification

Category	Ownership	Status	Present Use
	Public Acquisition	Accessible	

4. Owner of Property

5. Location of Legal Description

6. Representation in Existing Surveys

has this property been determined eligible? yes no

7. Description

Condition	Check one	Check one
<input type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered
<input type="checkbox"/> good	<input type="checkbox"/> ruins	<input type="checkbox"/> altered
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed	<input type="checkbox"/> original site
		<input type="checkbox"/> moved date _____

Describe the present and original (if known) physical appearance

- summary paragraph
- completeness
- clarity
- alterations/integrity
- dates
- boundary selection

8. Significance

Period _____ Areas of Significance—Check and justify below

Specific dates _____ Builder/Architect _____

Statement of Significance (in one paragraph)

- summary paragraph
- completeness
- clarity
- applicable criteria
- justification of areas checked
- relating significance to the resource
- context
- relationship of integrity to significance
- justification of exception
- other

9. Major Bibliographical References

10. Geographical Data

Acres of nominated property _____
Quadrangle name _____
UMT References _____

Verbal boundary description and justification _____

11. Form Prepared By

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:
 national state local

State Historic Preservation Officer signature _____

Site _____ date _____

13. Other

- Maps
- Photographs
- Other

Questions concerning this nomination may be directed to _____

Signed _____ Date _____ Phone: 202 272-3504

Comments for any item may be continued on an attached sheet

ATTACHMENT 6
ZAB 10-24-2019
Page 113 of 199



West Elev'n - Hillside School
Berkeley
4-21-33 mws. (12)

ATTACHMENT 6
ZAB 10-24-2019
Page 114 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 115 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 116 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 117 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 118 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 119 of 199



ATTACHMENT 6

ZAB 10-24-2019

Page 120 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 121 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 122 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 123 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 124 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 125 of 199



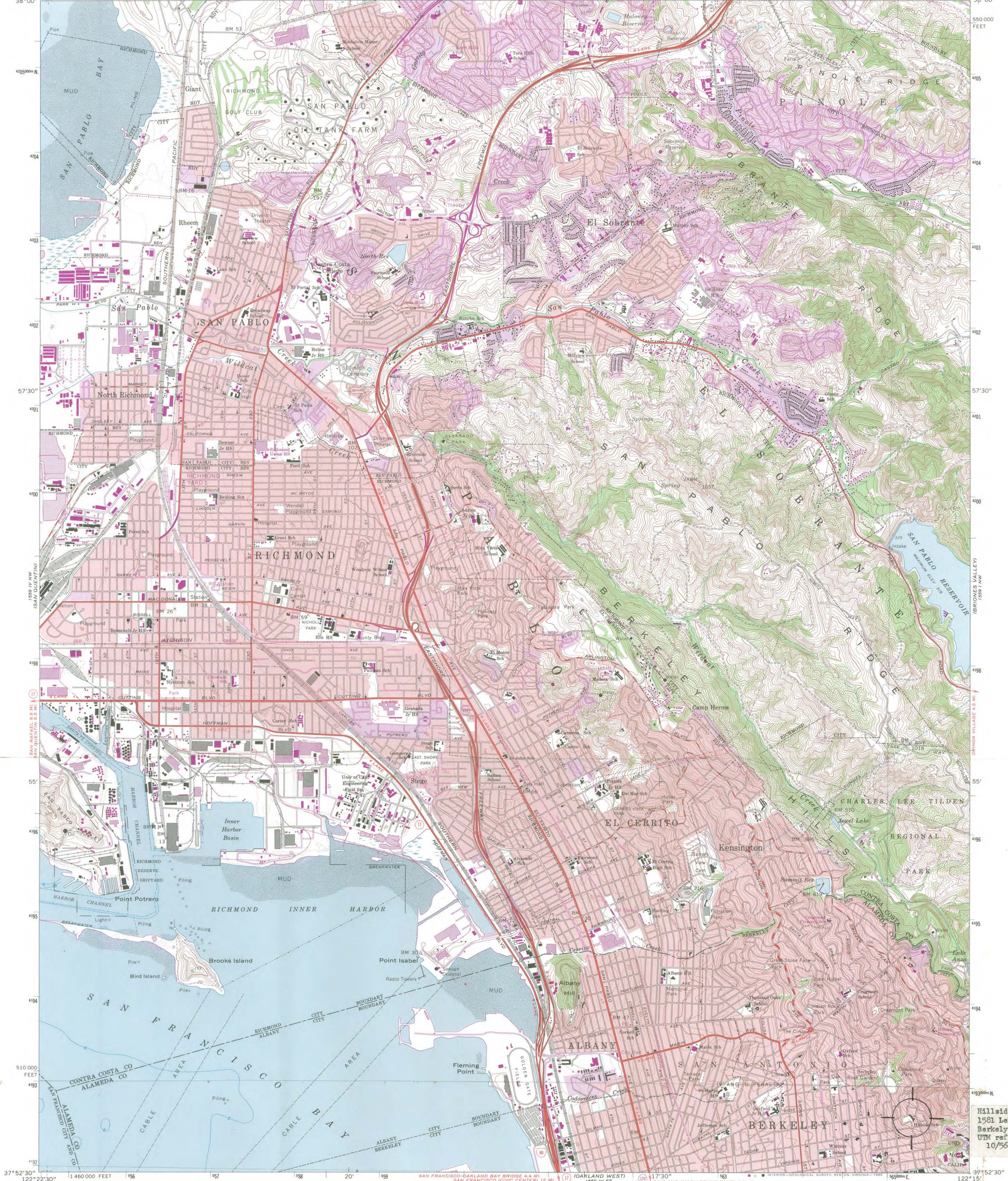
ATTACHMENT 6
ZAB 10-24-2019
Page 126 of 199



ATTACHMENT 6
ZAB 10-24-2019
Page 127 of 199



UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY
 STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES
 RICHMOND QUADRANGLE CALIFORNIA 7.5 MINUTE SERIES (TOPOGRAPHIC)



Mapped, edited, and published by the Geological Survey
 Control by USGS, USC&GS, and USCE
 Topography from aerial photographs by photogrammetric methods and by planetable surveys 1947. Revised from aerial photographs taken 1958. Field check 1959.
 Hydrography compiled from USC&GS chart 5532 (1958)
 Polyconic projection
 10,000-foot grid based on California coordinate system, zone 3
 1000-meter Universal Transverse Mercator grid ticks, zone 10, shown in blue. 1927 North American Datum
 To place on the predicted North American Datum 1983
 move the projection lines 15 meters north and
 95 meters east as shown by dashed corner ticks
 Red tint indicates areas in which only landmark buildings are shown
 There may be private inholdings within the boundaries of the National or State reservations shown on this map
 Revisions shown in purple and woodland compiled from aerial photographs taken 1978 and other source data
 This information not field checked. Map edited 1980

SCALE 1:24,000
 0 1000 2000 3000 4000 5000 6000 7000 FEET
 0 1 2 3 4 5 6 7 8 KILOMETER

CONTOUR INTERVAL 20 FEET
 DOTTED LINES REPRESENT 5-FOOT CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929
 DEPTH CURVES IN FEET—DATUM IS MEAN LOWER LOW WATER
 THE RELATIONSHIP BETWEEN THE TWO DATUMS IS VARIABLE
 SHORELINE SHOWN REPRESENTS THE APPROXIMATE LINE OF HIGH WATER
 THE MEAN RANGE OF TIDE IS APPROXIMATELY 4 FEET

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

ROAD CLASSIFICATION
 Heavy-duty ——— Light-duty ———
 Medium-duty ——— Unimproved dirt ———
 Interstate Route ——— State Route ———

QUADRANGLE LOCATION
 Purple tint indicates extension of urban areas

RICHMOND, CALIF.
 N3752.5—W12215/7.5
 1959
 PHOTOREVISED 1980
 DMA 1559 IV NE—SERIES 9895

Hillside School
 1561 LeRoy Avenue
 Berkeley CA 94708
 UTM reference:
 10/565300/4192660

STATE OF CALIFORNIA—THE RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
POST OFFICE BOX 2390
SACRAMENTO, CALIFORNIA 95811



September 29, 1982

Mr. Jerry Rogers, Keeper
National Register of Historic Places
National Park Service
U.S. Department of Interior
440 G Street, NW
Washington, D.C. 20243



Dear Mr. Rogers:

We submit the Hillside School for nomination to the National Register of Historic Places. This property is located in Berkeley, Alameda County, California.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Knox Mellon'.

Dr. Knox Mellon
State Historic Preservation Officer

ATTACHMENT 6
ZAB 10-24-2019
Page 130 of 199

EXHIBIT C

ATTACHMENT 6
ZAB 10-24-2019
Page 131 of 199

Photograph of one of five proposed new sheds proposed to be placed in the Hillside School Property Playground. Extracted from the Site and Roof Plan submitted by Applicant to the Landmark Preservation Commission's August 1, 2019 meeting, which can be found on the following page.



PROPOSED NEW SHED

1323 Solano Avenue, Suite 204, Albany, CA 94706
510.528.1079
www.holanarchitects.com

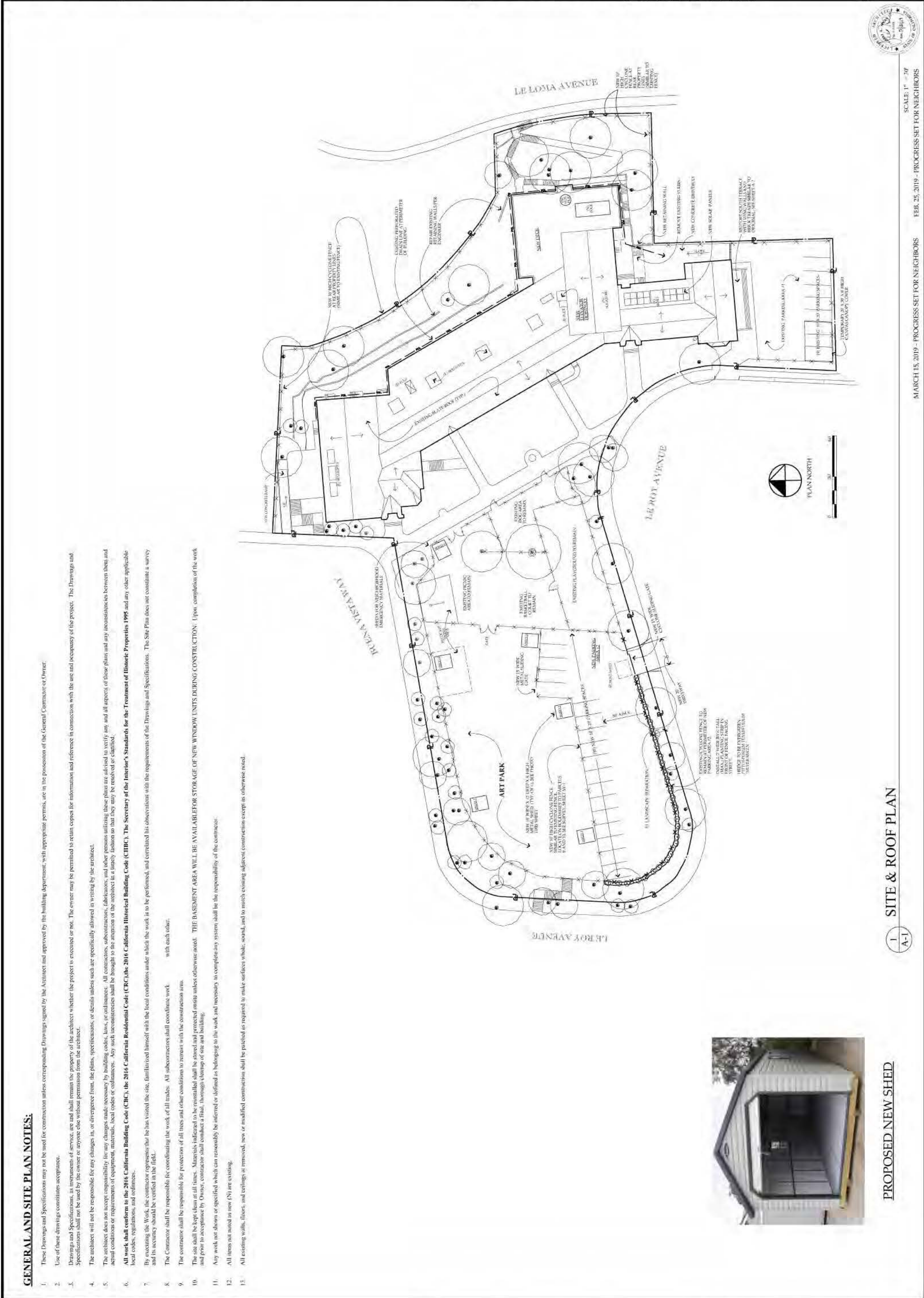
JERRI HOLAN & ASSOCIATES
ARCHITECT * ENGINEERS * PLANNERS

Rehabilitation & Renodel of
Hillside School
for
SAMULI SEPPÄLA
1581 Le Roy Avenue
Berkeley, CA

Revision:
April 20, 2019 - Approved Submittal #1 in Final Form
April 22, 2019 - Submittal #2 in Final Form
April 22, 2019 - Submittal #3 in Final Form

Drawn: [Name]
Checked: [Name]
Approved: [Name]

SHEET
A-1
of 6



- GENERAL AND SITE PLAN NOTES:**
1. These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
 2. Use of these drawings constitutes acceptance.
 3. Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
 4. The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
 5. The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
 6. **All work shall conform to the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Historical Building Code (CHBC), the Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.**
 7. By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawing and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
 8. The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
 9. The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
 10. The site shall be kept clean at all times. Materials indicated to be stored and protected onsite unless otherwise noted. **THIS BASEMENT AREA WILL BE AVAILABLE FOR STORAGE OF NEW WINDOW UNITS DURING CONSTRUCTION.** Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
 11. Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
 12. All items not noted as new (N) are existing.
 13. All existing walls, floors, and ceilings at removed, new or modified construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.



PROPOSED NEW SHED

1 SITE & ROOF PLAN
A-1

MARCH 15, 2019 - PROGRESS SET FOR NEIGHBORS FEB. 25, 2019 - PROGRESS SET FOR NEIGHBORS SCALE: 1" = 30'

ATTACHMENT 6
ZAB 10-24-2019
Page 133 of 199

EXHIBIT D

Crane, Fatema

From: laura altieri <laura.altieri@gmail.com>
Sent: Friday, July 26, 2019 12:28 PM
To: Landmarks Preservation Commission
Cc: bcheney@pacbell.net
Subject: 1581 le roy ave lmsap2019-0004

I write to express my anger and sadness over proposed changes to the lot at Hillside school. The tall cyclone fences will make my beautiful street look like a war zone. Who needs such fences?? And no single family dwelling should be permitted 20 parking spots. I live at 2514 Buena Vista Way, Berkeley California 94708. This is a quiet residential area. Me Seppola knew that when he moved in and he made promises about maintaining the character and keeping the yard open to the community. Kids, adults and dogs use that open space extensively. My 5 year old plays there at least once a week. We have no other open space nearby, and no other hardscape for bike riding and skating. I myself learned how to ride a bike in that cement schoolyard.

The proposed changes are far outside zoning rules, ruinous for the neighborhood and ugly. I further fear the effect on my house value of a fenced fortress full of cars.

Sincerely,
Laura Altieri

Crane, Fatema

From: Bronwyn Hall <news.bhh@gmail.com>
Sent: Tuesday, July 30, 2019 9:40 AM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

Dear Planning Commission,

I was very sorry to hear that there was a private sale of the Hillside School. It seems like a very shortsighted move on the part of the city to have sold this property off rather than doing what was necessary to make it usable for something. As neighbors who have walked the path by the school every day (best way to campus) and used the playground, it would be a great shame if the property was closed to us. Surely the path is a right of way and the playground should be public. How did this area possibly get privatized?

I fully support the idea that solution which preserves full public access be found,

Bronwyn

(Ms.) Bronwyn H. Hall
123 Tamalpais Road
Berkeley, CA 94708
USA

ATTACHMENT 6

ZAB 10-24-2019

Page 136 of 199

SUPPLEMENTAL ITEM - 1581 LE ROY

LPC 08-01-19

Page 27 of 41

Crane, Fatema

From: linneazero <linneazero@yahoo.com>
Sent: Friday, July 26, 2019 10:06 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

This is in regards to the proposed changes to Hillside school.

My family and I have lived on the 1500 block of Le Roy ave in Berkeley for over 40 years. My husbands family has been here for 80 years. My child's grandfather attended K-6 at Hillside school as did many other people I know. My nephew played at the Hillside chess school for years. My child plays at the playground at Hillside now as we did when we were kids.

We are concerned about the proposed changes for several reasons. It concerns us that the new owner reserves the right to take away access to the walk way and play ground, which this neighborhood has had access to for close to one hundred years.

We are also concerned that there is a proposed 18 new parking spaces to be included on the property, and change to residential use.

How many apartments are to be expected? How many more people will this bring into this already congested neighborhood? There is very limited parking here, so many more people and their visitors will make it a nightmare. We already have considerable property crime in this neighborhood as well and are concerned by the increased crime this will potentially bring.

The people who live here appreciate the neighborhood for being a quite and relatively safe place to be. We hope the city will reconsider changing our beloved Landmark school to residential use and the loss of public access.

Thank you for your consideration
Karin Linnea Hald

Sent from my T-Mobile 4G LTE Deviceuilt

Crane, Fatema

From: JOSHUA PIOVIA-SCOTT <joshps33@hotmail.com>
Sent: Friday, July 26, 2019 2:39 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave

Follow Up Flag: Follow up
Flag Status: Completed

Dear Landmark Preservation Commission,

I am writing to ask the Commission to help ensure public access for as much of the current open space at Hillside School as possible, including both the open space to the west of the property and the walkway connecting Le Roy and Buena Vista. I think that it is critical that this public access be somehow guaranteed or formally confirmed going forward.

I appreciate new owner Sam Seppala's significant efforts to repair and restore the former school building and am confident that there is a solution that will allow him to do the things that he would like to do with the property and also preserve the substantial and longstanding benefits that the open space, playground and walkway have provided to the neighborhood for almost 100 years. I know this history well as four generations of my family have lived nearby and spent thousands of hours in this open space and on the playground. My grandparents, parents and now my children have all lived at one time or another across the street from 1581 Le Roy and, along with countless others, have had this open space as an important part of their lives. When my children and I visit my parents it is usually only a matter of minutes before they ask when they can go play at the playground. There is almost constant use of this space by the public and the activities that I have enjoyed in the open area to the west of Hillside School include: basketball, baseball, football, frisbee, lacrosse, bike riding, skateboarding, tag, capture the flag, picnicking, tree climbing and just running around and/or being outside in the midst of a pretty densely populated neighborhood.

In addition to the immense value of this open space to the neighborhood and its residents (and future residents!) for recreation, outdoor activities and play; there are not insignificant issues of narrow, curving and steep surrounding streets, a high-risk fire and landslide zone, and the fact that the property sits on top of the Hayward fault. Removing this open space would negatively impact residents and all others in the area at the time of a natural disaster.

Thank you for your consideration of these concerns.

Joshua Piovia-Scott (Berkeley High School class of 1993)

ATTACHMENT 6

ZAB 10-24-2019

Page 138 of 199

SUPPLEMENTAL ITEM - 1581 LE ROY

LPC 08-01-19

Page 3 of 41

Dear Landmark Preservation Commission:

I emailed comments regarding 1581 LeRoy Ave. to the Commission prior to the June 6 meeting. I have added some additional comments and am resubmitting my comments for consideration at the August 1 meeting.

As a Hillside neighbor, I am writing to you because I feel that it is important to find a way to keep the walkway connecting Le Roy and Buena Vista and as much of the current playground area at Hillside School as possible open for public use. I would urge you to explore and support a way to ensure that there is a pathway and some open space with public access in perpetuity.

I appreciate Sam Seppala's efforts, expenditure and energy to repair and restore the school building and the time he has spent consulting with neighbors re. his plans. I am very excited by what I see happening there and look forward to his making the building his home and offering some of the space to artists for studio use during the day.

Our grandchildren love to play in the playground, as do other neighborhood children and as did our own children, and kudos to Sam for recognizing the value of this and maintaining some open space for children in his plans. My hope now is to find a way to guarantee that this space, or perhaps even a larger portion of the current open space than was indicated in the plans submitted, continue to be open in perpetuity and to urge you to do whatever possible to advance this effort.

I also feel that maintaining significant open space is consistent and compatible with the Landmark status of the building and with the surrounding residential neighborhood and therefore would like to see limits placed on the number of parking spaces allowed as well as on future uses.

ATTACHMENT 6
ZAB 10-24-2019
Page 139 of 199

SUPPLEMENTAL ITEM - 1581 LE ROY
LPC 08-01-19
Page 4 of 41

The street is also quite narrow and not conducive to easy passage of much increased traffic.

In addition, although perhaps not directly related to Landmark status, the property being discussed is located in a high-risk fire zone, a landslide zone and a fault zone. Past owners and tenants have made the open space available to neighbors as a possible gathering space during an emergency, thus contributing to public safety. I'm also concerned that loss of open space would effect evacuation and other potentially life-saving strategies that contribute to public safety during an emergency.

Thank you for your consideration of these comments.

Crane, Fatema

From: Ann Hughes <ahughes@lmi.net>
Sent: Thursday, July 25, 2019 1:41 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP2019-0004

To members of the Landmarks Preservation Commission, regarding the above topic:

I wish to add my voice to those wanting the public right-of-way for the path and playground at Hillside School to be maintained.

I have lived in the Shasta/Tamalpais Road area for 50 years, raising children, and now, grandchildren in this neighborhood. The path is a normal and often daily route for residents here when accessing by foot or bicycle the UC campus, the Elmwood area, sports and music events, etc. It seems especially ironic that this pedestrian route might be closed in order to add a parking lot! The city eliminates parking and driving paths in favor of non-vehicular traffic elsewhere in town (e.g. Oxford Street) - why not also here?

The playground speaks for itself, as used by folks of all ages for the usual reasons: exercise, meeting up, dog watching, and just sitting around in an open spot. For those in the immediate area, there is no other park setting.

I hope that while granting the property owner some satisfaction, you will at the same time provide a scheme to keep these long-standing uses protected and permanent.

Ann Hughes

Crane, Fatema

From: Sandra Schlesinger <sandra.schles@gmail.com>
Sent: Thursday, July 25, 2019 7:36 PM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave.LMSAP2019-0004

To Whom it May Concern:

July 25, 2019

I am disappointed with the plan Mr Seppala is submitting to the Planning Commission. I will be traveling at the time of the meeting; therefore, I cannot attend.

The playground area is one of the few open spaces in the North Berkeley neighborhood. The space allows for meeting neighbors, watching children play, exercising dogs, relaxing, relative quiet. The diminished size of the area open to the neighborhood is upsetting. Too, Mr. Seppala's reservation of allowing access on the path and to the diminished playground area "for the time being" is alarming.

All those parking spaces, presumably sometimes filled with cars, house trailers, and sheds will definitely change the feel of the open area and the neighborhood, and impact the peaceful fenced area.

I am surprised and sad that Mr. Seppala is so willing to abandon this rare open area for more traffic, structures, and general commotion. It is one thing to offer artists' studio space in the building itself (a fine idea) and quite another to expand the offerings to the outside area to the detriment of the neighborhood.

Yours truly,

Sandra Schlesinger
1619 Le Roy Avenue

Crane, Fatema

From: familiaviolich@yahoo.com
Sent: Monday, July 29, 2019 1:59 AM
To: Landmarks Preservation Commission
Subject: 1581 Le Roy Ave. LMSAP 2019-0004

Landmark Preservation Commission
Permit Center
2120 Milvia St.
Berkeley, CA 94707

Greenwood Common and Hillside School

Dear Commisioners,

William Wurster and Samuli Seppälä, worlds apart, now share a similar place in history.

They stand, one in legacy and the other in fact, on private properties, Greenwood Common and Hillside School, that have had a tradition of shared public interest.

I grew up on Tamalpais Road in the vicinity of both, playing with my friends on Greenwood Common and as well as with my classmates at Hillside School. Over the years both sites have acquired landmark status and have afforded the neighboring community a sense of place. Thank you for your continuing support in keeping them both culturally relevant.

Of course, as is the case with private property, the owners of both sets of parcels retain the right to restrict public access. However, over my lifetime, I have seen that the Greenwood Common model has worked well to benefit both the private and public realms. In the private one, individual owners have formed community around a common understanding and in the public one, the greater community has been trusted to respect the opportunities presented.

I would hope that, nurtured by the children born to both Greenwood Common and Hillside School, Mr. Sepälä will be inspired, as was Prof. Wurster nearly 60 years ago, to include the neighboring community in his visions for the future.

Given the Commission's recent intervention to uphold the character of Greenwood Common I would also hope that, as regards the future of Hillside School, the Commission will act accordingly.

Thank you,
Antonio Violich
Class of '60, Hillside School

90 Tamalpais Road
Berkeley, CA 94708

ATTACHMENT 6
ZAB 10-24-2019
Page 143 of 199
ITEM 5.C, ATTACHMENT 5
LPC 08-01-19
Page 11 of 15

RECEIVED

1594 Le Roy Avenue JUL 12 2019
Berkeley, CA 94708 Initial: _____
July 6, 2019 Berkeley Rent Board

Landmarks Preservation Commission
City of Berkeley Permit Service Center
2120 Milvia Street
Berkeley, California 94704

Received
JUL 19 2019
Land Use Planning

Re: LMSAP2019-0004

To Whom It May Concern:

Since 1985, my husband and I have lived in the residential neighborhood that surrounds the former Hillside Elementary School and its contiguous open space playground. As you are aware, that property recently was purchased by Mr. Sam Seppala as a single family residence.

It is my understanding that, despite Mr. Seppala's initial oral assurances to our neighborhood that he had no intention of developing the playground space or blocking it from public use, he now proposes to transform most of what has been a neighborhood public open space schoolyard for over 90 years into a private parking lot with 18 spaces for those participating in weekend artist conferences and for artists who might use space in his residence for art studios. Mr. Seppala's proposal to this commission seeks to inappropriately transform his personal single residence into something akin to a commercial or institutional building regardless of whether or not money changes hands.

The open space in question, which is included in the Hillside property site that has been placed on the National Register of Historic Places, is not only an historical part of the community; in many ways it defines and enriches the character of our neighborhood. Our neighborhood is tight knit in large part because the open space brings community members together. Besides generations or neighbors meeting through use of the playground, many neighborhood social gatherings and emergency training sessions have taken place there. Life in our neighborhood is enhanced by having open space in our midst, and loss of public access to that space would severely alter the character of the neighborhood.

ATTACHMENT 6
ZAB 10-24-2019
Page 144 of 199
ITEM 5.C, ATTACHMENT 5
LPC 08-01-19
Page 12 of 15

I urge this commission to preserve the historical site in its entirety. In particular, I urge you to deny Mr. Seppala's request to turn the majority of the current open space into a large parking lot that would be inconsistent with, and antithetical to, the overall character of our residential neighborhood.

Sincerely,

A handwritten signature in black ink that reads "Linda Feldman". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Linda Feldman

ATTACHMENT 6
ZAB 10-24-2019
Page 145 of 199

EXHIBIT E

61

CITY OF BERKELEY
DEPARTMENT OF HOUSING AND DEVELOPMENT

(APPLICATION REQUESTING DESIGNATION FOR LANDMARK STATUS)

ES: Ordinance 4694-N.S. Individual Landmark \$50.00 Historical Dist. \$100.00

- 1. Name of Property Hillside School Survey Code No. _____
- 2. Building Site _____ Open Space _____
- 3. County Alameda 4. City Berkeley 94708
- 5. Street 1581 LeRoy Avenue
- 6. Vicinity (if rural) _____
- 7. Present Occupant Hillside Primary School; Lawrence Lab childcare program
- 8. Present Owner Berkeley Unified School District, 2134 Grove St. 94704
- 9. Original Owner (if known) same
- 10. Date of Construction 1925 11. Style Tudor revival
- 12. Architect/Builder Walter Ratcliff Jr. 13. Original Use school
- 14. Historic Value: national ___ state ___ county ___ city neighborhood none ___
- 15. Architectural Value: national ___ state ___ county ___ city neighborhood none ___
- 16. Notable Garden or Landscaping: yes no ___
- 17. Photographs: contemporary _____ historical _____
 dates Feb.-March 1982 } dates April 1933, aerial } 1940
 photographer Betty Marvin } photographer _____ }
 repository BAHA, Friends of Hillside repository BUSD, copy neg. BAHA
 S. Stern, "Hillside...in an English Mode," Berk. Gazette, Ap. 16, 1980.
 "New Hillside Sc. Opens" Jesse Sears & commission, Berk. Schs. Properties Survey, Aug. 1926.
 18. Bibliography: Published Sources Fraudenheim Bldg. With Nature Arch. & Eng'g, May 1916
Berk. Gazette: 4/3 & 5/6/25 Public Records Blueprints & Field Act surveys, BUSD building dept.
 (bldg. tax); Aug. 9, 26, Sep Interviews Marian Altman (principal), Barbara Smith (sec'y & alumna),
Lorraine Haines (alum, parent, grandparent); D. Gerrity & W. Daggett oral Hk
10/20/34 (Field Act); Nicholas Hanson, "W.H. Ratcliff," BAHA pamphlet, 1980. PTA file at Hills:
2/20, 8/5, 11/13/63 (addr.)
 19. Block Number 2245 20. Lot No. 9 21. Lot Size: Frontage approx. 275'
 Depth approx. 200' (school) plus
200' (playground)
- 22. Current Zoning Status R 1 H 23. Adjacent Property Zoning Status R 1 H
- 24. Present Use: residential (single family ___ multiple ___) office ___
 store ___ public other ___ specify school
- 25. Adjacent Property Use (check all that apply): residential (single
 family multiple ___) office ___ store ___ public ___
 other ___ specify _____

ATTACHMENT 6

ZAB 10-24-2019

Page 147 of 199

ITEM 5.C, ATTACHMENT 4

LPC 08-01-19

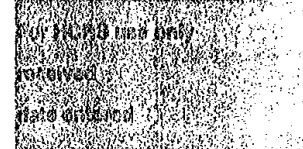
Page 2 of 15

FHR-6-300 (11-70)

United States Department of the Interior
Heritage Conservation and Recreation Service

National Register of Historic Places Inventory--Nomination Form

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections



1. Name

MAY 07 1982

historic Hillside School

and/or common Hillside School, Hillside Primary School

2. Location

street & number 1581 LeRoy Avenue

not for publication

city, town Berkeley 94708

vicinity of

congressional district 8

state California

code

county Alameda

code

3. Classification

Category	Ownership	Status	Present Use	
<input type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture	<input type="checkbox"/> museum
<input checked="" type="checkbox"/> building(s)	<input type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input type="checkbox"/> commercial	<input type="checkbox"/> park
<input type="checkbox"/> structure	<input type="checkbox"/> both	<input type="checkbox"/> work in progress	<input checked="" type="checkbox"/> educational	<input type="checkbox"/> private residence
<input type="checkbox"/> site	Public Acquisition	Accessible	<input type="checkbox"/> entertainment	<input type="checkbox"/> religious
<input type="checkbox"/> object	<input type="checkbox"/> in process	<input type="checkbox"/> yes: restricted	<input type="checkbox"/> government	<input type="checkbox"/> scientific
	<input type="checkbox"/> being considered	<input checked="" type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial	<input type="checkbox"/> transportation
		<input type="checkbox"/> no	<input type="checkbox"/> military	<input type="checkbox"/> other:

4. Owner of Property

name Berkeley Unified School District

street & number 2134 Grove Street
Berkeley 94704

city, town

vicinity of

state California

5. Location of Legal Description

courthouse, registry of deeds, etc. Alameda County Courthouse

street & number 1225 Fallon Street

city, town Oakland 94612

state California

6. Representation in Existing Surveys

title Berkeley Urban Conservation Survey has this property been determined eligible? yes no

date April 1980; City Landmark designation pending, 5/82. federal state county local

depository for survey records Berkeley Architectural Heritage Assn., Box 1137,

city, town Berkeley 94701-1137

state CA

ATTACHMENT 6

ZAB 10-24-2019

Page 148 of 199

ITEM 5.C, ATTACHMENT 4

LPC 08-01-19

Page 3 of 15

7. Description

Condition		Check one	Check one
<input type="radio"/> excellent	<input type="checkbox"/> deteriorated	<input type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site
<input checked="" type="radio"/> good	<input type="checkbox"/> ruins	<input checked="" type="checkbox"/> altered	<input type="checkbox"/> moved date _____
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed		

Describe the present and original (if known) physical appearance

Hillside School is a neo-Tudor, stucco and half-timbered, slate-roofed, mostly two-story building whose rambling angular plan follows the contours of its hillside site and the winding North Berkeley streets. The west facade presents a 150'-long central classroom wing running NW-SE, with a continuous bank of wood framed classroom windows on the upper floor, offices and library on the ground floor, and two second-floor square bays with dormers and half-timbered gable ends above the doors. Large wings join the ends of this main building at angles of about 120°: at the north end the auditorium projects forward (W) of the main building, with a tall wall of windows & ornamental stickwork in its gable end, which is about 60' high at the peak. There is a gabled entry hall and 2-story polygonal bay in the angle between the auditorium and main building. Behind the south end of the central block is a high-gabled 3-story classroom wing, its south wall all windows; at the back of this wing is a 1-story, L-shaped, 3-room addition (1963). South of the central block on the downward slope of the hill is the kindergarten/primary wing, a sort of miniature repetition of the main building, with a gabled dormer over the arched entrance and a large main classroom with west-facing gable & big bay window. Entrances to kindergarten & auditorium wings are low, deep-set gothic arches with heavy wooden doors, in 1½-story gable ends. All gable ends are trimmed to varying degrees with half-timbering, stickwork, and wood finials. Slate roofs of wings & dormers form a complex pattern of peaks.

The entire building was extensively reinforced and rebuilt in 1934-5 (kindergarten), 1936 (central portion), and 1937-8 (auditorium), faithfully following the style and materials of the original building. Roof of the south classroom wing was somewhat rearranged, & some parapet levels changed. The small dormer toward the north end of the main wing was added so slates would not fall on the exit in an earthquake. As a result Hillside was the only one of the older Berkeley schools not affected by the earthquake work of the mid-1970s when the others were demolished, vacated, or completely rebuilt. The bottom story of the main building was originally a recreation basement with the same wall of tall wood-framed windows as the upper floor. In 1963-4 the basement was remodeled for offices and library, and some of the window area closed off. At the same time, 3 classrooms were added inconspicuously at the back of the east wing. (This work was done by Walter Ratoliff's son.)

Notable features of the interior are the auditorium, the woodwork and detailing in the hallways, and the use of windows and wood in the classrooms. The auditorium, about 40' x 55', has hardwood floor, beamed dark wood ceiling with skylights and (incomplete) chandeliers. The west wall has a huge wood-framed, lattice-paned window, 16' x 22' high, floor to ceiling, protected by a wood balustrade; there is a spectacular view of the Bay. The stage at the east end is presently closed off by a temporary wall so the backstage area can be used as a woodshop. French doors on the north wall open onto a small patio.

Hallways follow the same irregular angles as the exterior plan. Second floor halls have skylights, unpainted wood moldings and wood framed bulletin boards, working transoms above the doors. Details include brass stair corners and studs on the wide banisters (to discourage sliding), metal and amber-glass light fixtures, and a floral terra cotta drinking fountain given in memory of two pupils in 1928. On the main corridor, 3 classrooms face east and 4 face west, all with full walls of operable wood-framed windows. Room 18, former teachers' lunchroom, has a Batchelder tiled fireplace. Two west rooms have unusual glassed-in cloakrooms & conference rooms.

(SEE CONTINUATION SHEET)

ATTACHMENT 6

ZAB 10-24-2019

Page 149 of 199

ITEM 5.C, ATTACHMENT 4

LPC 08-01-19

Page 4 of 15

8. Significance

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input type="checkbox"/> archeology-prehistoric	<input type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input type="checkbox"/> religion
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input checked="" type="checkbox"/> education	<input type="checkbox"/> military	<input type="checkbox"/> social/
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> humanitarian
<input type="checkbox"/> 1800-1899	<input type="checkbox"/> commerce	<input type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> theater
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input type="checkbox"/> industry	<input type="checkbox"/> politics/government	<input type="checkbox"/> transportation
		<input type="checkbox"/> invention		<input type="checkbox"/> other (specify)

Specific dates 1925--

Builder/Architect Walter H. Ratcliff Jr.

Statement of Significance (in one paragraph)

Hillside School is the oldest of the Berkeley Public Schools still operating as a school in virtually its original state. Its distinguished craftsmanship & design, natural light and air, and careful relationship to its hillside site exemplify the progressive school architecture of the 1920s. It replaced the 1899 Hillside School founded by the Maybeck circle and inherited its teachers and traditions, after the original building burned in the 1923 fire that devastated north Berkeley. Hillside's neo-Tudor design by prominent Berkeley architect Walter Ratcliff is characteristic of the period revival styles used in all branches of architecture in that decade, and used extensively in the rebuilding of north Berkeley. The school is one of the major commissions of Ratcliff's later career, and the only one of his Berkeley public schools still in use. As the neighborhood school of the Maybeck coterie and their successors, and of many University families, Hillside has a tradition of vigorous public interest and loyalty, and owes its existence and survival to Berkeley's trademark civic activism.

Hillside School takes its name from the Hillside Club, the turn-of-the-century Berkeley group around the Maybecks and Keelers that promoted Arts and Crafts ideals and established the Bay Region tradition of architecture in harmony with nature. According to tradition (Freudenheim, Building With Nature, p.57), when the city proposed a school for the neighborhood, the women of the club "appointed a committee to go to the Trustees and ask to be allowed to plan a school suited to little children and the hillside." After the fire took that rustic, Maybeck-like school, rebuilding was made possible by a special election authorizing a one year, \$150,000 tax, in May 1925 (Berkeley Gazette, 4/3 & 5/1-6/1925).

In its use of light and wood and the hillside site, the rebuilt school expressed an updated version of the Hillside Club ideals, as well as the more general movement in school architecture to provide beautiful and healthful and homelike surroundings. Hillside's opening coincided with the publication of the Berkeley School Properties Survey by Jesse Sears of the Stanford education department and a commission of Berkeley citizens (Aug. 1926), and the new school was the embodiment of its most up to date recommendations: auditorium doubling as a community meeting place, large playgrounds, "kindergarten and first grade unit separated from the rest of the school and a separate play yard and sanitary equipment provided for the smaller children," special rooms for domestic science and shop and art, teachers' clubroom, "preparation and serving of lunch at noon," "research and guidance" (the glassed-in conference rooms in Rooms 15 & 17 were for observation), "new type of administrative offices" and nurse's room (Sears, p.50; Berk. Gazette, 9/17/26; Berk. Courier, 8/7/26). Grades were kindergarten through 6th, reflecting Berkeley's early adoption of the junior high school.

Architect of the new Hillside School was Walter Ratcliff Jr. (1881-1973), who as Berkeley city architect had presided over the building of a group of schools in 1914-16 that rated 26 pages in the May 1916 Architect & Engineer. He was also an early planning commissioner and advocate of zoning, a civic leader and businessman, and by the mid-20s one of Berkeley's most distinguished and prolific architects, founder of what is today the oldest architectural firm in the East Bay.

(SEE CONTINUATION SHEET)

ATTACHMENT 6

ZAB 10-24-2019

Page 150 of 199

ITEM 5.C, ATTACHMENT 4

LPC 08-01-19

Page 5 of 15

FHR-8-300A
(11/78)UNITED STATES DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM

FOR FIELD USE ONLY
RECEIVED
DATE ENTERED

Hillside School, 1581 LeRoy,
CONTINUATION SHEET Berkeley CA 94708 ITEM NUMBER 7,8,9 PAGE 1

7 -- South of the kindergarten wing there is a temporary bungalow in what was the kindergarten playground. Main playground is in the loop of Buena Vista Avenue west of the school; there is a small landscaped area just in front of the school with lawn and flagpole and large evergreen trees. Other sides of the school face up-sloping hillsides: small patio north of auditorium, mountain and native plant garden east of central wing, and a pathway up to La Loma Avenue to the east.

Examination of 1933 photographs shows that cast stone shields and rosettes over the exterior doors and stone chimneys and finials were lost to Field Act work in the 1930s. However, the original slate roof remains (and was recently repaired), the original wood sash and trim remain (in need of paint), and many of the interior and exterior light fixtures are still in place and functioning. Original doors, wainscoting, and other millwork bear the signs of 50 years wear and tear but are in remarkably good condition. Exterior stucco, original brick steps, & concrete paving are in excellent condition.

8 -- Besides Hillside, Ratcliff's civic & educational commissions/included Mills College (1923), Pacific School of Religion, additions to Anna Head School, & the Berkeley Day Nursery (these last 2 are on the Nat'l Register). By the early 30s the effects of the Depression and Ratcliff's increasing absorption in his Fidelity Mortgage business caused him to virtually retire from the practice of architecture, making Hillside School one of his late Berkeley works.

In 1934-8 Hillside received extensive reinforcing and rebuilding to comply with the Field Act: some external ornament was removed but in general the building's appearance was faithfully preserved. There was a large budget item for millwork, which included reconstructing the beamed and paneled auditorium ceiling around the new bracing--something that would no longer be financially feasible. Building codes, budgets, and changing fashions in education mean that there are very few schools like Hillside left. Its intact woodwork, windows, slate roof, and original light fixtures are rare anywhere, and unique in the Berkeley schools.

Like all the public schools, Hillside has been through changes in educational theory and enrollment. Originally K-6, it is now K-3; enrollment was 229 when it opened in 1926, about 450 when the addition was made in 1963, 195 in 1982. Traditions continue: the active PTA, founded in 1902 as the Mothers' Club and distinguished by many University and artistic names, claims to be "one of the oldest in Northern California"; neighborhood pageants and dance festivals in the Hillside Club tradition continued into the 1960s; and in recent years parents and staff and neighbors have responded to recurring proposals to close the school with something very much like the crusading spirit of the Hillside Club mothers demanding a school "suited to the little children and the hillside."

9 -- B.J.S. Cahill & W. Ratcliff, "City of Berk.'s New Public School Bldgs", Arch. & Eng. May 14, 1924; Leslie Freudonheim, Building With Nature: Roots of the S.F. Bay Region Tradition, 1974. Berkeley Courier, Aug. 7, 1926, "New Hillside School Opens"; Berkeley Gazette, 4/3 & 5/6/1925 (building tax), Aug. 9, 26, Sep. 15, 17, 1926 (opening & dedic.), 10/20/34 (Field Act), 2/1 Aug. 5, Nov. 13, 1963 (addition), Ap. 16, 1980 (Archit. Heritage), 2/9/81 (closing threatened). Interviews: Marian Altman (principal), Barbara Smith (school secretary & alumna), Lorrain Haynes (early alumna & parent); oral hist. Dorothy Gerrity, Marian Daggett (Club & 2); Nicholas Hansen, "Walter H. Ratcliff Jr.," Berk. Arch. Heritage pamphlet, 1980. Nat'l Register nomination for Berkeley Day Nursery. PTA history file at Hillside

ATTACHMENT 6

ZAB 10-24-2019

Page 151 of 199

ITEM 5.C, ATTACHMENT 4

LPC 08-01-19

Page 6 of 15

9. Major Bibliographical References

Berkeley Unified Schools building dept. records: Blueprints (Ratcliff 1925; Eldridge Spencer & Thos.Chace, 1954-36-37; Ratcliff-Slama-Gadwalader 1963); MS Field Act studdin ("Data on Schools & School Bldgs." Nov.1933; E.Sponcor, "Report on the School Bldgs. of Berkeley," May 1934; "Application...for loan & grant..." Dec.1933). Jesse B. Soars & commission, Berkeley Schools Properties Survey, Berkeley, Aug.1926.

(#9 CONTINUES)

10. Geographical Data

Acreage of nominated property Approx. 2 acres

Quadrangle name Richmond, Calif.

Quadrangle scale 1:24,000

UMT References

A 10 565300 4192660
Zone Easting Northing
C
E
G

B
Zone Easting Northing
D
F
H

Verbal boundary description and justification Book 58, block 2245, parcel 9 - originally Wheeler Tract Block 5, Lots 1-10 (playground lots 1-6, school lots 7-10) & LaLoma Park Lot 12 & N portion of Lot 13. Building occupies E half of property, playground the W half in loop formed by Buena Vista & LeRoy Avenues.

List all states and counties for properties overlapping state or county boundaries

Table with 4 columns: state, code, county, code. Contains one row of data.

11. Form Prepared By

name/title Betty Marvin

organization Friends of Hillside/Berk.Arch.Heritage date April 30, 1982

street & number 2646 Claremont Avenue telephone (415) 849-1959/845-6591

city or town Berkeley 94705 state California

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

national state local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the Heritage Conservation and Recreation Service.

State Historic Preservation Officer signature

title date

For HCRS use only

I hereby certify that this property is included in the National Register

date

Keeper of the National Register

Attest:

Chief of Registration

date

ATTACHMENT 6

ZAB 10-24-2019

Page 152 of 199

ITEM 5.C, ATTACHMENT 4

LPC 08-01-19

Page 7 of 15

FHR-8-300A
(11/78)

UNITED STATES DEPARTMENT OF THE INTERIOR
HERITAGE CONSERVATION AND RECREATION SERVICE

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**

FOR HCRS USE ONLY

RECEIVED

DATE ENTERED

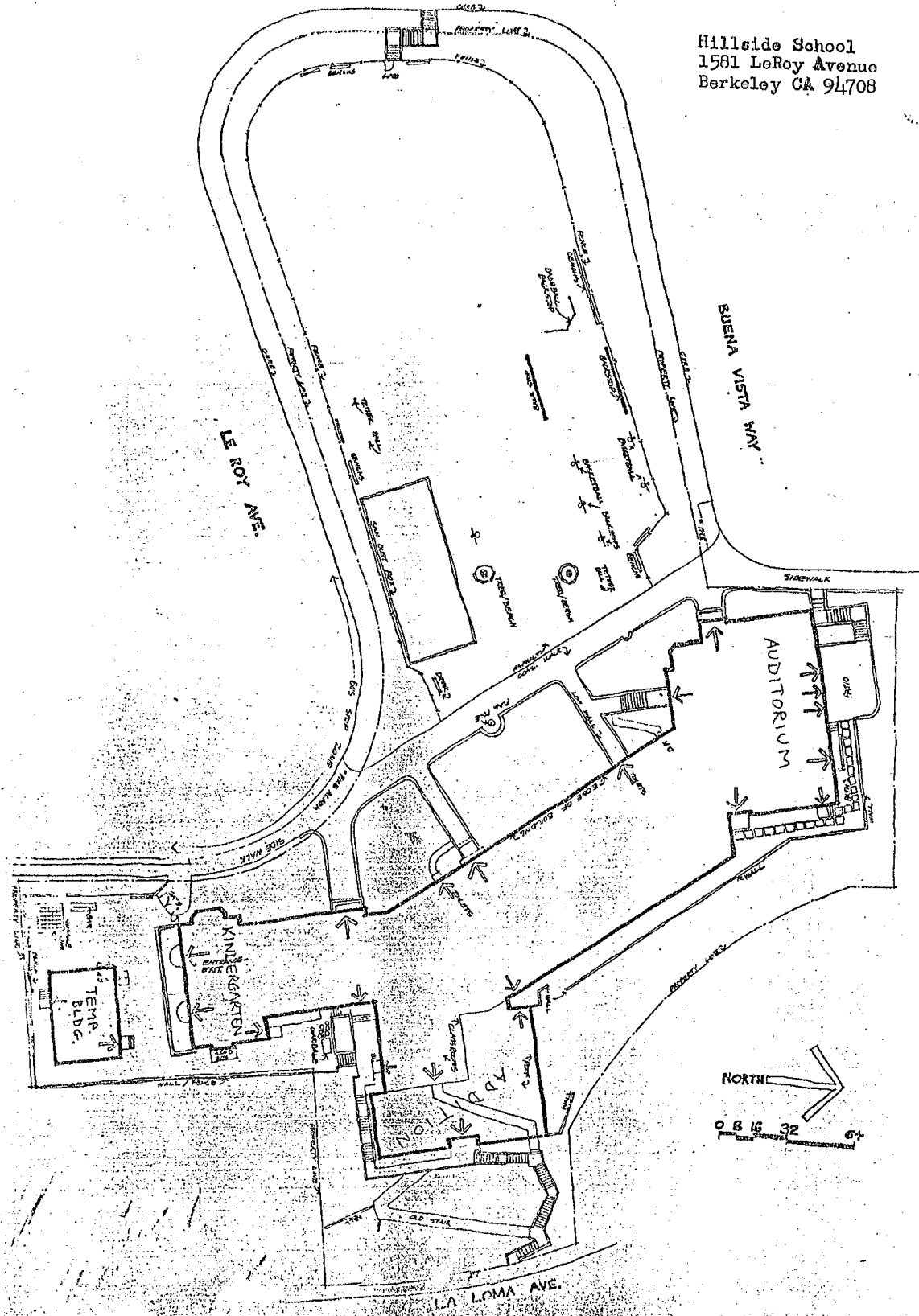
Hillside School, 1581 LeRoy Av.,
Berkeley CA 94708

Item 10 --- location map



ATTACHMENT 6
ZAB 10-24-2019
Page 153 of 199
ITEM 5.C, ATTACHMENT 4
LPC 08-01-19
Page 8 of 15

Hillside School
1581 LeRoy Avenue
Berkeley CA 94708



ATTACHMENT 6

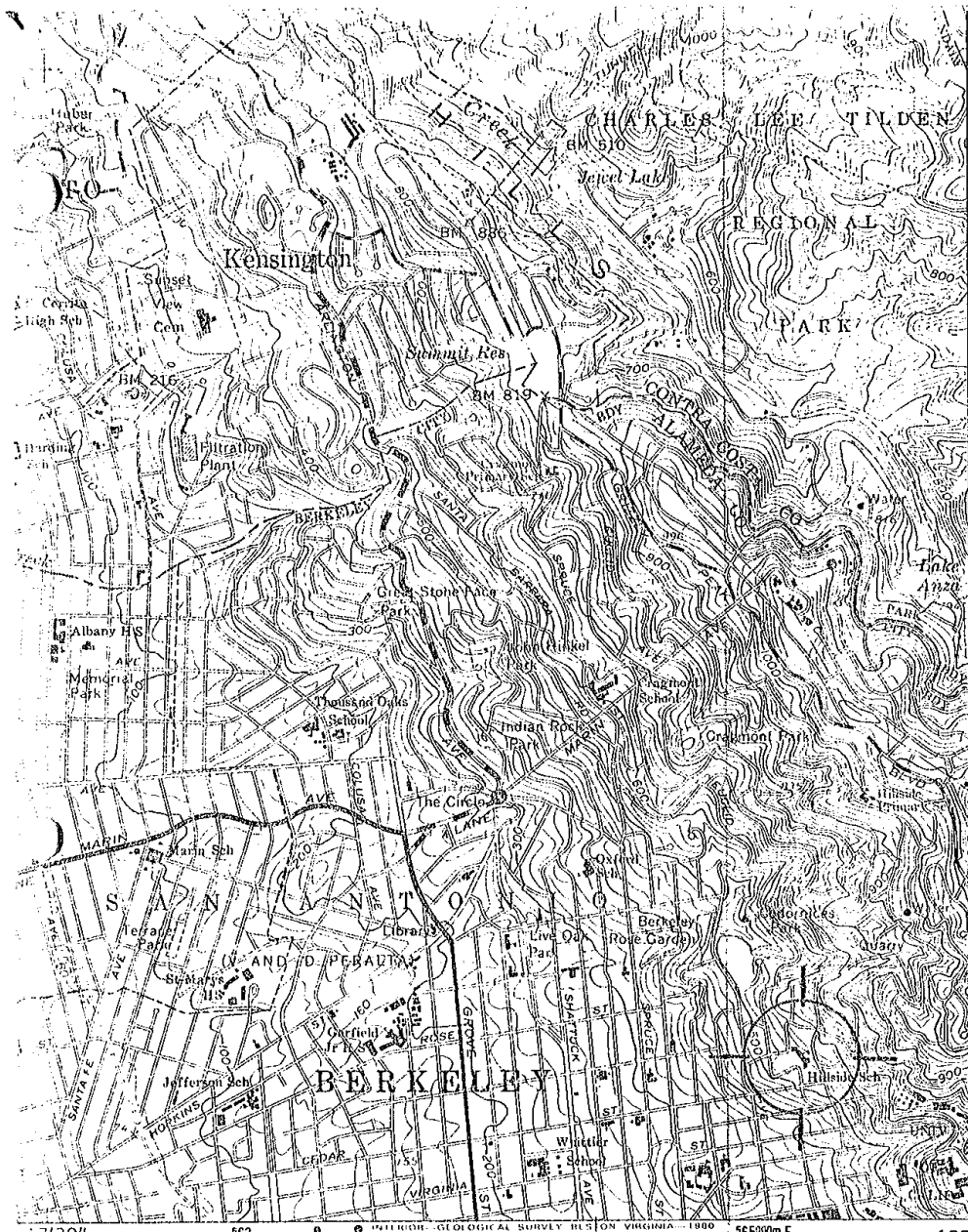
ZAB 10-24-2019

Page 154 of 199

ITEM 5.C, ATTACHMENT 4

LPC 08-01-19

Page 9 of 15



Hillside School
 1581 LeRoy Avenue
 Berkely CA 94708
 UTM reference:
 10/565300/4192660

17'30" 563 0 1741800 - GEOLOGICAL SURVEY REST ON VIRGINIA - 1980 565000m E. 122° 15' 37° 52' 30"

OAKLAND (MAC ARTHUR BLVD) 3.3 MI.
 ALAMEDA (CITY HALL) 9.2 MI.

ROAD CLASSIFICATION

- Heavy-duty ————— Light-duty - - - - -
- Medium-duty ———— Unimproved dirt
- Interstate Route ○ State Route



QUADRANGLE LOCATION

Purple tint indicates extension of urban areas

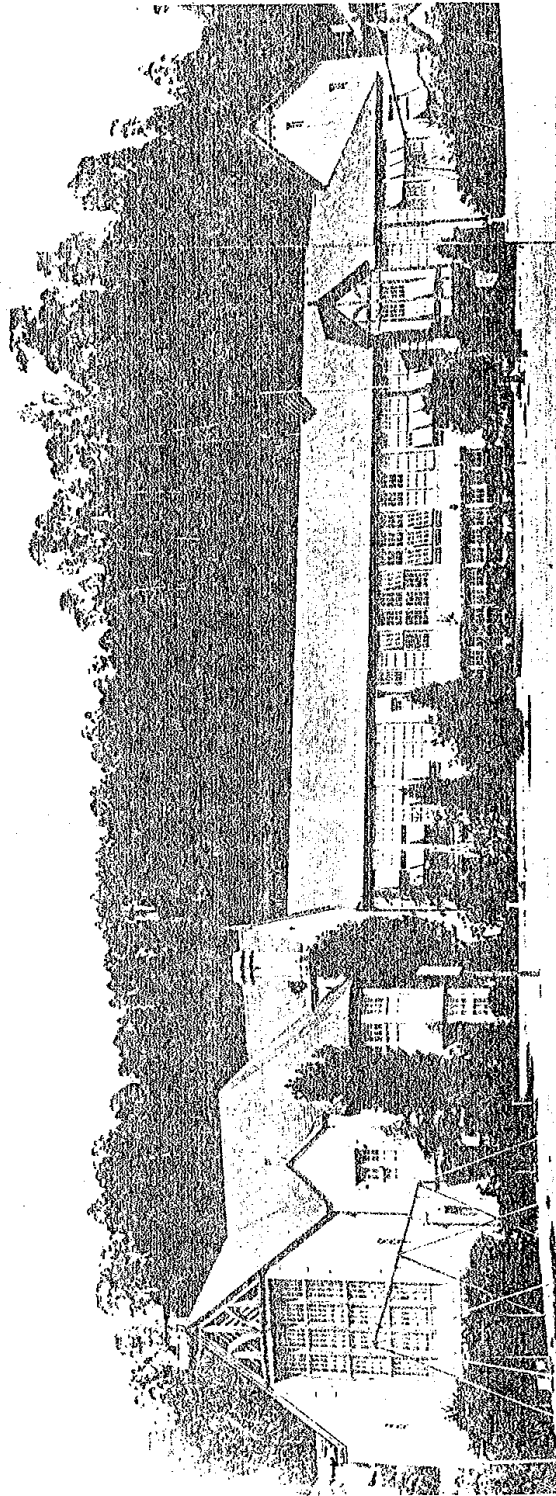
RICHMOND, CALIF.
 N3752.5—W12215/7.5

1959
 PHOTOREVISED 1980
 DMA 1559 IV NE—SERIES V895

OAKLAND EAST
 1559 1 SW

ATTACHMENT 6
ZAB 10-24-2019
Page 155 of 199

ITEM 5.C, ATTACHMENT 4
LPC 08-01-19
Page 10 of 15



West Elerin - Hillside School
Berkeley
4-21-33
7mws. (12)

ATTACHMENT 6
ZAB 10-24-2019
Page 156 of 199

ITEM 5.C, ATTACHMENT 4
LPC 08-01-19
Page 11 of 15

Hillside School, 1581 LeRoy Av.,
Berkeley CA 94708 -- April 1953,
Berk.Sch.Dist. Field Act survey--
copy neg. Berk.Arch.Heritage.
W elevation (3-kindergarten win-
dressed) unaltered basement.

ATTACHMENT 6
ZAB 10-24-2019
Page 157 of 199
ITEM 5.C, ATTACHMENT 4
LPC 08-01-19
Page 12 of 15

Hillside School, 1581 LeRoy Av.,
Berkeley CA 94708. Anonymous
Aerial view, c.1940s, looking east,
school & playground at center. #2
Print at Hillside Sch., copy neg.
B. Marvin, 2646 Claremont, 94705.



ATTACHMENT 6

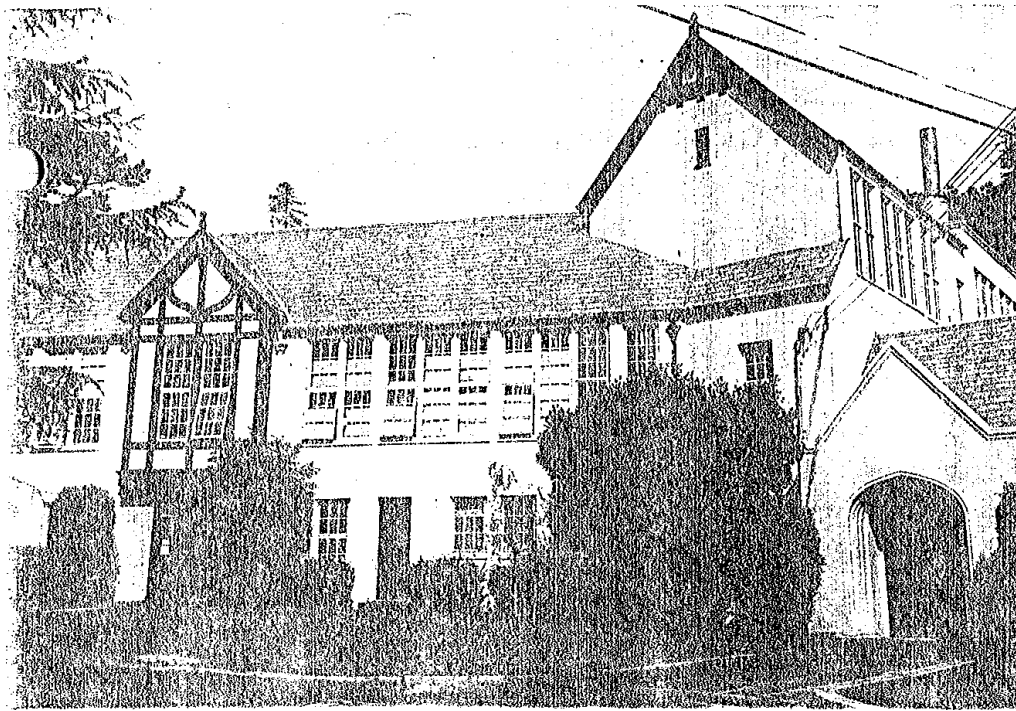
ZAB 10-24-2019

Page 158 of 199

ITEM 5.C, ATTACHMENT 4

LPC 08-01-19

Page 13 of 15



Hillside School, 1581 LeRoy, Berkeley CA 94708
S part of W facade; basement finished for offices
(main entc. below beamed gable), parts of 3-story
E classroom wing & 1-story S kindergartn wing.
B. Marvin, 2646 Claremont, 94705 -- March 1982 24

ATTACHMENT 6

ZAB 10-24-2019

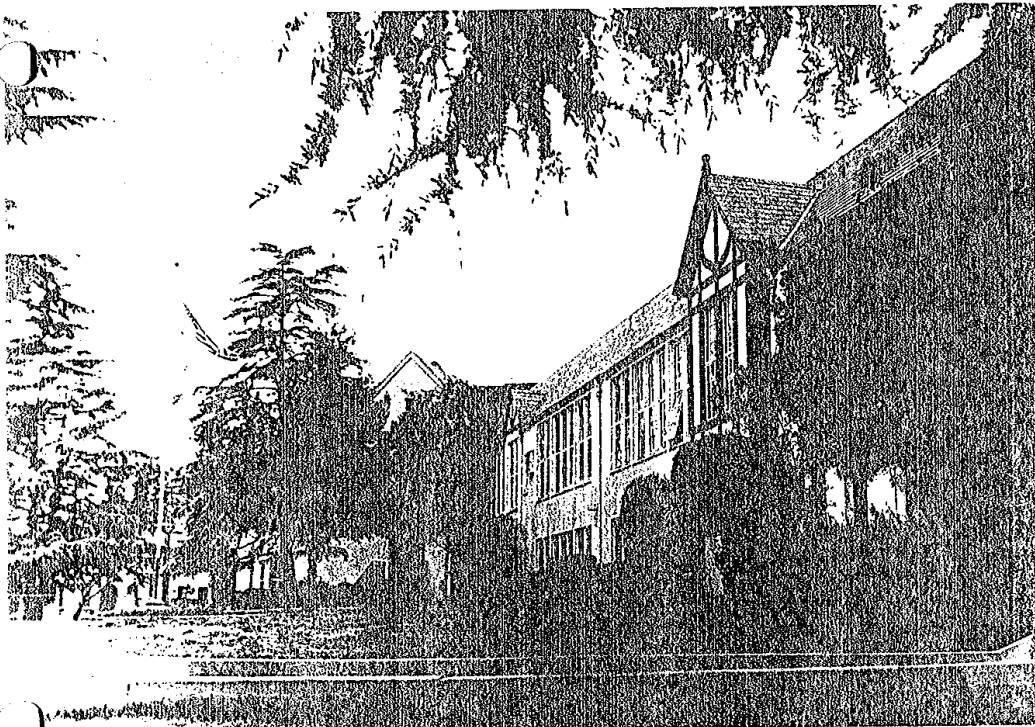
Page 159 of 199

ITEM 5.C, ATTACHMENT 4

LPC 08-01-19

Page 14 of 15

Hillside School, 1581 LeRoy Av.,
Berkeley CA 94708 - April 1982.
View N along central classroom
wing toward auditorium; gables
over office & library doors. #5
B. Marvin, 2646 Claremont, 94705.



ATTACHMENT 6
ZAB 10-24-2019
Page 160 of 199
ITEM 5.C, ATTACHMENT 4
LPC 08-01-19
Page 15 of 15

CITY OF BERKELEY

Memorandum

June 29, 1982

TO: EDYTHE CAMPBELL, City Clerk

FROM: MIKE TOLBERT, Secretary, Landmarks Preservation Commission

SUBJECT: NOTICE OF DECISION REGARDING THE HILLSIDE SCHOOL,
LOCATED AT 1581 LEROY AVENUE

At its meeting of June 21, 1982, the Landmarks Preservation Commission voted unanimously to:

DESIGNATE THE HILLSIDE SCHOOL, LOCATED AT 1581 LEROY AVENUE, AS A BERKELEY LANDMARK BECAUSE OF ITS FINE EXAMPLE OF WALTER RATCLIFF, JR.'S SCHOOL OF ARCHITECTURE, FOR ITS PHYSICAL POSITION IN THE STREETSCAPE AND IN THE NEIGHBORHOOD, AND ITS MEANING TO BERKELEY.

Attached is a copy of the Notice of Decision, which according to the provisions of the Landmarks Preservation Ordinance, is to be forwarded to the City Council at its next regularly scheduled meeting.

Mike Tolbert

MIKE TOLBERT, Secretary
Landmarks Preservation Commission

Attachment: Notice of Decision

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

From: Carol Deering [mailto:cvdeering@gmail.com]
Sent: Wednesday, October 16, 2019 7:59 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: ptrlydon@gmail.com; berkeleylions@yahoo.com; shekrystal@aol.com
Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

ZAB Secretary,

I am a Berkeley artist who has followed this proposed project from it's early stages. This project is a wonderful and creative use of these existing structures and the LeRoy Avenue site. It will enrich the neighborhood as well as the city of Berkeley. This proposed project has the potential of becoming a unique and special gem within our city.

I live in the Berkeley Hills neighborhood that this project is located in. I previously worked as an architect after receiving a master of architecture degree at UC Berkeley. The potential of this project and how it can contribute to and add a cultural richness to our city is worth recognizing.

I have been trying to lease studio space in Sausalito's ICB Building, Industrial Center Building. The waiting list to get into this warehouse space is no longer open for new artists names, as demand has significantly outpaced availability. This project has the potential to offer much needed artist studio space in the Bay Area, while also giving artists a safe, close knit community within which to expand their creative exploration.

This project is a great opportunity for Berkeley! ~ Carol Deering

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

From: Katja Elliott [mailto:elliott.katja@gmail.com]
Sent: Wednesday, October 16, 2019 8:17 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

I am a musician and music worker in San Francisco and the Bay Area, and I write to support the project of 1581 Le Roy Avenue. My husband and I have witnessed what Sam Seppälä has been doing with renovating the school, with an intention for it to be an artist community. I think it will be good for the community to have this kind of a space, in the area where artists are increasingly struggling to find space and premises to do their valuable work.

Everything that has been done to the building so far has been of a good taste, and it's been wonderful to see this beautiful old landmark to get a new life where its characteristics has been appreciated. The fact that this is also Sam's and Veronica's personal home will further guarantee that the artists' activities would enhance, rather than interfere, the peaceful enjoyment of the neighbors.

I have already talked with Sam about the possibilities for practicing saxophone in the premises, as well as performing arts, music and gigs there, but I see there's also many other possibilities for arts in this building.

Hence I kindly request for the Zoning Adjustment Board to vote YES for this project!

Best Regards,
Katja Elliott

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue Use Permit #ZP2019-0061
Attachments: Comment for Zoning Comm Oct 24 2019.docx

From: John Horton [mailto:johnho.home@gmail.com]
Sent: Wednesday, October 16, 2019 4:22 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue Use Permit #ZP2019-0061

(The text of the attached memo is included both in the body of the email and as an attachment for your convenience)

Attention: Land Use Planning Division Secretary
1947 Center Street, 2nd Floor
Berkeley, CA

Comment for Consideration of the Zoning Board

Date of Comment: October 16, 2019

Date of Board Meeting: October 24, 2019, 7PM, BUS District Board Room, 1231 Addison St.

Subject : 1581 Le Roy Avenue, Use Permit #ZP2019-0061

From: John Horton, owner 1546 Le Roy Avenue, Johnho.home@gmail.com,

Comment:

As expressed to the Historic Landmark Commission, my wife and I heartily endorse and welcome the restoration of the Hillside School. Our concerns are entirely regarding how the Zoning Board's decision might have an impact on whether a portion of the playground is ever sold for the development of housing units. The current owner has expressed that selling a portion is not his intention, but our concern is unforeseen future developments, including sale to a new owner.

Does the language or stipulations of the formalization of the re-zoning have a bearing on whether the current or future owners can sell part of the playground for development? Do different options exist for the Board that would preclude or diminish the risk of future development on the site?

Our home is one of the properties immediately facing the playground on Le Roy Avenue. When my wife and I purchased our house in 2014 we considered the school property was a significant asset in several respects. The access to the playground was and is a major attraction since our home, as is the case for most of the homes in our hilly area, lacks yard space for any recreation that requires even a typical backyard area. The continued access to a portion of the playground facilities will provide the function of both recreation and a gathering place while at the same time it will provide an incentive for families with children to move into our neighborhood and for older residents to remain active. Meanwhile, any construction of housing there would imply years of disruptions. The existence of the school was a strong element for our decision to make our purchase; were it an empty lot about to be developed we would have chosen to purchase elsewhere.

The project as conceived and presented to your Board is fine, preserving the open space that offsets the school visually as well as a portion of the playground for continued access to play. The assurance that we seek from the Zoning Board is a statement of the intent not to allow the construction of housing in the future on what is today the playground.

Thank you,

John Horton

(John Horton & Irene Collaço)

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 LeRoy Ave., Use Permit #ZP2019-0061

-----Original Message-----

From: watson laetsch [mailto:laetsch@earthlink.net]
Sent: Wednesday, October 16, 2019 4:20 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 LeRoy Ave., Use Permit #ZP2019-0061

Dear Zoning Adjustment Board,

I did not purchase my house in 1973 to live across the street from a parking lot.

From what I understand the current owner of the Hillside property has been consistently disingenuous. He bought a historic property, made promises before the purchase, parks vehicles on the playground, on the roots of trees between the street and property and on the path even with a substantial parking lot that was the kindergarten playground and pretends to be doing good.

I'm pleased that the current owner is looking after the building, but the open space and path between Buena Vista Way and LeRoy Avenue are part of the chemistry of the greater neighborhood and vitally important survival areas in the event of momentous disasters such as the Loma Prieta earthquake of 1989 or last year's Butte County Camp Fire. Sadly, this neighborhood is a candidate for a repeat of the 1923 fire so paths and open space is of singular importance.

Zoning adjustments should only be granted if the owner preserves the open space and access to the path in perpetuity as one would have thought the Landmark Status would have accomplished.

Watson M. Laetsch, PhD, UC Berkeley Vice Chancellor emeritus.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 LeRoy Ave., Use Permit #ZP2019-0061
Attachments: motor homes on path.jpg; three walking on path with mobile home.jpg; Overhead_HillsidePlaygroundParking_cars digitally added_ToScale.jpg; various cars (digitally added) on Playground from looking south.jpg; LeRoy view after 1923 fire.jpg; 1581 LeRoy Ave, UP# ZP2019-0061.docx

From: Krishen Laetsch [mailto:krishenlaetsch@gmail.com]
Sent: Wednesday, October 16, 2019 5:17 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Fwd: 1581 LeRoy Ave., Use Permit #ZP2019-0061

Same document and photos in the attachments.

To: City of Berkeley Planning and Development Department
Attn.: Zoning Adjustment Board
Subject: 1581 LeRoy Ave., Use Permit #ZP2019-0061

The owner of 1587 LeRoy Ave held several promotional meetings but consistently refused to discuss salient aspects of his shifting plans for the National and City Historic Landmark property at 1581 LeRoy Ave.

Prior to purchasing the property, the owner clearly stated that the playground would remain a playground. The owner claimed that the entire building would be a residence. Six months later the owner decided it would include 'artists in residency.' For this proposal it's art studio space. His plans are fluid and suspect.

During the August 1, 2019 Landmarks Preservation Commission meeting, commissioners directed discussion about the apparent **'business use for a private residence,'** the **'oddity of strip mall parking on a private parcel,'** the concern with the **'five sheds that were seemingly dropped from Kansas with Dorothy,'** the questionable **'need for sheds when there is a 50K sq. ft. building,'** that **'temporary sheds and temporary parking will be permanent,'** and that the **'owner could revoke access to path and playground at any time.'** Some of commissioners **maintain concern about the parking on the playground and lack of a public right of way easement to the path** connecting Buena Vista Way and LeRoy Avenue that apparently predates the school.

Some commissioners voiced concern about the use of the building. The architect for the owner said it is a 'single-family residence' at one point, and at another time also a 'private residence for artists.'

A commissioner spoke to the **'opaque nature of the non-residential use and the lack of honesty'** of the permit application.

Commissioners confirmed that Hillside's Landmark Status (national and city) includes the playground, path and wooded vegetation.

The owner knew he was purchasing a National and City Landmark Status property. Some might say that it is private property and the owner should be allowed to do with it what he wants. Thankfully, we have the luxury of a Zoning Board to assist in disputes of this nature. **To uphold what is good for the community and not the individual - regardless of size, income, or political influence.**

Photos from this summer show the path with house trailers and neighbors walking by. The photo vividly illustrates concerns about access to and obstruction of the path. If the owner receives a green light from the Zoning Board, the mobile homes and pickup trucks will return or a gate will be installed to block access completely. The two photos, with cars inserted into the photo, illustrates how the parking lot will change the dynamics of the 90-year-old playground. (please see photos)

The removal of the playground and the possible subdivision for development once the property is converted to residential use is a concern, as is the potential loss of access to the Buena Vista/Le Roy path.

The threat of fire is far greater now than it was in 1923 due to many more homes and longer summers (please photo). Large open spaces and paths saved lives then and will again.

There is a growing assumption that Berkeley lawmakers are increasingly siding with the uberwealthy and their properties and developments.

As you deliberate please take into consideration:

- The historic nature of the property;
- The mixed-use building being a part of a single dwelling neighborhood;
- Open space and the path will save lives during fire and earthquake emergencies; and
- The need to preserve open space as stewards for future generations.

The owner chose to purchase an Historic Building. Please do not be fooled by the bait-and-switch tactics. Please do not approve any change in zoning without preserving access to the path and the playground as unobstructed open space.

Respectfully,

Krishen Laetsch

ATTACHMENT 6
ZAB 10-24-2019
Page 168 of 199

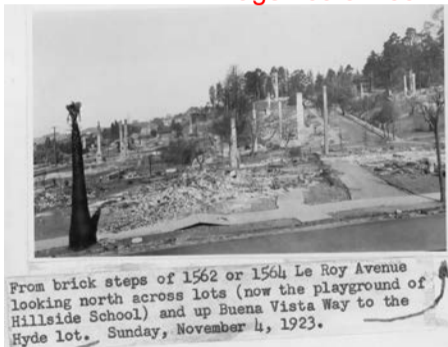
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Krishen Arvind Laetsch
510.928.5468
krishenlaetsch@gmail.com
<https://jangrenconsulting.com>

Attachment 7 - Administrative Record

Page 323 of 810

ATTACHMENT 6
ZAB 10-24-2019
Page 169 of 199



From brick steps of 1562 or 1564 Le Roy Avenue looking north across lots (now the playground of Hillside School) and up Buena Vista Way to the Hyde lot. Sunday, November 4, 1923.



ATTACHMENT 6
ZAB 10-24-2019
Page 171 of 199







From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue, Use Permit #ZP2019-0061

From: Peter Lydon [mailto:ptrlydon@gmail.com]
Sent: Wednesday, October 16, 2019 9:12 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue, Use Permit #ZP2019-0061

To Members of the Zoning Adjustments Board
c/o Planning and Development Department
Land Use Planning Division
City of Berkeley

Dear ZAB Members,

As long term residents immediately across the street from the former Hillside School, my wife and I strongly urge you to approve the Seppala application for a change of use to a single residence with artists' studio space.

This imposing, architecturally landmarked structure is a major feature of our neighborhood. Seismically compromised by being on the Hayward Fault, it has been closed as a public school since 1983. After many years of physical decay and, finally, surplus by BUSD, it did not succeed as a German-linked private school. A long list of possible alternative uses, including senior housing, were considered but judged to be economically unviable. In this light, the Seppala proposal can fairly be considered to be the "saving of Hillside," and that is the way the neighborhood looks upon it.

The neighbors are appreciative and grateful for the very large investment in rehabilitation which Mr. Seppala, with the guidance of historical architect Jerri Holan, has made in the past year. We are also grateful for his keeping the most significant part of the playground space freely open for neighborhood and visitor use while supporting its necessary upkeep. He is keeping the path between Le Roy Avenue and Buena Vista Way open to maintain customary and highly valued pedestrian use by the public.

Inevitably, change had to come to the Hillside School property from its old situation under BUSD, which was close to derelict. The building was a danger for many years, which is why the neighborhood pressed BUSD to surplus and sell it. That danger has now been removed by Mr. Seppala's taking proprietorship, and by the major rehab work he has done. The changes now proposed and being carried out by Mr. Seppala are more favorable, indeed far more beneficial, for the neighborhood, than could have been expected from a new use. The alterations he proposes are all within bounds, and he has been cooperative, and open in discussing the mitigation of borderline negative impacts. He has not made false promises. Friendly dialogue with him continues, and the demand that the generous and favorable actions of a new owner be somehow guaranteed "in perpetuity" is not a reasonable one.

We believe that this supportive view of Mr. Seppala's change of use application is strongly majoritarian among Hillside neighbors, and we urge you to approve his proposal.

Peter and Norma Lydon
1584 Le Roy Avenue
Berkeley

ATTACHMENT 6
ZAB 10-24-2019
Page 175 of 199

From: Zoning Adjustments Board (ZAB)
Subject: FW: Re:1581 LeRoy Ave., Use Permit #ZP2019-0061

From: SB Master [mailto:sb@tmviz.com]
Sent: Wednesday, October 16, 2019 4:54 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Re:1581 LeRoy Ave., Use Permit #ZP2019-0061

Land Use Planning Secretary

1947 Center Street, 2nd floor

Zoning Adjustment Board

City of Berkeley

Berkeley, California

Re:1581 LeRoy Ave., Use Permit #ZP2019-0061

Dear Zoning Adjustment Board Members,

I am writing regarding the Use Permit under consideration for the Hillside School site, the center of our neighborhood since 1925. Designed by noted architect Walter Ratcliff and a Berkeley landmark, the Hillside School was recognized and placed on the National Register of Historic Places in 1982.

We appreciate the repairs and improvements carried out by its most recent prior owner, the German School of Silicon Valley, and greatly enjoyed the bustle of having schoolchildren and families there once again. We also appreciate the maintenance work underway by the new owner, Sam Seppala, and his willingness to talk with we neighbors.

My concerns here relate to two aspects of the proposed plan: 1) the path and 2) the storage sheds.

1) The path in front of the school has been an integral part of our sidewalk system here for many decades. Indeed, it merges seamlessly with City sidewalks at each end. A modern curb cut with the typical Berkeley City yellow rubber anti-skid bumps and wheelchair ramp connect this path to the street, which further connects to a City cross-walk. The path itself is flat and wide, making it accessible for pedestrians, people in wheelchairs or using walkers, and children. Clearly it has been conceived, configured, and used as a public resource.

In terms of loss to the neighborhood and Berkeley if the path were made private and inaccessible, a walk from one end to the other of the path took me, of average stride, 80 steps, and required little effort as it is so flat. In

contrast, following the route around the schoolyard one would have to follow, if the path were inaccessible, took me 380 steps. Further, that route involves some up and down along either rough pavement or a very uneven sidewalk, not accessible for people with mobility issues. The extra steps and grade change to get from our neighborhood to town or to campus, without this path, could discourage or prevent someone from walking. In fact, the extra up and down winded me, and triggered breathing difficulties. Will we stop walking to town or to campus, or be forced to drive, due to the loss of this path?

No easement or formal arrangement was ever required, as this path has always been available for use, first for decades as part of a public school and then, under the German School, as a public path. It has never been closed off or rendered inaccessible for public use; certainly there has been more than five years of continuous use in an open and continuous manner. Now under threat to be available only so long as Mr Seppala wants it to be, ongoing permanent access to this crucial and much used community resource needs to be formally protected through an easement or some other means.

2) The storage sheds are a bit of a mystery. Why, with +/-50,000 square feet of safe, dry, secure indoor space, would visiting artists prefer to store their tools in sheds on the playground? But beyond that, my concern is more the “attractive nuisance” aspect of these five sheds. Filled with tools including, presumably, expensive power tools and artists materials, won’t these sheds be magnets for thieves? How much security will be required to protect them and their contents? Further, as dry and attractive and house-like as they have been described, won’t they be desirable places to break into, and spend the night, on a cold wet night? And if they have access to power to run the power tools, as explained, how will that be secured? Doesn’t that make them even more attractive as places to bunk down? While a security fence has been suggested to protect these sheds, how high and how alarmed will that have to be? Will a security guard be required? How often will the Berkeley police be called, when activity is detected in the night? Creating this potential security and policing problem to save the artists having to retrieve their tools from the school does not make sense.

I urge the Zoning Adjustment Board to seriously consider these issues, as well as other related to safety and other concerns being raised by other neighbors and community members, in your consideration of this application.

Respectfully submitted,

SB Master

neighborhood resident

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue, #ZP2019-0061
Attachments: Letter to Zoning Board about Hillside.docx

From: O'Regan, Daphne [mailto:oreganda@law.msu.edu]
Sent: Wednesday, October 16, 2019 10:13 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: michaelscott8815@sbcglobal.net
Subject: 1581 Le Roy Avenue, #ZP2019-0061

Communication regarding the Zoning of 1581 LeRoy Ave., Use Permit #ZP2019-0061, the former Hillside School. The same letter is attached in case it is easier to read.

Dear Members of the Zoning Board,

I am writing at the request of my mother, Marian O'Regan, a 60-year resident of Berkeley at 1562 LeRoy. I grew up at 1562, spend time there caring of my mother, and plan to retire there. We are not opposed to an art center at 1581 Le Roy. Further, we commend the current owner for his willingness to allow public access. However, the operative word here is "allow." Without legally supported access, the current owner or future owners who do not share his commitment can ignore public safety and fence off the property at any time. Thus, we request that the Zoning Board should condition use of the property on the following public-safety and social-justice concerns.

1. The path from LeRoy to Buena Vista should be protected with an easement as a safety measure and to support public access for historical public use. The path is a public safety measure undertaken after the devastating fire in the Berkeley Hills when the property became a school. The public has used this path far longer than is necessary for an easement if the path had not been on school property. Under the current owner, present and past obstruction of the path has reduced or eliminated its usefulness for public-safety vehicles and pedestrians during earthquake or fire. Without a legal requirement, the owner can fence the path as he has already done the other playground, which formerly included a path from La Loma to LeRoy.

The Zoning Board should exercise its power to require an easement. This is well within the Board's power and has been done in Berkeley and elsewhere. The property-rights rationale invoked at the Landmark meeting to avoid an easement echoes the property-rights movement that seeks to restrict public access throughout California, for example, in litigation to restrict coastal access. It sets a dangerous precedent that can be used in the future in Berkeley and elsewhere.

If the property owner is worried about liability, he can donate the path to the city, which will relieve him of all liability. Many people in the city and in the neighborhood of Hillside school live next to public paths. Public paths are part of the historical character of the neighborhood and a feature of public safety given its narrow and winding streets.

2) The playground should be preserved as accessible open space and a public safety refuge, not become a parking lot against neighborhood wishes and in a time of climate change. Density in cities must increase to increase housing stock. Increased density requires preservation of what little genuinely open space remains.

Open space is necessary for livability, for staging of public safety vehicles, for refuge from fire and earthquake hazards, including downed wires, and so forth. The Zoning Board should require legal public access to at least part of the playground.

Further, many cities are limiting parking and are seeking traffic calming in neighborhoods. The proposed parking does the opposite. Landowners should not be encouraged or permitted to put parking lots in residential neighborhoods. The mere fact that the parking will be free should not change this, particularly when the parking will not be for residential use, but will be for a transient population of day users. The architect indicated that the neighborhood wished for the parking lot. This is not the case. The neighborhood lived with on-street parking for the much larger staff of the school. Most people see no reason that the users of an art center, even if it is free, should not also park on the street.

3) The current owner should not be exempt from zoning requirements merely because he can afford to give away what people with fewer resources must charge for. At the Landmark meeting the neighbors learned that because he would not be charging the users of the space, the current owner would not be subject to numerous zoning requirements. Again, this sets a dangerous precedent. For example, a person who makes her living teaching cello will be subject to many zoning requirements, but a person with a free indoor firing range could avoid those requirements. (Of course, other requirements may might make that not possible, but we hope the point is clear.) As the gap between the top 1 percent and everyone else widens, this hands over much power over land use in Berkeley to those with money. The Zoning Board should impose the same restrictions on use regardless of the wealth of the property owner.

4) Lack of candor before city boards and in communicating with neighbors should not confuse the issue. The Landmark commission commented on the lack of candor by the architect presenting the plans. The neighborhood has experienced the same. For example, the architect said the playground was not landmarked. The Landmark commission found that it was. Similarly, the architect implied to the neighborhood that the extensive parking was required by the city. At the meeting, the neighbors discovered only one space was required. While all these things may be open to interpretation and interpretations may differ, it has been difficult to make progress resolving issues that more direct communication could clarify.

Thank you for your time. My mother and I hope that the Zoning Board will shift carefully through the competing statements at the meeting and condition use of the former Hillside school as a residence and art center on the following:

- 1) An easement over the path between Le Roy and Buena Vista and
- 2) Rejection of parking on the playground and a legal accommodation with the neighborhood that preserves access to at least part of the current playground.

We recognize that point 3 may require more consideration and possibly changes in city ordinances, we hope the Zoning Board will undertake this work. The rapidly changing world and concentration of wealth means that old norms no longer work and new attention must be paid to the impact of wealth on civic decision making.

Marian O'Regan and Daphne O'Regan

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 LeRoy Ave., Use Permit #ZP2019-0061

From: ormsbyslkc@gmail.com [mailto:ormsbyslkc@gmail.com]
Sent: Wednesday, October 16, 2019 10:23 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: 'Sachiko Ormsby' <sachikoormsby@gmail.com>
Subject: 1581 LeRoy Ave., Use Permit #ZP2019-0061

To the people who decide these things:

- The property in question has undeniably been a community resource on so many levels for decades for a wide footprint of families in the area.
- As someone who shares a property line with the school and a resident for 22 years, I can assure you we (family of four) use the playground area regularly... walk the path almost daily. Both my kids learned how to ride bikes there.
- It seems unbelievable that a private individual could have the right to unilaterally close that off to the community.
- I too appreciate the investment made by Sam into the property and am anxious to see what comes of the school. I have no issues with artist studios or him using this property as a single family residence.
- What I ask for is legal assurance that the path and a majority of the playground stay open to the community. A promise by the owner to do so is simply not enough guarantee for such an important community resource.

Thanks for reading.

Larry Ormsby
2639 Cedar Street
Berkeley, CA 94708
510-918-9928

From: Zoning Adjustments Board (ZAB)
Subject: FW: USE PERMIT - ZP2019-0061 Our Hillside School

From: Jimmy Owens [mailto:jimmy-owens@pacbell.net]
Sent: Wednesday, October 16, 2019 5:29 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: jimmy0 <jimmy-owens@pacbell.net>; STEPHEN YOKOI AT HOME <syokoi2@pacbell.net>
Subject: USE PERMIT - ZP2019-0061 Our Hillside School

Land Use Planning Division
Attn: ZAB Secretary
zab@cityofberkeley.info

I am a 26-year resident of our home here ~
1600 La Loma Avenue
Berkeley 94709

I wish to commend, Sam, the buyer of our iconic Hillside School.
I am hearten ~ that he seems to be an accommodating fit for our local beloved neighborhood.
I am in hopes that your Zoning Board may be able to approve his application.
Jimmy Owens
510-304-0673

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue, Use Permit #ZP2019-0061

From: Vicki Piovio [mailto:Vickipiovio@sbcglobal.net]
Sent: Wednesday, October 16, 2019 12:35 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue, Use Permit #ZP2019-0061

Dear ZAB:

As a Hillside neighbor, I am writing to you because I feel that it is important to find a way to keep the walkway connecting Le Roy and Buena Vista and as much of the current playground area at Hillside School as possible open for public use. I'm concerned about the lack of any reference to the path between Buena Vista and LeRoy and the current playground/open space and how they fit into the permitting process. I would urge you to explore and support a way to ensure that there is a pathway and some open space with public access in perpetuity, so that this access cannot be altered or denied by changing permitted plans or possible future owners.

I appreciate Samuli Seppala's efforts, his expenditure *of* time and money and energy to repair and restore the building and the time he has spent consulting with neighbors re. his plans. I am excited by what I see happening there and look forward to his making the building his home, adding an ADU and offering some of the space for art-related activities and to a limited number of artists for studio use during the day. (I trust there will be some safety precautions mandated regarding the type of art activities permitted.)

I have been trying to educate myself as much as possible regarding the permit(s) being applied for and considered at the hearing but I'm having trouble understanding what kind of use permit this application corresponds to (e.g. existing Educational Building converting to R-3 Building Occupancy, as indicated on the plans shared with the neighbors and submitted to the city, or the Moderate Impact Home Occupation Permit mentioned in another communication, or something else) and what uses are actually being permitted. So several important questions remain unanswered. What uses are actually being permitted under the Permit Type (UP) indicated on the city website – i.e. what are the guidelines as to what is granted and/or prohibited in terms of current uses as well as any permissions and/or limits pertaining to Sections 15331 and 23B.32.040, and will those uses run with the land so that ALL the permitted uses would be automatically available for a future owner?

I also wonder about the distribution of parking spaces and how many are permitted in the current plan. If I understand the application(s) correctly the parking areas include – multi-purpose room converted to garage, “Little Hillside” former playground as parking lot and parking spaces created on the current playground. What dictates the number of spaces? Does the 18 spaces mentioned on the city website include multi-purpose conversion and Little Hillside? Does this number place a limit on addition of more spaces in the future?

Our grandchildren love to play in the playground, as do other neighborhood children and as did our own children, and kudos to Sam for recognizing the value of this and maintaining some open space for children in his plans. My hope now is to find a way to guarantee that this space, or perhaps even a larger portion of the current open space than was indicated in the plans submitted, continue to be open in perpetuity and to urge you to do whatever possible to advance this effort.

In addition, **and perhaps most importantly**, the property being discussed is located in a high-risk fire zone, a landslide zone and a fault zone. The street is quite narrow and not conducive to easy passage of much increased traffic. Past owners and tenants have made the open space available to neighbors as a possible gathering space during an earthquake or other emergency, also providing an important staging area for firefighters if needed, and thus contributing to public safety, and it is important that this continue to be the case. I'm also concerned that potential loss of the path passage between Buena Vista and LeRoy would effect or hinder evacuation and other life-saving strategies that contribute to public safety during an emergency. What guarantees, if any, about the future use of the path do neighbors actually have in the proposed arrangement?

I also feel that maintaining significant open space is consistent and compatible with the surrounding residential character of the neighborhood and with the Landmark status of the building and therefore would like to see limits placed on the number of parking spaces allowed as well as on future uses.

Thank you for your consideration of these comments.

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Ave. Use Permit #ZP2019-0061

From: JOSHUA PIOVIA-SCOTT [mailto:joshps33@hotmail.com]
Sent: Wednesday, October 16, 2019 7:47 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Ave. Use Permit #ZP2019-0061

Dear ZAB,

I grew up across the street from Hillside School and my family has lived in the neighborhood for four generations. I appreciate Samuli Seppala's work on the Hillside School building but am very concerned about the public access to the path between Le Roy and Buena Vista and the open space and playground. These areas have been used by the community and neighborhood for almost 100 years and, among other things, will be critical when the next fire, earthquake or other disaster strikes the area. Preserving some type of permanent, ongoing public access to the path is paramount. My grandparents, father, children and I have spent countless thousands of hours at the playground, on the basketball court and in the open space at Hillside. It would be tragic for one of the last publicly accessible open spaces in the area to be turned into a parking lot. Surely something better can be done with this beautiful, old Landmark building and grounds. We sincerely hope that a balance can be found between Mr. Seppala's use of the building and the community and public safety elements that have historically been a critical part of the neighborhood.

Thank you for your consideration.

Joshua Piovia-Scott (Berkeley High School class of 1993)
Darya Barar
Ezmond Pioscobar (age 10 and in 5th grade Oxford Elementary)
Zia Pioscobar (age 6 and in Kindergarten at Sylvia Mendez Elementary)

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue, #ZP2019-0061
Attachments: fire poster 1.pdf

From: Michael Scott [mailto:michaelscott8815@sbcglobal.net]
Sent: Wednesday, October 16, 2019 10:54 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue, #ZP2019-0061

Dear ZAB,

I attach two emails from Anna B. Rabkin, a frequent and long term walker of the Hillside path connecting Buena Vista Way and Le Roy Avenue (recently renamed Seppala Path), as well as a photograph and map that provoked her response.

In the most recent email, Anna gives me permission to forward her earlier note to the ZAB:
"Hi Mike, by all means forward my note, thanks, Anna"

In her previous note, Anna wrote:

"Thanks Mike for the info - very graphic. I walk the path pretty much on a daily basis, and agree that it is a crucial segment of an emergency escape route for people in the hills. The Hillside playground provides an important open space for the lower hills and I see many parents and children, residents and dogs, and neighbors just enjoying the bench under the redwood trees. I hope the new Finnish owner of the property will be a socially responsible neighbor not only taking care of the historic building, but also by continuing the historic access to the open space and path. Best of luck, Anna"

Yours truly,

Michael Scott

Hillside class of 1955
1570 Le Roy Ave
Berkeley, CA 94708



From brick steps of 1562 or 1564 Le Roy Avenue looking north across lots (now the playground of Hillside School) and up Buena Vista Way to the Hyde lot. Sunday, November 4, 1923.

BERKELEY FIRE ZONE, SEPT. 17, '23.
BURNT AREA, WATER MAINS,
HYDRANTS, RESERVOIRS AND
PRESSURE ZONES.

EAST BAY WATER COMPANY
OAKLAND, CALIFORNIA

DRAWN BY: F. C. & L. M.	E
SOURCE: W. W. & A. M. FIELD SURVEY	
DATE: OCT. 8, 1923	650
SCALE: 1" = 200'	

KEY

- Burned
- ◻ Damaged
- Saved



• 1923 Berkeley Fire •
© Berkeley Historical Society

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Ave. Use Permit #ZP2019-0061
Attachments: fire poster 1.pdf

From: Michael Scott [mailto:michaelscott8815@sbcglobal.net]
Sent: Wednesday, October 16, 2019 2:10 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Ave. Use Permit #ZP2019-0061

Dear ZAB,

As neighbors, we all benefit from Sam's preservation and repurposing of Hillside School and appreciate his initiative, drive and capacity. This is a win/win. He's doing this project to satisfy his own needs and interests, not for us or the city. So it makes no sense to negotiate from a position of being millions in his debt. All good, almost. Let's start from a level playing field.

Where there is contention, hopefully we can together strike a fair balance between his property rights and the needs of the community. I had hoped that by now we as neighbors could present a virtually united front in enthusiastically supporting Sam's project based upon agreements regarding the path, playground and related matters. Unfortunately after more than a year of exchanges with Sam, I realize that while he does listen he has not been in a negotiation mode—never was—instead preferring to wait until after the ZAB. This is precisely what he said September 30 about 8 PM when discussion entered a serious phase about the path linking Buena Vista Way and Le Roy Avenue. Sam called a halt to discussion, conferred with his architect, and told us: "Can't talk about this until after ZAB." This makes ZAB's deliberation all the more important as a last and perhaps only context for meaningful community input—even as it puts in ironic relief the so-called "mediation" session, as well as a lot of the prior meetings when some of us thought we were negotiating.

As a new neighbor, we hope he can respect the natural and social features of the neighborhood he is joining. Periodic fire, earthquake and land slides characterize this area, and have done so long before human habitation, let alone Native American and European arrivals. To our peril, these natural threats have been ignored or downplayed. There is new urgency because fire threats have increased dramatically in intensity and duration. Paradoxically we must plan and prepare for disaster even as we hope it never happens. At least we can begin to mitigate the worst consequences by anticipating what could or surely will happen sooner or later.

The attached photo was taken about six weeks after the September 1923 Berkeley fire, roughly from in front of my house, or rather where my father, who worked the fire lines as a UC student, built our house in 1938 on top of the ruined foundation of the previous house burned in that fire. In the upper right, you can see a wood house unscathed by fire, and another in the distant middle left;

otherwise it's complete destruction, all houses destroyed. Double check these surviving houses against the map for confirmation. The first one is Gertrude Allen's place at the corner of Buena Vista and Greenwood Terrace. According to neighborhood lore, it was saved, along with several others on Greenwood Terrace, by concerted action of UC students, neighbors, working fire hydrants and open space between the houses. Curiously, the fire left us an open space without overhead wires in the form of Hillside playground in what was dense housing before the fire. Let's accept and preserve this gift of open space as a memorial to the 1923 fire and those many private citizens and professionals who bravely fought it. It could save lives.

Keeping the Buena Vista Way - Le Roy Avenue path publicly open is critical for fire safety: the emergency egress of some share of the 15,000 people who live around and above it, as well as access for emergency services. It's been in active public use for 93 years or since the school was built. It is a defining feature of the Hillside neighborhood. The German School significantly improved the path by essentially rebuilding it using a solid cement foundation. Since Sam's purchase, the path has been occupied—and largely blocked—by two house trailers and a monster pick up truck for longer than its more recent, safer and pleasant situation of four movable flower pots. Can the ZAB strike a fair balance that preserves Sam's rights as well as public access to this path? Can the same be done for parts of the playground, preserving its historical integrity, long-time public service as well as public safety features?

Yours truly,

Michael Scott
1570 Le Roy Ave
Berkeley, CA 94708
Hillside Class of 1955



From brick steps of 1562 or 1564 Le Roy Avenue looking north across lots (now the playground of Hillside School) and up Buena Vista Way to the Hyde lot. Sunday, November 4, 1923.

BERKELEY FIRE ZONE, SEPT. 17, '23.
BURNT AREA, WATER MAINS,
HYDRANTS, RESERVOIRS AND
PRESSURE ZONES.

EAST BAY WATER COMPANY
OAKLAND, CALIFORNIA

DRAWN BY: F. C. & L. M.	E
SOURCE: W. W. & A. M. FIELD SURVEY	
DATE: OCT. 8, 1923	650
SCALE: 1" = 200'	

KEY

- Burned
- ◻ Damaged
- Saved



• 1923 Berkeley Fire •
© Berkeley Historical Society

October 16, 2019

Berkeley City Zoning Board
Re: 1581 LeRoy Ave.
Permit: #ZP2019-0061

Dear Berkeley Zoning Board,

I live at 2535 Buena Vista Way, directly across the street from the playground at 1581 LeRoy Ave. My feeling is that Sam Sappuli has done us a service by buying the building and the grounds. He has put a lot of money into rennovating and keeping up this structure. Otherwise, it is not clear what would have happened to the property. Furthermore, I believe he has the best intentions to take care of the property, keep it up, and make use of it for artistic endeavors. I have no objections as what he does inside the building and how he changes it to suit his purposes and needs.

As for issues surrounding the use and changes to the playground, however, I have three conerns:

1) Access to the Buena Vista-LeRoy Path: Keeping the path between LeRoy and Buena Vista Way open and available for permanent use. I am not sure why Sam has not agreed to commit to this, and accommodate the neighborhood. It seems that having unrestricted permanent access is essential and as many people use the path everyday, I am at a loss to know what the rationale is for not making this permanently open and accessible.

2) Playground as Part of the Historic Listing of the School Property: As a long time resident of the neighborhood, I would encourage the Zoning Board that if the use permit from School to single family dwelling designation is made, then to ensure that the playground, the open space, be considered part of the property in perpetuity so that in the case if Sam were to sell the property, it could not be subdivided into smaller plots for home construction, or other uses. This would change dramatically the nature and character of the neighborhood. Keeping the historic designation of the building and the playground as one unit, go a long way to assuring the neighborhood that the character of the building itself and the playground will not be substantially changed. I am concerned that if the playground is not considered a part of the historic site, then it could be used for other purposes which could well be unfavorable to the neighborhood.

3) Parking Spaces and Sheds on the Playground: Finally, I recognize that as a private owner Sam can do as he pleases with the property. As for use of the playground for parking and art displays and artists' sheds, I would suggest that either conversion of the playground for parking be put on hold, and see how the plans for the artists' spaces and their ultimate use will play out. Or to initially reduce the number of parking spaces required by the city, based solely on an estimate of maximum use of the school for art making activities. I think it is likely that Sam's plans will take time to be realized, or that they change over time, and the number of parking spaces necessary may be well below what the city has designated. Having cars parked on the playground seems like an unwelcome visual interference.

I have also expressed to Sam that we would like more vegetation covering the view of the fence, the parked, cars and sheds from the Buena Vista side of the playground, and he has agreed to do so. Like others in the neighborhood, I bemoan the fact that the actual playground will be reduced by 2/3 under his proposed plan. I think this will be a big loss.

I do note that cars are being parked on the playground during the day even though as I believe, permits have not been given for that use.

Yours sincerely,

Michael Cullen
2535 Buena Vista Way
Berkeley, CA. 94708

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue Use Permit # ZP2019-0061

From: Morgen Eljot [mailto:MorgenEljot@hotmail.com]
Sent: Thursday, October 17, 2019 12:56 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue Use Permit # ZP2019-0061

To whom it may concern, I am writing to express my support for Use Permit # ZP2019-0061, which will help Sam Seppala in his quest to restore and preserve an exquisite historic landmark while also providing much-needed studio space for the local artistic community – a win-win situation for everybody involved.

I have known Sam for several years now, and can attest to his altruistic vision and unwavering concern for the community. I am no stranger to the struggle faced by landowners trying to do what is best for the environment and community - as the manager of Pole Mountain LLC I have spent many years endeavoring to preserve coastal land in Sonoma County from development; my personal efforts contributed to the protection of the Jenner Headlands and Pole Mountain, which opened last year as the Jenner Headlands Nature Preserve under the management of Sonoma Land Trust and Land Paths. When I consider Sam's vision for the hilltop school, I recognize similar potential which can ultimately benefit everybody.

As an artist I appreciate Sam's concern for the plight of struggling Bay Area artists who cannot afford access to quality studio space. Conversely, I also understand the concerns of neighbors who might favor the status quo, but I am confident that Sam's vision will ultimately win over any and all naysayers: the fact that Sam will be using the property as his personal residence should mitigate their concerns. Sam is a very conscientious man with a genuine vision for the future.

Thus I hope you will vote Yes on Use Permit # ZP2019-0061; it will be a genuine 'Win-Win' for the entire community.

Thank you,

Sincerely, Morgan Elliot

10/17/19
CITY OF BERKELEY
RECEIVED
DEPARTMENT OF PLANNING
AND DEVELOPMENT

Attention: Land Use Planning Division Secretary

1947 Center Street, 2nd Floor

Berkeley, CA

Comment for Consideration of the Zoning Board

Date of Comment: October 16, 2019

Date of Board Meeting: October 24, 2019, 7PM, BUS District Board Room, 1231 Addison St.

Subject : 1581 Le Roy Avenue, Use Permit #ZP2019-0061

From: John Horton, owner 1546 Le Roy Avenue, Johnho.home@gmail.com,

Comment:

As expressed to the Historic Landmark Commission, my wife and I heartily endorse and welcome the restoration of the Hillside School. Our concerns are entirely regarding how the Zoning Board's decision might have an impact on whether a portion of the playground is ever sold for the development of housing units. The current owner has expressed that selling a portion is not his intention, but our concern is unforeseen future developments, including sale to a new owner.

Does the language or stipulations of the formalization of the re-zoning have a bearing on whether the current or future owners can sell part of the playground for development? Do different options exist for the Board that would preclude or diminish the risk of future development on the site?

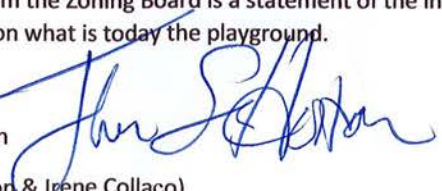
Our home is one of the properties immediately facing the playground on Le Roy Avenue. When my wife and I purchased our house in 2014 we considered the school property was a significant asset in several respects. The access to the playground was and is a major attraction since our home, as is the case for most of the homes in our hilly area, lacks yard space for any recreation that requires even a typical backyard area. The continued access to a portion of the playground facilities will provide the function of both recreation and a gathering place while at the same time it will provide an incentive for families with children to move into our neighborhood and for older residents to remain active. Meanwhile, any construction of housing there would imply years of disruptions. The existence of the school was a strong element for our decision to make our purchase; were it an empty lot about to be developed we would have chosen to purchase elsewhere.

The project as conceived and presented to your Board is fine, preserving the open space that offsets the school visually as well as a portion of the playground for continued access to play. The assurance that we seek from the Zoning Board is a statement of the intent not to allow the construction of housing in the future on what is today the playground.

Thank you,

John Horton

(John Horton & Irene Collaço)



From: Zoning Adjustments Board (ZAB)
Subject: FW: Emailing: Letter to ZAB in support of planned use of 1581 Le Roy Avenue - Use Permit #ZP2019-0061
Attachments: Letter to ZAB.docx

From: Chris [mailto:cmartiniak@comcast.net]
Sent: Thursday, October 17, 2019 10:43 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Emailing: Letter to ZAB in support of planned use of 1581 Le Roy Avenue - Use Permit #ZP2019-0061

Please accept the attached written comments.

Chris Martiniak | 510 604 1506 (cell) | 1514 Le Roy Avenue, Berkeley, CA 94708 |
landline: 510 849 1506

Your message is ready to be sent with the following file or link attachments:

Letter to ZAB

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Dear ZAB

I am submitting written comments relating to Use Permit #ZP2019-0061 concerning 1581 Le Roy Avenue, to convert the old Hillside School property to residential use and use and for art studios, and other modifications.

My family has lived at 1514 Le Roy Avenue, very close to this property, for 30 years. I have children who grew up playing often on the playground area. I have voted in this building many times. I am a friend of Merl Ross whose artist studio was in this building for many years.

I want to express my total support for the plans proposed by, Sam, the new owner.

Many years ago, I was heavily involved in efforts by the neighborhood to prevent the City of Berkeley from making use of, or selling, this property for use in a way that would negatively impact and change the character of the neighborhood. There was a huge concern that this empty and decaying building would become a derelict property and turned over to someone for development inconsistent with our neighborhood's perceived best interests.

Most of us in the neighborhood were thrilled when the German school took the property and made many improvements. We were saddened when it decided it had to leave due to seismic issues in connection with running a school. This made it clear that preserving the property as a school was not going to be a viable goal.

So I, and most of my neighbors, were again thrilled to learn that Sam was buying the property, and that he planned to clean up and restore the property and had plans to again put the property to good use providing artist studios. He has already done a fantastic job of restoring the exterior beautifully

The owner's proposal now pending consideration preserves the walkway across his property, and preserves portions of the playground area, neither of which he is obligated to do as far as I can see. But this is an indication of his good will and wish to be a good neighbor and address concerns expressed by neighbors.

I simply cannot understand why a small number of neighbors are still fighting over things that are not proposed, not happening, and probably will never happen. If such problems arise in the future, that is the time to take them up.

I understand that at least part of the motivation for this opposition is that some people just don't trust Sam. I am not aware of any good basis for distrust of this family or for such un-neighborly treatment. Instead feel it is important to welcome this neighbor and the good efforts he is making to solve a problem with this property that has persisted for decades. And unless and until he does something that contravenes what is felt to be the neighborhood's "rights" over the use of this property (indeed if any actually exist), it is premature and unfounded to attempt to deal now with complaints about things that simply have not happened nor are threatened..

ATTACHMENT 6
ZAB 10-24-2019
Page 197 of 199

I believe the proposed use will improve the neighborhood. It is true that the loss of some of the playground is unfortunate. But he bought the property and the fact that he will preserve even part of it good, and he is preserving essentially all of it as open space, e.g. for parking. It is clear that if there are artists using studios they will need some parking. I cannot see that there will be any more of an impact on the neighborhood by such use, and probably much less, than the historic use as a school with many teachers, staff, students, parents, and so on creating traffic and parking issues on a daily basis.

Chris Martiniak

1514 Le Roy Avenue

From: Zoning Adjustments Board (ZAB)
Subject: FW: Hillside School #ZP2019-0061

-----Original Message-----

From: Patricia St. John [mailto:patriciastjohn24@gmail.com]
Sent: Thursday, October 17, 2019 7:36 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Hillside School #ZP2019-0061

Dear Berkeley Zoning Adjustment Board,

We are writing as native Berkeleyans and 17 year residents of 1635 Le Roy Avenue, just down the street from the former Hillside School. My Finnish grandparents settled and built their homes in West Berkeley in 1916. My family and my cousins grew up on each side of them and have treasured Berkeley ever since.

So it is with great joy that we welcome Sami Seppala and his vision for Hillside School to our neighborhood. He has invested a tremendous amount of thought, resources, both time and money, and experts in many fields to begin the transformation of Hillside School into a livable home and day-time artists studios.

Sam has readily communicated with the neighbors and been open to all concerns. He has held neighborhood meetings and, this past Sunday, hosted a neighborhood gathering and gave extensive tours of the school, his home, to all who had come (at one point I counted 75 neighbors).

We have used the playground for family picnics over the years, and played frisbee with our dog there many times. I have full confidence that we will have access to a portion of the playground that will welcome us for all the time Sam is there.

I trust Sam, his architect, and his project manager, Vanessa, to continue to take into account the well being of the neighbors. And for some neighbors to demand that features remain unchanged in perpetuity is both unrealistic and unreasonable.

We throw our entire support into Sam's transformation of Hillside School—it makes our neighborhood safer and a delightful place to live.

Most Sincerely,

Patricia and Martin St. John
1635 Le Roy Avenue
Berkeley, CA 94709
patriciastjohn24@gmail.com

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue, #ZP2019-0061

From: John Armitage [mailto:armitage62@gmail.com]
Sent: Thursday, October 17, 2019 3:47 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue, #ZP2019-0061

Dear Members of the Zoning Board,

This is in regard to the Zoning of 1581 LeRoy Ave., Use Permit #ZP2019-0061, the former Hillside School.

I live adjacent to the Hillside School since 1996.

I welcome Sam Seppala to the neighborhood, and support his conversion of the property into his private residence, and to a space for artists to use as a studio space on a revolving basis. I think it is a great use of such a great property, and supports a community that suffers from the high cost of living in the Bay Area.

I feel strongly about one aspect of the property plan, which is the owner's refusal to guarantee that the pathway bisecting the property will be left open. He says he intends to keep it open, but without a legal agreement via a property easement or donation to the city, the community could forever lose this critical space that serves to bind our neighborhood together, at the owner's whim.

This sounds dramatic, but it is true. Besides the pathway serving as a critical public safety passage, it is also a lynchpin connecting those south of the school to those north of it. It is the main footpath for those up the hill to walk to campus. I've met most of my neighbors over the years from walking our dogs or playing with our kids along this path.

Cheers,

John Armitage
2545 Buena Vista Way
408-421-4304

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue, #ZP2019-0061

-----Original Message-----

From: Fred [mailto:frdfr@yahoo.com]
Sent: Saturday, October 19, 2019 12:02 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue, #ZP2019-0061

Dear Members of the Zoning Board,

I have been living in the Berkeley Hills for the past 30 years, 13 of which have been at 1580 Le Roy avenue, across the street from the Hillside School.

I am overjoyed to see the school on its way to being properly cared after. Mr. Sepp's team has been hard at work, the results more apparent each passing day as the building is given a new lease on life after years of shameful neglect.

Furthermore, I enthusiastically applaud Sam's vision of turning the Hillside School into an arts incubator.

As a large open space, the playground would naturally be an important part of this vision. Art needs space for staging, art needs space to grow, in so many ways, art needs space. As a patron of the arts, it makes perfect sense for Sam to want to secure this resource, and re-purpose parts of it from what it has become. The de facto closest off-leash dog run.

Where Mr. Sepp's proposals concern me, however, is in the uncertainty over continued access to the pathway in front of the school. While I am happy to hear that Sam intends to grant public access to the path, it is less comforting to think of access to this public good as dependent on the whims of private ownership, current or future.

Having walked, hiked, and strolled for the last three decades the pathways of the Berkeley Hills, I am intimately aware that they are more than just verdant trails, they are vital routes of egress in times of emergency, linking sections of neighborhoods that would otherwise be separated. And as such, they similarly connect in times of non-emergency, allowing uphill pedestrian traffic to pass through what would otherwise be unmanageable large blocks. The pathways of the Berkeley Hills are part of the very fabric that makes the hills so friendly to foot traffic. The pathway that cuts through what is now Mr.

Sepp's property is, and always has been, used as such a connector.

Daily, hourly, I see the pathway traversed, and this even during those years past when the school laid virtually abandoned.

I was disheartened to see the pathway partially obstructed for several months with camping trailers and vehicles. While this didn't fully impede pedestrian traffic, it did make it more difficult to navigate, older neighbors having to lean precariously on their walkers to negotiate the obstacles. I've been left to weigh on the one hand Sam's non-binding verbal promise that the path will remain open to the public, with the reality that except for the last couple of weeks leading up to the zoning board meeting, access to this path has already gotten significantly restricted.

It is quite understandable that Mr. Sepp would want to have control over the pathway and not grant an easement, which fundamentally presents as a burden on the property owner for the benefit of the larger community. But that is, I argue, the nature of the Hillside property, one that exists within the larger historical and present context of the Berkeley

hills??a neighborhood of scenic passageways that function as vital lines of emergency egress and daily pedestrian life. These paths are valuable resources that must be maintained and shielded from possible future misuse or curtailment.

It is not my place to suggest alternatives, or delve further into issues of property easements and their discontents, but I would be remiss if I didn't share with the Zoning Board my deep apprehension at seeing what has essentially always been a public passageway switch entirely to private control. Should Mr. Sepp??, or any future owner, choose to limit access, the public would have no recourse, and this valuable resource would be lost.

Fred Rowe

From: Zoning Adjustments Board (ZAB)
Subject: FW: Correction re: 1581 Le Roy Avenue, #ZP2019-0061

-----Original Message-----

From: Fred [mailto:frdfr@yahoo.com]
Sent: Saturday, October 19, 2019 4:34 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Correction re: 1581 Le Roy Avenue, #ZP2019-0061

Apologies for first email on this subject, I sent you in error an earlier unfinished and unedited draft instead of the finished version.

Please refer to the following instead:

Frederick Rowe
1580 Le Roy Ave.
Berkeley, CA 94708
415 279 0722

Dear Members of the Zoning Board,

?????I have been living in the Berkeley Hills for the past 30 years, 13 of which have been at 1580 Le Roy avenue, across the street from the Hillside School.

?????I am overjoyed to see the school on its way to being properly cared after. Mr. Sepp?l????s team has been hard at work, the results more apparent each passing day as the building is given a new lease on life after years of shameful neglect.

?????Furthermore, I enthusiastically applaud Sam??s vision of turning the Hillside School into an arts incubator. ?????As a large open space, the playground would naturally be an important part of this vision??art needs space for staging, art needs space to grow, in so many ways, art needs space. As a patron of the arts, it makes perfect sense for Sam to want to secure this resource, and re-purpose parts of it from what it has become??the de facto closest off-leash dog run.

?????Where Mr. Sepp?l????s proposals concern me, however, is in the uncertainty over continued access to the pathway in front of the school.

While I am happy to hear that Sam intends to grant public access to the path, it is less comforting to think of access to this public good as dependent on the whims of private ownership, current or future. ?????Having walked, hiked, and strolled for the last three decades the pathways of the Berkeley Hills, I am intimately aware that they are more than just verdant trails, they are vital routes of egress in times of emergency, linking sections of neighborhoods that would otherwise be separated. And as such, they similarly connect in times of non-emergency, allowing uphill pedestrian traffic to pass through what would otherwise be unmanageable large blocks. The pathways of the Berkeley Hills are part of the very fabric that makes the hills so friendly to foot traffic. The pathway that cuts through what is now Mr. Sepp?l????s property is, and always has been, used as such a connector. Daily, hourly, I see the pathway traversed. Even through the years of virtual abandonment and minimal property tenancy of the Hillside School, usage of the pathway has always

continued, without incident. The occasional straggler or problematic person has, to my knowledge and recollection, been normally handled by local law enforcement.

That being said, it is quite understandable that Mr. Sepp would want to have control over the pathway and not grant an easement, which fundamentally presents as a burden on the property owner for the benefit of the larger community. But that is, I argue, the nature of the Hillside property, one that exists within the larger historical and present context of the Berkeley hills neighborhood of scenic passageways that function as vital lines of emergency egress and daily pedestrian life. These paths are valuable resources that must be maintained and shielded from possible future misuse or curtailment.

It is not my place to suggest alternatives, or delve further into issues of property easements and their discontents, but I would be remiss if I didn't share with the Zoning Board my apprehension at seeing what has essentially always been a public passageway switch entirely to private control. Should Mr. Sepp, or any future owner, choose to limit access, for whatever reason, the public would have no recourse, and this valuable resource would be lost.

This concern, however, needs to be put within the larger context of what Mr. Sepp has and is on track of accomplishing. In my decade plus living at this address, I am finally unconcerned with the safety of the structure across the street and its possible negative impact on the neighborhood. On the contrary, the old Hillside School finally appears to have a purpose, and the building is thriving.

With regards,

Fred Rowe

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue, Use Permit #ZP2019-0061

-----Original Message-----

From: Lisa [mailto:lisaallenflute@gmail.com]
Sent: Sunday, October 20, 2019 8:52 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue, Use Permit #ZP2019-0061

Dear members of the Zoning and Adjustments Board,

I'm writing in support of Samuli Seppala's building project at 1581 Le Roy Avenue, permit #ZP2019-0061.

I've lived in the neighborhood on and off all my life, attended Hillside Elementary myself, and have shared in the anguish about the property, the public schools closing it down due to Earth Quake issues and then the odd occurrence of it then being used again for children. When it went on the market after the German School vacated it it was hard to imagine what could happen next. The property stayed vacant for a period of time as it deteriorated and the grounds became disheveled and overgrown. It was a great concern to me, on behalf of the neighborhood.

And then how surprising and fortunate that Mr. Seppala chose to buy it! We couldn't have imagined that happening. The news came as a relief to my concerns about such an enormous abandoned piece of land in our otherwise very desirable neighborhood.

Mr. Seppala has done what I would hope any neighbor would do. He's been friendly, communicated openly, invited people in, and listened to concerns.

The good news is that Mr. Seppala has the resources to effect such a sizable piece of land in the neighborhood. The concerning news might be the same, that Mr. Seppala has the resources to effect such a sizable piece of land in the neighborhood.

Can we have the benefit of all that he's doing for the property and none of the risk of what could happen someday? How big is the risk of allowing him to control his own property? The risk in return for the benefit of the land being well cared for is that someday it's possible we might have to walk around instead of through his property in order to get somewhere. That would be disappointing, but a small worry in light of all his ownership is already doing to enhance our neighborhood and solve what had recently been a perplexing and looming problem for all of us.

Under Mr. Seppala's ownership, path and playground are now cleaner, safer and more attractive. Not only that, there is a neighbor living there, an improvement from it merely being an institutional building lying empty after hours. It's nice to know there's a neighbor there I could say hello to when walking by. That is no small matter since he has also allowed us to have parties on his property and even invited us in to wander all around his building freely. So far I feel that he is behaving as an exemplary neighbor, even under the duress of neighborhood opposition to his ideas for his own property.

I understand Mr. Seppala has had some experience of asking people who are homeless and someone registered as a sex offender to leave the property. He's expressed concern that with public easement he would no longer be able to do that. I can see that if it were to become public, then individual rights would complicate his ability to protect his home and our neighborhood from threat. The security concerns he expresses are very concrete matters to me. I was recently held up at gun point just two blocks down the hill, so wholeheartedly support Mr. Seppala's concern about security.

Again, the one cost to all that we are gaining from his work and expense is the risk that someday we may have to walk around the block to get from one street to the other. I feel that's a small risk compared to the risk of the property being used by squatters and the risk of the property being abandoned due to Mr. Seppala's possible discouragement. And the size of the property to me increases the risk of security problems.

I also understand Mr. Seppala has restored the old sprinkler system, which I imagine helps with fire danger. He said he's also offering a new pool to act as an emergency cistern for additional water. This is no small matter in this age of increased threat of disaster.

As an artist myself, I'm looking for work space in Berkeley and am not able to pay the rents involved. I'm grateful for the potential that I may possibly be able to use space in Mr. Seppala's building free of charge. He said that he's planning five artist studios for a maximum of 25 artists and will be offering their use for free - ie. no charge. I think this is not only generous, but also good for our community. And as a member of the community I'm excited by having other artists close by, and the opportunities that promises.

I respectfully and wholeheartedly request that ZAB vote YES on the proposals and requested changes concerning this property.

Sincerely,

Lisa Allen
1486 Greenwood Terrace
(510) 423-2771

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue, #ZP2019-0061

-----Original Message-----

From: Fred Rowe [mailto:frdfr@yahoo.com]
Sent: Sunday, October 20, 2019 8:05 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: michaelscott8815@sbcglobal.net
Subject: 1581 Le Roy Avenue, #ZP2019-0061

Frederick Rowe
1580 Le Roy Ave.
Berkeley, CA 94708
415 279 0722

Dear Members of the Zoning Board,

?????I have been living in the Berkeley Hills for the past 30 years, 13 of which have been at 1580 Le Roy avenue, across the street from the Hillside School.

I am overjoyed to see the school on its way to being properly cared after. Mr. Sepp?I????s team has been hard at work, the results more apparent each passing day as the building is given a new lease on life after years of shameful neglect.

Furthermore, I enthusiastically applaud Sam??s vision of turning the Hillside School into an arts incubator. ?????As a large open space, the playground would naturally be an important part of this vision??art needs space for staging, art needs space to grow, in so many ways, art needs space. As a patron of the arts, it makes perfect sense for Sam to want to secure this resource, and re-purpose parts of it from what it has become??the de facto closest off-leash dog run.

Where Mr. Sepp?I????s proposals concern me, however, is in the uncertainty over continued access to the pathway in front of the school. While I am happy to hear that Sam intends to grant public access to the path, it is less comforting to think of access to this public good as dependent on the whims of private ownership, current or future. ?????Having walked, hiked, and strolled for the last three decades the pathways of the Berkeley Hills, I am intimately aware that they are more than just verdant trails, they are vital routes of egress in times of emergency, linking sections of neighborhoods that would otherwise be separated. And as such, they similarly connect in times of non-emergency, allowing uphill pedestrian traffic to pass through what would otherwise be unmanageable large blocks. The pathways of the Berkeley Hills are part of the very fabric that makes the hills so friendly to foot traffic. The pathway that cuts through what is now Mr. Sepp?I????s property is, and always has been, used as such a connector. Daily, hourly, I see the pathway traversed. Even through the years of virtual abandonment and minimal property tenancy of the Hillside School, usage of the pathway has always continued, without incident. The occasional straggler or problematic person has, to my knowledge and recollection, been normally handled by local law enforcement.

That being said, It is quite understandable that Mr. Sepp?I?? would want to have control over the pathway and not grant an easement, which fundamentally presents as a burden on the property owner for the benefit of the larger community. But that is, I argue, the nature of the Hillside property, one that exists within the larger historical and present context of the Berkeley hills??a neighborhood of scenic passageways that function as vital lines of emergency

egress and daily pedestrian life. These paths are valuable resources that must be maintained and shielded from possible future misuse or curtailment. ????

It is not my place to suggest alternatives, or delve further into issues of property easements and their discontents, but I would be remiss if I didn't share with the Zoning Board my apprehension at seeing what has essentially always been a public passageway switch entirely to private control. Should Mr. Sepp, or any future owner, choose to limit access, for whatever reason, the public would have no recourse, and this valuable resource would be lost.

This concern, however, needs to be put within the larger context of what Mr. Sepp has and is on track to accomplishing. In my decade plus living at this address, I am finally unconcerned with the safety of the structure across the street and its possible negative impact on the neighborhood. On the contrary, the old Hillside School finally appears to have a purpose, and the building is thriving. ??

With regards,???

Fred Rowe

From: Rick Gilbert <rick@rickgilbert.net>
Sent: Monday, October 21, 2019 5:28 PM
To: Zoning Adjustments Board (ZAB)
Cc: Gilbert Rick
Subject: Hillside School

Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

Dear Zoning Adjustments Board,

I'm writing in support of the building project at 1581 Le Roy Ave.

Full disclosure: as a 1951 graduate of Hillside, I am not objective about this project.

My early development was shaped in large part by what I experienced at Hillside: the teachers, classmates, and the building itself. Even as a six to eleven year old, I was aware there was something special about this school and this building. Only later in life did I learn about the history of the school and about its architect, Walter Ratcliff. Subsequently, I was pleased to learn it had been designated as an historical landmark.

I continued to go through the Berkeley school system and have lived in the Bay Area most of my life. I was saddened to learn the school had been closed in 1983. Then pleased to see others take it over and begin to improve it, like the German School. Unfortunately, the expense was too much for them, so they left.

When I heard about Samuli Seppala's plans for the school, my spirit lifted. Such a transformation as Sam is planning is hugely expensive and demanding of time and expertise. Additionally, the complexity of government approvals must be daunting, especially for a single owner. I have met Sam several times and attended some of the neighborhood meetings. From what I can tell, as an outsider, the process is moving along well, though many issues still need to be worked out.

Of all the possible outcomes for what to do with Hillside (like tear it down and build condos, for example), Sam's vision seems to me a terrific solution. The building maintains its integrity – in fact upgrading many aspects of the building (plumbing, electrical, roofing, beautification) – which should be a source of pride for the neighborhood. My guess is, upgrading Hillside will also boost property values in the area. What's not to like about his plan of having artists use the classroom space?

For all these reasons, I hope you will approve Sam's plans. I, for one, will look with pride on the final project and say to friends with chest puffed out, "Yep, that is where I went to grammar school."

Sincerely,

Rick Gilbet,
Class of 1951

P.S. Had to toss this in. Photo my mother took, circa 1948 - me waiting for a ride home:



...and with Mrs. Harrison, my kindergarten teacher,



Rick Gilbert
Founder, PowerSpeaking, Inc.
200 B Twin Dolphin Drive

Redwood City, CA 94065
(800) 828-1909
(650) 631-8459 Cell (650) 222-6380
rick@powerspeaking.com

"First rule of business: Revenue
must exceed expenses."

– Ed Whitacre
Former CEO, General Motors

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue - Permit #ZP2019-0061

From: Laurent Hautefeuille [mailto:hautefeuille@gmail.com]
Sent: Monday, October 21, 2019 10:03 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue - Permit #ZP2019-0061

Dear Sir or Madam,

I'm writing in support of Samuli Seppala's building project at 1581 Le Roy Avenue, permit #ZP2019-0061

I am a direct neighbor of the former German School, 1581 Le Roy, on the Northern side of the property. Our property is located at 2564 Buena Vista Way, Berkeley, CA 94708.

Our family (my wife and two young daughters) has been informed of the project that Mr Seppala has for his property and we are very supportive of this project.

Mr Seppala has invested a lot of time and efforts to date with the neighborhood and is doing an incredible work to restore the property and maintain the beautiful original architectural design.

We do not see any issue of having both the pathway and playground under Mr Seppala private ownership, given the commitment that Mr Seppala made to maintain the access and use of these assets by the neighborhood. I believe private ownership will guarantee a clean and safe environment for the community and our children.

Best regards,

Laurent Hautefeuille

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

From: Araceli Kopiloff [mailto:araceli.hsc@gmail.com]
Sent: Monday, October 21, 2019 9:37 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

To who it may concern,
I am the manager of the Hillside Club, this location was actually the first location of the Hillside Club.
I'm writing in support of building project at 1581 Le Roy Avenue, permit #ZP2019-0061.
This is a huge benefit to our community. Saving an empty building is a huge benefit!
I'm asking Zoning Adjustment Board to vote yes for the permits.
I and the members who live in the neighborhood are thrilled with this project.
Thank you,

Araceli Kopiloff | Hillside Club Manager | www.HillsideClub.org | Cell:510-213-4292
araceli.hsc@gmail.com | LIKE us on [Facebook](#)
[Book a visit or appointment](#)

The Hillside Club holds private and public events.
[Check out our public event calendar!](#)
[Concerts, Opera, Dinners, Social Gatherings and more.](#)

From: Zoning Adjustments Board (ZAB)
Subject: FW: Use Permit ZP#2019-0061

From: Derik C. Landry [mailto:dclandry@yahoo.com]
Sent: Monday, October 21, 2019 1:32 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Use Permit ZP#2019-0061

Dear Chairperson O'Keefe,

Please add my name to the list of SUPPORTERS who APPROVE of this Use Permit for the Hillside School conversion.

I am a 20 year resident in this neighborhood. Many of those years were spent watching and worrying about the fate of the old school and playground. I was saddened by the German International School's unwillingness to carve out any space for displaced neighborhood artist tenants when they took control of the building years back. GISSV was running a business and not invested, as a resident, in our neighborhood.

Over the past year, I've watched (and heard) on-going restoration efforts at the Hillside School. The new owner, Sam Seppala, has devoted his time, money, and heart into the old structure. Not all neighbors will be pleased with his plans; however, Sam has proven to be a proactive and thoughtful member of our community.

Converting the obsolete school into a residence will have a lasting, positive impact on our neighborhood.

I urge the Board to approve this Use Permit and move this process forward for our neighbor Sam.

Sincerely yours,

Derik Landry
2649 Cedar Street
510-848-2278

From: Zoning Adjustments Board (ZAB)
Subject: FW: Hillside School

From: Howard Leggett [mailto:howard.leggett@onewaylease.com]
Sent: Monday, October 21, 2019 9:00 PM
To: Rick Gilbert <rick@rickgilbert.net>; Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: RE: Hillside School

Dear Zoning Adjustments Board,

I was born and raised in Berkeley and attended Hillside as a member of the class of '51. My mother and father were both natives of Berkeley. Both my brother and sister attended Hillside and we all graduated from Berkeley High School. Rick and I were members of the BHS Class of '57. On 5 Oct 19 I attended the annual reunion of the BHS Class of '57 which this year was held at Live Oak Park. We hold a reunion every year in Berkeley and this one was celebrating our graduation 62 years ago.

I fully support Rick's below email and the plan for the building project at 1581 Le Roy Ave. I am a bit more objective than Rick, but not much.

Howard Leggett
Class of 1951

From: Rick Gilbert <rick@rickgilbert.net>
Sent: Monday, October 21, 2019 5:28 PM
To: zab@cityofberkeley.info
Cc: Gilbert Rick <rick@rickgilbert.net>
Subject: Hillside School

Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

Dear Zoning Adjustments Board,

I'm writing in support of the building project at 1581 Le Roy Ave.

Full disclosure: as a 1951 graduate of Hillside, I am not objective about this project.

My early development was shaped in large part by what I experienced at Hillside: the teachers, classmates, and the building itself. Even as a six to eleven year old, I was aware there was something special about this school and this building. Only later in life did I learn about the history of the school and about its architect, Walter Ratcliff. Subsequently, I was pleased to learn it had been designated as an historical landmark.

I continued to go through the Berkeley school system and have lived in the Bay Area most of my life. I was saddened to learn the school had been closed in 1983. Then pleased to see others take it over and begin to improve it, like the German School. Unfortunately, the expense was too much for them, so they left.

When I heard about Samuli Seppala's plans for the school, my spirit lifted. Such a transformation as Sam is planning is hugely expensive and demanding of time and expertise. Additionally, the complexity of government approvals must be daunting, especially for a single owner. I have met Sam several times and attended some of the neighborhood meetings. From what I can tell, as an outsider, the process is moving along well, though many issues still need to be worked out.

Of all the possible outcomes for what to do with Hillside (like tear it down and build condos, for example), Sam's vision seems to me a terrific solution. The building maintains its integrity – in fact upgrading many aspects of the building (plumbing, electrical, roofing, beautification) – which should be a source of pride for the neighborhood. My guess is, upgrading Hillside will also boost property values in the area. What's not to like about his plan of having artists use the classroom space?

For all these reasons, I hope you will approve Sam's plans. I, for one, will look with pride on the final project and say to friends with chest puffed out, "Yep, that is where I went to grammar school."

Sincerely,

Rick Gilbet,
Class of 1951

P.S. Had to toss this in. Photo my mother took, circa 1948 - me waiting for a ride home:



...and with Mrs. Harrison, my kindergarten teacher,



Rick Gilbert
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rick@powerspeaking.com

"First rule of business: Revenue
must exceed expenses."

– Ed Whitacre
Former CEO, General Motors

From: Zoning Adjustments Board (ZAB)
Subject: FW: Use permit #ZP2019-0061, Hillside School, 1581 LeRoy Avenue

From: Bruce [mailto:baporopat@gmail.com]
Sent: Monday, October 21, 2019 12:15 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Use permit #ZP2019-0061, Hillside School, 1581 LeRoy Avenue

Dear Board,

This message concerns ZAB approval of use permit #ZP2019-0061, for Samuli Seppälä's conversion of Hillside School into a private residence and non-commercial art studio spaces.

We—Bruce Poropat and Cynthia Cowgill—have lived across the street from the school since shortly after we married more than 30 years ago. Our children went to day care there and we've attended many events in the auditorium. Like many neighbors, we frequently use the school yard for recreation. We feel very strongly about preservation of the historic building, continued public access to the school grounds for neighborhood recreational use, and use of the walkway that connects Buena Vista Way and Le Roy.

Mr. Seppälä has been very open and understanding on these issues. He has met several times with neighbors to discuss his plans and listen to feedback and concerns. His plans for the building's interior involve far less overall human activity per square foot than is typical for a building of this size.

If anything, we wouldn't mind if his plans included a couple of more residential units, given the size of the structure, housing shortages, and the currently plentiful parking. One neighbor worried that visiting artists might stay overnight in the building. Mr. Seppälä has stressed that he doesn't plan for visiting artists to stay on-premise, but we don't understand how that would be a problem. Nobody lives closer to the school than we do, and we would anticipate the impact on us of an extra person sleeping somewhere in the 50,000 square foot building across the street to be zero.

Nearly any other use of the building other than what Mr. Seppälä plans would be commercial or institutional—with fewer restrictions, much more activity, and probably less detailed repair to the historic structure. Mr. Seppälä's ideas for the building—especially given the massive amount of restoration he has already had done and the further work he plans—are the best outcome we can imagine for the building and its place in the neighborhood.

We urge the board to grant use permit #ZP2019-0061.

Regards,
Bruce Poropat, Cynthia Cowgill

Bruce Poropat
2555 Buena Vista Way
Berkeley, Calif. 94708

baporopat@gmail.com

SUPPLEMENTAL ITEM RD1 -1581 LEROY

ZAB 10-24-2019

Page 19 of 42

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From: Zoning Adjustments Board (ZAB)
Subject: FW: Use Permit #ZP2019-0123 / 2110 Vine Street

From: Samuli Seppälä [mailto:sam@verk.com]
Sent: Monday, October 21, 2019 4:49 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Use Permit #ZP2019-0123 / 2110 Vine Street

Zoning Adjustment Board,

Regarding Use Permit #ZP2019-0123.

We believe the proposed use / change will improve the neighborhood and Berkeley.

We are asking zoning adjustment board to vote yes and approve this permit and proposed changes.

Veronica Petersen and Samuli Seppälä
1581 Le Roy Ave
Berkeley, CA 94708

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

From: Eric Bonabeau [mailto:eric@icosystem.com]
Sent: Tuesday, October 22, 2019 9:26 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-0061

Jules Shell and Eric Bonabeau
1512 La Loma Avenue
Berkeley, CA 94708

As direct neighbors (Northeast) of Mr Seppälä's at 1581 Le Roy Avenue, we would like to express our enthusiastic support for the project.

Not only will it maintain and improve the Hillside school building and outdoor spaces, it will also bring new life to the local community.

Mr. Seppälä has made every effort to embrace the spirit of the neighborhood and has been inclusive in his process.

Again, this project has our full support.

Jules and Eric

From: Zoning Adjustments Board (ZAB)
Subject: FW: project 2019-0061

-----Original Message-----

From: Susie Medak [mailto:smedak@sbcglobal.net]
Sent: Tuesday, October 22, 2019 8:23 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Fwd: project 2019-0061

>
> Dear Zoning Adjustments Board:
>
> I am one of Sami Seppala's neighbors with a property immediately adjacent to his. As a result I have a very specific vested interest in what he does with his property as it impacts my family, my home and my neighborhood.
>
> Allow me first to say that in the brief time he has owned Hillside School he has been about as close to the perfect neighbor that one could ask for. He has addressed long overdue maintenance issues there. He has invested in both structural and aesthetic improvements. He has brought in contractors and subs who have been respectful of the neighbors even as they have needed, by the nature of the work, to sometimes be loud. Sami has hired a very fine project manager who is often on site. Sami and Veronica, together, have been communicative and collaborative, looking for opportunities to make improvements that would benefit the neighborhood as well as his property. So I come to this issue with a strong prejudice.
>
> And having disclosed that, I want to fully support his proposal for this next phase of his work. Since the school seems to have proven to be unsustainable for its past use, this concept of a single family home with spaces for artists to work is, as far as I'm concerned, a great reuse of a building that had previously been underutilized for over 30 yrs! It would be fantastic for the neighborhood to have an on-site owner in that building-someone who cares about the neighborhood and who cares for his building! And artist studios are about the most wonderful use I can imagine for any underutilized space in Berkeley! That he has found a way to do so while preserving the architectural integrity of the building is just a great plus in my book.
>
> And although I do understand that many of our neighbors mourn the loss of some of the public space attached to the building, I appreciate that Sami's plans do not exclude the neighborhood from access to the open space.
>
> Having reviewed the plans, I believe they thoughtfully address the negative impacts that might otherwise impact the neighborhood and correct for those impacts. In particular, he has recognized that increased use of the building will add to the neighborhood parking problem by creating off-street parking. This is a good idea and I urge you, in spite of the rigorous neighborly debate attached to it, to support this project.
>
> Susie Medak
>
> My phone has its own mind. Please overlook any and all typos. Call if you really can't figure it out.

October 22, 2019
Zoning Adjustments Board
City of Berkeley

RE: Use Permit #ZP2019-0061

I am writing in support of the request to change the use of the property at 1581 Le Roy Ave to a single-family residence and accessory dwelling unit. Living right above the former Hillside school since 2011, I have witnessed the terrible condition of the school before sold to the German Immersion School. That attempt was short-lived however as the scale of the work required to repair and maintain the building overwhelmed them – even with support from the German government.

After the school went on the market again, I saw kids trespassing and playing on the roof; other possibly criminal activities in the shadows of the grounds, and the condition of the building starting to deteriorate again. I was saddened at the prospect of this fine old building rotting away and could only imagine that a developer would eventually have to tear the building down and build several houses or apartments on the lot.

I was pleased to hear that Samuli Seppala has purchased the property and excited to learn of his overall plans. Not only has Sammi committed to massive repairs and restoration of the building, but his plans to occupy it and rent out space to local artists is, I think, a perfect use of the property. I know his manager, Veronica, and have been pleased at the way she and Sammi have worked with us and informed us of their plans.

The idea of the property being occupied on a regular basis, and Sammi's willingness to allow the neighbors use of some of the property, has assured me that the place will continue to be thought of as a neighborhood center. I strongly support his project as designed.

Sincerely,

Gregory S. Murphy

Gregory S. Murphy
1530 La Loma Ave.
Berkeley, CA

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Response to Issues raised in October 17, 2019 letter from Rebecca L. Davis
Attachments: Applicants Response to Issues raised in Rebecca L. Davis' letter to ZAB.pdf; EX. C 1.JPG; EX C 2.JPG; EX. C 3.JPG; EX B PATH MAP.jpg; EX. A BUSD SIGN.jpg; EX A German School.jpg

From: Rena Rickles [mailto:rena@rickleslaw.com]
Sent: Tuesday, October 22, 2019 3:06 PM
To: Jensen, Christopher D. <CJensen@cityofberkeley.info>; Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: Crane, Fatema <FCrane@cityofberkeley.info>
Subject: 1581 Le Roy Response to Issues raised in October 17, 2019 letter from Rebecca L. Davis

Chairperson O'Keefe, ZAB Secretary, Staff Planner, Chris Jensen, City Attorney

Attached please find my response as attorney for Sam Seppala, Applicant 1581 LeRoy

Please feel free to call me if you have any questions.

Rena Rickles

RENA RICKLES
Law offices of Rena Rickles
1970 Broadway, Suite 1200
Oakland, CA 94612
Phone: (510) 452-1600
Fax: (510) 451-4115
Rena@RicklesLaw.com

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RENA RICKLES
ATTORNEY AT LAW

1970 BROADWAY, SUITE 1200
OAKLAND, CA 94612
TEL: (510) 452-1600 • FAX: (510) 451-4115

October 22, 2019

Chairperson Shoshana O'Keefe
Members, Zoning Adjustments Board ("ZAB")
1947 Center Street, 3rd Floor
Berkeley, CA 94704

Via email: zab@cityofberkeley.info; cjensen@cityofberkeley.info

Re: Hillside School Project, 1581 Le Roy Avenue; Response to issues raised in October 17, 2019 letter from Rebecca L. Davis, Lozeau Drury LLP

Dear Chairperson O'Keefe and Zoning Adjustments Board Members:

This office represents Sam Seppala who in 2018 purchased 1581 Le Roy Avenue, known to the City and this neighborhood as "Hillside School", a nationally recognized City of Berkeley Landmark, designed by Master Architect Walter Ratcliff.

This letter will focus on the environmental challenge raised by Ms. Davis' opinion under the California Environmental Quality Act ("CEQA") and accompanying expert opinion by Noah Brownlow. It is this office's conclusion that, under the facts of this case, Ms. Davis' opinion and conclusions are without merit.

STATEMENT OF FACTS

HISTORY OF THE SITE: ACCESS BY PUBLIC TO PLAYGROUND AND PATH

The Hillside school property has had two prior owners: Berkeley Unified School District ("BUSD") and the German International School ("GIS"). Both the public and private school owners of the Hillside Property, allowed public access-- subject to time, place and manner conditions-- to a north to south pathway intersecting the school property as well as to portions of the school playground.¹ For example, the public could not enter onto school grounds (which included the playground and path, during school and after school activity hours, after sunset and during school evening meetings, weekend festivals, or during the summer months when the facilities were leased to other institutions.

¹ Some of the signs limiting access to the playground and the school are attached as Exhibit A.

CONDITION OF HILLSITE SCHOOL SITE AT TIME OF SAM SEPPALA'S PURCHASE.

From 2014 when the GIS vacated the property until 2018 when Sam Seppala purchased the property, the school building and grounds were essentially abandoned. When Sam first looked at the school, he saw an exquisitely designed structure that was, sadly, in serious risk of succumbing to a Wildland fire due to the combined effect of an inoperable fire prevention system and rooms full of junk, dust and debris.

The playground area had benches/tables with exposed nails. The rest of the exterior was covered with dry leaves and debris all providing fuel to a wildland fire. The neighborhood, he said, "had done very little in terms of keeping path or playground clean, safe or free from debris; the western part of playground was unusable." Metal bollards blocked fire truck access through the path and the property suffered regular break-ins and was covered with graffiti.

SAM'S VISION FOR THE SITE; INTERACTION WITH NEIGHBORS

Sam saw what the school and grounds could be; he fell in love with the "bones" of the Walter Ratcliff masterpiece, the majestic setting, the spectacular views—a perfect place to make his home in America and to create his dream of an incubator space for struggling artists to enhance their skills and create their work. What a find: a new home in a city known for politics, ideas and principles so close to those of his home country—Finland.

Sam, also a savvy investor, knew that the cost of restoring Hillside to its original beauty would be significant, well into the seven figures and, Sam had the resources to do that work. The fact that the surrounding neighborhood would want to know everything about Sam and his plans was also no surprise. Even before purchasing Hillside, Sam met with, talked with and shared his vision with the surrounding neighbors and offered tours of the school and the grounds. The neighbors were unanimously highly appreciative of the work Sam had done and would do to restore what they saw as a crumbling resource. Some neighbors wanted to continue their prior use of the playground and path. Sam agreed to allow that access. What Sam did not agree to was the demand from a small group of those neighbors' (now calling themselves the "Hillside Path and Playground Preservation Association" "HPPPA"), that in trade for their support of his project, Sam give them a permanent easement over his property for the path and playground, essentially an easement that would grant them unlimited use of the path and playground—an ownership right that they had not had before. Sam could not grant that² request.

² Sam stated that, "I'm totally committed to preserving the path and keeping it accessible to the public. But because I'm the one responsible for the liability and property tax, I need to be able to control the time and manner of its use."

The Comment Letter filed on behalf of a nom de plume: Hillside Path & Playground Preservation Association “HPPPA”) while well-written and reasoned contains a fatal flaw: the challenge is based upon a non-existent issue, then analyzes the environmental impacts of these alternative facts, and, as a result, arrives at erroneous factual and legal conclusions based upon the erroneous alternative facts; and, as a such, their California Environmental Quality Act (“CEQA”) challenge fails.

This challenge is based upon this “fact”: This project reverses a 93-year continuous history of unlimited public access to the Hillside School’s playground and path, because Sam is now denying access to both areas. The facts show something else entirely: 1) that Sam is allowing access, and 2) that during those 93 continuous years, the public’s access to the playground and path, was limited by the then owner’s limitations on time, places and hours of said use.

From the first meetings through the present, Sam Seppala has assured the neighbors that he would continue the access permitted by the prior owners to the path and playground. As did the previous owners, Sam wanted to be able to restrict the public use to times when his uses and that of the public would not be in conflict. Sam, as did both prior owners, has responsibility for the safety of all who come onto the premises, thus he, too, wanted to limit the hours of access and assure that the premises were safe. He also, as did the prior owners, wanted the ability to limit access if persons were using his property in an unsafe way. In fact, by removing the metal bollards that blocked the path, Sam increased the path’s availability to the public. Therefore, the allegation that the public’s access to the path and playground are changed by this application are patently false, and, any legal conclusions based on those allegations, including those based on CEQA, must fail.

HPPPA’s claims that the path and playground cannot be altered under the dictates of the National, State and Local landmark designation are a misreading of landmark designations generally, and the specifics of the Hillside School Landmark designation.

While the Hillside School and its property were mentioned in the City Landmark Application and Approval, the playground and the path are NOT mentioned in City Landmark Application Approval (dated 6/29/82) as historical features; nor are those areas checked on final approved National Register Inventory Nomination Form (Section 8, p.4); and are NOT described or mentioned at all in Statement of Significance (Section 8, pp. 4-5). Because the path and the playground are not listed as features to be preserved, they may be altered (physically and by use), repaired or removed so long as by so doing these

alterations do not negatively impact the features to be preserved or the landmark itself.

This is especially true where, as here, the City of Berkeley Landmarks Preservation Commission (“LPC”) approved this application, including the alterations now before the ZAB, and found them consistent with the Secretary of Interior Guidelines .

Staff’s CEQA Staff Analysis and Conclusions are correct both as a matter of fact and law; HPPPA’s claims to the contrary, because they are based on misstatements of case and statutory law and/or rely upon non-existent conditions or created, hypothetical information, must be disregarded.

The City correctly applied the Historic Resource Restoration/Rehabilitation, Class 31, CEQA exemption to this Application; the proposed project does not defeat this Exemption.

First, HPPPA focuses on only one of the three exemptions relied upon by Staff. The City applied three Categorical Exemptions to the project before the ZAB, only one of which is the Class 31 Exemption. The City [Staff] found that work related directly to the Landmark itself and the alterations thereto fell completely within the scope of the specific language of Class 31 (14 CCR Sec.15331); that finding is correct.

Second, the other work, called out by HPPPA (altering the existing roof deck³, installation of an outdoor swimming pool and hot tub, adding an elevator, and adding artists sheds and repurposing the playground) that are part of this application, satisfies both the criteria of Class 31 because of the findings by the LPC, and also because said work falls under other exemptions cited by Staff: Sec. 15301, “Existing Facilities”, and 15303, New Construction or Conversions of Small Structures.”

The CEQA exemptions are correctly applied to this project and cannot be defeated by the Unusual Circumstances exception.

The HPPPA incorrectly applies the language and holding in the *Berkeley Hillside Preservation v. City of Berkeley* (2015)60 Cal.4th 1086) to defeat this project. In that case another nom de plume, “Berkeley Hillside Preservation”, under the Unusual Circumstances exception, unsuccessfully challenged the City Council’s decision to grant, based upon a CEQA exemption, the construction of a 10,000 sq. ‘ project (6,000 sq.’ house; 4,000 sq.’ garage and accessory building). There the “Association” claimed that size of house was unusual, and therefore required a full

³ HPPPA incorrectly labels the roof deck as new; it exists and is merely being altered and expanded)

CEQA analysis. The California Supreme Court dismissed that claim as a misreading of the exception. Without a direct nexus (that the activity itself will have a significant effect due to the unusual circumstances) between the alleged unusual circumstances and a specific adverse environmental effect, the unusual circumstances exception cannot defeat the CEQA exemption. *Berkeley Hillside*, p.1097).

The circumstances, under the facts of this case, are not unusual (*Berkeley Hillside*, 1105)

Here, HPPPA, claims, without factual support, that Hillside School Historic Landmark is unusual (unlike) others in its class because it is located in a wildfire area. First, there is no evidence that it is unusual for historic structures to be located in a designated wildfire area. "Every landmarked building in Berkeley east of Shattuck, approximately 500 structures, are in the California fire zone," Jerri Holan, FAIA, certified with the State of California as a Historic Resource Consultant. Second, in *Berkeley Hillside*, the determination of "unusual" is to be determined based on the conditions in the immediate vicinity. The entire immediate vicinity is also in the wildfire area. HPPPA has the burden of proof to show both that the circumstances themselves are unusual and that the significant impact are due to the unusual circumstances. (*Berkeley Hillside*, p.1098). HPPPA has failed to meet their burden of proof and the allegation of "unusual circumstances" exception as applied to the facts in this case, cannot defeat the exemption. (*Berkeley Hillside*, p. 1105)

THERE ARE NO FACTS THAT SUPPORT THAT THIS PROJECT WILL HAVE A SIGNIFICANT IMPACT ON PUBLIC SAFETY; THIS PROJECT WILL NOT DENY PUBLIC ACCESS TO THE PLAYGROUND OR THE PATH; THE ASSOCIATION'S CLAIMS TO THE CONTRARY ARE BASED ON SPECULATION, UNSUBSTANTIATED OPINION OR EVIDENCE WHICH IS CLEARLY ERRONEOUS

Since the uncontroverted evidence is that Sam Seppala assured the neighborhood that he will not prevent public access to the path or playground.⁴ HPPPA's claim to the contrary is based their unsubstantiated mistrust of Sam or their fear regarding a hypothetical new owner.

Acceptable evidence to support a finding is evidence that provides the logical step between the ultimate decision and the facts in the record. (Public Resources Code, Section 21082.2 (c)). This includes facts, reasonable assumptions predicated on those facts, and expert opinion supported by facts. (*Ibid.*) Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous is clearly **not** acceptable evidence. (Cal. Pub. Resources Code Sec. 15384 (a)).

⁴ In every written communication to the neighbors as well as in formal and informal meetings with the neighbors, Sam has said that he won't block public access to the path and playground.

Here, as stated in every representation of Sam's position, except that in the HPPPA attorney letter, Sam has assured the neighbors that he will not deny access to the path or playground. He does, as did both prior owners, want to control the time place and manner of that access. The continuation of previously allowed public access cannot have a significant impact on public safety.

HPPPA's Wildfire Expert's analysis is not based on the facts, it is based on a possible hypothetical situation.

If this project presents no change in the public access to the path and playground, what is the issue? The issue as articulated by [presumably] the members of HPPPA, is that some unknown future owner may decide to block public access to the path and playground. The "reasonable assumption" based on the investment that Sam has put and will put into the Hillside Property, and that that it will be Sam's permanent home, are that there will not be a future owner at any time in the foreseeable future. It is only some neighbors' "speculation" on an unknown future event or unsubstantiated hypothetical situation that supports their loss of access claim.

HPPPA's wildfire expert's opinion that this project will expose "people and property to risk" fails because it applies to a "fact" that is not part of the application.

HPPPA's counsel takes the same unsuccessful route to their CEQA challenge as did the appellants in the *Hillside* case, cited above. There, appellant's geotechnical expert, who had misread the drawings, asserted that because of the amount of excavated fill and other geotechnical issues, the project would have to in way that a CEQA EIR would be required. The problem: the project before the City Council was not going to be built as described by appellant's expert. The California Supreme Court held that neither the "fair argument" nor "unusual circumstances" exceptions may be used to challenge an exemption when the challenge is based upon a project that is not before the decision maker. (*Berkeley Hillside at p. 1119*). Here, too, HPPPA's expert relies on a situation that is not present in this project.

Even if public access to this path and this playground were denied as a result of this project's approval, which it is not, the facts here show that people's lives may be endangered by using them during wildfires, earthquakes and landslides.

- The Le Roy/Buena vista path runs north to south. The path to safety in a wildfire in this area is east to west. Lateral travel would be dangerous. There are at least two paths in this immediate area which run east to west. These are the paths that will save lives (Exhibit B);
- Congregating in this schoolyard/playground in the case of wildfire and for that matter earthquake and landslide endangers lives: with a hillside wildfire, speed at getting to a safe place, not congregating, saves lives.

Since the playground is on an earthquake fault and in the center of a landslide path, it is common knowledge that the playground would not be a safe place to congregate in either situation ;

- Should emergency personnel determine that it needs the playground for staging emergency personnel, nothing would prevent their access to the playground. Property owners with gated properties are required to have a lockbox for firefighter access;
- That won't have to happen in this case as the art park is designed to preserve the large open space in front of the school and thus preserves access to emergency vehicles if needed;
- **Based on the above**, both Public Works and Public safety staff confirmed that this site has not been identified as a possible location for City-sponsored public safety response, activities or services. (Staff Report, p. 13)

HPPA's attorney letter asserts the Conditions imposed by the LPC Alteration Permit Approval constitutes "mitigations" defeating the Categorical Exemptions. This, too, is incorrect: Although the Project Includes Standard Conditions of Approval, the Project Retains its Categorical Exemption because Standard Conditions are not Mitigations for Significant Environmental Impacts.

This project contains standard conditions of approval, which are not "mitigations" for significant environmental impacts under the California Environmental Quality Act. A "project" is "the whole of an action" and the focus is upon the "activity which is being approved" as a whole. CEQA Guidelines § 15378(a); Association for Protection of Community Values v. City of Ukiah (1991) 2 Cal.App.4th 720. In Ukiah, the Court of Appeal upheld a construction of a single-family home which included conditions of approval pertaining to the construction.

Cases where an incorporated action will cause significant environmental impacts and precludes an exemption include when there are adverse impacts on habitat of threatened or endangered species. Salmon Protection and Watershed Network v. County of Marin (2004) 125 Cal.App.4th 1098. In Salmon Protection, the County of Marin had previously designated the area proposed for a categorical exemption as an area of "critical concern" for habitat of endangered species.

In the instant case, the conditions imposed here are required of almost every project in the City of Berkeley, and their inclusion has not precluded the proper use of a categorical exemption under CEQA nor should they be.

THIS PROJECT, AS PROPOSED, SOLVES PROBLEMS; IT DOES NOT CREATE THEM

Sam Seppala has already undertaken steps and invested in Hillside School to reduce existing fire hazards, eliminate blight, and to make it more attractive for the community.

From the date that Sam Seppala purchased Hillside School, he invested heavily in rectifying the ravages of years of neglect, and in beautifying the premises, including:

- Serviced the entire fire sprinkler system;
- Fire extinguishers and hoses: Serviced/ brought up to current code requirements, and added fire extinguishers and hoses;
- Installed wireless smoke detectors w/remote monitoring;
- Ongoing repair of extensive dry rot and termite damage
- The path: Replaced fixed metal bollards with flowerpots; flowerpots, unlike metal bollards can be easily moved / pushed away by firetruck;
- School interior: Cleaned, removed dust, wooden furniture significantly reducing fire load;
- Repaired major window damage in over 30% of the building;
- Exterior yards: Started bi-monthly trimming/cutting of the grass;
- Yards: Removed thick layer of leaves and debris which had accumulated for years;
- Launch bi-annual trimming of the trees, bushes and other landscaping; and
- Replaced all fluorescent lights with LEDS.

This proposed project and elements thereof further reduce the inherent fire danger in this area and further enhances the aesthetics of the community;

Many elements of Sam's proposal make this area safer in the event of a wildfire:

- The proposed open-air pool will also act as an emergency cistern to provide additional water to fire hoses / sprinklers;
- The design of the art park will retain the large open space in front of the playground thereby maintaining spaced needed for emergency personnel;
- Sam has agreed to allow the neighborhood to locate a shed to store their emergency supplies;
- The on-site parking spaces reduce impacted street parking allowing for a greater street width to accommodate emergency vehicles. The streets surrounding Hillside Schools are heavily impacted by outside vehicles during Cal's sports and other major events. (Exhibit C)

The investment in the restoration of the Hillside School Building and the creation of the art park enhance the neighborhood.

- In the four years since GIS vacated the premises, the Hillside School building fell into crumbling disrepair; the fire safety features were no longer serviceable. In the case of fire, the structure would contribute to and add fuel to the maelstrom.
- By expanding and bringing the building's fire safety system into total compliance, the school can serve as a barrier in case of a wildfire;
- The investment in refurbishing, restoring the school re-establishes the aesthetic centerpiece to the community and the city;
- The art park brings art to the community reversing the dynamic of a passive empty space in the center of the community.

CONCLUSION

The HPPPA letter is simply wrong. Its linchpin complaint, that Sam has denied access to the LeRoy/Buena Vista north south path and playground, is patently false. Access to both of those resources will continue as before. Thus, there is no impact, let alone a significant impact on the environment by this proposal. The August 1, 2019 LPC findings and decision on the Alteration permit, evidence that historical resource exemption is correctly applied to this project.

The Hillside School is located on a sensitive, beautiful, and dangerous site. This project reduces the dangers and brings life to the entire area. Rather than creating environmental impacts, this project solves existing problems.

The HPPPA members are asking the ZAB to stop this project or put it through a lengthy environmental review because Sam Seppala won't give them what they are not entitled to have—an ownership interest across and over his property. They didn't have those rights before; they are trying to get them now by holding this project hostage to their demands .

On behalf of Sam Seppala, the Hillside School Landmark and those who will benefit from it, I ask you to affirm the Staff Report and vote yes on the application.

Very truly yours,

Rena Bickler

SUPPLEMENTAL ITEM RD1 -1581 LEROY
ZAB 10-24-2019
Page 34 of 42



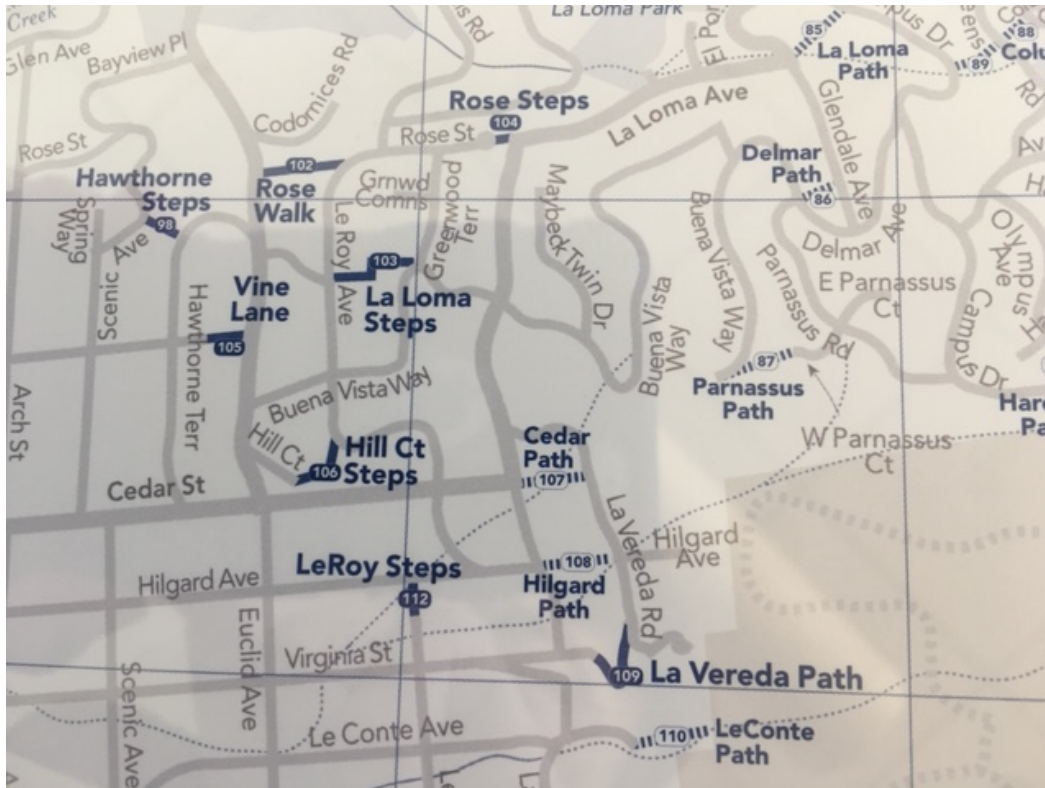




SUPPLEMENTAL ITEM RD1 -1581 LEROY

ZAB 10-24-2019

Page 38 of 42



SUPPLEMENTAL ITEM RD1 -1581 LEROY

ZAB 10-24-2019

Page 39 of 42



SUPPLEMENTAL ITEM RD1 -1581 LEROY

ZAB 10-24-2019

Page 40 of 42



October 7, 2019

To: The Commissioners on the City of Berkeley Zoning Adjustment Board

I am a longtime resident of Berkeley and am currently living at 1596 LeRoy Avenue, where I have been for the past 23 years. I am writing to support the plans submitted to the City of Berkeley by Sam Seppala, 1581 LeRoy Avenue. He is requesting approval of the zoning change at Hillside School from educational status to that of a single family residence. This request has been tentatively placed on the October 24th agenda for ZAB consideration.

I am the President of the Hillside Association of Berkeley (HAB), a non-profit organization formed in 1994 for the sole purpose of informing any interested neighbors of accurate news regarding the affairs of the Hillside School site. We send out e-mails to over 200 requesting households concerning all events, dating back to its ownership under BUSD, through the short ownership of the German International School of Silicon Valley (GISSV) and most recently under the new ownership of Sam Seppala.

During the years that the property was managed by the Berkeley Unified School District, our neighborhood witnessed a gradual deterioration of the majestic landmarked building and its playground area. Under recent GIISV ownership many improvements were completed, but maintenance of the grounds and building were random at best. When that school left, we feared a potential sale of the property to developers of condominiums or some other form of commercial usage. The building's sale to an individual was met by most of us as good news.

Since assuming ownership, Mr. Seppala, assisted by his preservationist architect Jerri Holan, has invested much time and monies to address multiple on-going issues of gardening, playground upkeep, deferred building maintenance, including fire safety, termite damage, drainage challenges affecting mudslides, exterior painting, and so much more.

Mr. Seppala and Ms. Holan have participated in five well-attended neighbor HAB meetings, during which they described their plans to use the larger portion of the 50,000 sq. ft interior as rent-free artist studio spaces (supplemented by a modest outdoor art park), and reserving a smaller interior space as his own private residence and personal art studio. In response to some residents voicing concerns over some alterations of the open space, such as parking for the daytime artists and the number and size of outdoor artist storage sheds, they willingly made amendments to their original plans. These amendments included the use of a private parking area adjacent to the building to lessen the number of vehicles on the open space, planted barriers to soften or hide the view of the cars and adjusting the location and appearances of artist storage sheds. In short, they have tried to comply with the neighborhood concerns about curb appeal.

On September 30th, during a City of Berkeley recommended mediation meeting facilitated by the non-profit SEEDS organization, an open discussion identified additional neighborhood concerns. These included the method for selection of invited artists who will be allowed to

participate in the art studios, a description of the strict limits and types of non-toxic materials permitted, a verification of the daytime-only hours of operation and the absolute restriction of any artist maintaining an overnight residential status. In addition, an important extended discussion did confirm Mr. Seppala's commitment to the continuation of full 24 hours/day public access through the cement pathway from Buena Vista and LeRoy Avenue, as well as the maintaining of liability insurance coverage, voluntarily provided by Mr. Seppala for the pathway and playground areas.

A fulltime building manager, experienced in active art communities, was also introduced at the meeting and questioned regarding her credentials. Whether Mr. Seppala is in Berkeley or away from the property, it will be professionally managed.

It is my belief that Mr. Seppala has acted in good faith with our neighborhood, demonstrating a willingness to listen and respond to valid concerns. It is my opinion that these plans enjoy a wide support of the neighborhood. Additionally, he has offered to permit citizen gatherings of various groups in his auditorium, as well as allow a neighborhood disaster cache to be placed on his open space.

The creation of an artist studio and art park, at no cost to its daytime users, would be a novel addition to our City, expanding its unique image in the Bay area. Combined with the beautiful restorative work of this magnificent structure, the site will be a welcome addition to our neighborhood and to the City of Berkeley. I encourage you to approve his plans.

Thank you for your time and attention.

Sincerely,

Marty Lorber
1596 LeRoy Avenue
Berkeley 94708
510-848-0702
berkeleylions@yahoo.com

From: Zoning Adjustments Board (ZAB)
Subject: FW: Public Comment on Use Permit #2019-0061
Attachments: 2019.10.24 Hillside School Supplemental Comments_Final.pdf

From: Rebecca Davis [mailto:rebecca@lozeaudrury.com]
Sent: Thursday, October 24, 2019 11:51 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Public Comment on Use Permit #2019-0061

Attached, please find Supplemental comments of the Hillside Path & Playground Preservation Association regarding Use Permit #2019-0061, scheduled to be heard by the Zoning Adjustments Board tonight, October 24, 2019. Please contact me if you have any questions.

Sincerely,

Rebecca Davis

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October 24, 2019

Via Email

Shoshana O'Keefe, Chairperson
Denise Pinkston, Vice Chairperson
Igor Tregub, Board Member
Teresa Clarke, Board Member
Patrick Sheahan, Board Member
John Selawsky, Board Member
Carrie Olson, Board Member
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Re: Hillside School Project, 1581 Le Roy Avenue; Use Permit #ZP2019-0061

Dear Chairperson O'Keefe, Vice Chairperson Pinkston, ZAB Members, and ZAB Secretary:

I am writing on behalf of Hillside Path & Playground Preservation Association, an unincorporated association composed of residents of Berkeley living near the Hillside School located at 1581 Le Roy Avenue (the "Hillside School Property"), concerning the application of the current owner to convert the property from its previous use as a school, to residential use (Use Permit #ZP2019-0061) (the "Project"). This letter supplements Hillside Path & Playground Preservation Association's October 17, 2019 letter (the "October 17 Letter").

The October 17 Letter describes how the Project would allow the Project owner to cut off public access to the Path and Playground that are part of the Hillside School Property. The Path and Playground have been a defining party of the surrounding neighborhood for nearly a century, and they have been open to the public throughout that time. Not only would does losing public access to these areas change the character of the neighborhood, but it also create public safety risks in the event of a fire or earthquake, both of which are real possibilities. The Hillside community has very limited open space. Loss of access to the Playground as an open space would limit potentially life-saving strategies that contribute to public safety during an emergency. Similarly, in an emergency, cutting off public access to the Path poses a threat to community members trying to evacuate, and impedes emergency vehicle access.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 24, 2019
Page 2 of 11

For these and other reasons described in the October 17 Letter, and for the supplemental reasons stated below, Hillside Path & Playground Preservation Association asks the Zoning Adjustment Board (“ZAB”) to reject the Project because it fails to comply with the California Environmental Quality Act (“CEQA”), and conflicts with Berkeley’s General Plan and Municipal Code (“BMC”).

A. The Project violates the Berkeley Municipal Code.

The ZAB Staff Report for the Project admits that, “[a]s a private residence located in a residential district, the [Project] site is not permitted to establish an ‘arts/craft studio’ use (BMC Section 23F.04, ‘Definitions’), generally defined as an *establishment*, which staff interprets to be a commercial or institutional, or otherwise non-residential, land use activity.” Staff Report, p. 10. The Municipal Code defines an arts/craft studio as:

An establishment engaged in the creation of art or crafts that requires artistic skill. Such an establishment may participate in periodic open studios, but otherwise is subject to the applicable district’s requirements for incidental sales of goods made on site. Art/Craft Studios also include rehearsal spaces not designed for public performances.

Examples of individuals typically engaged in this work include, but are not limited to, woodworkers, potters/ceramicists, costume makers, set designers, stained-glass makers, glassblowers, textile artists and weavers, jewelry makers, painters, fine art printmakers, photographers/filmmakers, leather workers, metal workers, musical instrument makers, model makers, papermakers, installation artists, sculptors, video artists, and other makers of art and crafts that the Zoning Officer determines to be consistent with the definition above.

Berkeley Municipal Code § 23F.04. This is precisely the type of use the Project is proposing – space for multiple people, including non-residents, to make and show art. But, as Staff recognizes, Berkeley’s zoning ordinance does not permit an arts/craft studio” use in a residential district. Because the Project proposed an arts/craft studio use in a zone that does not permit that use, ZAB must deny the permit.

After determining that an “arts/craft studio” use is not permitted, Staff goes on to note that “artist studio” is a similar use that is allowed in a residential district. The Municipal Code defines an artist studio as:

A detached accessory building, used by residents of a main dwelling Unit on the same lot, to create original works of art and crafts products, but not for living quarters or sleeping purposes.

Berkeley Municipal Code § 23F.04.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 24, 2019
Page 3 of 11

The Project's proposed use does not meet the definition of an artist studio. First, the Project owner is not proposing to create art in a "detached accessory building." Instead, he is proposing to create art in the main school building. This alone precludes the proposed use. Second, an artist studio is limited to being "used by residents of a main dwelling Unit." Under this definition, not even the "artist in residence" proposed to reside in the accessory dwelling unit would be permitted to use the property for creating original works of art. Further, allowing up to 25 guests to come onto the Property to create art would be even more inconsistent with the "artist studio" land use.

In an attempt to justify permitting the Project owner's proposed inconsistent use, the Staff Report says:

In this case, the applicant proposes such a use, though not located in a detached, accessory building and, instead, contained within a large main building and a confined outdoor area. Staff concludes, therefore, that the art activity is permissible on this residential property and, further, that the proposed location within the main building would be reasonable because the approximately 50,000-sq. ft. building could provide adequate space to sufficiently maintain both the dwelling uses and the art practice.

Staff Report, p. 10.

Staff's interpretation is directly at odds with the plain meaning of the Municipal Code, and cannot be upheld. The activities proposed by the Project are inconsistent with the Municipal code provisions in residential districts. The Project permit must therefore be denied.

B. ZAB cannot make the findings required for approval of a use permit for the Project.

In order to issue a use permit for the Project, ZAB must find:

that the establishment, maintenance or operation of the use, or the construction of a building, structure or addition thereto, under the circumstances of the particular case existing at the time at which the application is granted, *will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood* of such proposed use *or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood* or to the general welfare of the City.

BMC § 23B.32.040(A). If ZAB cannot make any of these findings, ZAB must deny the permit.
BMC § 23B.32.040(C).

Here, ZAB must deny the permit because the Project will be detrimental to the safety, comfort, and general welfare of people living in the neighborhood, and would be detrimental or injurious to properties in the neighborhood. The ability of the Project owner to cut off the public's access to the Path and Playground is be detrimental to the safety of neighbors and their

1581 Le Roy Avenue (Hillside School)
 City of Berkeley
 October 24, 2019
 Page 4 of 11

properties. As discussed in Noah Brownlow's expert comments¹:

If a fire does occur in the Berkeley Hills, this pathway could prove crucial to the safety of nearby residents in escaping a fire. By closing this pathway to the public, the public faces an increased risk of harm if a fire does occur.

. . .

The proposed development would decrease both emergency vehicle access to the area, and civilian opportunities for egress. When a Northeast wind-driven fire is sweeping through the hills firefighters and residents need as many open pathways as possible, and restricting or eliminating these pathways ignores the unique threats posed to this neighborhood.

Brownlow, p. 2.²

In addition to posing a danger to neighbors and their properties, the Project would also be detrimental to the peace and comfort of neighbors as a result of the Project owner's plans to throw monthly parties for up to 100 people, combined with a new roof deck, pool, and hot tub. No explanation has been given as to where the additional 80 guests will park, given the proposal for an 18-car parking lot. On top of this, there will be additional traffic and noise created by the Project every other week when the owner holds outdoor art events in the art park for 50-75 people.

Because ZAB cannot make the findings required by BMC § 23B.32.040(A), ZAB must deny the permit.

C. The Project is inconsistent with Berkeley's General Plan and Municipal Code.

The Project is inconsistent with a number of General Plan Policies and Actions, including the following:

- **Policy LU-7 (Neighborhood Quality of Life):** Preserve and protect the quality of life in Berkeley's residential areas through careful land use decisions.
- **Policy LU-7, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
- **Policy LU-9 (Non-Residential Traffic):** Minimize or eliminate traffic impacts on residential areas from institutional and commercial uses through careful land use

¹ Attached as Exhibit A to Hillside Path & Playground Preservation Association's October 17, 2019 letter to ZAB.

² See also, Berkeleyside article, "The Berkeley Hills are kindling: City takes steps to tackle wildfire danger, Oct. 17, 2019, attached hereto as Exhibit 1.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 24, 2019
Page 5 of 11

decisions.

- **Policy LU-8 (Home Occupations):** Monitor and evaluate the present and future effects of home occupations, home offices, and other similar developments on residential areas.
- **Policy LU-11 (Pedestrian and Bicycle Friendly Neighborhoods):** Ensure that neighborhoods are pedestrian- and bicycle-friendly with well-maintained streets, street trees, sidewalks, and pathways.
- **Policy LU-11, Action A:** Ensure that any City-owned pathways or dedicated easements adjacent to, abutting, or through private property are preserved when reviewing new development proposals.

Each of these General Plan policies and actions is meant to protect the character, safety, and enjoyment of Berkeley's residential neighborhoods. Yet the proposed Project would do the exact opposite. It would change the character of the neighborhood. The hosting of indoor and outdoor parties for up to 100 people several times per month would negatively impact the quality of life of nearby neighbors. In addition to the increased noise generated, the Project would potentially require an additional 100 cars to drive and park near the Project, in the residential neighborhood. The scale of the proposed use is simply incompatible with the surrounding neighborhood.

The Project is similarly inconsistent with the Municipal Code. The Berkeley Municipal Code specifies that one of the purposes of the Single Family Residential (R-1) Districts, including the R-1H district, is to: "Recognize and protect the existing pattern of development in the low density, single family residential areas of the City in accordance with the Master Plan." BMC § 23D.16.020(A).

Conversion of the Hillside School Property into a de facto event center that will host large parties would not protect the existing pattern of development in this single family residential neighborhood. Instead, the proposed Project will result in a dramatic increase in traffic, parking, and noise as a result of the proposed new use of the Property.

ZAB should deny the use permit because the Project is inconsistent with the General Plan and Municipal Code.

D. The Project is not exempt from CEQA.

The ZAB Notice of Public Hearing for the Project that was sent neighbors and other interested parties stated: "CEQA STATUS: Categorically exempt pursuant to Section 15331 for 'Historical Resource Restoration/Rehabilitation' of the CEQA Guidelines." A copy of this notice is attached hereto as Exhibit 2. In the ZAB Staff Report, posted only days before the ZAB meeting, the City claims for the first time that, in addition to the Class 31 Historical Resources Restoration/Rehabilitation exemption, the Project is also exempt under Class 1 and Class 3 CEQA exemptions. As detailed below, even the late addition of these exemptions are not sufficient to relieve the City of its obligation to conduct CEQA review for this Project. Neither of these two additional exemptions apply.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 24, 2019
Page 6 of 11

1. The Class 1 exemption does not apply on its face.

The City's exemption of the Project from CEQA now relies upon the Class 1 exemption for "operation, repair, maintenance, or minor alteration of existing structures or facilities." 14 CCR § 15301. This exemption does not apply on its face. The Class 1 exemption states:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. *The key consideration is whether the project involves negligible or no expansion of use.*

The key limitation on the face of the Class 1 exemption is that it applies only to activities involving "negligible" or "no expansion" of previous use beyond that existing at the time of the lead agency's determination. In contrast to the plain meaning of the exemption, the proposed Project involves a major expansion of use beyond the property's current use.

As the Applicant's Statement notes, the Project owner proposes to hold large events at the Hillside School Property on a monthly basis, expecting up to 100 people to attend. Oct. 8, 2019 Applicant's Statement, p. 3. Separately, twice per month, the owner plans for art showings at the property attracting 50-75 visitors. *Id.* On a daily and weekly basis, "use would accommodate 25-50 artists and visitors." *Id.* This constitutes a major expansion beyond the current use, which involves very few visitors, if any. As a result, the Class 1 exemption does not apply on its face, and cannot be relied on by the City.

2. Exceptions preclude reliance on the Class 1 or Class 3 exemptions.

As with the Class 31 exemption,³ the Class 1 and 3 exemptions do not apply because the Project falls within two exceptions to CEQA exemptions: 1) the "unusual circumstances" exception, and 2) the "historical resources" exception to categorical exemptions. 14 CCR § 15300.2(c), (f).

i. The Project will have significant environmental impacts due to unusual circumstances, precluding reliance on a CEQA exemption.

A categorical exemption is inapplicable "where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." *Id.* Here, the Project does not present the same general risk of environmental impact as other

³ See discussion in Hillside Path & Playground Preservation Association's October 17, 2019 letter to ZAB.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 24, 2019
Page 7 of 11

projects falling under the Class 1, 3, or 31 exemptions, and therefore the exemptions cannot apply.

In *Berkeley Hillside*, the California Supreme Court explained that there are two ways a party may invoke the unusual circumstances exception. First, “a party may establish an unusual circumstance with evidence that the project *will* have a significant environmental effect. That evidence, if convincing, necessarily also establishes ‘a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.’” *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 (emph. added). Alternatively, “[a] party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.” *Id.*

Both of these alternatives are established here because there are unusual circumstances that distinguish this Project from other Class 31 exemption projects, and there is substantial evidence that the Project will have a significant effect on the environment.

a. They City cannot rely on a CEQA exemption because the Project will result in a significant land use and planning impact.

A project has a significant land use impact if it would:

Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

CEQA Guidelines, App. G § X(b).

As discussed above, the Project could conflict with a number of general plan policies and zoning ordinances. The general plan policies and zoning ordinances were designed to avoid or mitigate a variety of environmental effects including noise, traffic, parking, aesthetics, among other things. In addition to violating the General Plan and zoning ordinance, these land use conflicts constitute a significant impact under CEQA, and preclude reliance on an exemption.

b. They City cannot rely on a CEQA exemption because the Project will have a significant impact on public safety.

As discussed in Hillside Path & Playground Preservation Association’s October 17 Letter, the Project will have a significant impact on public safety because it will “[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires,

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 24, 2019
Page 8 of 11

including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.” CEQA Guidelines, Appendix G.

Fire expert Noah Brownlow’s expert comments constituted substantial evidence that the Project will expose people and structures to a significant risk of loss, injury or death involving wildfires in an area where residences are intermixed with wildlands.

c. They City cannot rely on a CEQA exemption because the Project will result in inadequate emergency access, precluding reliance on a CEQA exemption.

CEQA Guidelines Appendix G provides that a project will have a significant impact if the project will “[r]esult in inadequate emergency access.” CEQA Guidelines, Appendix G § XVI(e). As explained in Mr. Brownlow’s expert comments, the Project will have a significant impact on emergency vehicle access. According to Mr. Brownlow’s expert opinion, the Project would decrease emergency vehicle access to the area. Brownlow, p. 1. He further explained that, by converting the Playground into a parking lot and art park, the Project is “eliminating a potential safety zone or fire shelter deployment site for firefighters responding to WUI fires.” *Id.*

This significant impact is an unusual circumstances, and precludes reliance on a categorical exemption.

d. They City cannot rely on a CEQA exemption because the Project will have significant traffic and parking impacts.

CEQA Guidelines Appendix G provides that a project will have a significant impact if it will;

Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

CEQA Guidelines, Appendix G § XVI(d).

The steep, narrow, meandering streets of the Berkeley Hills are difficult to navigate. This includes Le Roy Avenue and Buena Vista Way, and La Loma Avenue, the streets adjacent to the Project. In many locations, it is difficult – if not impossible - for two cars traveling opposite directions to drive by each other, particularly where cars are parked on the street. With events being held at the Hillside School Property for 50 to 100 people, and only 18 parking spots provided, the Project may result in up to 80 additional cars being parked on the streets surrounding the property. This will make an already dangerous driving environment even worse, substantially increasing the hazardous driving environment. This significant impact is an unusual circumstances, and precludes reliance on a categorical exemption.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 24, 2019
Page 9 of 11

e. The Project involves an unusual circumstance, precluding reliance on a CEQA exemption.

Even if there were not evidence that the Project *will* have a significant environmental impact, the unusual circumstances exception would still apply because, unlike “usual” or “typical” Class 1 and Class 3 exemptions,⁴ Historical Resource Restoration/Rehabilitation projects, this Project creates a significant public safety risk.

The Class 1 exemption consists of “Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” 14 CCR § 15301. Class 3 exemption consist of “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.” 14 CCR § 15303.

At least three elements of the Project distinguish it from other projects in the Class 1 and Class 3 exemption categories, and these characteristics create environmental risks not generally present for Class 1 and Class 3 projects. Once it is determined that a project presents an unusual circumstance, an exemption is precluded if there is substantial evidence that a project *may* have significant environmental impacts.

The first unusual circumstance is that the Hillside School Property is listed on the National Register of Historic Places and is listed as a local landmark. The impact of alterations, modifications, and construction that may ordinarily be exempt under Class 1 or 3 may have additional impacts when the existing facility is a historical resource. Here, the Project proposes to convert a large portion of the Playground to a parking lot and art park, which is inconsistent with the Project’s historic resource listing.

Second, unlike most Class 1 and 3 projects, the Project is located in a High Fire Zone, within the State-designated Alquist-Priolo Earthquake Fault Zone, and is also in an earthquake-induced landslide area mapped by the California Geologic Survey on its Seismic Hazard Mapping Act map. The location of the Project makes it and the surrounding area unusually susceptible to a natural disaster. The second unusual circumstance is that, unlike most Class 1 and 3 projects, the Project may cut off a previously public path and open space, both of which are vital to public safety in the event of a fire or earthquake. As discussed above, because of the high risk location of the Project, and its potential to cut off public access to the Path and Playground open space, the Project may “decrease both emergency vehicle access to the area, and civilian opportunities for egress.” Brownlow, p. 1.

⁴ See October 17 Letter for discussion of the Project’s unusual circumstances compared to other Class 31 Historical Resources Restoration/Rehabilitation project.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 24, 2019
Page 10 of 11

Third, the scale of the changed use – from a vacant parcel to a pseudo-event center hosting parties for up to 100 people, is unusual. As a result of this unusual circumstance, the Project may have a significant noise impact.

CEQA Guidelines Appendix G provides that a project will have a significant impact if it will result in:

A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

CEQA Guidelines, Appendix G § XII(d).

The California courts have held that CEQA review is required for noise-producing events, just like those that will be held at the Property. In the case of *Keep Our Mountains Quiet v. City of Santa Clara* (2015) 236 Cal.App.4th 714, 722, the court of appeal has held that an EIR was required for a permit allowing weddings of 150 people at a private home. This Project is no different. The Project owner seeks the right to host parties once per month for up to 100 people, and events for between 50 and 75 people every other week. These events will take place both indoors and outdoors, and will result in a “substantial temporary or periodic increase in ambient noise levels.”

The Project’s unusual circumstances preclude the City from relying on a CEQA exemption for the Project.

ii. The Historical Resources exception precludes reliance on a categorical exemption.

The CEQA guidelines provide that a “categorical exemption shall not be used for a project which *may* cause a substantial adverse change in the significance of a historical resource.” 14 CCR § 15300.2 (emph. added). As discussed in the October 17 Letter, Hillside School, Path, and Playground *collectively* are listed on the National Register of Historic Places and as a Berkeley local landmark. The Project will adversely affect the Hillside School, Path, and Playground as a historic resource because the Project goes beyond merely restoring or rehabilitating the Hillside School. As a result, the Project must be analyzed under CEQA, and cannot be exempt.

As proposed, the school playground that has been used by community members for more than 90 years, will be made into a parking lot for up to 18 vehicles. The Project also permits the owner to install up to five unsightly, garage-like sheds on the new parking lot. In addition, the Project would turn the remaining playground into a collection space for undescribed “art.” None of this is consistent with the historic nature of the site. Instead, the action would transform the playground from a historically significant element of the property into a parking lot. Changing the Playground from its current aesthetic that is cohesive with the school, into a parking lot with five large storage sheds and random art pieces would change the character of the property as a

SUPPLEMENTAL ITEM RD2 - 1518 LEROY
ZAB 10-24-2019
Page 12 of 33

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 24, 2019
Page 11 of 11

whole. Because these changes may have an adverse impact on the Hillside School, Path, and Playground as a historic resource, the City may not exempt the Project from CEQA. 14 CCR § 15300.2; Pub. Res. Code § 21084.1.

I. CONCLUSION

Based on these comments, and those in the October 17 Letter, the Hillside Path & Playground Preservation Association requests that the Zoning Adjustment Board deny Use Permit #ZP2019-0061, and send the Project back to staff with direction to review the Project's environmental impacts under CEQA.

Sincerely,



Rebecca L. Davis
Lozeau Drury LLP

Enclosures:

- Exhibit 1 – “The Berkeley Hills are kindling: City takes steps to tackle wildfire danger,”
Berkeleyside (Oct. 17, 2019)
- Exhibit 2 - ZAB Notice of Public Hearing, October 9, 2019

SUPPLEMENTAL ITEM RD2 - 1518 LEROY
ZAB 10-24-2019
Page 13 of 33

EXHIBIT 1

10/21/2019

The Berkeley Hills are kindling: City takes steps to tackle wildfire danger — Berkeleyside

Berkeleyside

CITY

The Berkeley Hills are kindling: City takes steps to tackle wildfire danger

By Kevin L. Jones, Oct. 17, 2019, 9 a.m.



Crews on Grizzly Peak fight a fire in August 2017. Photo: Frances Dinkelspiel

For city officials and many residents, a wildfire igniting in the hills is not a matter of “if” but “when.” Berkeley Fire Chief David Brannigan says wildfires hit every three decades or so “and the conditions haven’t changed” since the last big blaze.

“The Oakland Hills Fire was 30 years ago,” Brannigan said. “We have a heavy, dense dry fuel load that can go off at any time. We have done some measures to reduce the risk but not enough to completely eliminate it.”

A wildfire in the Berkeley Hills would endanger 10-15,000 residents, who would be forced to evacuate down century-old roads towards the firefighters’ defense line on Shattuck Avenue. Brannigan says the area is much like Paradise, CA when it went up in flames in 2018. Helped by 40-knot winds, the Camp Fire in Paradise burned the equivalent of a football field every second.

That’s why Berkeley Vice Mayor Susan Wengraf is taking the unprecedented step of asking the city to prioritize wildfire prevention and safety. Her resolution, which passed the city council Tuesday night without discussion, will ensure the issue is reflected in city planning and “hopefully influence funding priorities in the future,” Wengraf said, “to clear dead vegetation, improve the safety of our pathways, and launch the Safe Passages program.”

“A wildfire was always thought of as a ‘Hills problem,’ but it’s everybody’s problem,” Wengraf said. “If they lose their homes, where are they going to go?”

After years of studies on the hills’ wildfire danger, the issues the city faces aren’t just known, they’re blatantly apparent. The area’s vegetation is like kindling when dried out and there’s lots of it. It needs to be cleared completely, but Brannigan says there hasn’t been enough funding for upkeep.



A eucalyptus tree in flames near Grizzly Peak in August 2017. Photo: Frances Dinkelspiel

Compounding the danger in the hills are its curvy, narrow roads. They’re difficult to navigate, especially for today’s emergency vehicles. Also, on many sections of road, a parked vehicle jutting out into the road could prevent an ambulance from reaching its destination.

10/21/2019

The Berkeley Hills are kindling: City takes steps to tackle wildfire danger — Berkeleyside

”Our emergency vehicles have difficulty accessing areas on a daily basis,” said Brannigan.

Along with the studies came plans to address the issues in the hills; some are already in place. This fall the city starts its Safe Passages Program, which creates new fire lanes on blocks identified as being problematic for emergency vehicles. The program will prohibit cars from parking there, ensuring there’s enough space for an ambulance or fire truck to pass through.

But Wengraf expects resistance to the expansion of no parking zones in the area. Despite the program proceeding slowly on just three streets (Alvarado, Bridge, and Vicente roads) and assurances that the program would maintain [“some parking for the neighborhoods,”](#) residents are already warning Wengraf that they plan to fight.

“One woman on Tamalpais told me she’d lay down in the street and block our trucks,” said Wengraf. “Some people think they own the street in front of their houses.”

Another battle is brewing over the plans to clear vegetation. Last month, the Claremont Canyon Conservancy published a [wildfire fuel management plan](#) for the University of California, Berkeley. The school received funding to make its campus and the surrounding area safe in the event there’s a wildfire so the conservancy commissioned a plan from [Joe McBride](#), a professor emeritus of landscape architecture and environmental planning. McBride’s been studying the fuel management in the Berkeley Hills since the early ‘70s and has written four reports on the subject.

“Fuel management is a high priority for the area,” said McBride. “Past fires like the 1923 Berkeley Fire started in wildland vegetation and burned into the city.”

The first of McBride’s recommendations in his new plan is to replace the area’s eucalyptus trees and conifers with native vegetation and grass.

McBride says trees release more energy during fires than grasses and tree fires are harder for firefighters to control — a claim Brannigan supports. The trees can also fall on roads and block evacuation routes.

“During the Oakland Hills fire in 1991, people died because one-way roads were blocked by trees,” said McBride.

But this plan also reignites the [“Great Eucalyptus Debate,”](#) a battle that’s been going on for over a decade between the Claremont Canyon Conservancy and Hills Conservation Network, a collection of local residents who want to keep the trees. Network representative Dan Grassetti said McBride’s new proposal offers “no wildfire risk mitigation benefit” and “is yet another attempt by a small group of native plant fanatics to attempt to influence the University to do their bidding.” Grassetti said the network would be willing to fight this new plan in court.

Grassetti, the president and CEO of the tech company [Arboreal Systems](#), defers to FEMA officials on fuel management. They agree that the tree canopy is good for the area, providing shade and other benefits.

“We’re in better shape than Paradise because we have these forests. It’s wetter. The tall trees catch the fog and they drip water on the floor. That’s inherently safer than not having the overstory,” said Grassetti. “But if CCC gets its way, it will be more like Paradise.”

Brannigan also agrees with the need to keep a tree canopy. His concern is ladder fuels, which are debris on the ground that could send fires up into the trees. He advocates for funding more inspections and maintenance.

“People talk about species but we’re looking at our fire code and that’s about maintaining them,” said Brannigan. “Good maintenance of existing trees will go a long way to prevent the spread of a wildfire.”

10/21/2019

The Berkeley Hills are kindling: City takes steps to tackle wildfire danger — Berkeleyside

One thing that everyone who spoke to Berkeleyside agrees on is that responsibility ultimately falls on the shoulders of residents. While these issues are hashed out, Wengraf, Brannigan and others feel the best plan for residents to stay safe in a wildfire is to be proactive and stay out of the area when fire conditions are at their worst. Residents shouldn't

wait for evacuation orders to leave because by then, it could be too late.

“The idea that the fire department is going to help you during a wildfire is a myth,” said Wengraf.

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SUPPLEMENTAL ITEM RD2 - 1518 LEROY
ZAB 10-24-2019
Page 17 of 33

EXHIBIT 2

SUPPLEMENTAL ITEM RD2 - 1518 LEROY

ZAB 10-24-2019

Page 18 of 33

ATTACHMENT 5

ZAB 10-24-2019

Page 1 of 4



Z O N I N G A D J U S T M E N T S B O A R D

NOTICE OF PUBLIC HEARING

1581 Le Roy Avenue – The Hillside School

Use Permit #ZP2019-0061 to convert the vacant, elementary school property to residential use: to establish the approximately 50,000-sq. ft., main building as a single-family residence and accessory dwelling unit, incorporating several former classrooms as private (non-commercial) art studio space; to install an unenclosed swimming pool and hot tub within a new roof deck; to construct an approximately 36-sq. ft., elevator penthouse above the second story (but below the third story roof ridge); to convert a former multi-purpose room to a garage; to create a new, surface parking lot and to locate up to five, new storage sheds within portions of the former playground to be partially re-purposed as an outdoor (non-commercial) art practice space; and to complete landscape improvements adjacent to the public interface.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23B.32.020, on October 24, 2019, at the **Berkeley Unified School District meeting room, 1231 Addison Street**, (wheelchair accessible). The meeting starts at 7:00 p.m.

A. Land Use Designations:

- General Plan: Low-Density Residential
- Zoning: Single-Family Residential/Hillside Overlay

B. Zoning Permits Required:

- Use Permit, under BMC (Berkeley Municipal Code) Section 23D.16.030, to create a dwelling unit in the R-1 district;
- Administrative Use Permit, under BMC Section 23D.12.080, to locate parking spaces with the required front yard setback of a residential property;
- Administrative Use Permit, under BMC Section 23D.16.030, to install an unenclosed hot tub on a residential property; and
- Administrative Use Permit, under BMC Section 23D.16.070.C, to construct a residential building addition greater than 14 ft. in average height.

C. CEQA Determination: Categorically exempt pursuant to Section 15331 for “Historical Resource Restoration/Rehabilitation” of the CEQA Guidelines.

SUPPLEMENTAL ITEM RD2 - 1518 LEROY

ZAB 10-24-2019

Page 19 of 33

ATTACHMENT 5

ZAB 10-24-2019

Page 2 of 4

1581 LE ROY AVENUE
Page 2 of 4

NOTICE OF PUBLIC HEARING
Posted OCTOBER 9, 2019

D. Parties Involved:

- Applicant/Architect Jerri Holan, AIA, Holan & Associates, 1323 Solano Ave., Albany, CA
- Property Owner Samuli Seppälä, 1581 Le Roy Avenue, Berkeley, CA

Further Information:

All application materials are available at the Land Use Planning Division, during normal office hours or online at: <http://www.cityofberkeley.info/zoningapplications>. The Zoning Adjustments Board agenda and all agenda materials regarding this project will be available online 6 days prior to this meeting at: <http://www.cityofberkeley.info/zoningadjustmentsboard>.

Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7413 or fcrane@cityofberkeley.info.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@cityofberkeley.info.

Communication Disclaimer:

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 relevant board, commission or committee. 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 to the relevant board, commission or committee for further information.

Communications and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@cityofberkeley.info. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://www.cityofberkeley.info/zoningadjustmentboard/>.

Correspondence received by 8:00 AM, on the Thursday before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by Noon Tuesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #1, which is released the end of the day Tuesday, two days before the public hearing;
- **Correspondence received by Noon Wednesday**, the week of this public hearing, will be conveyed to the Board in Supplemental Communications and Reports #2, which is released the end of the day Wednesday, one day before the public hearing; or
- **Correspondence received by 3 PM Thursday** will be given to the Zoning Adjustment Board just prior to the public hearing.

SUPPLEMENTAL ITEM RD2 - 1518 LEROY

ZAB 10-24-2019

Page 20 of 33

ATTACHMENT 5

ZAB 10-24-2019

Page 3 of 4

1581 LE ROY AVENUE
Page 3 of 4

NOTICE OF PUBLIC HEARING
Posted OCTOBER 9, 2019

Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Zoning Adjustments Board Clerk. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.

**Accessibility Information / ADA Disclaimer:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Land Use Planning Division, during regular business hours.

Notice Concerning Your Legal Rights:

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

SUPPLEMENTAL ITEM RD2 - 1518 LEROY
ZAB 10-24-2019
Page 21 of 33

ATTACHMENT 5
ZAB 10-24-2019
Page 4 of 4

1581 LE ROY AVENUE
Page 4 of 4

NOTICE OF PUBLIC HEARING
Posted OCTOBER 9, 2019

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

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy, Berkeley

From: Nancy Genn [mailto:nancygenn@gmail.com]
Sent: Thursday, October 24, 2019 11:40 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: Sarah Butler <sarahgbutler@hotmail.com>
Subject: 1581 Le Roy, Berkeley

I am in support of the project for 1581 Le Roy as it has been proposed,
I am a neighbor adjacent to the property at 1515 La Loma.

Sincerely yours,
Nancy Genn
1515 La Loma,
Berkeley

--

nancygenn.com

From: Zoning Adjustments Board (ZAB)
Subject: FW: Please deny permit for 1581 Le Roy Avenue

From: Julia Zuckerman [mailto:julia.zuckerman@gmail.com]
Sent: Thursday, October 24, 2019 11:09 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Please deny permit for 1581 Le Roy Avenue

ZAB Commissioners:

As you know, Berkeley is in the middle of a housing crisis. People are living in RVs, cars, and tents on the street.

Amidst this, you are being asked to approve the conversion of a vacant building into, of all things, a 50,000-square-foot single-family residence with an 18-car parking lot. Berkeley doesn't need its very own Hearst Castle - we need normal homes for people to live in. If this building is being converted to residential use, it should be treated as a multi-unit building given its enormous size. You should deny this application so that this site can be put to its best use, as multifamily housing and community space.

At the very least, if the application is approved, the owner should be required to make a seven-figure contribution to the Housing Trust Fund, to make up for the lost opportunity for dozens of homes a short walk from the UC campus.

If this project is approved, I hope to never again hear a proposed apartment building in Berkeley referred to as "luxury" housing.

Thank you,
Julia Zuckerman

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1581 Le Roy Avenue and Use Permit #ZP2019-006

From: Eugene R. Alward [mailto:eralward@mindspring.com]
Sent: Thursday, October 24, 2019 10:19 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: Sam Seppala <sam@verk.com>
Subject: 1581 Le Roy Avenue and Use Permit #ZP2019-006

I have resided at 1595 Le Roy Avenue, Berkeley, since 1985. I am an immediate neighbor of Samuli Seppälä, 1581 Le Roy Avenue, sharing a boundary with the southernmost edge of his property. Before Samuli Seppälä, 1581 Le Roy Avenue was owned by the German International School of Silicon Valley, and before that by the Berkeley Unified School District. I have seen first hand the differences in owners' ability to maintain the property, and, as a neighbor, experienced the consequences of those differences.

As the Zoning Adjustments Board makes its decisions regarding this property, I would like it to consider the following.

First, the Zoning Adjustments Board should scrupulously base its decisions upon law. Recent events on a national level make clear how easily rule of law can be lost. Decision makers acting on behalf of Berkeley have the opportunity to support rule of law not only for the benefit of current residents, but also to strengthen a tradition that will benefit future residents.

Second, the Zoning Adjustments Board should pay careful attention to matters of public safety. Residents of this neighborhood have long lived with the threat of earthquakes, especially but not only from the Hayward Fault, a stone's throw away. Even if the geology doesn't change, this threat grows in importance as population grows. Now we have an increasing risk from fire, a risk the hills have always had, but made more severe by climate change and inadequate institutional response.

Third, the Zoning Adjustments Board should appreciate that Samuli Seppälä has put enormous effort into restoring and improving his property, and that the neighborhood benefits from this. He has worked cooperatively with me on drainage issues, and with neighbors on tree trimming. He has continued to allow neighborhood access to the playground. Under these circumstances, within boundaries set by law and public safety, it would be appropriate for the Zoning Adjustments Board to accommodate Samuli Seppälä wherever possible.

Eugene R. Alward

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: ZAB approval of the Seppala application

-----Original Message-----

From: Patricia O'Gillooly [mailto:11patog@gmail.com]
Sent: Wednesday, October 23, 2019 1:34 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: ZAB approval of the Seppala application

Sent from my iPad

I live close to the Seppala application property and want to support ZAB approval of the Seppala Application.

Respectfully
Patricia O'Gillooly
Homeowner

From: Zoning Adjustments Board (ZAB)
Subject: FW: I supports"Sam" plans for the play ground property.

-----Original Message-----

From: Wanita Murphy [mailto:wanita.r.murphy@gmail.com]

Sent: Wednesday, October 23, 2019 5:33 PM

To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>

Subject: I supports"Sam" plans for the play ground property.

Wanita murphy 1530 LaLoma Ave

Sent from my iPad

SUPPLEMENTAL ITEM RD2 - 1518 LEROY

ZAB 10-24-2019


Page 27 of 33



Department of Fire and Emergency Services
Office of the Fire Chief
David Brannigan, Fire Chief

Land Use Planning
Received
October 23, 2019

To: Land Use Planning Division, 1947 Center Street, Second Floor, Berkeley, CA 94704

From: Dave Brannigan,  Fire Chief, City of Berkeley Fire Department

Subject: Hillside School, 1581 Le Roy Avenue, Berkeley CA 94708, Use Permit # ZP2019-0061

The property at 1581 Le Roy Avenue lies within Berkeley's Fire Zone 2 and as such is subject to applicable codes related to vegetation management, building construction, and inspections. All properties in this area are required to maintain defensible space and comply with building code requirements to harden structures against the threat of wildfire.

The Berkeley Fire Department coordinates city-wide planning, training, and exercises for public evacuation and multi-department response for a wildland urban interface fire. These plans and exercises focus on evacuation through public rights of way in existing transportation networks. The neighborhood surrounding 1581 Le Roy Avenue is representative of the hills with winding, irregular streets and public paths and stairs that connect streets such as the Hill Court Steps. Within one to two blocks west and south of site, the roadway network is a grid. A less typical feature that this neighborhood has are sidewalks on many of the streets.

1581 Le Roy is not public property nor does it contain a public right of way and therefore we do not consider it an official option for evacuation routes or a temporary area of refuge such as our public schools and parks in the area. While the property is well suited to be a temporary area of refuge for firefighters and possibly the public, it is private property, and we do not plan to count on it regardless of the use of the property. The need and availability will be considered in the event of a wildland urban interface fire.

The Fire Department is leading the new Safe Passages program which identifies narrow rights of way and improves access and egress to them through parking restrictions, dedicated fire lanes, and vegetation management throughout Fire Zones 2 and 3. This work will also include public paths and stairs. Limited staff resources mean that areas to be treated will be prioritized by risk and other factors including neighborhood input. Concerns about evacuation in and around this neighborhood will be factored in to prioritize it for assessment and treatment through the Safe Passages program.

The structure itself at 1581 Le Roy is protected by a slate roof which is ideal to resist wildfire. The building also has fire sprinklers which are being reviewed in the permitting process and may need to be upgraded for a residential property. As of October 23, 2019 the property's vegetation is fairly well maintained in regards to defensible space and reduction of ladder fuels that can carry a grass fire into the tree canopy.

Received
OCT 22 2019
Land Use Planning

2560 Hilgard Avenue
Berkeley, CA 94709
October 18, 2019

Secretary
Zoning Adjustment Board
1947 Center Street, Second Floor
Berkeley, CA 94704

RE: 1581 LeRoy Avenue/Use Permit #ZP2019-0061

Dear ZAB Secretary:

As a long time neighbor of the former Hillside School, I am writing in support of the application of Samuli Seppala to convert the Hillside School property to residential use. The changes he is requesting are fully reasonable and acceptable to me as a neighbor.

I'm not an immediate neighbor. I live about three blocks away. But Hillside School has been an important landmark to me and my family since we moved here in the late '80's. Our son used to shoot hoops in the playground. Our younger daughter took summer art classes that were held in the then-rented-out school. We attended community concerts in the theater. We appreciated the moldering beauty of the building and we always always wanted it to be saved and preserved. Our hopes were raised when the German International School took it over. We were then sorely disappointed when they put the school on the market and we were very afraid of what might transpire.

But now, I think that as a community we have been unbelievably lucky to have Mr. Seppala as the new owner. He is restoring it beautifully. He has respect for its design and history. He has worked with the neighbors and consulted us. The property looks better than it has looked since we first moved here. He's addressed the earthquake issues. He's continuing to provide community access to some of the playground and the walkway through the property. He's using the property for interesting work in the arts, rather than trying to wring the last nickel out of it.

Please approve this permit. Thank you for your consideration.

Sincerely yours,



Eleanore Lee

From: Zoning Adjustments Board (ZAB)
Subject: FW: SEPPALA application for

From: JoAnn Lorber [mailto:berkeleylions@gmail.com]
Sent: Wednesday, October 23, 2019 10:11 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: SEPPALA application for

As a longtime LeRoy resident, I would like to register my unconditional support of the pending change of use application of Mr. Seppala. His enhancements to the former school property have been nothing short of amazing and his future plans sound quite exciting - I believe that he is and will continue to be a wonderful neighbor.

Please APPROVE his application.

Thank you.

JoAnn Lorber
1596 Le Roy Avenue

From: Zoning Adjustments Board (ZAB)
Subject: FW: Former Hillside School - Seppala application to ZAB

From: andrew [mailto:apstandley@gmail.com]
Sent: Tuesday, October 22, 2019 9:59 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Former Hillside School - Seppala application to ZAB

Dear Members of the ZAB,

I am writing as a resident of 2525 Hill Court to support the Change of Use application submitted by Mr S Seppala regarding the former Hillside School. I believe the proposed use for the building will be beneficial to the immediate neighborhood and to the wider community. The insistence expressed by some residents that Mr Seppala establish "in perpetuity" a public right of way along the LeRoy-Buena Vista sidewalk strikes me as excessive.

Sincerely,

Andrew Standley

From: Zoning Adjustments Board (ZAB)
Subject: FW: Hillside School

-----Original Message-----

From: Sophia Skoda [mailto:sophiaskoda@yahoo.com]
Sent: Tuesday, October 22, 2019 10:24 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: Hillside School

Dear ZAB,

I am writing in support of the Seppala change in use permit.

Sincerely,

Sophia Skoda
2567 Rose Street
Berkeley, CA

From: Zoning Adjustments Board (ZAB)
Subject: FW: REF 1581 Le Roy Avenue, Use Permit #ZP2019-0061
Attachments: Brekeley Hillside Project.pdf

From: Kairos Youth Choir [mailto:kairoschoir@gmail.com]
Sent: Wednesday, October 23, 2019 10:26 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: sam@verk.com
Subject: REF 1581 Le Roy Avenue, Use Permit #ZP2019-0061

To whom it may concern:

Kairos Music Academy - Home of the Kairos Youth Choir would like to offer their support for the proposed project of turning the former Hillside Elementary school into an artist space. We believe Berkeley and Bay Area artists and small organizations would greatly benefit from such initiatives. Please see below our endorsement letter.

Thank you very much,

Sofia Tudose
Administrative Director

Kairos Music Academy
kairoschoir@gmail.com
www.kairosmusicacademy.org

1953 Hopkins Street
Berkeley, CA 94707
510-918-3735
[Like us on Facebook!](#)

"We circle the Earth with song..."

Kairos Music Academy
1953 Hokins St, Berkeley
CA 94707



ATTN: Zoning Adjustments Board

REF: Use Permit #ZP2019-0061

To whom it may concern, this is a support letter regarding Samuli Seppala's project of transforming the former Hillside Elementary School into an artist space.

Upon hearing about the acquisition of the space, we contacted Mr. Seppala in the hopes of getting a chance to perform in the splendid Auditorium of the building. He informed us of his intended project of transforming the space into an artist space – an initiative that would greatly benefit artists and art organizations in Berkeley and the East Bay.

Kairos is a local Youth Choir. We've been around for 30 years and the recent years have presented new challenges for us in the sense that costs associated with rent and performance spaces have become prohibitive. As a small nonprofit with a significant scholarship program we end up most of the times having to compromise in choosing performance spaces for our concerts, or not holding a concert all together.

Before the school closed, Kairos performed several times in the Auditorium, which has incredible acoustics. With the proposed transformation, we hold on to the hope that we could rent the space in the future.

Having read Mr. Seppala's project, I am given the impression that the beautiful historic building is being given a unique chance of recovery. More than that, the project opens the door to artists and creators. A much-needed space in the current Bay Area environment.

It's also important to recognize that with Mr. Seppala's initiative, the historic building would also be available to the public and would become a resource for art innovation. Having read the proposal, I do believe that the neighborhood and Berkeley would benefit greatly from such a space.

Thank you for considering our opinion. Please contact us if you would need more information,

Sofia Tudose
Administrative Director – Kairos Music Academy
(510) 944-2443

Laura Kakis Serper
Musical Director and Founder – Kairos Music Academy
(510) 332-1108

October 24, 2019

Attention: Land Use Planning Division Secretary
Regarding: 1581 LeRoy Avenue, Use Permit #ZP2019-0061

Late Communications
Zoning Adjustments Board

OCT 24 2019
RECEIVED
at Meeting

Dear Sir or Madam:

I am writing to express my concerns about the development proposal for the playground and pathway for Hillside Property at 1581 LeRoy Avenue (Use Permit #ZP2019-0061).

Hillside Property, nestled on the hillside between Buena Vista and Le Roy, has National Historic Landmark Status. While the landmark designation is only for the building and does not include the larger area surrounding the building the two are integrally intertwined. The plan in front of the Land Use Planning Division to transform the area surrounding the building into a private 18-space parking lot with sheds and surrounding fence, gate and driveway will permanently negatively affect the visual appreciation of this magnificent historic landmarked building and the neighborhood.

Hillside Property is in a residential neighborhood and connects two narrow streets, Buena Vista and Le Roy, through the historic Buena/Vista Le Roy path. The path has been used by generations of residents. It is part of the socio-cultural fabric of the neighborhood and is in use all the time. The plan in front of the Land Use Planning Division will compromise and potentially permanently cut off access to this path and render the area unsafe for walking or bicycling due to the significant anticipated increase in moving vehicles pulling in and out of the area for parking and the need to walk on the street.

Hillside Property is in a historic neighborhood with small streets and narrow passages in a designated wildfire area that can easily become congested and impassable in an emergency. The Berkeley City Council just recently voted on a resolution to prepare and protect our neighborhoods from the devastating effects of wildfires such as the Berkeley Hills fire of 1923 and the Oakland Hills fire of 1991. A wildfire in the Berkeley Hills is projected to endanger the lives of 10,000 to 15,000 residents who would be forced to evacuate down century old roads. The plan in front of the Land Use Planning Division is counter to the objective of the resolution; it will significantly increase congestion and obstruct circulation for public safety.

Sincerely,



Martine Kraus, PhD
1481 Greenwood Terrace
Berkeley, CA 94708

Communication regarding the Zoning of 1581 Le Roy Ave., Use Permit #ZP2019-0061

October 22, 2019

Zoning Board
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Dear Members of the Zoning Board,

We are residents of Berkeley at 1544 Le Roy Avenue since 1999.

We are writing to request that the Zoning Board require an easement to protect the path from Le Roy to Buena Vista from present and/or future obstruction of the path. This public path has been a feature of this neighborhood and of public safety. The present owner has indicated he will currently allow for public access. However, only an easement will assure residents that his present good intentions will translate into permanent public access.

We are also asking the Zoning Board to keep the playground as accessible open space and not to convert it into a parking lot. This open space represents a place of safety during earthquakes and fires. Residents of Le Roy Avenue have used on-street parking throughout the years and will continue to do so. Users of 1581 Le Roy Avenue should do the same.

Thank you for your attention to our request.


Silvia Bustamante


Carlos Bustamante

Late Communications
Zoning Adjustments Board

OCT 24 2019

RECEIVED
at Meeting

RENA RICKLES
ATTORNEY AT LAW

1970 BROADWAY, SUITE 1200
OAKLAND, CA 94612
TEL: (510) 452-1600 • FAX: (510) 451-4115

October 22, 2019

Late Communications
Zoning Adjustments Board

Chairperson Shoshana O'Keefe
Members, Zoning Adjustments Board ("ZAB")
1947 Center Street, 3rd Floor
Berkeley, CA 94704

OCT 24 2019
RECEIVED
at Meeting

Via email: zab@cityofberkeley.info; cjensen@cityofberkeley.info

Re: Hillside School Project, 1581 Le Roy Avenue; Response to issues raised in October 17, 2019 letter from Rebecca L. Davis, Lozeau Drury LLP

Dear Chairperson O'Keefe and Zoning Adjustments Board Members:

This office represents Sam Seppala who in 2018 purchased 1581 Le Roy Avenue, known to the City and this neighborhood as "Hillside School", a nationally recognized City of Berkeley Landmark, designed by Master Architect Walter Ratcliff.

This letter will focus on the environmental challenge raised by Ms. Davis' opinion under the California Environmental Quality Act ("CEQA") and accompanying expert opinion by Noah Brownlow. It is this office's conclusion that, under the facts of this case, Ms. Davis' opinion and conclusions are without merit.

STATEMENT OF FACTS

HISTORY OF THE SITE: ACCESS BY PUBLIC TO PLAYGROUND AND PATH

The Hillside school property has had two prior owners: Berkeley Unified School District ("BUSD") and the German International School ("GIS"). Both the public and private school owners of the Hillside Property, allowed public access-- subject to time, place and manner conditions-- to a north to south pathway intersecting the school property as well as to portions of the school playground.¹ For example, the public could not enter onto school grounds (which included the playground and path, during school and after school activity hours, after sunset and during school evening meetings, weekend festivals, or during the summer months when the facilities were leased to other institutions.

¹ Some of the signs limiting access to the playground and the school are attached as Exhibit A.

CONDITION OF HILLSITE SCHOOL SITE AT TIME OF SAM SEPPALA'S PURCHASE.

From 2014 when the GIS vacated the property until 2018 when Sam Seppala purchased the property, the school building and grounds were essentially abandoned. When Sam first looked at the school, he saw an exquisitely designed structure that was, sadly, in serious risk of succumbing to a Wildland fire due to the combined effect of an inoperable fire prevention system and rooms full of junk, dust and debris.

The playground area had benches/tables with exposed nails. The rest of the exterior was covered with dry leaves and debris all providing fuel to a wildland fire. The neighborhood, he said, " had done very little in terms of keeping path or playground clean, safe or free from debris; the western part of playground was unusable." Metal bollards blocked fire truck access through the path and the property suffered regular break-ins and was covered with graffiti.

SAM'S VISION FOR THE SITE; INTERACTION WITH NEIGHBORS

Sam saw what the school and grounds could be; he fell in love with the "bones" of the Walter Ratcliff masterpiece, the majestic setting, the spectacular views—a perfect place to make his home in America and to create his dream of an incubator space for struggling artists to enhance their skills and create their work. What a find: a new home in a city known for politics, ideas and principles so close to those of his home country—Finland.

Sam, also a savvy investor, knew that the cost of restoring Hillside to its original beauty would be significant, well into the seven figures and, Sam had the resources to do that work. The fact that the surrounding neighborhood would want to know everything about Sam and his plans was also no surprise. Even before purchasing Hillside, Sam met with, talked with and shared his vision with the surrounding neighbors and offered tours of the school and the grounds. The neighbors were unanimously highly appreciative of the work Sam had done and would do to restore what they saw as a crumbling resource. Some neighbors wanted to continue their prior use of the playground and path. Sam agreed to allow that access. What Sam did not agree to was the demand from a small group of those neighbors' (now calling themselves the "Hillside Path and Playground Preservation Association" "HPPPA"), that in trade for their support of his project, Sam give them a permanent easement over his property for the path and playground, essentially an easement that would grant them unlimited use of the path and playground—an ownership right that they had not had before. Sam could not grant that² request.

² Sam stated that , "“I'm totally committed to preserving the path and keeping it accessible to the public. But because I'm the one responsible for the liability and property tax, I need to be able to control the time and manner of its use.”"

The Comment Letter filed on behalf of a nom de plume: Hillside Path & Playground Preservation Association "HPPPA") while well-written and reasoned contains a fatal flaw: the challenge is based upon a non-existent issue, then analyzes the environmental impacts of these alternative facts, and, as a result, arrives at erroneous factual and legal conclusions based upon the erroneous alternative facts; and, as a such, their California Environmental Quality Act ("CEQA") challenge fails.

This challenge is based upon this "fact": This project reverses a 93-year continuous history of unlimited public access to the Hillside School's playground and path, because Sam is now denying access to both areas. The facts show something else entirely: 1) that Sam is allowing access, and 2) that during those 93 continuous years, the public's access to the playground and path, was limited by the then owner's limitations on time, places and hours of said use.

From the first meetings through the present, Sam Seppala has assured the neighbors that he would continue the access permitted by the prior owners to the path and playground. As did the previous owners, Sam wanted to be able to restrict the public use to times when his uses and that of the public would not be in conflict. Sam, as did both prior owners, has responsibility for the safety of all who come onto the premises, thus he, too, wanted to limit the hours of access and assure that the premises were safe. He also, as did the prior owners, wanted the ability to limit access if persons were using his property in an unsafe way. In fact, by removing the metal bollards that blocked the path, Sam increased the path's availability to the public. Therefore, the allegation that the public's access to the path and playground are changed by this application are patently false, and, any legal conclusions based on those allegations, including those based on CEQA, must fail.

HPPPA's claims that the path and playground cannot be altered under the dictates of the National, State and Local landmark designation are a misreading of landmark designations generally, and the specifics of the Hillside School Landmark designation.

While the Hillside School and its property were mentioned in the City Landmark Application and Approval, the playground and the path are NOT mentioned in City Landmark Application Approval (dated 6/29/82) as historical features; nor are those areas checked on final approved National Register Inventory Nomination Form (Section 8, p.4); and are NOT described or mentioned at all in Statement of Significance (Section 8, pp. 4-5). Because the path and the playground are not listed as features to be preserved, they may be altered (physically and by use), repaired or removed so long as by so doing these

alterations do not negatively impact the features to be preserved or the landmark itself.

This is especially true where, as here, the City of Berkeley Landmarks Preservation Commission (“LPC”) approved this application, including the alterations now before the ZAB, and found them consistent with the Secretary of Interior Guidelines .

Staff’s CEQA Staff Analysis and Conclusions are correct both as a matter of fact and law; HPPPA’s claims to the contrary, because they are based on misstatements of case and statutory law and/or rely upon non-existent conditions or created, hypothetical information, must be disregarded.

The City correctly applied the Historic Resource Restoration/Rehabilitation, Class 31, CEQA exemption to this Application; the proposed project does not defeat this Exemption.

First, HPPPA focuses on only one of the three exemptions relied upon by Staff. The City applied three Categorical Exemptions to the project before the ZAB, only one of which is the Class 31 Exemption. The City [Staff] found that work related directly to the Landmark itself and the alterations thereto fell completely within the scope of the specific language of Class 31 (14 CCR Sec.15331); that finding is correct.

Second, the other work, called out by HPPPA (altering the existing roof deck³, installation of an outdoor swimming pool and hot tub, adding an elevator, and adding artists sheds and repurposing the playground) that are part of this application, satisfies both the criteria of Class 31 because of the findings by the LPC, and also because said work falls under other exemptions cited by Staff: Sec. 15301, “Existing Facilities”, and 15303, New Construction or Conversions of Small Structures.”

The CEQA exemptions are correctly applied to this project and cannot be defeated by the Unusual Circumstances exception.

The HPPPA incorrectly applies the language and holding in the *Berkeley Hillside Preservation v. City of Berkeley* (2015)60 Cal.4th 1086) to defeat this project. In that case another nom de plume, “Berkeley Hillside Preservation”, under the Unusual Circumstances exception, unsuccessfully challenged the City Council’s decision to grant, based upon a CEQA exemption, the construction of a 10,000 sq. ‘ project (6,000 sq.’ house; 4,000 sq.’ garage and accessory building). There the “Association” claimed that size of house was unusual, and therefore required a full

³ HPPPA incorrectly labels the roof deck as new; it exists and is merely being altered and expanded)

CEQA analysis. The California Supreme Court dismissed that claim as a misreading of the exception. Without a direct nexus (that the activity itself will have a significant effect due to the unusual circumstances) between the alleged unusual circumstances and a specific adverse environmental effect, the unusual circumstances exception cannot defeat the CEQA exemption. *Berkeley Hillside*, p.1097).

The circumstances, under the facts of this case, are not unusual (*Berkeley Hillside*, 1105)

Here, HPPPA, claims, without factual support, that Hillside School Historic Landmark is unusual (unlike) others in its class because it is located in a wildfire area. First, there is no evidence that it is unusual for historic structures to be located in a designated wildfire area. "Every landmarked building in Berkeley east of Shattuck, approximately 500 structures, are in the California fire zone," Jerri Holan, FAIA, certified with the State of California as a Historic Resource Consultant. Second, in *Berkeley Hillside*, the determination of "unusual" is to be determined based on the conditions in the immediate vicinity. The entire immediate vicinity is also in the wildfire area. HPPPA has the burden of proof to show both that the circumstances themselves are unusual and that the significant impact are due to the unusual circumstances. (*Berkeley Hillside*, p.1098). HPPPA has failed to meet their burden of proof and the allegation of "unusual circumstances" exception as applied to the facts in this case, cannot defeat the exemption. (*Berkeley Hillside*, p. 1105)

THERE ARE NO FACTS THAT SUPPORT THAT THIS PROJECT WILL HAVE A SIGNIFICANT IMPACT ON PUBLIC SAFETY; THIS PROJECT WILL NOT DENY PUBLIC ACCESS TO THE PLAYGROUND OR THE PATH; THE ASSOCIATION'S CLAIMS TO THE CONTRARY ARE BASED ON SPECULATION, UNSUBSTANTIATED OPINION OR EVIDENCE WHICH IS CLEARLY ERRONEOUS

Since the uncontroverted evidence is that Sam Seppala assured the neighborhood that he will not prevent public access to the path or playground,⁴ HPPPA's claim to the contrary is based their unsubstantiated mistrust of Sam or their fear regarding a hypothetical new owner.

Acceptable evidence to support a finding is evidence that provides the logical step between the ultimate decision and the facts in the record. (Public Resources Code, Section 21082.2 (c)). This includes facts, reasonable assumptions predicated on those facts, and expert opinion supported by facts. (*Ibid.*) Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous is clearly not acceptable evidence. (Cal. Pub. Resources Code Sec. 15384 (a)).

⁴ In every written communication to the neighbors as well as in formal and informal meetings with the neighbors, Sam has said that he won't block public access to the path and playground.

Here, as stated in every representation of Sam's position, except that in the HPPPA attorney letter, Sam has assured the neighbors that he will not deny access to the path or playground. He does, as did both prior owners, want to control the time place and manner of that access. The continuation of previously allowed public access cannot have a significant impact on public safety.

HPPPA's Wildfire Expert's analysis is not based on the facts, it is based on a possible hypothetical situation.

If this project presents no change in the public access to the path and playground, what is the issue? The issue as articulated by [presumably] the members of HPPPA, is that some unknown future owner may decide to block public access to the path and playground. The "reasonable assumption" based on the investment that Sam has put and will put into the Hillside Property, and that that it will be Sam's permanent home, are that there will not be a future owner at any time in the foreseeable future. It is only some neighbors' "speculation" on an unknown future event or unsubstantiated hypothetical situation that supports their loss of access claim.

HPPPA's wildfire expert's opinion that this project will expose "people and property to risk" fails because it applies to a "fact" that is not part of the application.

HPPPA's counsel takes the same unsuccessful route to their CEQA challenge as did the appellants in the *Hillside case*, cited above. There, appellant's geotechnical expert, who had misread the drawings, asserted that because of the amount of excavated fill and other geotechnical issues, the project would have to in way that a CEQA EIR would be required. The problem: the project before the City Council was not going to be built as described by appellant's expert. The California Supreme Court held that neither the "fair argument" nor "unusual circumstances" exceptions may be used to challenge an exemption when the challenge is based upon a project that is not before the decision maker. (*Berkeley Hillside at p. 1119*). Here, too, HPPPA's expert relies on a situation that is not present in this project.

Even if public access to this path and this playground were denied as a result of this project's approval, which it is not, the facts here show that people's lives may be endangered by using them during wildfires, earthquakes and landslides.

- The Le Roy/Buena vista path runs north to south. The path to safety in a wildfire in this area is east to west. Lateral travel would be dangerous. There are at least two paths in this immediate area which run east to west. These are the paths that will save lives (Exhibit B);
- Congregating in this schoolyard/playground in the case of wildfire and for that matter earthquake and landslide endangers lives: with a hillside wildfire, speed at getting to a safe place, not congregating, saves lives.

Since the playground is on an earthquake fault and in the center of a landslide path, it is common knowledge that the playground would not be a safe place to congregate in either situation ;

- Should emergency personnel determine that it needs the playground for staging emergency personnel, nothing would prevent their access to the playground. Property owners with gated properties are required to have a lockbox for firefighter access;
- That won't have to happen in this case as the art park is designed to preserve the large open space in front of the school and thus preserves access to emergency vehicles if needed;
- **Based on the above**, both Public Works and Public safety staff confirmed that this site has not been identified as a possible location for City-sponsored public safety response, activities or services. (Staff Report, p. 13)

HPPA's attorney letter asserts the Conditions imposed by the LPC Alteration Permit Approval constitutes "mitigations" defeating the Categorical Exemptions. This, too, is incorrect: Although the Project Includes Standard Conditions of Approval, the Project Retains its Categorical Exemption because Standard Conditions are not Mitigations for Significant Environmental Impacts.

This project contains standard conditions of approval, which are not "mitigations" for significant environmental impacts under the California Environmental Quality Act. A "project" is "the whole of an action" and the focus is upon the "activity which is being approved" as a whole. CEQA Guidelines § 15378(a); Association for Protection of Community Values v. City of Ukiah (1991) 2 Cal.App.4th 720. In Ukiah, the Court of Appeal upheld a construction of a single-family home which included conditions of approval pertaining to the construction.

Cases where an incorporated action will cause significant environmental impacts and precludes an exemption include when there are adverse impacts on habitat of threatened or endangered species. Salmon Protection and Watershed Network v. County of Marin (2004) 125 Cal.App.4th 1098. In Salmon Protection, the County of Marin had previously designated the area proposed for a categorical exemption as an area of "critical concern" for habitat of endangered species.

In the instant case, the conditions imposed here are required of almost every project in the City of Berkeley, and their inclusion has not precluded the proper use of a categorical exemption under CEQA nor should they be.

THIS PROJECT, AS PROPOSED, SOLVES PROBLEMS; IT DOES NOT CREATE THEM

Sam Seppala has already undertaken steps and invested in Hillside School to reduce existing fire hazards, eliminate blight, and to make it more attractive for the community.

From the date that Sam Seppala purchased Hillside School, he invested heavily in rectifying the ravages of years of neglect, and in beautifying the premises, including:

- Serviced the entire fire sprinkler system;
- Fire extinguishers and hoses: Serviced/ brought up to current code requirements, and added fire extinguishers and hoses;
- Installed wireless smoke detectors w/remote monitoring;
- Ongoing repair of extensive dry rot and termite damage
- The path: Replaced fixed metal bollards with flowerpots; flowerpots, unlike metal bollards can be easily moved / pushed away by firetruck;
- School interior: Cleaned, removed dust, wooden furniture significantly reducing fire load;
- Repaired major window damage in over 30% of the building;
- Exterior yards: Started bi-monthly trimming/cutting of the grass;
- Yards: Removed thick layer of leaves and debris which had accumulated for years;
- Launch bi-annual trimming of the trees, bushes and other landscaping; and
- Replaced all fluorescent lights with LEDS.

This proposed project and elements thereof further reduce the inherent fire danger in this area and further enhances the aesthetics of the community;

Many elements of Sam's proposal make this area safer in the event of a wildfire:

- The proposed open-air pool will also act as an emergency cistern to provide additional water to fire hoses / sprinklers;
- The design of the art park will retain the large open space in front of the playground thereby maintaining spaced needed for emergency personnel;
- Sam has agreed to allow the neighborhood to locate a shed to store their emergency supplies;
- The on-site parking spaces reduce impacted street parking allowing for a greater street width to accommodate emergency vehicles. The streets surrounding Hillside Schools are heavily impacted by outside vehicles during Cal's sports and other major events. (Exhibit C)

The investment in the restoration of the Hillside School Building and the creation of the art park enhance the neighborhood.

- In the four years since GIS vacated the premises, the Hillside School building fell into crumbling disrepair; the fire safety features were no longer serviceable. In the case of fire, the structure would contribute to and add fuel to the maelstrom.
- By expanding and bringing the building's fire safety system into total compliance, the school can serve as a barrier in case of a wildfire;
- The investment in refurbishing, restoring the school re-establishes the aesthetic centerpiece to the community and the city;
- The art park brings art to the community reversing the dynamic of a passive empty space in the center of the community.

CONCLUSION

The HPPPA letter is simply wrong. Its linchpin complaint, that Sam has denied access to the LeRoy/Buena Vista north south path and playground, is patently false. Access to both of those resources will continue as before. Thus, there is no impact, let alone a significant impact on the environment by this proposal. The August 1, 2019 LPC findings and decision on the Alteration permit, evidence that historical resource exemption is correctly applied to this project.

The Hillside School is located on a sensitive, beautiful, and dangerous site. This project reduces the dangers and brings life to the entire area. Rather than creating environmental impacts, this project solves existing problems.

The HPPPA members are asking the ZAB to stop this project or put it through a lengthy environmental review because Sam Seppala won't give them what they are not entitled to have—an ownership interest across and over his property. They didn't have those rights before; they are trying to get them now by holding this project hostage to their demands .

On behalf of Sam Seppala, the Hillside School Landmark and those who will benefit from it, I ask you to affirm the Staff Report and vote yes on the application.

Very truly yours,

Rena Bickel



Right to pass by permission and subject to control of owner

Section 1008 Civil Code

SCHOOL GROUNDS

NO LOITERING NO TRESPASSING

CLOSED BETWEEN SUNSET AND 6 A.M.
PRIOR VISITOR APPROVAL REQUIRED
FROM THE PRINCIPAL

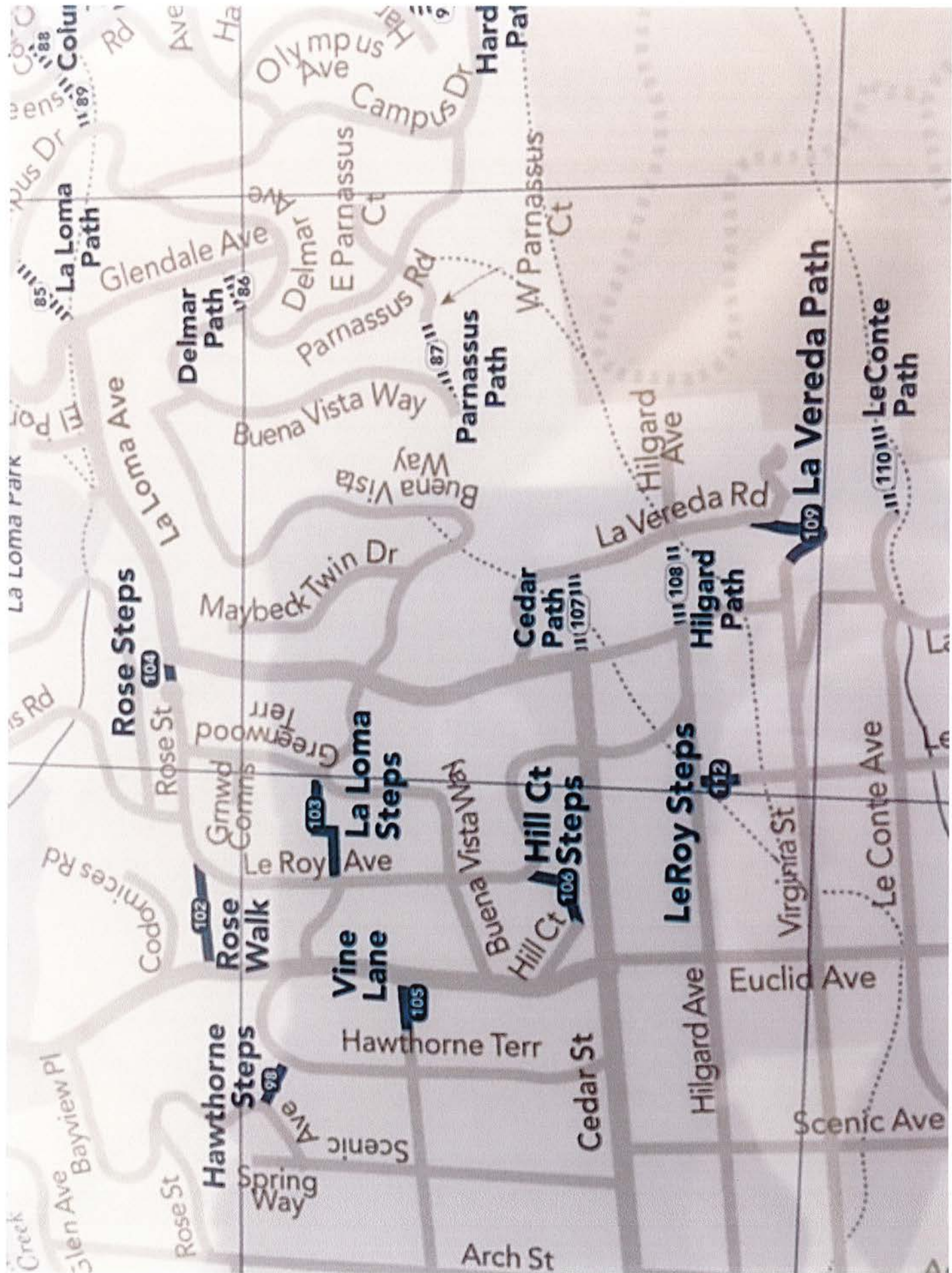
TO ENTER SCHOOL WHILE IN SESSION

C.E.C. 32210 B.M.C. 13.36.040

C.E.C. 32211 B.M.C. 13.52.010

C.E.C. 32212 P.C. 627-627.11

BERKELEY UNIFIED SCHOOL DISTRICT







ITEM #: 6 ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 - LeRoy Hillside
(Project Address)

NAME Brian Sexton
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 760-330-7651 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 LEROY HILLSIDE
(Project Address)

NAME HORST HAUSSECKER
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 650-666-5326 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10-24-19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 LeRoy
(Project Address)

NAME Jaron Steensma
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 707-975-5480 DATE 10-24-19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy
(Project Address)

NAME Katja Elliott
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER Artist, musician

SIGNATURE: [Signature]

PHONE 415 335 5380 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/14/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 LeRoy Hillside
(Project Address)

NAME Corinne Hausted
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE (650) 804-8981 DATE _____
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10-24-19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 LeRoy
(Project Address)

NAME Beverly Cheney
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 510 540-8663 DATE 10-24-19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 LE ROY
(Project Address)

NAME DAVID HELFANT
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: _____

PHONE _____ DATE _____
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave
(Project Address)

NAME Joshua Piorth-Scott
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 323-633-9206 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 LeRoy Avenue
(Project Address)

NAME J. B. Masten
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

OTHER RESIDENT BUSINESS OWNER _____

SIGNATURE: [Signature]

PHONE 510-540-0473 DATE 10/24/19
(In case we would like to contact you)

ITEM #: _____ ZAB DATE: _____

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC _____
(Project Address)

NAME Eric Masten
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

OTHER RESIDENT BUSINESS OWNER _____

SIGNATURE: [Signature]

PHONE 510 390-3223 DATE _____
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 LeRoy
(Project Address)

NAME Avrum Gratch
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

OTHER RESIDENT BUSINESS OWNER _____

SIGNATURE: [Signature]

PHONE 510 540 8663 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10-24-19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 LeRoy Avenue
(Project Address)

NAME Thomas Odes Math
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

OTHER RESIDENT BUSINESS OWNER _____
need more info on safety

SIGNATURE: [Signature]

PHONE 510 967 1086 DATE 10-24-19
(In case we would like to contact you)

ITEM #: #6 ZAB DATE: 10-24-19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave

NAME OREN LEIMAN (Project Address)
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER
OTHER _____

SIGNATURE: [Signature]

PHONE 415-577-9050 DATE 10-24-19
(In case we would like to contact you)

ITEM #: Le Roy Hillside 6 ZAB DATE: Oct. 24, 2019

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave

NAME NORMA LYDON (Project Address)
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 510 644-0064 DATE 10-24-19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Leroy

NAME JANA OLSON (Project Address)
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 486 0481 DATE 10/24
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Leroy

NAME Roger Carr (Project Address)
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 510 486 0481 DATE 10/24
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave
(Project Address)

NAME PAUL BICKMORE
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER _____

SIGNATURE: _____

PHONE _____ DATE _____
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: _____

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave
(Project Address)

NAME Pam Gleason
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER
OTHER _____

SIGNATURE: Pam Gleason

PHONE 570-365-7835 DATE 10/24/19
(In case we would like to contact you)

ITEM #: Le Roy Hillside 6 ZAB DATE: 10/24/2019

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC Le Roy Hillside
(Project Address)

NAME PETER LYDON
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: Peter Lydon

PHONE 510-644-8064 DATE 10/27/2019
(In case we would like to contact you)

ITEM #: ZPA2019-0061 6 ZAB DATE: Oct 24, 2019

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave.
(Project Address)

NAME RICHARD MAINS
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: Richard Mains

PHONE 510-847-6996 DATE Oct 24, 2019
(In case we would like to contact you)

ITEM #: 6-2P2019-0061 ZAB DATE: 10/24/2019

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave. - Millside School

NAME Clark Scheffy
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: Clark Scheffy

PHONE 510 502 4337 DATE 10/24/2019
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 6) 1581 Le Roy Ave.

NAME Silvia Bustamante
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER _____

SIGNATURE: _____

PHONE _____ DATE _____
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave.

NAME Greg Murphy
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: Greg Murphy

PHONE 510-644-9415 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: Oct. 24 2019

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave

NAME Richard Drury
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT _____ BUSINESS OWNER _____
OTHER Lozary Drury LLP

SIGNATURE: Richard Drury

PHONE 510-836-4200 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave

(Project Address)

NAME Sondra Schlessinger
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER

OTHER _____

SIGNATURE: Sondra Schlessinger

PHONE 510-843-3820 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 6

(Project Address)

NAME Afred Tuu
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER

OTHER _____

SIGNATURE: Afred Tuu

PHONE _____ DATE _____
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave

(Project Address)

NAME MICHAEL SCOTT
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER

OTHER _____

SIGNATURE: Michael Scott

PHONE 510-849-4280 DATE 10/27
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy

(Project Address)

NAME Tanya Orsini
(Please Print) to be sure we spell your name correctly)

SUPPORT OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER

OTHER _____

SIGNATURE: Tanya Orsini

PHONE 786-531-3145 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy
(Project Address)

NAME Emma Sordet
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE _____ DATE 10/24
(In case we would like to contact you)

ITEM #: 6 ZP2019-006 ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave
(Project Address)

NAME MARTIN LORBER
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 510-848-0702 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: 10/24

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy
(Project Address)

NAME SAM SUPPANA
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION _____
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 305-766-0679 DATE 10/24
(In case we would like to contact you)

ITEM #: 6 ZAB DATE: _____

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 Le Roy Ave
(Project Address)

NAME Linda Feldman
(Please Print- to be sure we spell your name correctly)

SUPPORT _____ OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER _____
OTHER _____

SIGNATURE: [Signature]

PHONE 510 540-7310 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6

ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 - Le Roy Hillside

NAME RENA RICKLES
(Project Address)
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER
OTHER

SIGNATURE: Rena Rickles

PHONE 510-462-1600 DATE 10/24/19
(In case we would like to contact you)

ITEM #: 6

ZAB DATE: 10/24/19

CITY OF BERKELEY
ZONING ADJUSTMENTS BOARD
REQUEST TO ADDRESS THE BOARD

AGENDA TOPIC 1581 LE ROY AV HILLSIDE

NAME VERONICA PETERSEN
(Project Address)
(Please Print- to be sure we spell your name correctly)

SUPPORT OPPOSITION
(Optional)

RESIDENT BUSINESS OWNER
OTHER

SIGNATURE: [Signature]

PHONE 607689-7600 DATE 10/24/19
(In case we would like to contact you)



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

LANDMARKS PRESERVATION COMMISSION

ACTION MINUTES

Date: Thursday, June 6, 2019
Time: 7:09 PM
Place: 1947 Center Street, Multi-Purpose Room (Basement Level)
Attendees: Approximately 50

1. ROLL CALL

Matthew Abranches Da Silva
Phil Allen
Roya Chagnon
Kathleen Crandall
Steven Finacom
Carrie Olson (substitute for Christopher Adams)
Becky O'Malley
Paul Schwartz

2. EX-PARTE COMMUNICATIONS

- A. Chair Finacom disclosed that all Commissioners have been given the opportunity to view the sites and gardens of 1440 and 1450 Hawthorne Terrace. The Ad-Hoc Subcommittee visited 1450 Hawthorne on February 21, 2019 and visited 1440 Hawthorne on April 10, 2019. Other Commissioners visited 1450 Hawthorne on June 5, 2019, to view the gardens.
- B. Commissioner Allen disclosed that he had communicated [via email] with the applicant for 1915 Fourth Street to discuss the Spenger's Fish Grotto building.

3. PUBLIC COMMENT on Non-Agenda and Information Items – None.

4. AGENDA CHANGES

Motion: To reorder the Agenda so that items 5F, 5E, and 6A occur (in that order) before item 5A on the Agenda.
M/S/C: Finacom/Crandall
Vote: 8-0-0-0

** INDICATES THAT THE LANDMARKS PRESERVATION COMMISSION RECEIVED DOCUMENTS (NOTICES OF DECISION, STAFF REPORTS, APPLICATION MATERIALS OR CORRESPONDENCE) AS PART OF THE PACKET THAT WAS DELIVERED PRIOR TO THIS MEETING.

5. ACTION

F. [1581 Le Roy Avenue](#) – Structural Alteration Permit (#LMSAP2019-0004) application for the Hillside School property**

Open the public hearing and then continue the Commission's consideration of a request to make exterior alterations at a City Landmark property, in accordance with BMC Sections 3.24.220 and 23E.12.020.

Motion: To open the public hearing and continue to a date to be determined.

M/S/C: Schwartz/Olson

Vote: 8-0-0-0

16. ADJOURN – 10:52 PM

Motion: To adjourn the meeting.

M/S/C: Finacom/Crandall

Vote: 8-0-0-0

** Indicates that the Landmarks Preservation Commission received documents (notices of decision, staff reports, application materials or correspondence) as part of the packet that was delivered prior to this meeting.



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

LANDMARKS PRESERVATION COMMISSION

ACTION MINUTES

Date: Thursday, August 1, 2019
Time: 7:03 PM
Place: 1947 Center Street, Multi-Purpose Room (Basement Level)
Attendees: Approximately 30

1. ROLL CALL

Abranches Da Silva
Allen
Chagnon
Crandall
Finacom
Olson (Substitue)
O'Malley
Schwartz (departed at 10:20PM)

Leave of Absence: Adams

2. EX-PARTE COMMUNICATIONS.

- A. Chair Finacom disclosed that he received a voicemail from the lawyer representing the property owners of 1440 Hawthorne Terrace and the lawyer representing the property owners of 1450 Hawthorne Terrace requesting the public hearings be continued, and did not return either of their calls.
- B. Commissioner Olson disclosed that while she was volunteering at the Berkeley Architectural Hertiage Association (BAHA) she helped the applicant of the landmark applications for 1440 and 1450 Hawthorne Terrace gather research from BAHA archives, some of which is referenced in the applications.

3. PUBLIC COMMENT on Non-Agenda and Information Items

4. AGENDA CHANGES

A. Consent Calendar

Motion: To add Items 5A and 5B to the Consent Calendar and continue them to the Septmber 5 meeting.

M/S/C: Finacom/Schwartz

Vote: 8-0-0-0

Motion: To approve the Consent Calendar.

M/S/C: Olson/Schwartz

Vote: 8-0-0-0

** INDICATES THAT THE LANDMARKS PRESERVATION COMMISSION RECEIVED DOCUMENTS (NOTICES OF DECISION, STAFF REPORTS, APPLICATION MATERIALS OR CORRESPONDENCE) AS PART OF THE PACKET THAT WAS DELIVERED PRIOR TO THIS MEETING.

B. Other changes

Motion: To move Item 5E for 2526 Hawthorne Terrace to the first Action item.
M/S/C: Olson/Schwartz
Vote: 8-0-0-0

5. ACTION

C. 1581 Le Roy Avenue – Structural Alteration Permit (#LMSAP2019-0004) application for the Hillside School property**

Re-open the continued public hearing and consider a request to make exterior alterations at a City Landmark property, in accordance with BMC Sections 3.24.220 and 23E.12.020.

Speakers: 8

Motion: Re-open the public hearing.
M/S/C: Crandall/Abrances Da Silva
Vote: 8-0-0-0

Motion: To approve per staff findings with revision to the description that clarifies the parking lot itself is not under consideration, only the screening, and the following additional Conditions:

- Metal sheds with final design approval by Subcommittee
- Re-design parking to further reduce visual impact to playground area
- Provide a plan for the maintenance and enhancement of rustic woodland, including a dripline protection zone for trees where no structures or items shall be placed
- Preserve existing paved pathways

M/S/C: Olson/Crandall

Vote: 5-3-0-0

Yes: Abranches Da Silva, Allen, Chagnon, Crandall, Olson; No: Finacom, O'Malley, Schwartz; Abstain: none; Absent: none.

Substitute Motion: To approve per staff findings with revision to the description that clarifies the parking lot itself is under consideration, only the screening, and the following additional Conditions:

- Establish a public access easement
- Allow public access to playground area
- Revise scope of revisions to playground area in order to alter only 0.5 acres
- Preserve the arrangement of existing paths
- Metal sheds with final design approval by Subcommittee
- Re-design parking to further reduce visual impact to playground area
- Provide a plan for the maintenance and enhancement of rustic woodland, including a dripline protection zone for trees where no structures or items shall be placed

M/S/F: Schwartz/O'Malley

Vote: 4 - ___ - ___ - ___ (abandoned)

Yes: Allen, Finacom, O'Malley, Schwartz

15. ADJOURN – 10:43 PM

Motion: To adjourn.
M/S/C: Crandall/Abranches Da Silva

** Indicates that the Landmarks Preservation Commission received documents (notices of decision, staff reports, application materials or correspondence) as part of the packet that was delivered prior to this meeting.

Landmarks Preservation Commission

AUGUST 1, 2019

ACTION MINUTES

PAGE 3

Vote: 7-0-0-1

Yes: Abranches Da Silva, Allen, Chagnon, Crandall, Finacom, Olson, O'Malley; No: none;

Abstain: none; Absent: Schwartz

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Planning & Development Department
Land Use Planning Division

Action Minutes

Zoning Adjustments Board Thursday, October 24, 2019 - 7:09 PM

Berkeley Unified School District Board Room, 1231 Addison Street, Berkeley
(Wheelchair Accessible)

Preliminary Matters:

Roll Call:

- Igor Tregub, appointed by Mayor Arreguin
- Teresa Clarke, appointed by District 1 (Councilmember Kesarwani)
- John Selawsky, appointed by District 3 (Councilmember Bartlett)
- Dohee Kim, appointed by District 7 (Councilmember Robinson)
- Leah Simon-Weisberg, appointed by District 2 (Councilmember Davila)
- Janis Ching, appointed by District 4 (Councilmember Harrison)
- Deborah Matthews, appointed by District 6 (Councilmember Wengraf)
- Alexander Sharenko, appointed by District 8 (Councilmember Droste)
- Shoshana O'Keefe (Chairperson), appointed by District 5 (Councilmember Hahn)

Approved Leave of Absence:

Patrick Sheahan, Charles Kahn, Denise Pinkston, and Carrie Olson

Ex Parte Communication Disclosures:

- I. Tregub: I spoke to Rena Rickels about 1581 Le Roy. I spoke to Bill Schrader about 2352 Shattuck Avenue.
- S. O'Keefe: I received an email from Bill Schrader about 2352 Shattuck Avenue but did not respond to it.

Public Comment:

Speakers: None

1. Approval of Action Minutes from October 10, 2019	
Recommendation:	APPROVE
Motion / Second:	I. Tregub/J. Selawsky
Vote:	9-0-0-0
Action:	APPROVED

ACTION MINUTES - Zoning Adjustments Board

Thursday, October 24, 2019

Page 2 of 2

Action Calendar:

6. 1581 Le Roy Avenue – New Public Hearing

Application: Use Permit #ZP2019-0061 to convert the vacant, elementary school property to residential use: to establish the approximately 50,000-sq. ft., main building as a single-family residence and accessory dwelling unit, incorporating several former classrooms as private (non-commercial) art studio space; to install an unenclosed swimming pool and hot tub within a new roof deck; to construct an approximately 36-sq. ft., elevator penthouse above the second story (but below the third story); to convert a former multi-purpose room to a garage; to create a new, surface parking lot and to locate up to five, new storage sheds within portions of the former playground to be partially re-purposed as an outdoor (non-commercial) art practice space; and to complete landscape improvements along the public interface.

Zoning: Single-Family Residential/Hillside Overlay (R-1/H)

CEQA Categorically exempt pursuant to Section 15331 for “Historical Resource Restoration/Rehabilitation” of the CEQA Guidelines.

Determination: Restoration/Rehabilitation” of the CEQA Guidelines.

Applicant: Jerri Holan, AIA, Holan & Associates, 1323 Solano Ave.

Owner: Samuli Seppälä, 1581 Le Roy Avenue, Berkeley

Staff Planner: Fatema Crane, fcrane@cityofberkeley.info, (510) 981-7410

Recommendation: **APPROVE Use Permit #ZP2018-0061 pursuant to Section 23B.32.040**

of Speakers 29

Motion / Second: **A. Sharenko/T. Clarke**

Vote: **8-0-1-0** (Abstain: D. Kim)

Action: **APPROVED with modifications to the conditions of approval**

Adjourn: 12:37 AM

Members of the Public:

Present: 60

Speakers: 49

ROUGHLY EDITED COPY

BERKELEY ZAB MEETING
REMOTE BROADCAST CAPTIONING
THURSDAY, OCTOBER 24, 2019

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>> HELLO ZAB ATTENDEES, WE'RE NOT STARTING YET, THIS IS YOUR TWO-MINUTE WARNING. WE HAVE ONE MORE COMMISSIONER WE'RE WAITING ON. IF YOU WOULD LIKE TO SPEAK TONIGHT, PLEASE FILL OUT ONE OF THESE GREEN CARDS AND THAT KIND TO OUR WONDERFUL STAFF MEMBERS HERE. THAT WAY WE KNOW WHO IS GOING TO SPEAK AND ON WHICH ITEMS. PLEASE FILL OUT ONE OF THESE AND HAND IT IN AND WE'LL BE STARTING IN A FEW MINUTES. THANK YOU.

>> S. O'KEEFE: HE OKAY. WE ARE READY TO START. THANK YOU FOR YOUR PATIENCE. GOOD EVENING AND WELCOME TO THE OCTOBER 24TH EDITION OF ZONING AND ADJUSTMENTS BOARD. WE'LL START WITH -- OOH -- WATCH OUT. WOOL ALE START WITH ROLL CALL.

>> BOARD MEMBER TREGUB.

>> I. TREGUB: PRESENT. I HAVE TWO EX PARTES TO REPORT. ONE ON 1581 LEROY. I SPOKE WITH RENA RIKL ABOUT THE PROJECT. AND ON 2352 TO 2390 SHATTUCK AVENUE, I SPOKE WITH MAYBE TWO MONTHS AGO, I SPOKE WITH BILL SHRAEDER, THE OWNER.

>> S. O'KEEFE: WE'RE GOING TO BEGIN AGAIN WITH 1581 LEROY. I SUDDEN CAN I PANICKED AND WONDERED IF IT WAS PRONOUNCED LEROY. WE'LL START WITH THE STAFF REPORT. I DIDN'T WANT TO SAY IT WRONG. THAT WOULD BE EMBARRASSING. OKAY. 1581 LEROY. STAFF REPORT, PLEASE.

>> THANK YOU. THIS IS A USE PERMIT FOR THE CONVERSION OF THE HILLSIDE SCHOOL. AND SPECIFICALLY THIS IS TO CONVERT THE VACANT ELEMENTARY SCHOOL PROPERTY TO RESIDENTIAL USE. THAT INCLUDES A REQUEST TO ESTABLISH AN APPROXIMATELY 50,000 SQUARE FOOT MAIN UNIT INCORPORATING SEVERAL CLASSROOMS AS PRIVATE, NONCOMMERCIAL ART STUDIO SPACE TO INSTALL A SWIMMING POOL AND HOT TUB, TO CONSTRUCT AN APPROXIMATELY 30 SQUARE FOOT HOUSE BEFORE THE SECOND STOREY TO CONVERT A MULTI-PURPOSE ROOM TO A GARAGE. TO CREATE A NEW SURFACE PARKING LOT AND TO LOCATE UP TO FIVE NEW STORAGE SHEDS WITHIN A PORTION OF THE FORMER PLAYGROUND TO BE PARTIALLY REPURPOSED AS AN OUTDOOR NONCOMMERCIAL ART SPACE AND TO COMPLETE LANDSCAPE IMPROVEMENTS ALONG THE PUBLIC SPACE. THIS IS LOCATED IN THE R-1 DISTRICT AND UNDER THE GENERAL PLAN IT IS DESIGNATED LOW DENSITY RESIDENTIAL. THE USE PERMITS INCLUDE A USE PERMIT TO CREATE A DWELLING UNIT IN THE R-1 AND ADMINISTRATIVE USE PERMIT TO LOCATE PARKING SPACES WITHIN A SETBACK OF A RESIDENTIAL PARK AND TO INSTALL AN UNCLOSED HOT TUB AND TO CONSTRUCT A RESIDENTIAL BUILDING ADDITION THAT IS GREATER THAN 14 FEET IN AVERAGE HEIGHT. THIS PROJECT IS EXEMPT FROM

ENVIRONMENTAL REVIEW. KNOW LESS THAN THREE SECTIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITIES ACT GUIDELINES RELATING TO EXISTING FACILITIES. NEW CONSTRUCTION AND CONVERSION OF STRUCTURES AND RESOURCE RESTORATION AND REHABILITATION. FIVE CONDITIONS FOR THE SUBJECT PROPERTY ARE THAT IT'S A LARGE APPROXIMATELY 2½ ACRE THROUGH-LOT PARCEL ORIENTED IN THE EAST/WEST DIRECTION WITH EAST FRONT ON -- THE LOMA STREET ON THE EASTERN END. THE PARCEL IS IRREGULARLY SHAPED AND HAS SEVERAL INTERIOR PARCELS ON THE NORTH AND SOUTH. THE HILLSIDE SCHOOL MAIN BUILDING WAS CONSTRUCTED IN 1925 AND REHABILITATED BETWEEN 1934 AND 1938. IT WAS DESIGNED IN THE TUDOR STYLE BY WALTER H. RADCLIFFE JUNIOR WHEN CHANGES FROM ONE TO THREE STOREYS. IN 1963, A MODERN ERA SINGLE-STOREY ADDITION WAS CONSTRUCTED ON THE EASTERN PORTION AND THE BUILDING IS APPROXIMATELY 50,000 SQUARE FEET IN TOTAL AREA AND LOCATED ON THE WEST SIDE OF THE SUBJECT PROPERTY. THE SUBJECT BUILD CONSISTS OF AN AUDITORIUM WING, A CENTRAL CLASSROOM WING WHICH IS TWO-STOREYS. SOUTHERN CLASSROOM WING WHICH IS THREE STOREYS. A KINDERGARTEN WING AND THE 1963 BUILDING ADDITION THAT IS ONE STOREY. THERE ARE LANDSCAPE AND TERRACE AREAS IMMEDIATELY SURROUNDING THE BUILDING AND A 44 SQUARE FOOT OPEN AREA FEATURING THE SCHOOL PLAYGROUND ON THE EAST SIDE OF THE PROPERTY WHICH IS PARTIALLY LANDSCAPED, BUT PRIMARILY PAVED. THIS IS LISTED ON NATIONAL REGISTER OF HISTORIC PLACES AND DESIGNATED A CITY LANDMARK. THE BUILDING AND SITE

OPERATED AS A SCHOOL UNTIL 2017 WHEN THE LAST SCHOOL ORGANIZATION RELOCATED AND SOLD THE PROPERTY AFTER CONCLUDING THAT THE STRUCTURAL AND SEISMIC REHABILITATION PROGRAM REQUIRED FOR THE EXPANDED SCHOOL USE AT THE SITE WOULD BE COST PROHIBITED. THE CURRENT OWNER IS A PRIVATE INDIVIDUAL THAT PURCHASED THE PROPERTY IN 2018. THE APPLICANT PROPOSES TO CONVERT THE SCHOOL SITE AND BUILDING TO RESIDENTIAL USE. IN ACCORDANCE WHERE THE MAXIMUM RESIDENTIAL DENSITY IN R-1, THE PROPOSAL REQUEST THAT THE INTERIOR BE REPURPOSED AND PARTIALLY REMODELED TO INCLUDE A TOTAL OF TWO NEW DWELLING UNITS. SINGLE-FAMILY RESIDENCE AND ACCESSORY DWELLING UNIT. THE PROPOSED DWELLING UNIT HAVE BEEN DESIGNED FOR PRIVATE INDIVIDUALS WHOSE LIFESTYLE INCLUDES AN ACTIVE ART PRACTICE. IT WOULD FEATURE A TOTAL OF FIVE BEDROOMS, THREE FULL BATHROOMS, TWO HALF BATHROOMS, A LIVING ROOM, FAMILY ROOM AND KITCHEN AND OTHER AMENITIES SUCH AS LAUNDRY FACILITIES. AN ELEVATOR WOULD SERVE THE PRIMARY UNIT AND A PENTHOUSE WOULD BE CREATED ON THE ROOF OF THE CENTRAL CLASSROOM. THAT IS SPECIFIC TO THE ELEVATOR. THE ACCESSORY DWELLING UNIT WOULD BE LOCATED ON THE LOWER STOREY AND TOTAL 800 SQUARE FEET IN AREA. THE REMAINING 8 CLASSROOMS WOULD BE USED AS ARTIST'S STUDIO SPACE FOR THE OCCUPANTS AND THEIR GUESTS. THE SCHOOL'S FORMER MULTI-PURPOSE ROOM ON THE LOWER STOREY OF THE THREE-STOREY CLASSROOM WING WOULD BE CONVERTED INTO A GARAGE FOR THREE VEHICLES. A NEW VEHICLE DOOR

WOULD BE CREATED ON THE SOUTHERN ELEVATION AND ACCESSED BY A NEW SLOPED DRIVEWAY CREATED ON EAST SIDE OF THE KINDERGARTEN RING. A HOT TUB WOULD BE INSTALLED ON THE ROOF. THE AUDITORIUM, EXISTING RESTROOMS AND MOST OF THE STORAGE ROOMS WOULD REMAIN AS SUCH. THE AUDITORIUM WOULD BE USED FOR HOST EVENTS FOR THEMSELVES AND THEIR GUEST. SMALLER ROOMS WOULD BE CONVERTED TO SERVICE USES FOR PROPOSED IMPROVEMENTS SUCH AS THE ELEVATOR SHAFT AND POOL EQUIPMENT ROOM. THE APPLICANT ANTICIPATES THAT THE RESIDENTIAL OCCUPANTS OF THE SITE WOULD HOST A SMALL NUMBER OF GUESTS ON A REGULAR BASIS OCCASIONALLY WOULD HOST NONCOMMERCIAL EVENTS BY INVITATION ONLY. FOR THIS REASON, THE PROPOSAL INCLUDES THE INTRODUCTION OF AN ON-SITE SURFACE PARKING LOT SERVING UP TO 18 VEHICLES TO BE LOCATED ON A PORTION OF THE EXISTING BLACK TOP. THE EXISTING 10-FOOT TALL CHAIN-LINK FENCE WOULD REMAIN AND NEW TREES WOULD BE PLANTED IN ORDER TO PROVIDE A CONTINUOUS ORGANIC SCREEN FOR THE PROPOSED PARKING SURFACE LOTS AND THE OUTDOOR ART PRACTICE SPACE. A PORTION OF THE OPEN SCHOOLYARD WOULD BE USED FOR THE OUTDOOR ACTIVITIES AND THIS AREA HAS BEEN DELINEATED AS AN ART PARK FEATURING AS MANY AS FIVE DETACHED STORAGE SHEDS OF NO LARGER THAN 120 SQUARE FEET AND NO TALLER THAN 10 FEET IN HEIGHT. THE PROPOSED PLANS ARE INCLUDED IN ATTACHMENT THREE AND THE DESCRIPTION OF THE INTENT AND PURPOSE IS PROVIDED AS ATTACHMENT FOUR. SO I WILL HIGHLIGHT ONLY THE ANALYSIS THAT I THINK IS RELEVANT TO THE DISCUSSION THAT YOU'RE EXPECTING. I'LL

NOTE THIS IS COMPLIANCE WITH THE HOUSES ACT. THIS IS IN THE R-1 DISTRICT AND THE ART PRACTICE PROPOSED ALIGNS WITH PERMITTED USE IN A RESIDENTIAL DISTRICT. THAT USE IS AN ART STUDIO DEFINED AS A DETACHED ACCESSORY BUILDING USED BY RESIDENTS OF A MAIN DWELLING UNIT TO CREATE ORIGINAL WORKS OF ART BUT NOT FOR LIVING QUARTERS OR SLEEPING. THE APPLICANT CAN PROPOSE SUCH A USE BUT CONTAINED IN THE MAIN BUILDING AND OUT DOOR SPACE. THIS ART ACTIVITY IS PERMISSIBLE AND FURTHER THAT THE PROPOSED LOCATION WOULD BE REASONABLE BECAUSE THE APPROXIMATELY 50,000 SQUARE FOOT BUILDING COULD PROVIDE ADEQUATE SPACE TO CONTAIN THE RESIDENTIAL USES AND THE ART PRACTICE. THE OUTDOOR ART PRACTICE COULD BE FOUND CONSISTENT WITH THE RESIDENTIALLY-ZONED PROPERTY. THE OUTDOOR ACTIVITY IS GENERALLY UNREGULATED AND ALIGNS WITH THE PRIMARY USE OF THE SITE. TO MAKE SURE THEY DON'T RESULT IN EXCESSIVE NOISE, LIGHT, GLARE OR OTHER DISTURBANCES, STAFF RECOMMENDS THAT THE BOARD CONSIDER AN APPROVAL WITH SPECIFIC CONDITIONS TO LIMIT THE HOURS OF LATE NIGHT OUTDOOR ACTIVITY AND REQUIRE DOWN-TYPE LIGHTING. THE BOARD MUST CONSIDER THIS REQUEST AND THE SPECIFIC CIRCUMSTANCES OF THIS CASE WHICH APPEARS TO SUPPORT THE FINDING THAT THE PROPOSED ART PRACTICE WOULD BE EVENLY, CONSISTENT WITH THE BERKELEY MUNICIPAL CODE AND NOT LIKELY TO RESULT IN DETRIMENTAL IMPACTS TO THE NEIGHBORHOOD. WITH RESPECT TO THE PROPOSED SURFACE PARKING LOT, THE APPLICANT WOULD LIKE TO ESTABLISH AN 18-VEHICLE PARKING LOT IN THE PORTION

OF THE FORMER PLAYGROUND AREA. AS PROPOSED SINGLE FAMILY RESIDENT, THIS CONVERSION REQUESTS TO HAVE ONLY ONE APPLICANT. HOWEVER HE PROPOSES 30 SPACES REFLECTING SEVEN SPACES IN THE EXISTING PARKING AREA OF THE FORMER SCHOOL. THREE INTERIOR SPACES IN THE NEW GARAGE AND 18 NEW SPACES IN THE SURFACE PARKING LOT. THE 18 SPACE WOULD RESULT -- THE 18 SURFACE PARKING LOT IS INTENDED TO ADDRESS THE ANTICIPATED DEMAND FOR PARKING FOR VISITORS ARRIVING BY CAR. THE APPLICANT ARRIVED AT NUMBER 18 BASED ON AN ESTIMATED RATE OF REGULAR VISITORS TO THE SITE AS WELL AS AN ANTICIPATED NUMBER OF VISITORS FOR OCCASIONAL EVENTS. THE BERKELEY MUNICIPAL CODE DOES NOT SUGGEST A FORMULA FOR THIS KIND OF OVERFLOW PARKING IN A RESIDENTIAL CONTEXT. THE R-1 DISTRICT SAYS "OTHER USES" -- THAT MEANS USES OTHER THAN THE RESIDENTIAL USES -- REQUIRING A USE PERMIT INCLUDING BUT NOT LIMITED TO CHILD CARE, CLUBS, LODGES OR COMMUNITY CENTERS SHALL PROVIDE THE NUMBER OF OFF-STREET PARKING SPACES DETERMINED BY THE BOARD BASED ON THE TRAFFIC GENERATED BY A PARTICULAR USE AND COMPARABLE WITH THE SPECIFIC STANDARDS FOR OTHER USES." AFTER DISCUSSING THIS APPLICATION WITH THE CITY TRAFFIC ENGINEER, STAFF CONCLUDED THAT THE PROPOSAL OF 18 SPACES IS REASONABLE GIVEN THE LIMITED FREQUENCY OF THE PROPOSED EVENTS. THE TRAFFIC ENGINEER DID NOT COMMENT ON THE RATIONALE AND DID SUGGEST THAT THE APPLICANT CULT A PROFESSIONAL. SOME INTERESTED PARTIES BELIEVE 18 IS TOO MANY SPACES AND REQUESTS THAT THE BOARD

CONSIDER APPROVING THE PROJECT WITH FEWER SPACES. I WILL NOW QUICKLY GO TO THE ASPECTS OF VISITORS AND EVENTS ON SITE. IN THE APPLICANT STATEMENT, THE ARCHITECT EXPLAINS THAT THE PROPERTY OWNER ANTICIPATES HOSTING UP TO 25 REGULAR VISITORS FOR THE ART ACTIVITIES ON A WEEKLY BASIS FOR 6 TO 9 MONTHS OF THE YEAR. DURING THIS TIME, THE OWNER WILL ALSO HOLD INVITATION-ONLY EVENTS THAT MAY DRAW AS MANY AS 100 VISITORS. THESE FIGURES REPRESENT THE GREATEST NUMBER OF POSSIBLE VISITORS AND FREQUENCY OF EVENTS, BUT THE APPLICANT BELIEVES THAT THE FIGURES WOULD BE LOWER IN REALITY. NEVERTHELESS, THE APPROXIMATELY 2½ ACRE SITE AND 50,000 SQUARE FOOT BUILDING IS LARGE ENOUGH. THE NUMBER OF VISITORS AND REOCCURRENCE OF EVENTS ARE LOWER AND LESS INTENSE THAT THE HISTORIC SCHOOL USE OF THE SITE AND STAFF BELIEVES THAT THE APPLICANT'S REQUEST TO USE THE SITE IN THIS MANNER WOULD BE UNLIKELY TO WORSEN THE TRAFFIC AND CONGESTION AND NOISE FOR THE AREA IN GENERAL. MANY NEIGHBORS OF THE SITE REQUESTED THAT THE PROPERTY OWNER ENTER INTO AN ACCESS AGREEMENT TO ENSURE THE PUBLIC'S ABILITY TO USE A PAVED WALKWAY THAT EXTENDS ACROSS THE SITE AND PROVIDES A PEDESTRIAN AND BICYCLE LINK BETWEEN THE TWO STREETS. SINCE ACQUIRING THE PROPERTY IN 2018, THE PROPERTY OWNER HAS MAINTAINED THE PATHWAY UNOBSTRUCTED AND INDICATES THAT HE REMAINS OPEN TO THIS INFORMAL ARRANGEMENT INDEFINITELY AT THIS TIME. AND WISHES FOR A COOPERATIVE RELATIONSHIP WITH THE NEIGHBORHOOD. HOWEVER, AS A PRIVATE INDIVIDUAL, HE ALSO

RECOGNIZES THE RESPONSIBILITY, LEGAL LIABILITY AND POTENTIAL INTRUSION OF PRIVACY THAT WILL THIS ARRANGEMENT ENGENDERS THERE THEREFORE RESERVES THE RIGHT TO RECONSIDER THIS ARRANGEMENT IN THE FUTURE SHOULD CIRCUMSTANCES REQUIRE IT. PUBLIC WORKS STAFF HAVE CONFIRMED THERE IS NO INTEREST IN PURSUING A PUBLIC ACCESS EASEMENT FOR THE SITE. THE PUBLIC SAFETY STAFF CONFIRM THAT THIS SITE HAS NOT BEEN IDENTIFIED AS A POSSIBLE LOCATION FOR PUBLIC SAFETY RESPONSE ACTIVITIES OR SERVICES AS SOME MEMBERS OF THE PUBLIC HAVE SUGGESTED. STAFF IS CONFIRMING THAT THE CITY HAS TAKEN NO ACTION IN REGARD TO OR GENERAL INTEREST IN THIS PRIVATE PROPERTY AND STAFF BELIEVES THAT THE BOARD SHOULD -- STAFF DOES NOT BELIEVE THAT THE BOARD SHOULD COMPEL THE PROPERTY OWNER IN AN ACCESS AGREEMENT. I WANT TO GIVE A SUMMARY OF SOME OF THE CONCERNS OF THE NEIGHBORHOOD. PREVIOUS REVIEWS OF THIS PROPOSAL. THE APPLICANT AND THE PROPERTY OWNER MET WITH MEMBERS OF THEIR NEIGHBORHOOD. ON SEVERAL OCCASIONS BEFORE AND AFTER SUBMITTING THIS APPLICATION. TO DISCUSS THE RESIDENTIAL CONVERSION PROPOSAL AND TO PROVIDE INFORMATION ABOUT THE INTENDED PRIVATE ART PRACTICE. WHILE SOME NEIGHBORS -- THEY ALSO HAD AN INSPECTION WITH FEES THAT OCCURRED RECENTLY ON SEPTEMBER 30TH OF THIS YEAR. WHILE SOME NEIGHBORS WERE SUPPORTIVE OF THE PROJECT AND APPRECIATIVE OF THE PROPOSED IMPROVEMENTS TO THE PROPERTY, MANY OTHERS WERE OPPOSED. THE THEMES OF OBJECTIONS ARE SUMMARIZED IN TABLE FIVE OF THE STAFF REPORT ALONG WITH A BRIEF SUMMARY AND

REFERENCES TO WHERE THESE TOPICS ARE DISCUSSED. AND ON JUNE 6TH AND AUGUST 1ST OF THIS YEAR, THE LANDMARKS COMMISSION REMOVED THE REQUEST FOR THE EXTERIOR CHANGES TO THE BUILDING. THE PROJECT WAS APPROVED WITH SOME CONDITIONS AND SOME MEMBERS OF THE COMMISSION WOULD LIKE FOR THE ZAB TO CONSIDER TWO POINTS WHEN CONSIDERING THE USE PERMIT TONIGHT. THAT WOULD BE TO LIMIT THE NUMBER OF SHEDS TO NOT MORE THAN FIVE IN ORDER TO CONTROL THE PROLIFERATION OF THE STRUCTURES IN THE OPEN AREA AND TO REDUCE THE NUMBER OF PARKING SPACES TO THE MINIMUM NEEDED TO ACCOMMODATE THE EVENTS AND ANTICIPATED GUESTS. WITH RESPECT TO THE PUBLIC'S COMMENTS AND YOU HAVE QUITE A FEW OF THOSE CORRESPONDENTS IN FRONT OF YOU AND I WILL GENERALLY SUMMARIZE SOME OF THE THEMES OF THE COMMENTS FROM THE PUBLIC. ONE OF THEM WAS THAT THE PROPOSED CHANGE TO RESIDENTIAL USE IS PRIVATE. TO THAT POINT STAFF WOULD LIKE TO POINT OUT THAT THE EXISTING -- PROPERTY UNTIL NOW HAS BEEN A PRIVATE PROPERTY USE. IT WAS A PUBLIC SCHOOL FOR THE BERKELEY UNIFIED SCHOOL DISTRICT UNTIL THE '80S. IT HAS BEEN A PRIVATE PROPERTY SINCE THAT TIME. THIS PROPOSED CHANGE OF USE WOULD NOT AFFECT THAT STATUS. THE NEW PROPERTY OWNER MAY PRECLUDE THE PUBLIC ACCESS TO THE SITE, PLAY AREA AND PRIVATE WALKWAY BETWEEN BUENA VISTA AND LEROY. THE CITY HAS NO INTEREST IN PURSUING AN ACCESS EASEMENT. THE NEIGHBORS REQUEST WOULD BE A CIVIL MATTER. ANOTHER CONCERN THAT WAS RAISED IS THAT THE NATURE AND SCALE OF THE PRIVATE

RESIDENTIAL ART PRACTICE AT THE SITE IS UNKNOWN. THE APPLICANT HAS DESCRIBED ALL ASPECTS INCLUDING THE SCALE OF THE PROPOSED RESIDENTIAL ART PRACTICE IN THEIR STATEMENT PROVIDED FOR YOUR CONSIDERATION. THAT ALSO BECOMES PART OF THE RECORD FOR THIS PARTICULAR CONSIDERATION AND FINAL ACTION. ANOTHER CONCERN RAISED WAS THAT FUTURE OCCUPANTS WILL HAVE THE ABILITY TO HOST LARGE EVENTS. THEY'VE TAKEN MEASURES TO ACCOMMODATE THE GUESTS SOME BELIEVE THE PROJECT MAY HAVE UNADDRESSED IMPACTS TO PUBLIC SAFETY. AND IN HELPING STAFF INFORM THE BOARD ABOUT THE CONCERN, WE HAVE IN YOUR PACKET TONIGHT A LETTER FROM THE FIRE CHIEF. I DON'T KNOW IF YOU'VE HAD A CHANCE TO SEE THAT SO I'LL SUMMARIZE SOME OF THE POINTS. AFTER REVIEWING THE USE PERMIT APPLICATION AND VISITING THE SITE, THE FIRE CHIEF SAYS THE PROPERTY AT 1581 LEROY AVENUE LIES WITHIN THE BERKELEY FIRE ZONE 2 AND IS SUBJECT TO APPLICABLE CODES RELATED TO VEGETATION MANAGEMENT AND BUILDING CONSTRUCTION AND INSPECTION. ALL PROPERTIES IN THIS AREA ARE REQUIRED TO MAINTAIN A SENSIBLE SPACE COMPLY WITH THE BUILDING CODE REQUIREMENTS AGAINST THE THREAT OF WILD PYRE. THIS PROPERTY HAS THE SAME STATUS AS ALL PROPERTIES IN THE AREA, IT'S NOT A PARTICULAR ORE OR UNUSUAL CASE. HE SAYS THAT THE BERKELEY FIRE DEPARTMENT COORDINATES CITYWIDE PLANNING AND TRAINING AND EXERCISES FOR PUBLIC EVALUATION AND MULTI-DEPARTMENT RESPONSE FOR WILD URBAN FIRES. THESE PLANS AND EXERCISES FOCUS ON EVALUATION OF PUBLIC RIGHT-OF-WAYS AND EXISTING TRANSPORTATION

NETWORK. THE CITY FOCUSES ON THE EXISTING PATHWAYS AND STREETS THAT ARE PUBLICLY OWNED. HE MENTIONS THAT THIS PROPERTY IS NOT A PUBLIC PROPERTY NOR DOES IT CONTAIN A PUBLIC RIGHT-OF-WAY AND THEREFORE WE HAVE NOT CONSIDERED AS AN OFFICIAL OPTION IN AN EVACUATION. THE LETTER CLOSES WITH A FEW OBSERVATIONS ABOUT THIS PARTICULAR SITE. THE STRUCTURE ITSELF AT 1581 LEROY IS PROTECTED BY A SLATE ROOF WHICH IS IDEAL FOR FIRE RESISTANCE. IT HAS FIRE SPRINKLERS WHICH ARE REVIEWED AND PERMITTED CURRENTLY. AS RECENTLY AS OCTOBER 23RD, VEGETATION WAS FAIRLY WELL MAINTAINED IN REGARD TO DEFENSIBLE SPACE, WE DON'T BELIEVE THAT THE PROJECT IN THE EXISTING STATE PRESENTS ANY PARTICULAR IMPACTS TO PUBLIC SAFETY NOR WOULD A DECISION TO CONVERT THE SITE TO RESIDENTIAL USE HAVE ANY SUCH EFFECT. IN SUMMARY, WE'RE RECOMMENDING APPROVAL OF THIS PROJECT AND IT RELATES PRIMARILY TO ADHERENCE TO THE REQUIREMENTS OF THE R-1 DISTRICT. THE CREATION OF TWO NEW DWELLING UNITS WITHIN A VACANT SCHOOL BUILDING ON A SITE THAT MAY OTHERWISE GO UNDERUTILIZED DUE TO ITS LOW CASE. IT'S EXPECTED TO RESULT IN THE HIGHEST AND BEST USE OF THE SITE AT THIS TIME. WHEN THIS IS THE ONLY PROPOSAL THAT HAS COME FORWARD FOR CONSIDERATION. BY MAINTAINING AND REPURPOSING A CITY LANDMARK BUILDING AND SITE, THE PROPOSAL WOULD BE COMPATIBLE WITH THE SCALE, HISTORIC CHARACTER AND SURROUNDING USES SO WE RECOMMEND APPROVAL OF THE CONVERSION.

>> S. O'KEEFE: THANK YOU FOR THAT EXTENSIVE AND DETAILED

STAFF REPORT. THAT WAS GREAT. ARE THERE QUESTIONS FOR STAFF?
TERESA HAS ONE.

>> T. CLARKE: SO ON A-1, WE SEE WHAT WAS ADDED. THE NEW
DECK, I MEAN IT'S HARD TO TELL BECAUSE IT'S NOT SHADED.

>> I AGREE. LET'S PULL IT UP ON SCREEN. THE NEW DECK IS ON
THE EASTERN SIDE OF THE PROPERTY. THAT WOULD BE THE RIGHT SIDE
OF THE DRAWING.

>> I SEE IT ON PLAN BUT I DON'T SEE AN INDICATION THAT IT'S
JUST THE -- I JUST SEE A GUARDRAIL. WHERE ARE WE SEEING THE
SWIMMING POOL?

>> THAT'S THAT LITTLE RECTANGLE.

>> THAT IS ON TOP?

>> ON TOP OF THE EXISTING ROOF THAT IS LEFT.

>> HOW TALL IS THE -- THERE IS NO SECTION. THAT'S WHAT I'M
SAYING. THERE IS NO SECTION THERE WITH SHOWING A POOL. DO WE
HAVE THAT? DO WE HAVE A VIEW OF THE PROPOSED AREA WITH THE DECK
AND THE POOL AND HOT TUB?

>> AN ELEVATION VIEW?

>> NOT AN ELEVATION VIEW BUT A RENDERING TO SEE HOW IT
LOOKS FROM THE STREET OR --

>> NO WE DON'T HAVE A RENDERING. WE HAVE THE ELEVATION
DRAWING. A-4, HE'LL DIRECT TO YOU A-4 DRAWING NUMBER ONE.

>> DRAWING NUMBER ONE. WHERE?

>> ON A-4.

>> SOUTH ELEVATION PHOTO.

>> SOUTH ELEVATION DETAIL.

>> I SEE THE ELEVATION. BUT I DON'T SEE A PICTURE OF THE AREA THE ROOF, THE EXISTING ROOF. WHERE THE NEW HOT TUB IS GOING.

>> I SEE A DRAWING THAT SHOWS A THREE-STOREY BUILDING AND TO THE RIGHT IS ONE STOREY EXTENSION, IT SHOWS A NEW PARAPET AND A ROOFLINE. THAT'S THE AREA WHERE THE POOL WOULD BE.

>> T. CLARKE: SO THERE IS NO VIEW -- WHERE IS THAT ON THE PHOTOS THAT YOU HAVE SHOWN? ON THE EAST ELEVATION, I SEE THAT IN THE EAST ELEVATION. AND I SEE THE NEW ROOF BUT I DON'T SEE THAT PART OF THE BUILDING. THAT THE SHORT ELEVATION PHOTO? I GUESS IT'S THE ONE BELOW THAT.

>> THERE IS AN -- THERE IS A PHOTOGRAPH ON A-4.

>> IS THAT IT? IS THAT THE ROOF?

>> EXACTLY.

>> SO THAT'S GOING TO BE RAISED. 482 MORE INCHES.

>> ACCORDING TO THE ELEVATION DRAWING ABOVE.

>> IS IT 42 INCHES ABOVE THE EXISTING ROOF LEVEL?

>> CORRECT.

>> OKAY. SO IT IT'S NEW 42-INCH HIGH --

>> SORRY.

>> SO NEW 42-INCH HIGH STUCCO GUARDRAIL IS SHOWN AND THAT IS THE EXTENT OF THE EXTENSION ON THAT ROOF?

>> CORRECT.

>> OKAY. AND THERE IS NO PICTURES SHOWING WHAT IT WOULD LOOK LIKE FROM ABOVE OR FROM THE STREET.

>> I THINK THAT PHOTOGRAPH OF THE NORTH ELEVATION IS THE CLOSEST.

>> S. O'KEEFE: JOHN AND THEN IGOR.

>> YOU MAY HAVE GONE OVER THIS, BUT THERE IS A LOT OF MATERIAL. PAGE 414 OF YOUR -- OUR REPORT, THE TABLE 2 SPECIAL CHARACTERISTICS. HISTORIC RESOURCES. THIS PROPERTY IS LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES AND IT WAS DESIGNATED AS A CITY LANDMARK IN 1982. ON AUGUST 1ST, 2019 THE RESERVATION BOARD APPROVED THIS CONVERSION REQUEST. THE APPROVAL IS SUBJECT TO APPEAL AND CERTIFICATION BY CITY COUNCIL. CAN YOU TELL ME WHAT THE -- AT APPROVAL IS SUBJECT TO APPEAL AND CERTIFICATION, IS THERE AN MALE? HAS THERE BEEN CERTIFICATION? WHAT DOES THAT MEAN.

>> THAT'S AN IMPORTANT CLARIFICATION. UNLIKE THE DECISIONS OF THE ZONING BOARD, DECISIONS BY THE LANDMARK PRESERVATION COMMISSION ARE SUBJECT TO AN APPEAL PERIOD AS WELL AS COUNCIL CERTIFICATION. WHEN WE RELEASE THE NOTICE OF DECISION FOR LANDMARK DECISIONS, WE COORDINATE THOSE WITH A VOICE FROM CITY COUNCIL. AT APPROVAL THAT OCCURRED ON AUGUST 1ST IS PENDING A NOTICE OF DECISION BECAUSE AS OUR PRACTICE HAS BEEN, WE LIKE TO RELEASE N.O.D.S AT THE SAME TIME WHEN THEY AFFECT ONE PROJECT.

WE'LL HAVE THE N.O.D. AND IT WILL BE PRESENTED TO CITY COUNCIL FOR CERTIFICATION.

>> S. O'KEEFE: IGOR.

>> I. TREGUB: THANK YOU. SO I'LL START WITH ONE WHERE I'M PROBABLY JUST NOT SEEING IT. BUT THERE IS THE LAST FINDING SPEAKS TO SOME HOT TUB CONDITIONS. BUT I'M NOT FINDING THE CONDITIONS IN THE PROPOSAL ITSELF. AM I JUST MISSING IT? OR WAS IT LEFT OUT?

>> YOU ARE CORRECT. WE DO HAVE STANDARD CONDITIONS OF APPROVAL FOR HOT TUBS THAT REQUIRE COMPLIANCE TO THE ORDINANCE THAT THE OWNER NOT BE AUDIBLE BEYOND THEIR PROPERTY LINE. THOSE CONDITIONS ARE OMITTED FROM THIS CONDITION OF APPROVAL. IF THE BOARD WOULD LIKE TO TAKE ACTION ON THIS PROJECT TONIGHT, I WOULD RECOMMEND THAT WE ADD THOSE. THANK YOU FOR POINTING THAT OUT.

>> I. TREGUB: MY APOLOGIES FOR NOT CATCHING THAT EARLIER. ON THE OTHER HAND, THE FINDINGS SPEAK TO LIMITING THE HOURS OF OUTDOOR ART ACTIVITIES. IT'S REFERENCED -- STAFF RECOMMENDS CONDITIONS. THOSE ARE IN THE SET OF CONDITIONS BEFORE US, CORRECT?

>> THAT'S CORRECT.

>> I. TREGUB: THEN THIS IS JUST A POINT OF CURIOSITY. ON TABLE 4 DEVELOPMENT STANDARDS. IT SPEAKS TO THE PROPOSAL HAVING AN ADU. WHAT STRUCTURE IS CONSIDERED TO BE AN ADU IN THIS CASE?

>> THE ADU IS PROPOSED TO BE ON THE MAIN BUILDING, THE

LOWER STOREY OF THE CENTRAL CLASSROOM WING.

>> I. TREGUB: OKAY. AND FINALLY, AND THIS IS FOR MY EDIFICATION BECAUSE THIS IS EXCITING AND I'VE NEVER SEEN ANYTHING LIKE THIS. SO IT WILL IS AN HAA COMPLIANT. IS IT HAA OF IT BEING A CONVERSION INTO RESIDENTIAL? BECAUSE THE BUILDING HEIGHT DOES APPEAR TO EXCEED THE MAXIMUM FOR THE ZONING DISTRICT.

>> THE DEVELOPMENT -- OBJECTIVE STANDARDS THAT APPLIES SPECIFICALLY TO THIS CONVERSION BECAUSE IT'S NOT NEW CONSTRUCTION APPLIES TO DENSITY, USABLE OPEN SPACE AND ON-SITE PARKING. YOU'RE CORRECT, THE BUILDING IS IN ITS CURRENT CONDITION. MAY I ALSO OFFER THAT YOU HAVE BEFORE YOU A REVISED SET OF CONDITIONS OF APPROVAL. I HAVEN'T EXPLAINED WHAT THE REVISIONS ARE. MAY I DO THAT NOW?

>> S. O'KEEFE: THAT WOULD BE GREAT.

>> SO ONE OF THE REQUIREMENTS OF THE STRUCTURAL ALTERATION PERMIT FOR THE PROJECT IS THAT THE APPLICANT CONSIDER SUPPLEMENTING THE EXISTING VEGETATION THAT CURRENTLY SURROUNDS THE PLAYGROUND AREA CONVERTED TO THE ART PARK AND PARKING LOT AND ALSO I SHOULD MENTION IT WOULD CONTINUE TO FEATURE PLAY STRUCTURES. AND WHAT WE HAVE LEARNED IS THAT THERE ARE STANDARDS FOR VEGETATION IN THIS ZONE. AND THAT IT WOULD BE BETTER FOR THE CITY TO LOOK AT THE CONDITIONS. WE'VE REVISED THE CONDITION OF APPROVAL TO SAY THAT THOSE NEW PLANS SHOULD FIRST BE REVIEWED BY

PUBLIC SAFETY STAFF FOR COMPLIANCE WITH THE CONDITIONS AND PRACTICES. THE FINAL PROVISION TO THE CONDITIONS AFTER APPROVAL IS THAT, IF IN THE FUTURE THE APPLICANT DOES DECIDE TO MAKE IMPROVEMENTS TO THAT PATHWAY SUCH AS CLOSING IT OFF OR PUTTING A FENCE UP, THAT FENCE FIRST BE REVIEWED BY THE PUBLIC SAFETY STAFF BECAUSE THERE ARE WAYS THE FENCE COULD BE DESIGNED TO STILL ALLOW FOR ACCESS IN EMERGENCY SITUATIONS. THAT'S A CONDITION THAT WE'VE ADDED. THANK YOU.

>> S. O'KEEFE: THAT IS 11 AND 41?

>> CORRECT.

>> IS THE PATHWAY DEFINED?

>> IT'S NOT DEFINED. IT'S MORE LIKE A --

>> I'M SAYING IN THE CONDITION, I THINK WE NEED TO DEFINE IT.

>> I DESCRIBED IT AS THE PATHWAY THAT LEAVES BUENA VISTA AND LEROY.

>> IN THE CONDITIONS OF APPROVAL?

>> IT'S THE PEDESTRIAN PATHWAY CONNECTING THE TWO. IT'S THE PATHWAY THAT MAY AFFECT ACCESS TO THE PATHWAY. YOU KNOW WHAT I MEAN? PRIOR TO IMPROVEMENTS FOR WHICH PATHWAY? ONLY THE PATHWAY THAT WILL AFFECT ACCESS? DO YOU KNOW WHAT I MEAN? IF WE DECIDE TO ACT ON THIS TONIGHT, WE CAN CLARIFY, WE CAN REVISE THE LANGUAGE.

>> IS IT CLARIFIED FURTHER DOWN IN THE STATEMENT?

>> NOT NECESSARILY BECAUSE SHE SAYS PRIOR TO IMPROVEMENTS FOR THE PATHWAY, SHE'S NOT SAYING THAT THE IMPROVEMENTS TO WHICH PATHWAY. LATER SHE SAYS IT WILL AFFECT ACCESS TO THE PEDESTRIAN PATH. THAT COULD BE ANOTHER PATHWAY.

>> I CAN ADD THAT DESCRIPTION TO THE OPENING SENTENCE. THE DESCRIPTION THAT APPEARS IN THE SECOND SENTENCE THAT QUALIFIES IT AS CONNECTING BUENA VISTA AND LEROY.

>> S. O'KEEFE: MORE QUESTIONS FOR STAFF. SEEING NONE, WE'LL INVITE THE APPLICANT TEAM UP NOW FOR A FIVE-MINUTE PRESENTATION. AND THE PUBLIC.

>> IF I GO AWAY FROM THIS, WILL IT WORK?

>> I'M JERRI HOLAN, THE ARCHITECT AND APPLICANT. CAN WE START THE SLIDE SHOW AND SEE IF THIS WORKS.

>> S. O'KEEFE: RESTART THEIR TIME. RESET THE TIMER.

>> SO WHICH ONE MOVES IT FORWARD, THE TOP ONE? SIDE ONE?
THANK YOU. HELLO BOARD MEMBERS, THANK YOU FOR YOUR TIME THIS EVENING. WE'RE HERE PROPOSING MODIFICATIONS TO THIS PROPERTY IN ORDER TO ADAPT IT FROM ITS CURRENT EDUCATIONAL OCCUPANCY TO A PROPOSED SINGLE-FAMILY RESIDENCY WITH ART STUDENTS. WE ARE TRYING TO TURN THIS INTO A HOME AND A PLACE TO CREATE ART. MY QUALIFICATIONS FOR THE PROJECT IS THAT I'M A PRESERVATION ARCHITECT THAT RECEIVED AN ADVANCED DEGREE. I'M A FELLOW OF THE AMERICAN INSTITUTE OF ARCHITECT AND PRACTICING IN BERKELEY SINCE 1985. I'VE WON NUMEROUS AWARDS AT LOCAL STATE AND NATIONAL

LEVEL. HILLSIDE'S NEW OWNER HAS AN IMPRESSIVE TRACK RECORD. HE'LL SAY A FEW WORDS ABOUT WHY HE'S PASSIONATE ABOUT THIS SCHOOL AND WHAT THE PLANS ARE FOR THE FUTURE. HE LOVES THE PROPERTY AND HAS THE MEANS TO PRESERVE IT AND IMPROVE IT. YOU'VE SEEN OUR PROJECT PLANS AND HOPEFULLY -- I WANTED TO STRESS THE IMPORTANCE OF STANDARD ONE WHICH IS VERY CRITICAL FOR THIS PROJECT. THIS IS THE SECRETARY'S REHABILITATION STANDARDS STATING THAT THE PROPERTY WILL BE USED HISTORICALLY OR GIVEN A NEW SUES TO PRESERVE THE FEATURES. IN THE CASE OF THE SCHOOL GIVEN THE LOCATION ON AN EARTHQUAKE FAULT, IT'S UNLIKELY THAT AN EDUCATION BUILDING COULD CONTINUE ON THE PROPERTY. DOWN-ZONING HILLSIDE TO A RESIDENTIAL USE IS THE PERFECT SOLUTION FOR THIS PROBLEMATIC HISTORIC PROPERTY. SAM'S RESIDENTIAL REMODEL REQUIRES MINIMAL CHANGES TO THE OPEN SPACES TO THE BUILDING'S DISTINCT FEATURE. BUILDING'S ENVELOPE WILL REMAIN INTACT. THE MINOR ALTERATIONS ON REAR DO NOT OBSCURE THE SIGNIFICANT FEATURES AND ARE SYMPATHETIC TO THE ORIGINAL STYLE. BECAUSE THE BUILDING HAS BEEN NEGLECTED FOR SO MANY YEARS, SAM AS COMPLETED EXTENSIVE REPAIRS BECAUSE THERE ARE MANY DAMAGED AREAS THAT ARE SAFETY HAZARDS INCLUDING REFURBISHING THE FIRE EQUIPMENT AND DUE TO THE SIZE, CONSTRUCTION AND DESIGN, THE BUILDING IS VULNERABLE IN THE LIKELY EVENT OF AN EARTHQUAKE AND LANDSLIDE. HE INTENDS TO COMPLETE IMPROVEMENTS TO OFFSET THE DANGERS. IT SHOULD BE CLEAR FROM HIS SIGNIFICANT INVESTMENT THAT HE'S COMMITTED TO OUR

COMMUNITY FOR LONG TERM. THE PROJECT IS THE BEST ADOPTIVE REUSE FOR AN OLD SCHOOL THAT WOULD OTHERWISE DETERIORATE GIVEN THE LOCATION, NEGLECTED CONDITION. RESIDENTIAL OCCUPANCY IS THE SAFEST ZONING FOR THE PROPERTY AND HIGHEST AND BEST USE. THE UNUSED, UNHISTORIC PLAYGROUND CURRENTLY IN DISREPAIR WILL BE PRESERVED AS AN OPEN ART PARK. HE'S CONTINUING THE PUBLIC AMENITIES ON SITE THAT THE PREVIOUS TWO OWNERS GRANTED. IN FACT, SAM IS GRANTING MORE ACCESS TO THE AREAS THAN EVER BEFORE FROM SUNRISE TO SUNDOWN PREVIOUS OWNERS ONLY ALLOWED ACCESS AFTER SCHOOL HOURS AND ACTIVITIES WERE OVER. ON BEHALF OF THE PRESERVATION COMMUNITY AND SAFETY OF THE NEIGHBORS, WE URGE YOU TO APPROVE THIS CONVERSION INTO A HOME AND PLACE FOR ART. THE SOONER YOU DO, THE SOONER WE CAN PRESERVE THIS HISTORIC SITE.

>> I MOVED HERE A YEAR AGO. BERKELEY IS MY HOME NOW. I LOVE THIS SCHOOL. IT'S AN AMAZING BUILDING. THIS BUILDING WAS IF HORRIBLE SHAPE. IT'S A GREAT PROJECT BUT A LOT OF TIME, LOVE AND RESOURCES.

>> S. O'KEEFE: YOU'LL GET TIME AT THE END AS WELL.

>> I LOVE IT HERE. I HOPE YOU APPROVE THIS PROJECT.

>> S. O'KEEFE: THANK YOU VERY MUCH. ARE THERE ANY QUESTIONS FOR THE APPLICANT TEAM? IGOR.

>> I. TREGUB: THANK YOU. I JUST HAVE A QUESTION ON RECOMMENDATION NUMBER ONE FROM LANDMARKS ABOUT LIMITING NUMBER OF SHEDS TO NOT MORE THAN 5. IS THAT SOMETHING THAT YOU WOULD BE

AMENABLE TO?

>> YES.

>> I. TREGUB: OKAY. THANK YOU.

>> S. O'KEEFE: ANY OTHER QUESTIONS FOR THE APPLICANT TEAM?
DOHEE.

>> I WAS WONDERING IF YOU'RE SET ON THE 18 PARKS PLACES?

>> WE CAME TO IT WITH THE TRAFFIC ENGINEER KIND OF BASED ON THE 25 ARTISTS THAT WOULD BE THERE MOST OF THE TIME. AND TRAFFIC ENGINEER AGREED WITH OUR PROCESS WHICH WAS OUT OF THE 25 ARTISTS, 18 WILL PROBABLY HAVE CARS BECAUSE THEY'RE GOING TO BE TRANSPORTING MATERIALS AND THE REST WILL COME BY BICYCLE OR OTHER TRANSPORTATION. HE THOUGHT IT WAS A REASONABLE NUMBER. HE DOES NOT WANT TO SEE THE SCHOOL, THE ART CENTER IN WITHOUT THE ADDITIONAL PARKING BECAUSE OF THE NARROW STREETS AND THERE ARE A LOT OF PARKING PROBLEMS IN THE AREA. WHEN CAL HAS A BIG ACTIVITY, YOU CAN'T PARK ANYWHERE -- OR THE GREEK.

>> SO MY UNDERSTANDING IS THERE ARE 30 SPACES ON THE PROPERTY. CAN YOU EXPLAIN WHAT THE OTHER 12 ARE.

>> THERE IS AN EXISTING PARKING LOT CALLED THE SOUTHERN STUDIO USED PRIMARILY FOR SAM AND HIS FAMILY AND ART STUDIO. SAM HAS THREE VEHICLES, HE HAS A PARTNER. THAT'S GOING TO BE EXCLUSIVELY FOR THE FAMILY BUT NOT ALWAYS. SAM HAS OPEN UP BOTH PARKING AREAS WHEN HE'S NOT USING THEM FOR THE NEIGHBORHOOD. DEPENDING ON HOW THE ART EVENTS TURN OUT, IT WOULD BE OVERFLOW

PARKING. WE WOULD ONLY DO THE FIRST FIVE PARKING SPACES -- WE'D ONLY DO THE FIRST FIVE AT FIRST. I DON'T THINK THE ART CENTER IS GOING TO OPEN UP FULL SPEED. IT WILL TAKE A FEW YEARS. THE SECOND PART WOULD BE FUTURE OVERFLOW PARKING.

>> S. O'KEEFE: FURTHER QUESTIONS FOR THE APPLICANT TEAM. WE MIGHT HAVE MORE LATER. DON'T GO ANYWHERE. NOW IT'S TIME TO BRING UP THE PUBLIC. WE HAVE A LOT OF SPEAKER CARDS. SO I WANT TO ACKNOWLEDGE THAT WE WERE -- FOR THE PREVIOUS PROJECTS WE WERE GIVING EVERYONE TWO MINUTES EACH. BUT WE HAVE A POLICY HERE WHERE WHEN THERE IS MORE THAN 20 OR SO SPEAKER CARDS, WE CAN'T GIVE ALL THAT TIME. I'M GOING TO LIMIT EVERYBODY TO ONE MINUTE. AND YOU KNOW, I'LL BE MORE FLEXIBLE BECAUSE I UNDERSTAND THAT'S LESS THAN NORMAL, BUT IN FAIRNESS OF THE TWO PROJECTS THAT ARE GOING AFTER THIS, WHICH ALSO HAVE PEOPLE WHO WOULD LIKE TO SPEAK, IT'S IMPORTANT THAT WE DON'T SPEND TOO MUCH TIME ON THE PROJECT. WE'RE GOING TO LIMIT BY ONE MINUTE. I'M GOING TO READ THREE NAMES AT A TIME. IF YOU ARE NEXT, IF YOU COULD PLEASE COME UP SO WE CAN GO THROUGH EVERYTHING PRETTY QUICKLY. THE LAST THING I WANT TO SAY IN THE INTEREST OF TIME IS IF SOMETHING THAT YOU WANT TO SAY HAS BEEN SAID, YOU ARE WELCOME TO JUST LIKE REFER TO IT AND GIVE THAT A PLUS. YOU DON'T HAVE TO SAY EVERYTHING. I SEE A LOT OF CARDS IN SUPPORT. ESPECIALLY IF YOU JUST WANT TO THROW YOUR NAME INTO THE SUPPORT. THAT WOULD BE HELPFUL. REMEMBER, THIS IS NOT LIKE WE'RE TRYING TO GET OUT OF

THIS FASTER. IT'S IN CONSIDERATION FOR THE PEOPLE WHO ARE GOING TO GO AFTER. WE DON'T WANT THEM TO BE HERE UNTIL MIDNIGHT. ANY MORE CARDS ON THIS ONE? OKAY. SO FIRST WE'VE GOT -- I'M GOING FIRST NAMES. S.B. MASTER FOLLOWED BY BEVERLY CHENEY FOLLOWED BY OREUM. IF YOU COULD COME UP. WE'LL HEAR FROM S.B. FIRST.

>> I'M ESTEY MASTER. I'VE SUBMITTED A LETTER WHICH HOPEFULLY YOU'VE LOOKED AT IN WHICH I HAVE TWO ISSUES. THE SIDEWALK PATH AND THE STORAGE SHED. NORTH/SOUTH IS OUR MAJOR ROUTE TO WALK FROM OUR NEIGHBORHOOD HUNDREDS OF HOUSES TO TOWN OR THE CAMPUS. IT'S BEEN USED WITHOUT RESTRICTION FOR 95 YEARS. IT'S NEVER BEEN BLOCKED -- THERE HAS NEVER BEEN ANY QUESTION THAT IT WAS A MAJOR NORTH/SOUTH ROUTE. IT MESHES WITH CITY SIDEWALKS INCLUDING WHEELCHAIR RAMPS, THE YELLOW RUBBER MATTING. IT LINKS UP WITH THE CITY CROSSWALK. IT'S CLEAR THAT IT IS INTRINSIC TO THE PEDESTRIAN INFRASTRUCTURE OF OUR NEIGHBORHOOD. TO NOT HAVE IT, WHICH I UNDERSTAND WE COULD LOSE IT AT ANY TIME, YOU HAVE TO WALK ALL THE WAY AROUND THE SCHOOLYARD. I WALK THAT. I'M A FAIRLY NORMAL HEIGHT PERSON. THAT IS 380 STEPS FOR ME. THE PATH IS 80 STEPS. THE PATH IS FLAT. IT'S SAFE. WHEELCHAIRS CAN USE IT, STROLLERS CAN USE IT. GOING AROUND THE SCHOOLYARD IS UP AND DOWN. I ENDED UP BEING BREATHLESS. A HUGE LOSS TO THE NEIGHBORHOOD. I THINK A MINUTE IS NOT FAIR.

>> S. O'KEEFE: CHAIR'S DISCRETION. NEXT WE HAVE BEVERLY CHENEY FOLLOWED BY OREUM FOLLOWED BY THOMAS.

>> I HOPE THAT ALL OF THE LETTERS HAVE BEEN READ. I REALLY DO. THERE IS A LOT OF DETAIL AND INFORMATION IN THE LETTERS. I HOPE THAT YOU'VE ALL READ THEM. AT THE LANDMARK COMMISSION'S MEETING AUGUST 1ST, THE VOTE WAS CLOSE IN FAVOR OF SAM'S PLAN, IT WAS 5-4. TWO OF THE COMMISSIONERS HAD QUESTIONS ABOUT THE EASEMENT AND THEY PUT A MOTION ON THE FLOOR TO MAKE THE APPROVAL OF THE PLAN CONDITIONED UPON THE CREATION OF AN EASEMENT OVER THE PATH AND ONE HALF OF THE PLAYGROUND. IT WAS DEFEATED. BUT TWO OF THE COMMISSIONERS BECKY O'MALLEY AND PAUL SCHWARTZ RECOMMENDED THAT -- ASKED THIS THEIR PARTICULAR RECOMMENDATIONS ABOUT LOOKING INTO THE POSSIBILITY OF AN EASEMENT BE SENT TO ZAB. HAVE YOU RECEIVED THAT? THANK YOU. I HAVE A LOT OF OTHER POINTS THAT I THINK ARE VERY IMPORTANT.

>> S. O'KEEFE: THERE IS A QUESTION. SO WHO WOULD PAY FOR THE EASEMENT? WOULD THE NEIGHBORS PAY FOR THAT? WOULD YOU PAY THE APPLICANT?

>> THAT HAS NOT BEEN DISCUSSED. THE APPLICANT HAS BEEN ADAMANT ABOUT NOT WANTING TO GIVE AN EASEMENT.

>> S. O'KEEFE: NEXT UP WE HAVE OREUM. HE'S NOT SPEAKING? THEN THOMAS. FOLLOWED BY JOSHUA FOLLOWED BY DAVID. ARE YOU THOMAS? OKAY. JOSH, YOU'RE UP NOW.

>> THANKS I'M JOSHUA AND MY PARENTS BUILT THE HOUSE ON LEROY ACROSS THE STREET FROM THE PARK AND THE SCHOOL. MY CHILDREN ARE THE FOURTH GENERATION TO PLAY ON THE PLAYGROUND DID

USE THE WALKING PATH. I WANT TO THANK THE OWNER FOR THE WORK HE'S DONE ON THE BUILDING ITSELF. BUT I WANT TO EXPRESS MY DEEP CONCERN ABOUT THE WALKING PATH AND THE PLAYGROUND OPEN SPACE. MY CONCERN IS ECHOED BY A NUMBER OF OTHER PEOPLE. THIS IS MUCH MORE THAN A SINGLE-FAMILY RESIDENCE USE. IT'S MORE IN LINE WITH A COMMERCIAL USE. WE'RE TALKING ABOUT 25 DAILY VISITORS. 30 TOTAL PARKING SPACES. IN ADDITION, CONVERTING WHAT IS CURRENTLY AN OPEN SPACE GRAY GROUND TO A PARKING LOT IS A PROBLEM IN DAY AND AGE PARTICULARLY WITH THE LACK OF OPEN SPACE IN THIS AREA AND PARTICULARLY WHEN THERE IS ALREADY A PARKING GARAGE WITH 12 SPACES FOR THE RESIDENTS. THESE PLAYGROUND CHANGES AND THE CHANGES TO THE WALKING PATH ARE NOT CONSISTENT WITH THE CHARACTER OF THE NEIGHBORHOOD AND I ASK YOU TO PRESERVE THEM.

>> S. O'KEEFE: DAVID FOLLOWED BY [INDISCERNIBLE] FOLLOWED BY BRIAN. IS DAVID HERE? ARE YOU DAVID?

>> I'M DAVID. I HAVE SUPPORTED THE OWNER -- NEW OWNER OF THE BUILDING TO DO SEISMIC REINFORCEMENT OF THE BUILDING. HE'S TAKEN POSITIVE STEPS TO IMPROVE THE STRUCTURE AND SAFETY OF THE STRUCTURE AND TO MAKE IT MORE HABITABLE. THE NEIGHBORS LOVE THE PRAY GROUND. THIS IS SOMETHING THAT I BELIEVE CAN BE WORKED OUT. I THINK IT'S IMPORTANT FOR US TO COME TOGETHER AND WORK IT OUT. I TRULY BELIEVE THAT BOTH PARTIES, THE OWNER AND NEIGHBORHOOD CAN COME TOGETHER FOR A BEAUTIFUL AND USEFUL PLACE.

>> S. O'KEEFE: BRIAN AND CORRINE.

>> I REPRESENT THE ARTISTS BUILDING A LARGE SCALE INTERACTIVE. ONE OF THE BIGGEST PROBLEMS WAS TO FIND ADEQUATE SPACE FOR BUILDING ART AND STORING IT. AND THAT SPACE IS NOT AFFORDABLE OR EXISTING IN THE ENTIRE BAY AREA. FINDING A PROJECT LIKE THIS IS INCREDIBLE. IT'S INCREDIBLY WONDERFUL. SPACE IS GREAT. WE'VE TRIED IT. ONE OF THE BIG PROBLEMS IS PARKING. BECAUSE WE BRING REGULARLY MORE THAN 10 CARS. PARKING ON THE STREET DOESN'T ALLOW US TO LOAD AND UNLOAD. I MEASURED AND IT'S QUITE UNLIKELY THAT A FIRE TRUCK WITH PASS. OPENING THE PARKING WOULD BE INCREDIBLY HELPFUL FOR US. AND FOR SAFETY REASON.

>> S. O'KEEFE: THANK YOU. THAT WAS HORST.

>> I'M BRIAN SEXTON AND I'M PART OF THE SAME ARTIST GROUP AND I WANT TO BRIEF TALK ABOUT MY EXPERIENCE AT HILLSIDE SCHOOL. I WORKED INSIDE AND OUTSIDE OF THE SCHOOL. OUTSIDE OUR INTERACTION WITH THE NEIGHBORS HAVE BEEN WELCOMING AND FRIENDLY AND THEY SEEM TO GENUINELY ENGAGE WITH US. IN A POSITIVE WAY. AND ON THE INSIDE, SAM IS WITH HIS DEEP KNOWLEDGE A SUPPORTIVE AND SKILLED MENTOR WHO DEEPLY VALUES ARTISTIC EXPRESSION. FOR THAT REASON, I'D LIKE TO YOU SUPPORT THIS PARK AND SUPPORT HORST AND MY ABILITIES TO CONTINUE TO CREATE IN THIS SPACE. I THANK YOU FOR YOUR TIME.

>> S. O'KEEFE: IS CORRINE HERE? RENA I KNOW YOU'RE HERE.

>> SHE'S PART OF THE APPLICANT TEAM.

>> S. O'KEEFE: YOU CAN SAVE YOUR TIME. YOU'VE HAVE TIME AT

THE END. OKAY. WE'VE GOT KATIA ELLIOT FOLLOWED BY JASON FOLLOWED BY TANYA.

>> I AM A MUSICIAN AND ARTIST. MY HUSBAND IS A VISUAL ARTIST TOO. I'VE SEEN OVER THE DECADE ARTISTS LEAVE THE AREA BECAUSE THE RENT HAS GONE INSANELY UP. I'VE SEEN WHAT SOME HAVE BEEN DOING WITH THE SCHOOL AND I SEE IT INSPIRES CREATIVITY. AS WELL AS HIS RENOVATION OF THE SCHOOL HAS BEEN VERY TASTEFUL AND I HAVE REASON TO BELIEVE IT WILL CONTINUE TO BE THAT WAY IN THE FUTURE TOO. IT'S A BEAUTIFUL LANDMARK. I'M HERE FOR THE ARTISTS AND ASKING YOU TO VOTE FOR THIS.

>> I'M JASON. I'M AN ARTIST. AND INVENTER AND I NEED SPACES LIKE THIS. I DON'T LIVE A CONVENTIONAL LIFESTYLE. I DON'T GO TO A 9-5 JOB LIKE YOU. I INVENT AND CREATE. MAYBE WHAT I CREATE MAY HELP YOU LATER. THESE SPACES CONTRIBUTE TO ALL OF US. THEY CONTRIBUTE TO YOU IN MORE WAYS THAT YOU KNOW. IT COULD BE THE NEXT MEDICAL DEVICE THAT WE BUILD. WE NEED THE SPACES. VOTE YES.

>> S. O'KEEFE: TANYA FOLLOWED BY SANDRA AND MICHAEL SCOTT.

>> I REPRESENT A GROUP THAT DON'T ALWAYS GET REPRESENTED. I WORK IN SPECIAL EDUCATION. A LOT OF MY STUDENTS, WHAT BRINGS MEANING TO THEM IS ART. THEY NEED PLACES TO CREATE THAT ART AND THEY NEED PLACES LIKE SAM IS PROVIDING FOR THEM TO HAVE A PLACE TO GO AND TO HAVE A MEANING IN LIFE. FOR THEM, ART IS MEANING. I'VE SEEN WHAT SAM HAS DONE WITH THE SCHOOL AND I'VE SEEN THE PLANS. I THINK IT'S A GREAT PLACE. A GREAT PLACE FOR PEOPLE WHO

DON'T ALWAYS GET THEIR WORD OUT. I THINK WE SHOULD VOTE YES TO HAVE ALL PEOPLE REPRESENTED.

>> MAY I ASK A QUESTION. ARE YOU SAYING THAT THERE ARE PROGRAMS FOR CHILDREN AT THIS SITE?

>> NOT PROGRAMS FOR CHILDREN, PROGRAMS FOR ADULTS. ADULT ARTISTS WITH SPECIAL NEEDS. NOT AT THE SITE, I'M SAYING THAT IN MY COMMUNITY, I DO KNOW SPECIAL NEED WHO WORK AS ARTISTS OR WHO HAVE MEANING THROUGH ART. I CAN'T REPRESENT WHAT HE'S CREATING OR WHO HE'S GIVING THE SPACE TOO, BUT I KNOW IN MY COMMUNITY THERE ARE ARTISTS WITH SPECIAL NEEDS AND DON'T REALLY HAVE A WORD.

>> ARE YOU USD? YOU WORK FOR BERKELEY UNIFIED? WE TOO. SANDRA FOLLOWED BY MICHAEL SCOTT FOLLOWED BY SYLVIA.

>> MY NAME IS SANDRA. I'M A SCIENTIST, NOT AN ARTIST. BUT I'M HERE BECAUSE I HAVE BEEN SO IMPRESSED WITH HOW THE BUILDING AND THE GROUNDS HAVE BEEN TRANSFORMED. THAT MADE ME REALIZE HOW IMPORTANT THE BEAUTY OF THE HISTORIC BUILDINGS CAN BE TO THE NEIGHBORHOOD AND COMMUNITY. I WOULD MISS THE WORK THAT SAM HAS DONE TO DATE RESTORING THE ABANDONED BUILDING. THE FACT THAT THIS IS HIS PERSONAL HOME GUARANTEES THAT THE ARTIST ACTIVITIES WILL ENHANCE AND NOT INTERFERE WITH THE PEACEFUL ENJOYMENT OF THE NEIGHBORS. I WANTED TO ADD THAT YOU MAY BE AWARE THAT THERE IS AN ARTISTIC GROUP AND THEY HAVE AGREED TO WORK TOGETHER WITH ARTISTS AND CREATE BEAUTIFUL FASCINATING WORKS OF ART. THAT'S

WHAT I THINK SAM IS TRYING TO ACHIEVE.

>> S. O'KEEFE: MICHAEL, SYLVIA AND RICHARD.

>> I'M MICHAEL SCOTT, I LIVE AT 1570 LEROY AVENUE. I GRADUATED TO THE HILLSIDE SCHOOL IN 1955. LONG TIME ASSOCIATE THERE. THE FRONT YARD IS IN FRONT OF MY HOUSE. I SEE IS IT ALL THE TIME. I THINK SAM'S ARRIVAL IS FABULOUS. WHO ELSE HAS THE RESOURCES, IMAGINATION AND COMMITMENT TO TRANSFORM WHAT IS LOVELY. ON THE OTHER HAND, THERE ISN'T A HUNDRED PERCENT SUPPORT IN THE NEIGHBORHOOD FOR JUST A COUPLE OF SMALL REASONS. THEY HAVE TO DO WITH THE PATH, IT HAS TO DO WITH NOTIONS OF SAFETY AND NOTIONS OF PUBLIC ACCESS. PLEASE WEIGH THOSE CAREFULLY.

>> S. O'KEEFE: THANK YOU. PERFECT. SYLVIA. AND RICHARD AND CLARK.

>> I WAS WONDERING IF I CAN GIVE MY MINUTE TO RICHARD.

>> WE DON'T DO TIME SHARING.

>> WE HAVE LEAVED ON LEROY SINCE 1999. WE'RE REQUIRING AN EASEMENT FOR THE PUBLIC PATH. IT'S BEEN A FEATURE OF THE NEIGHBORHOOD AND PUBLIC SAFETY. ALTHOUGH SAM HAS INDICATED HE'LL CURRENTLY ALLOW THE PUBLIC ACCESS, ONLY AN EASEMENT WILL ENSURE HIS GOOD INTENTIONS WILL TURN INTO PERMANENT ACCESS. WE ASK THE ZONING BOARD TO KEEP THE PLAYGROUND ACCESSIBLE. OPEN SPACE WILL PRESENT A PLACE OF SAFETY DURING EARTHQUAKES AND FIRES. RESIDENTS OF LEROY USED ON-STREET PARKING FOR YEARS AND WILL CONTINUE TO DO SO. AND USERS OF 1581 LEROY AVENUE SHOULD DO THE

SAME.

>> S. O'KEEFE: THANK YOU. RICHARD, CLARK AND GREG.

>> THANK YOU, THIS USE IS SIMPLY ILLEGAL. UNDER 21 HF .04 ARTS AND CRAFTS STUDIO IS NOT ALLOWED IN A RESIDENTIAL AREA UNLESS IT'S IN A DETACHED ACCESSORY BUILDING FOR USE OF THE RESIDENTS OF THE MAIN PROPERTY. THIS IS THE OPPOSITE. IT'S NOT IN THE DETACHED BUILDING, IT'S IN THE MAIN BUILDING AND NOT FOR USE BY RESIDENT OF THE MAIN BUILDING BUT FOR USE BY GUESTS. IT'S ILLEGAL. IT'S AN ILLEGAL USE THAT CANNOT BE ALLOWED. THE CEQA REVIEW IS REQUIRED BECAUSE OF THE PLAN INCONSISTENCY. WE'VE GOT COMMENTS FROM THE BATTALION CHIEF WOULD CREATE A FIRE SAFETY RISK. PLUS THE NOISE IMPACTS CREATES A SIGNIFICANT IMPACT. WE'RE TALKING ABOUT AN EVENT CENTER FOR UP TO A HUNDRED PEOPLE ONCE A MONTH. 75 PEOPLE TWICE A MONTH AND 25 PEOPLE EVERY DAY CAD IT'S AN EVENT CENTER. THAT NOISE IS A SIGNIFICANT IMPACT UNDER CEQA THAT OVERCOMES ANY CEQA EXEMPTION. THEREFORE AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED. AND I'M HAPPY TO TAKE ANY QUESTIONS.

>> S. O'KEEFE: CLARK, GREG AND THEN PAM.

>> I'M CLARK. I LIVE AT 2565 BUENA VISTA HOUSE REMOVED FROM THE PROPERTY. I WANTED TO COME IN AND SAY I SUPPORT IT. IT REMIND ME OF BUNKER IN BERLIN. MAKE USE OF THIS BUILDING AND I WANT TO REGISTER MY SUPPORT IN A SHORT STATEMENT.

>> S. O'KEEFE: THANK YOU. GREG FOLLOWED BY PAM FOLLOWED BY RICHARD.

>> I AM GREG MURPHY UP LIVE UP THE HILL FROM THE PROPERTY. AND I WAS GOING IT TALK A LITTLE BIT ABOUT THE ROT AND DECAY. MY DAY JOB I'M THE DIRECTOR OF OPERATIONS FOR THE JEWISH CENTER SO I WANT TO TALK ABOUT SAFETY. WHEN WE MOVED INTO THAT BUILDING THAT LOOKS DOWN ON THE SCHOOL, WE NOTICED THE SCHOOL HAD BEEN VANDALIZED AND WE NOTICED THAT KIDS COULD HOP OVER THE FENCE AND GO ON TO THE DECK AND HAVE PARTIES THERE. WE NOTICED THERE WERE VAGRANTS IN THE BACK HIDDEN AWAY. HAVING THAT SITE OCCUPIED I THINK IS THE GREATEST IMPROVEMENT OF SAFETY AND SECURITY THAT YOU CAN FIND IN THE NEIGHBORHOOD. THAT IS GOING TO BE CONTINUED TO BE OCCUPIED IS FABULOUS. THE OTHER PART OF SAFETY IS LET'S REMEMBER WHAT HAPPENED TO THE ARTISTS AT THE GHOST SHIP FIRE. THEY NEEDED A SAFE PLACE.

>> S. O'KEEFE: PAM GLEASON FOLLOWED BY RICHARD.

>> I LIVE ACROSS THE STREET ON THE UPPER LEVEL. IF YOU LOOKED AT THE MAP WITH THE HOT TUB AND THE SWIMMING POOL, MY BALCONY WILL LOOK STRAIGHT DOWN. I'M IN SUPPORT OF THIS. SAM HAS BEEN A GREAT NEIGHBOR. THE THING THAT IS MOST IMPORTANT TO ME IS THAT WE HAVE FOR SEVERAL YEARS HAD OUR SAFETY MEETINGS, FIRE HAZARD IS OUR BIGGEST DANGER IN OUR NEIGHBORHOOD. SAM HAS BEEN GENEROUS AND ALLOWING US TO USE HIS SPACE. WE HAD 140 NEIGHBORS GATHER TOGETHER. I APPRECIATE THAT. AND SAM SAID HE'LL CONTINUE TO LET US USE HIS SPACE FOR OUR NEIGHBORHOOD MEETING. THAT IS MOST IMPORTANT FOR US AND ME.

>> S. O'KEEFE: THANK YOU. RICHARD MAINS FOLLOWED BY PAUL BICKMORE FOLLOWED BY PETER.

>> I'M RICHARD AND I LIVE A FIVE MINUTE WALK FROM HILLSIDE. FIVE OF MY CHILDREN PLAYED THERE. THE COMPLEXITY OF THIS EXTRAORDINARY PROJECT BUT WHAT IS GOING ON HERE. THE TEAM HE HAS PUT TOGETHER IS ABSOLUTELY EXTRAORDINARY. I'VE WATCHED SCHOOLS COLLAPSE AND COME BACK TO LIFE AND COLLAPSE MULTIPLE TIMES. I THINK THAT WE -- I WOULD SUGGEST THAT THE GROUP HERE HAS SOME FAITH IN HIS JUDGMENT AND WHAT HE'S DONE SO FAR AND THE TEAM HE PUT TOGETHER AND THE AMOUNT OF EFFORT HE'S PUT INTO INTERACTING WITH THE NEIGHBORHOOD. DO THIS PROJECT AND LET IT EVOLVE IN A GOOD WAY. THANK YOU.

>> S. O'KEEFE: NEXT PAUL BICKMORE, PETER FOLLOWED BY NORMA.

>> MY ONLY COMMENT HERE IS WITH THE FACT THAT YOU HAVE PEOPLE HERE ALREADY AND YOU'RE ADDING IN TWO RESIDENTIAL UNITS. I THINK THIS IS AN OPPORTUNITY FOR A LOT MORE UNITS THAN THAT. GIVEN THE FACT THAT WE ARE IN A HOUSING CRISIS. ON A SITE LIKE THIS AND THERE ARE LIKE 50,000 SQUARE FEET OF BUILT SPACE THERE ALREADY, I WORRY YOU'RE MISSING AN OPPORTUNITY GIVEN THE FACT THAT THERE ARE PEOPLE HERE ALREADY. AND I MYSELF LIVE ON A FAULT. SO I WOULD LIKE MORE THAN JUST TWO RESIDENTIAL UNITS. AND SINCE THE ARTISTS ARE NOT LIVE/WORK -- SO THANK YOU.

>> S. O'KEEFE: AND YOU WERE PAUL? STILL ARE. PETER AND NORMA AND OREN.

>> GOOD EVENING. I'M PETER. I LIVE UP BY THE HILLSIDE SCHOOL. WE APPROVE THIS APPLICATION. I WILL SAY THAT I FOLLOWED THE HILLSIDE SCHOOL ISSUE. IT'S BEEN DIRECTLY ACROSS FROM OUR HOUSE FOR MANY, MANY YEARS. THE SCHOOL WAS DERELICT AND WAS A DANGER FOR MANY OF THOSE 30 YEARS THAT WE LIVED THERE. [INDISCERNIBLE] THE BUILDING WAS A DANGER. IT WAS DERELICT. SAM SAVED IT. I ASK YOU TO SUPPORT THE APPROVAL OF IT.

>> S. O'KEEFE: THANK YOU. SIR. NORMA FOLLOWED BY OREN FOLLOWED BY ROGER.

>> HELLO. I'M NORMA. MY HUSBAND PETER AND I LIVE AT 1584 LEROY ACROSS FROM HILLSIDE SCHOOL ON THE SOUTHERN SIDE. WE MOVED THERE IN 1987 JUST AFTER THE SCHOOL WAS CLOSED. I MUST SAY THAT EVERY DAY I LOOK OUT WHEN I LEAVE OUR HOUSE, I LOOK OUT AT HILLSIDE AND IT IS A JOY AND A DELIGHT TO SEE. THE WORK THAT SAM HAS DONE IS EXTRAORDINARY. FOR 30 YEARS SINCE WE ARRIVED THERE, WE WATCHED THE NEGLECT AND DECAY AND WE WERE HORRIFIED AT THE DANGERS THAT COULD BE THERE OF FIRE AND GAS LEAKAGE. TWO OF THE BERKELEY'S FINE DEVELOPERS LOOKED AT THE SITE AND FELT THAT AN INVESTMENT THERE WOULD SIMPLY NOT PENCIL OUT. WE'RE GRATEFUL TO SAM. THANK YOU.

>> S. O'KEEFE: OREN AND ROGER.

>> I LIVE AT 1348 EUCLID, I WATCHED THE BUILDING DETERIORATE AND TURN INTO A HAUNTED HOUSE AND COME BACK. I AM WORKING ON -- I PULLED A PERMIT TO WORK ON BUILDING. IT'S A

CARPENTER'S DREAM JOB. I FIND -- I'M ALSO PART OF THE NEIGHBORHOOD SERT ORGANIZERS. I DON'T SEE HOW THIS IS A DETRIMENT TO SAFETY. I KNOW SAM I MET HIS PARENTS CAN KIDS AND FRIENDS AND HE SEEMS TO BE SINCERE IN HIS GENEROSITY OF KEEPING THE SPACE OPEN AND AVAILABLE IF THERE IS AN EMERGENCY. I FULLY SUPPORT THE PROJECT.

>> S. O'KEEFE: THANK YOU. ROGER AND JANA AND EMMA.

>> I LIVE A FEW BLOCKS AWAY BUT MY WIFE AND I HAVE TWO WAREHOUSE BUILDINGS IN WEST BERKELEY THAT WE USE OURSELVES AS WORKSHOPS AND SHARE WITH A DOZEN OTHER SMALL ARTS AND CRAFTS GROUPS. I CAN TELL YOU THAT THE NEED FOR SPACE LIKE IT IS UNBELIEVABLY CRITICAL. WE GET REQUESTS ALMOST ON A WEEK LIST BASIS -- DO YOU HAVE SPACE AND KEEP ME ON A LIST FOR SPACE. WE CHARGE VERY LOW RENT AND THAT IS PART OF IT. SAM PROPOSES TO UNDERCUT US. BUT WE'VE WATCHED SOME OF MY DEAREST FRIENDS HAVE TO LEAVE THE TOWN BECAUSE THEY CAN'T AFFORD ART SPACE. THIS IS CRITICAL TO THE SOUL OF BERKELEY TO HAVE CULTURE THAT IS ACTUALLY OURS, NOT MERELY AN ARTS DISTRICT WITH ENTERTAINMENT.

>> S. O'KEEFE: THANK YOU. IS JANA?

>> I'M ROGER'S WIFE. WE LIVE IN THE NEIGHBORHOOD TOO. WE LIVE OVER ON SHASTA. I'VE BEEN WALKING PAST THE SCHOOL FOR 22 YEARS SINCE I LIVED THERE. FEELING BAD ABOUT THE DERELICTION. SINCE MY PROFESSION IS REPAIR OF LIGHT FIXTURES. SAM HAS HIRED ME TO FIX THEM AND THEY'RE UP NOW AND WE MADE DUPLICATES TO PUT

ON OTHER PLACES ON BUILDING. I SUPPORT THE WHOLE PROPOSAL. I THINK IT'S ONLY GOOD FOR THE NEIGHBORHOOD. THAT BUILDING HAS BEEN A DIFFICULT BUILDING TO FIND REUSE FOR. IT HAS SERIOUS SEISMIC ISSUES. MY UNDERSTANDING IS THAT PUBLIC SCHOOLS CAN'T USE IT. FINDING AN ADAPTIVE REUSE LIKE THIS IS EXCELLENT.

>> S. O'KEEFE: EMMA FOLLOWED BY MARTIN FOLLOWED BY ALFRED.

>> I'M EMMA. I LIVE ABOUT TWO BLOCKS AWAY. UNTIL A HOUSE WITH MY CHILDREN AND THEY USE THE PLAYGROUNDS OFTEN. I REITERATE THE CONCERNS OF LOSING THAT SPACE. IT IS RARE IN OUR NEIGHBORHOOD TO HAVE SUCH FLAT GROUND WHERE KIDS CAN PLAY AND IT'S OPEN. I WANTED TO HIGHLIGHT SOMETHING I DON'T THINK HAS BEEN RAISE SOD FAR IS THAT I'M NOT A CEQA LAWYER BUT I WAS GOING THROUGH THE FINE THINGS AND I FOUND IT STRANGE THAT THIS WAS IDENTIFIED AS HAVING BEEN EXEMPT UNDER 15301, AND 15331. 301 IS FOR EXISTING STRUCTURES AND REMAIN AND MAINTENANCE. IT SAYS CONSIDERATION IS WHETHER THE PROJECT PROVIDES NEGLIGIBLE OR NO EXPANSION. THIS IS A DIFFERENT USE. I DON'T KNOW WHY IT WOULD BE THE SAME. THE SAME THING GOES FOR HISTORIC 15331. I THINK THE PROJECT IS CREATIVE AND WONDERFUL, BUT IT'S STRANGE THAT THIS WOULD BE EXEMPT FROM CEQA.

>> S. O'KEEFE: MARTIN, ALFRED AND LINDA.

>> I'M MARTIN AND I'VE BEEN A 23-YEAR RESIDENT ON LEROY. I SUFFERED THROUGH THE 300 PAINS OF CORRESPONDENCE AND THE ONLY ONE I WANTED TO SPEAK TO IS REGARDING THE ATTORNEY'S LETTER

REGARDING CEQA. IT DIDN'T MAKE ANY SENSE TO ME. I FEEL THAT IT WAS REALLY A FLAWED AND MISLEADING POSITION. SINCE THE SALE OF THE PROPERTY -- I UNDER MY MINUTE HAS NOT STARTED YET. SINCE THE SALE TO SAM, THE NEIGHBORS HAVE WITNESSED A LOT OF CONSTRUCTION PROJECTS THAT ACTUALLY WORK TO IMPROVE PUBLIC SAFETY. YOU'VE HEARD A NUMBER OF THINGS MENTIONED ABOUT HIM. I WANT TO HIGHLIGHT THE INSTALLATION OF THE DRAINS. THE CONTINUATION OF THE LONG-STANDING POLICY FROM ALL OF THE PREVIOUS OWNERS TO ALLOW FULL ACCESS TO THE PUBLIC THROUGH THE PATHWAY. IN ADDITION THE PROVISION BY SAM OF LIABILITY INSURANCE. AS WELL, HE HAS REMOVED A LOW METAL FENCE THAT ALLOWS GREATER ACCESS ALONGSIDE THE PATHWAY. HE ALSO HAS REMOVED THE METAL BARRIERS THAT WERE PERMANENT. I THINK IT'S BEEN A SAFER THING.

>> S. O'KEEFE: ALFRED AND THEN LINDA. THAT'S IT.

>> GOOD EVENING. I'M ALFRED. I'M AN ARTIST BUT I HAVE A LOT OF PROBLEMS WITH THIS PROJECT. AS THE PREVIOUS SPEAKER ALLUDED TO, IT'S BASICALLY PUTTING EVENT SPACE IN A LIGHT MANUFACTURING FACILITY IN A RESIDENTIAL NEIGHBORHOOD. WE HAVE A PLACE THAT IS SPECIFICALLY ZONED FOR FAMILY RESIDENTIAL HOUSING. THIS PROPERTY IS A CITY BLOCK IN SIDE. EVEN IF YOU WERE PUTTING IN SINGLE FAMILY HOUSES, WE COULD GET 20 GNOMES THAT LOCATION. THIS IS INAPPROPRIATE USE. THERE ARE INACCURACIES IN THE PLAN. THEY SAY THERE ARE ONLY FIVE BEDROOMS BUT BERKELEY SAYS IF YOU HAVE ANY ROOM THAT COULD BE A LEGAL BEDROOM, IT HAS TO BE LABELED AS A

BEDROOM. THE SAME GOES WITH CONCERN ABOUT CLAIMING THAT THIS FALLS UNDER THE HOUSING ACCOUNTABILITY HOUSING. THAT ONLY APPLIES IF IT'S TWO-THIRDS HOUSING.

>> S. O'KEEFE: LINDA.

>> THANK YOU. I'M LINDA. I LIVE AT 1594 LEROY. I JUST WANT TO MAKE A COUPLE OF COMMENTS. I BELIEVE THAT SAM HAS DONE A GREAT JOB WITH THE BUILDING. MY UNDERSTANDING IS I WENT TO THE HISTORICAL PRESERVATION MEETING AND I UNDERSTAND THE PLAYGROUND IS UNDER HISTORICAL PRESERVATION. THAT WAS MADE CLEAR AT THE MEETING. I WOULD LIKE TO URGE YOU TO LIMIT THE [INDISCERNIBLE] ON THE OPEN SPACE PLAYGROUND. OUR STREET IS NOT THAT CROWDED. IT WAS MORE CROWDED WHEN THERE WAS THE SCHOOL AND PEOPLE PARKED ON STREETS AND THERE WAS NEVER NEEDED A PARKING LOT ON THE SCHOOL. THEY USED IT AS A PLAYGROUND. NOW WE HAVE G-STICKERS SO PEOPLE -- THERE IS PLENTY OF ROOM TO PARK. I'M AN ATTORNEY ALSO. I'VE WORKED ON CEQA CASES AND I URGE YOU TO LOOK TO SEE WHETHER OR NOT CEQA IS REQUIRED OR NOT. IT SEEMS TO ME THAT IT IS AND SHOULD BE LOOKED AT.

>> S. O'KEEFE: THANK YOU EVERYONE FOR BEING EFFICIENT WITH THAT. WE APPRECIATE EVERYONE WHO CAME TO SPEAK. ASSUMING NO ONE ELSE FROM PUBLIC WOULD LIKE TO SPEAK, I'LL PROVIDE THREE MINUTES FOR ANYONE FROM THE APPLICANT TEAM TO COME UP AND RESPOND. WE'LL HAVE TWO MORE QUESTIONS FOR THE APPLICANT.

>> WE'LL LET OUR TORN DO THE THREE-MINUTE REBUTTAL.

>> S. O'KEEFE: WILL YOU SPEAK TO SOME OF THE CEQA AND LEGAL ISSUES THAT CAME UP? YOU CAN SIT WHEREVER YOU WANT AS LONG AS YOU HAVE A MIC.

>> THE QUICK ANSWER TO THE CEQA CHALLENGE IS IT'S BASED ON A PROJECT THAT'S NOT BEFORE YOU. DO YOU HEAR ME?

>> YES.

>> THE ANSWER TO THE CEQA CHALLENGE IS IT'S BASED ON A PROJECT NOT BEFORE YOU. IT'S UPSET ABOUT A PATH THAT'S BEEN CLOSED. IT'S NOT BEEN CLOSED. IT STRIKES THE PROBLEM OF THE OPEN SPACE YET YOUR FIRE CHIEF HAS SAID THIS IS NOT A PATH WE NEED FOR FIRE. THIS IS NOT AN OPEN SPACE. EVEN IF HE WANTED TO CLOSE IT IN CASE OF FIRE, HE CAN'T. BECAUSE DURING A MAJOR PYRE, THE FIRE DEPARTMENT TAKES THE SPACE THAT IT NEEDS. THIS IS A PROJECT THAT SOLVES PROBLEMS. IT DOES NOT CREATE THEM. WITH SAM COMING IN, HE SAVED A NATIONAL REGISTERED LANDMARK BECAUSE THE DIRECTION IT WAS GOING, IT COULD HAVE BEEN COLLAPSED AND OPEN TO ANY KIND OF DEVELOPMENT. THIS SCHOOL IS A RESOURCE TO THE CITY, STATE AND COUNTRY. IT'S WORTH SAVING. BY PUTTING PARKING ON THE SITE, HE'S PREVENTING OVERCROWDING. I WILL MENTION THAT THIS DISTRICT HAS THE MOST PARKS OF ANY DISTRICT IN THE CITY. WITHIN WALKING DISTANCE THERE ARE TWO OF THE LARGEST AND MOST BEAUTIFUL PARKS WITH PLAYGROUND EQUIPMENT FOR CHILDREN. NO OTHER DISTRICT IN THE CITY CAN CLAIM THAT. TO HAVE A PLAY STRUCTURE THAT HAS BEEN CERTIFIED AS SAFE WHEN WITHIN WALKING DISTANCE YOU HAVE

THIS INCREDIBLE USE. I WOULD LIKE TO SAY THAT THE PLAYGROUND IS NOT A FEATURE [INDISCERNIBLE] IT WAS LISTED IN THE 1981 DESIGNATION AS BEING ON THE PROPERTY. THE LANDMARK'S COMMISSION WAS CLEAR THAT A PLAY GROUND ITSELF IS NOT A FEATURE TO CHANGED. IT'S BEEN MODIFIED AS LONG AS IT DOESN'T MAKE A BIG IMPACT. THIS STRUCTURE AND THE LANDMARK'S PRESERVATION COMMISSION SAID IT WOULD NOT. REGARDING THE FIRE SAFETY, I ASK YOU TO DEFER TO YOUR OWN FIRE CHIEF AND NOT SOMEONE FROM ANOTHER CITY WHO IS HIRED TO TELL THAT YOU NORTH/SOUTH PATH ARE IMPORTANT IN A FIRE. A PATH THAT IS NOT -- A SCHOOLYARD NOT BEING OBSTRUCTED WOULD BE OBSTRUCTED. NOR IN A CASE OF FIRE, EARTHQUAKE OR LANDSLIDE, DO YOU WANT A PLACE FOR WITH A LOT OF PEOPLE?

>> S. O'KEEFE: THANK YOU FOR THAT SUMMARY. IGOR.

>> CAN STAFF CLARIFY WHETHER THE PLAYGROUND IS INCLUDED OR NOT? THAT SEEMS LIKE A YES OR NO.

>> THE PLAYGROUND IS LISTED AS A FEATURE ON THE SITE. NOT TO BE PRESERVED, HOWEVER, IT DOES CONTRIBUTE TO THE HISTORIC IDENTITY OF THE PROPERTY. THAT ASPECT OF THE PROJECT WAS CONSIDERED BY LANDMARK PRESERVATION COMMISSION CONSISTENT WITH --

>> S. O'KEEFE: NOT BEING A PLAYGROUND?

>> IT'S PARTIALLY A PLAYGROUND AND PARTIALLY A PARKING LOT AND PARTIALLY AN OPEN SPACE FOR ART.

>> I HAVE A QUESTION FOR THE SPEAKER. AM I TO UNDERSTAND

THAT YOUR ARGUMENT IS BECAUSE IT'S NOD CLOSED, THERE IS -- CEQA IS NOT TRIGGERED. IF HE DOES THE DAY AFTER THE PROJECT IS APPROVED, THEN DOES THAT MEAN CEQA DOES GET TRIGGERED?

>> I'M NOT UNDERSTANDING WHAT YOU'RE SAYING.

>> S. O'KEEFE: IT WAS MY UNDERSTANDING FROM YOUR ARGUMENT THAT IF -- IF THE PROJECT THAT TRIGGERS CEQA IS NOT BEFORE US BECAUSE RIGHT NOW THE PATH IS OPEN. IF THE PATH IS CLOSED AND CEQA WOULD BE TRIGGERED?

>> THE FIRST GROUP WAS SAYING IT WILL BE CLOSED. THE SCHOOLYARD WILL BE CLOSED AND THIS IS A FIRE DANGER. THE PATH ITSELF IS NOT PART OF BERKELEY FIRE SAFETY PLAN. THE LANDMARK DECISION DID SAY PRESERVE THE PATH. THE REAL ISSUE WITH THE NEIGHBORS ARE WHO HAS THE OWNERSHIP INTEREST? AND WE HAVE THE SCHOOL SIGNS, NO NEIGHBORHOOD HAS EVER HAD UNLIMITED ACCESS. HE NEEDS TO BE ABLE TO CONTROL THE TIME AND MANNER AND THE STATE OF THE PATH.

>> S. O'KEEFE: IS THERE A CASE PENDING ON THIS? YOU YOU'VE BEEN USING WORDS LIKE BRIEFING.

>> NO. NOT AT ALL.

>> IF I MAY ANSWER THE CEQA QUESTION AGAIN. THERE ARE THREE SECTIONS EVER CEQA REFERENCED IN OUR STAFF REPORT. THE 16301 EXISTING FACILITIES INCLUDING OPERATION, ARE REPAIR AND MAINTENANCE OF AN EXISTING STRUCTURE WITH NO EXPANSION OF EXISTING OR FORMER USE. THAT PIECE OF "FORMER USE" IS NEW TO THE

CEQA LAW. PREVIOUSLY IT WAS VERY MUCH WHAT IS THE EXISTING USE. SOME MIGHT SAY IT'S A VACANT BUILDING. BUT NOW WE'RE LOOKING IF HE FORMER USE AND THE FORMER USE INCLUDES A SCHOOL WITH 300 CHILDREN WITH DROP-OFF, PICKUPS AND SCHOOL EVENTS. THE OTHER PIECE IS 15303 WHICH IS NEW CONSTRUCTION. THAT CONSISTS OF CONSTRUCTION OR LOCATION OF A LIMITED NUMBER OF SMALL FACILITIES. ONE PIECE OF THINKING ON THAT IS IT RELATES TO THE SMALL SHEDS PROPOSED ACROSS THE SITE. THE OTHER PIECE THAT IS ALSO INFORMATIVE IS THAT THAT SECTION OF CEQA GUIDELINES, THE EXAMPLES INCLUDED -- THAT IS USUALLY USED FOR SINGLE-FAMILY HOMES AND AN URBAN ENVIRONMENT THAT MAY BE UP TO SIX UNITS. THAT'S ANOTHER WAY TO THINK OF THE CEQA DETERMINATION FOR THIS SITE. THE THIRD REFERENCE RELATES TO THE 15331 HISTORICAL RESOURCES AND THIS IS THE RESTORATION AND PRESERVATION OF A KNOWN HISTORIC RESOURCE.

>> THE OTHER THING I WOULD ADD IS THE UNUSUAL CIRCUMSTANCES. WITH A SITE AUTHORITY BERKELEY HILLSIDE VERSUS CITY, THE PRESERVATION IS THE BERKELEY HILLSIDE ORGANIZATION. THE SUPREME COURT DECISION SAYS THE OPPOSITE OF WHAT THEY'RE SAYING. YOU LOOK AT UNUSUAL BASED ON WHAT IS THE IMMEDIATE ENVIRONMENT. THIS SCHOOL SITE IS NOT UNUSUAL IN COMPARISON TO OTHER RESIDENCES AROUND IT. THEY'RE ALL IN A FIRE AREA AND SLIDE AREA AND EARTHQUAKE AREA. THEY ALSO SAY IT'S UNUSUAL BECAUSE THERE AREN'T HISTORIC BUILDINGS IN A DISTRICT LIKE THIS. JERRI

SAYS THERE ARE ALMOST 500 STRUCTURES DESIGNATED BY THE CITY OF BERKELEY AS LANDMARKS. EVERYTHING EAST OF SHATTUCK IS A FIRE AREA. THE SUPREME COURT WAS CLEAR THAT THAT'S NOT AN UNUSUAL CIRCUMSTANCES. THE OTHER THING THAT -- CIRCUMSTANCE. THE OTHER THING THEY'RE MISSING IS SAYING THE UNUSUAL CIRCUMSTANCE HAS TO LEAD TO THE ENVIRONMENTAL IMPACT. AND THE TWO UNUSUAL CIRCUMSTANCES THAT THEY ASSERT ARE NOT LEADING TO THAT. THE HILLSIDE CASE IS ONE.

>> I THINK THERE ARE SEVERAL OF US THAT ARE LAWYERS SO MOST OF US ARE PROBABLY WONDERING -- BECAUSE THIS IS OUR COMMUNITY AND FRANKLY, IT MAKES ME A LITTLE CONCERNED TO HAVE ONE PERSON HAS THIS MUCH CONTROL. AND THAT PEOPLE CAN JUST COME AND BUY LOTS OF THINGS AND THEY OWN THEM AND IT CAN AFFECT OUR COMMUNITY. WHILE IT DOES SEEM LIKE THIS PROJECT IS GREAT, I FEEL LIKE I'M BOTHERED BY WHY NOT CREATE SOME KIND OF AGREEMENT THAT HAPPENS ALL THE TIME. WHERE THERE ARE SPACES WHERE THERE ARE, YOU KNOW, AREAS THAT -- THERE ARE EASEMENTS. SO IT DOES SEEM LIKE THERE IS A LOT OF CAMARADERIE AND COLLABORATION AND PEOPLE SUPPORT EVERYTHING AND THAT THE OWNER WANTS TO BE -- IS A PARTICIPANT IN THE COMMUNITY. IF IT'S AN ISSUE OF THIS IS NOT A POOR PART OF THE CITY, AND IT DOESN'T SEEM LIKE A FINANCIAL ISSUE. IT SEEMS LIKE WHO IS GOING TO BE RESPONSIBLE. THAT GETS FIGURED OUT ALL THE TIME. SO IT DOES SEEM -- IT'S SURPRISING TO ME THIS CAN'T GET RESOLVED. [APPLAUSE]

>> S. O'KEEFE: IS THAT A QUESTION? EXCUSE ME, WE'RE TRYING TO HAVE A HEARING.

>> WHY CAN'T IT GET RESOLVED?

>> I THINK IT CAN GET RESOLVED AND I THINK IT'S CLOSE TO BEING RESOLVED. WE HAVE BASICALLY -- WE'RE NOT INTERESTED IN EASEMENT BUT PROVIDING ACCESS. THE CITY IS NOT INTERESTED IN AN EASEMENT. THIS HAS BEEN VETTED BY THE CITY ATTORNEY AND TRAFFIC ENGINEER AND THE FIRE DEPARTMENT AND NO ONE HAS ANY PROBLEMS WITH IT. I THINK THE FEW PEOPLE THAT WANT A PERMANENT EASEMENT, THAT IS A VERY FEW NUMBER OF THE ENTIRE NEIGHBORHOOD. SAM NEEDS TO CONTROL HIS PROPERTY. IT'S HIS FRONT YARD AND IF SOMEONE IS PLAYING MUSIC TOO LOUD, HE HAS TO ASK THEM TO BE QUIET. IT'S A SIMPLE MATTER OF MAINTAINING SECURITY AND WHO IS GOING TO HAVE THE LIABILITY TO TAKE CARE OF THE SAFETY AND ALL THAT. I THINK THAT IS WHY IT NEEDS TO STAY WITH SAM AS A PROPERTY OWNER. HE'S NOT TAKING AWAY THE ACCESS OR DOG PARK OR PLAYGROUND. IT'S BEEN BLOWN OUT OF PROPORTION BY A FEW PEOPLE. WE'VE BEEN TO FIVE OR SIX NEIGHBORHOOD MEETINGS.

>> IT DOESN'T SOUND LIKE ANYBODY IS SAYING WE DON'T WANT THE EASEMENT.

>> I THINK SHE ANSWERED HER QUESTION. IGOR.

>> I. TREGUB: I BELIEVE THE CEQA DEBATE TO THE LAWYERS BUT I DON'T UNDERSTAND HOW THIS IS CONSIDERED A SMALL STRUCTURE IN THE CONTEXT OF CONVERSION OF SMALL STRUCTURES. I'M GOING TO ASK

A SERIES OF QUESTIONS AND I WILL DEFER TO THE APPLICANTS AND STAFF TO ANSWER THEM. I WOULD LIKE TO GET A RESPONSE ON ALFRED'S QUESTIONS ON THE HAA POTENTIALLY NOT APPLYING IF IT'S -- AS WELL AS THE BEDROOM COUNT. AS WELL AS ACTUALLY SINCE IT'S A SINGLE-FAMILY HOME BUT THEY'RE LIVING IN THE ADU, IS THE REST OF THE -- IT'S ESSENTIALLY BECAUSE THE REST OF THE DWELLINGS WOULD THEN BE NON-RESIDENTIAL USE? JUST HOW STAFF IS DEFINING THE -- THE ONE DWELLING UNIT PLUS ADU. I'M GOING TO MOVE ON TO THE QUESTION OF NOISE. IS THERE A PROGRAM OR PLAN FOR HOW THAT IS GOING TO BE CONTROLLED OR CONTAINED? AND THE LAST ONE IS, I THINK MAY HAVE STARTED TO ANSWER THAT. IS THERE A PATHWAY -- NO PUN INTENDED -- IS THERE A WAY TO DO ALL OF THESE DIFFERENT DESIRED THINGS AT DIFFERENT TIMES? PROVIDE A PLAYGROUND FOR USE AND PROVIDE PARKING WHEN NECESSARY AND HAVE THE STRUCTURES AVAILABLE FOR THE ART INSTALLATION. IT SOUND LIKE THEY'RE NOT MUTUALLY EXCLUSIVE. MAYBE YOU CAN EXPAND ON THAT.

>> YOU SAW THE OVERHEAD ON HOW MUCH OPEN SPACE IS THERE ON THE SITE. IT'S ALMOST AN ACRE AND A HALF TO TWO ACRES. THEY'RE PUTTING FIVE SMALL SHEDS ON THIS HUGE OPEN SPACE. SO THIS LITTLE PIECE IN THE WHOLE ISLAND OF OPEN SPACE. IF WE ALL CONSIDER [INDISCERNIBLE] OPEN SPACE. THIS OPEN SPACE NOT BEING IMPAIRED. EVEN THE PARKING WHICH TAKES UP A SMALL AREA, IF NEEDED, STILL LEAVES TENS OF THOUSANDS OF SQUARE FEET OF OPEN SPACE. ONE DOESN'T NECESSARILY CANCEL OUT THE OTHER. STAFF HAS THE

PREROGATIVE OF LOOKING AT THE PLANS TO SAY DO WE BELIEVE YOU?
THAT THIS IS OR IS NOT GOING TO BE MORE BEDROOMS. UNTIL TWO
LARGE CONVERSIONS THAT I LOOKED AT OF 5,000 SQUARE FEET, NEW
LIVING QUARTERS, STAFF ACCEPTED THE APPLICANT'S PROPOSAL THAT IT
IS FIVE BEDROOMS. THE OR SPACE USED FOR FAMILY ROOMS OR
AUDIO/VISUAL. THAT STAFF'S PREROGATIVE. IF THEY'RE NOT GOING TO
BE BEDROOMS, IT COULDN'T COME INTO THE NEW ANTI-DORM RULE. I
BELIEVE STAFF DID LOOK AT THE FLOOR PLANS OF THE NEW RESIDENCE
AND MADE THAT DETERMINATION THAT IT WAS FIVE BEDROOMS.

>> I. TREGUB: COULD STAFF RESPOND TO MY QUESTION ABOUT THE
ADU.

>> THIS PROPOSAL IS TO CREATE AN APPROXIMATELY 50,000
SQUARE FOOT RESIDENCE. THE ENTIRE MAIN BUILDING WOULD BE A
RESIDENCE. THERE IS A PORTION DESIGNED AS A PRIMARY LIVING
SPACE. THAT'S THE SPACE THAT HAS FIVE BEDROOMS. THE REMAINDER OF
THE BUILDING IS BEING CONVERTED TO ART SPACE. THOSE ARE THE
FORMER CLASSROOMS. THE REASON THE BEDROOM ORDINANCE DOESN'T
APPLY TONIGHT IS BECAUSE IT IS MEANT TO CREATE A DWELLING UNIT.
THE BEDROOM REQUIREMENT IS TRIGGERED FOR OTHER KINDS OF
PROJECTS. PROJECTS WHERE A USE PERMIT OTHERWISE WOULDN'T BE
REQUIRED. THAT'S WHY THE LIST OF IMPROVEMENTS DOES NOT INCLUDE A
CONSIDERATION OF THE NUMBER OF BEDROOMS.

>> I. TREGUB: MY LAST QUESTION WAS ABOUT NOISE IF THERE A
MITIGATION PLAN.

>> THIS PROJECT IS SUBJECT TO THE CITY COMMUNITY NOISE ORDINANCE. ONE OF THE STANDARD CONDITIONS IN YOUR APPROVAL IS THAT THEY COMPLY WITH ALL THE CITY IT'S NOISE REQUIREMENTS.

>> I. TREGUB: GOOD ANSWER.

>> I EVEN FOUND ART SHOWS TO BE NOISY. SHOULD THEY BE, THEY WOULD BE SUBJECT TO THE FORMAL NUISANCE REQUIREMENT AND CITY ORDINANCES AROUND NOISE. THE PLAN IS NOT GOING TO BE OUT DOOR APPLICATION. LARGE GROUPS THAT MEET WILL BE MOSTLY INSIDE THE ENCLOSED AUDITORIUM. THEY'RE NOT ALLOWED TO VIOLATE THE COMMUNITY NOISE STANDARD NO MATTER WHAT YOU SAY.

>> S. O'KEEFE: NEXT IS TERESA FOLLOWED BY DEBORAH.

>> I WANTED TO CLOSE THE PUBLIC HEARING. MAKE A MOTION.

>> S. O'KEEFE: WE'LL DO THAT AS SOON AS THE BOARD IS DONE ASKING QUESTIONS.

>> I'M ON THE SAME PAGE AS YOU TERESA, I'M SO PREPARED TO CLOSE THIS PUBLIC HEARING. I'LL SAVE MY COMMENTS.

>> S. O'KEEFE: ANY FURTHER QUESTIONS FOR THE APPLICANT? SEEING NONE, WE'LL DO AS YOU WISH AND CLOSE THE PUBLIC HEARING. THANK YOU EVERYONE. NOW WE'LL HAVE BOARD COMMENTS. I THINK ALEX IS FIRST IN LINE FOR COMMENTS. I SEE OTHER PEOPLE HAVE COMMENTS.

>> FIRST I WANT TO THANK EVERYONE FOR COMING OUT AND PEEKING AND CARING ABOUT YOUR COMMUNITY. I WANT TO THANK STAFF FOR YOUR CLARIFICATION ON CEQA ISSUE AND THE BEDROOM CLARIFICATION. I ALSO WANT TO START BY PUTTING THINGS IN

CONTEXT. THIS IS THE MOST UNIQUE PROJECT I'VE EVER SEEN IN BERKELEY. I DON'T THINK HOWEVER LONG I SERVE ON ZAB I DON'T THINK I'LL EVER SEE A PROJECT THIS COMPLICATED OR UNIQUE. IT'S NOT LIKE ANYTHING ELSE. THAT IS CHALLENGING FOR US AND STAFF AND THE COMMUNITY. I MEAN, IT INVOLVES SEISMIC FAULT, PUBLIC ART AND A TWICE ABANDONED BILLIONAIRE. IT HAS A LONG AND CRAZY HISTORY. AS FAR AS THAT US HISTORY, IT LEFT US IN THIS UNFORTUNATE SITUATION WHERE WE HAD AN ABANDONED BUILDING THAT IS LANDMARKED. IF WE WANTED TO KNOCK IT DOWN AND BUILD APARTMENTS, WE COULDN'T. IF WE WANTED TO DO ANYTHING TO CHANGE THE WAY IT LOOKS, NO ONE COULD. IT'S TWICE FAILED AS A SCHOOL. WE DON'T HAVE THE OPPORTUNITY TO HAVE THE SCHOOL IN THE COMMUNITY. WE'RE KIND OF STUCK IN THIS PLACE WHERE WE HAD THIS ABANDONED BUILDING FALLING APART AS MANY PEOPLE TALKED ABOUT. UNTIL IT COMES -- ALONG COMES SAM. AND AT LEAST IN MY OPINION, WEAVE AWE NOW FOUND A PATRON SAINT FOR THIS BUILDING AND THE ARTISTIC COMMUNITY THAT HE'S GOING TO ALLOW TO USE HIS PRIVATE PROPERTY. THE USD SOLD THIS PROPERTY. THAT SHIP HAS SAILED. WITH THAT IN MIND, I'M GOING TO MAKE A MOTION TO APPROVE THE PROJECT WITH THE FOLLOWING REQUIREMENTS. SO I WANT TO ADAPT THE LPC RECOMMENDATION. I WANT TO ADD THE HOT TUB LANGUAGE. I WANT TO ADD THE LANDSCAPE REVIEW AND REVISED LANGUAGE. I WANTED TO DEFINE "PATHWAY." THOSE ARE MY -- THAT'S MY MOTION. THANK YOU.

>> I'LL SECOND THE MOTION. TERESA IS NEXT. DEBORAH.

>> THE OTHER THING I WANTED TO SAY IS A FRIENDLY AMENDMENT WAS THE LANDMARK PRESERVATION COMMISSION, THE STRUCTURAL ALTERATION PERMIT COMPLIANCE. ITEM NUMBER 11. WE TALKED ABOUT WE WANTED TO HIGHLIGHT THAT.

>> S. O'KEEFE: IT'S IN THE REVISED. ALEX MENTIONED THOSE TWO REVISIONS IN HIS MOTION.

>> I WANTED TO MAKE SURE WE HAD IT COVERED. AND MY COMMENT IS BASICALLY THIS, IS THAT WE HAVE WITH THIS NATIONAL LANDMARK BUILDING. IT WAS PREVIOUSLY AN EDUCATION FACILITY THAT NOW IS EXPANDING ITS USE FROM ALSO BEING AN EDUCATION FACILITY TO AN HISTORICAL AND CULTURAL FACILITY THAT WILL BE UTILIZED BY ALL THE MEMBERS OF OUR CITY. I PERSONALLY DO NOT THINK THAT WE ACTUALLY HAVE AN ISSUE IN REGARD TO DETERMINING WHAT NEEDS TO HAPPEN WITH THE PATH AND THE ACCESS. WHAT WILL HAS BEEN GIVEN IS THE FULL ACCESS AS LONG AS EVERYONE ABIDES BY AND IS DOING -- UTILIZING IT IN A POSITIVE WAY. THE APPLICANT HAS THE FULL RIGHT THAT IF SOMETHING IS NOT GOING IN THE CORRECT WAY, HE CAN STEP IN OR SHE CAN STEP IN AND MAKE THE NECESSARY CHANGES NEEDED WITHOUT THE PERMISSION OF FOLKS WHO ARE NOT STAKEHOLDERS IN THIS PROPERTY. SO I THINK THIS IS A WONDERFUL OPPORTUNITY FOR OUR COMMUNITY, FOR ARTISTS AND HISTORICAL VALUE FOR HILLSIDE SCHOOL AND I WILL BE IN SUPPORT OF IT.

>> I. TREGUB: I WOULD LIKE TO THANK THE COMMUNITY FOR COMING OUT. AND I HEAR ALEX'S REMARKS THAT I'M PROUD AND I FEEL

VERY FORTUNATE TO BE HERE. THIS IS A REALLY UNIQUE PROJECT. I WANTED TO THANK THE APPLICANT FOR BRINGING THIS FORWARD. AT A TIME WHEN THERE IS SUCH A NEED FOR HOUSING AND EVENT SPACE AND ART STAYS -- IT'S UNIQUE FOR A PRIVATE INDIVIDUAL TO BE ABLE TO INVEST SOME OF HIS ASSETS INTO REALLY TAKING A HISTORIC STRUCTURE AND BRINGING IT BACK TO ITS FULL LUSTRE ONCE AGAIN. AND GIVING BACK TO THE COMMUNITY IN THE WAY THAT HE HAS. ALL OF MY QUESTIONS HAVE BEEN ADDRESSED TO MY SATISFACTION. THE ONLY THING I WANT TO ADD IS THIS ISSUE ABOUT THE PATHWAY. AND I CERTAINLY UNDERSTAND THE IMPORTANCE OF THE PATHWAY FOR SOMEONE WHO HAS USED IT THEIR ENTIRE LIFE. I DON'T THINK THIS IS SOMETHING THAT A GOVERNMENTAL BODY LIKE THE ZAB OR THE CITY COUNCIL CAN REALLY ADDRESS. EVEN IF WE COULD, I DON'T THINK WE WOULD BE ABLE TO ADDRESS IT TO THE SATISFACTION OF THE NEIGHBORHOOD COMING TOGETHER. OR AS WELL AS THE COMING TOGETHER AND WORKING THIS OUT. IN A PRIVATE AGREEMENT WITH THE APPLICANT. WHICH I HAVE -- I'M FILLED WITH HOPE AND CONFIDENCE. THAT THAT WILL HAPPEN. WITH THAT, I AM HAPPY TO SUPPORT THIS MOTION.

>> S. O'KEEFE: DOHEE.

>> KIM: I'LL TRY TO MAKE MY COMMENT QUICK. AS A SOCIOLOGY BACKGROUND, I COULDN'T HELP BUT THINK THIS IS SO INTERESTING. SPACE HISTORIC. I APPRECIATE NEIGHBOR'S CONCERN AND ALFRED'S COMMENT. I THINK IT'S LEGITIMATE FOR A PROJECT OF THIS LOT SIZE WITH NO SEPARATE AUD THAT WOULD BE CONTENTIOUS IN A MIXED-USE

ZONING AREA. AS MANY HAVE STATED, I DO SUPPORT ENSURING PUBLIC ACCESS AND HAVING ACCESS TO PLAYGROUND. I WOULD LIKE TO SEE REDUCED PARKING, BUT I'M NOT SURE IF THAT IS FEASIBLE RIGHT NOW. AND I'M HAPPY TO HEAR ABOUT THE REDUCED SHEDS AND I APPRECIATE BOARD MEMBERS COMMENT THAT I THINK PRESERVATION OF A HISTORICAL LANDMARK DOESN'T DEPEND ON ONE APPLICANT BUT THE COMMUNITY. WE CARE ABOUT THIS LANDMARK. BUT I ALSO DON'T WANT THE APPLICANT TO MISUNDERSTAND THAT I APPRECIATE THAT THEY HAVE THE RESOURCES TO IMPROVE THIS. I WOULD LIKE TO SEE I'M GOING TO ABSTAIN FROM THIS DECISION.

>> S. O'KEEFE: JANICE.

>> I WANT TO ADDRESS THE PARKING ISSUE THAT SO MANY OF THE NEIGHBORS BROUGHT UP AND THE IDEA OF BUILDING A PARKING LOT ON A PLAYGROUND THAT EVERYONE FEELS IS TO ATTACHED TO. I ALSO WANT TO SAY PARKING ON -- AS SOMEONE WHO DRIVES TO THE BERKELEY HILLS FOR WORK, WHEN YOU HAVE A LOT OF CARS PARKED ON BOTH SIDES OF A NARROW WINDING STREET, IT'S A HAZARD AND IS THERE HAVE BEEN ISSUES WITH THIS IN THE BERKELEY HILLS WHERE THE FIRE TRUCKS ARE NOT ABLE TO GET TO PEOPLE WHO NEEDED HELP AND PEOPLE DIED BECAUSE OF LACK OF ACCESS. THEY'RE NOT PROPOSING THIS AS SUCH AN 18-PACE PARKING LOT. IT'S MORE OF A LOADING ZONE. IF THEY'RE GOING TO HAVE A BIG ART SPACE, DO YOU WANT THEM OFFLOADING IN THE STREET WHICH WOULD BLOCK THE STREET. YOU HAVE TO BE CAREFUL ABOUT WHAT YOU'RE ASKING FOR. I THINK THAT A LOT OF SAFETY

ISSUES THAT WILL THEY'VE MITIGATED BY RENOVATING BUILDING AND BRINGING IT UP TO FIRE CODE IS A MUCH BIGGER SAFETY BEEN FIT THAN ANY PARKING LOT ON THE PLAYGROUND. I THINK -- YOU WE CAN'T GET EVERYTHING IN EVERY PROJECT THAT WE WANT. I HEAR THE PASSION OF THE NEIGHBORS. BUT YOU KNOW, LIKE PEOPLE SAID, THE BUILDING WAS SOLD DECADES AGO. NO ONE SAID THEN THAT THEY NEEDED AN EASEMENT OR THEY NEEDED TO HAVE THE PLAYGROUND PRESERVED AT THAT TIME. I THINK IT'S HARD NOW WHEN IT'S A PRIVATE OWNER. I WOULD SUPPORT THE PROJECT.

>> S. O'KEEFE: JOHN AND WE HAVE TO DO A CAPTIONER BREAK.

>> TWO MINUTES AT THE MOST.

>> S. O'KEEFE: ONE.

>> EVERYBODY ELSE GOT FOUR! YOU KNOW, THIS WILL -- PEOPLE DON'T KNOW THIS, IF YOU SIT ON THE DECISION MAKING BODIES LONG ENOUGH, THINGS COME BACK. I SAT ON THE SCHOOL BOARD WHEN THIS PROPERTY WAS SOLD. SERIOUSLY. WE CONTACTED AND CONSULTED WITH DEVELOPERS, CONSULTANTS, ET CETERA ABOUT HOW TO BUILD CONDOS AND HOUSING. NOBODY WANTED TO TOUCH THE PLACE. NOBODY. TIMES MAY HAVE CHANGED A BIT. BUT NOBODY WOULD TOUCH IT. FOR ANYTHING. IN AN IDEAL WORLD, YES, THIS SHOULD BE FAMILY HOUSING OR SOMETHING ELSE. WE DON'T LIVE IN AN IDEAL WORLD. THE APPLICANT HAS ACTUALLY GIVEN THE NEIGHBORHOOD AND THE CITY AND ZAB A GIFT. THIS IS A VISIONARY PROJECT. AND I APPLAUD YOU FOR THAT. I WHOLEHEARTEDLY SUPPORT THIS FOR THE SECOND TIME IN MY LIFE.

[LAUGHTER]

>> S. O'KEEFE: ANY MORE COMMENTS? I WANT TO MAKE A QUICK ONE. I MAY BE A MATH TEACHER THAT DOES LAND USE AS A HOBBY. BUT MY HUSBAND IS MUCH MORE INTERESTING THAN ME AND HE'S INVOLVED IN THE ARTS COMMUNITY. I WANT TO SAY ON BEHALF OF THE ARTS COMMUNITY, WE APPRECIATE WHAT YOU'RE DOING IT'S A WONDERFUL GIFT. I'LL BE VOTING IN FAVOR OF THIS. WITH THAT SAID, CALL THE QUESTION.

>> DO WE NEED TO RESTATE THE MOTION?

>> BOARD MEMBER SELAWSKY.

>> YES.

>> BOARD MEMBER KIM.

>> OBJECT STAIN.

>> TREGUB.

>> YES.

>> CLARKE.

>> YES.

>> SIMON-WEISBERG.

>> YES.

>> BOARD MEMBER CHING.

>> YES.

>> BOARD MEMBER MATTHEWS.

>> YES.

>> SHARENKO.

>> YES.

>> AND CHAIR O'KEEFE.

>> S. O'KEEFE: YES SO YOU HAVE YOUR PERMITS. THANK YOU TO
THE PUBLIC FOR COMING. WE APPRECIATE ALL OF YOUR INPUT. AND IT'S
TIME FOR ANOTHER CAPTIONER BREAK. 10 MINUTE BREAK AND WE'LL DO
SHATTUCK.



PLANNING & DEVELOPMENT

Land Use Planning 2120 Milvia Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420 Email: Planning@cityofberkeley.info

DATE STAMP HERE
RECEIVED
APR 01 2019

LANDUSEPLANNING

**Landmarks
Application Form**

For: Alteration / Sign Permit
 Landmark Designation

Effective April 3, 2013 LMSA2019-0004 Intake Planner Alison Lenci

Project Address: 1581 Le Roy Ave Zone: R-1H

Project Description: CONVERTING A SCHOOL TO SINGLE-FAMILY RESIDENCE IN A LANDMARK BLDG, ADDING & REPAIRING FEATURES; ADDING NEW PARKING; ADDING ELEVATOR

Date Use Permit or Zoning Permit was applied for: 4/1/19

Associated Permit number: ZP 2019-0061

• **Property Owner Name (Print)** SAMU SEPPÄLÄ
Owner's Mailing Address: 1581 Le Roy Ave
Berkeley, CA 94708

Daytime Phone # 305/766-0679 E-mail: SAMEVERK.COM

• **Applicant Name (Print)** SAME as Above: JENNI HOLAN & ASSOC.
Applicant's Mailing Address: 1323 Solano Ave, #204
Albany, CA 94706

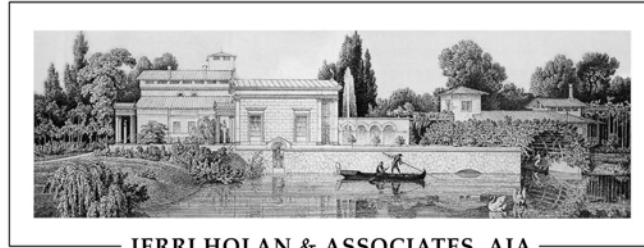
Daytime Phone # 510/528-1079 E-mail: JENNI@HOLANARCHITECTS.COM

Under penalties of perjury, I certify that the information above and in any attachments hereto, is true and accurate to the best of my knowledge.

Applicant Signature: [Signature] Date: 4/1/19

Owner's Signature: _____ Date: _____

Does the project include:	No	Yes	Handout / Application Requirement
1. Demolition of, or exterior modifications to, a designated City of Berkeley landmark, structure of merit, or structure in a historic district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements"
2. Application to designate a landmark, structure of merit or historic district?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Refer to the "Landmark, Structure of Merit or Historic District Designation Form"



JERRI HOLAN & ASSOCIATES, AIA
Architects ♦ Engineers ♦ Planners

APPLICANT'S STATEMENT

Hillside School

1581 Le Roy Avenue

March 11, 2019

Designed by Master Architect Walter Ratcliff in 1925, the Hillside School was designated City Landmark #61 in 1980. In 1982, it was placed on the National Register of Historic Places. It is a Neo-Tudor, stucco and half-timber, slate-roofed, mostly two-story building with a plan that follows the contours of the hillside. The north wing of the building features a grand auditorium with a large, multi-paned window overlooking the Bay which is the most prominent feature of its facade. The south wing is anchored by a single-story portion of the building with large south-facing windows overlooking a parking area. Between the two wings is a two-story central portion of the building which contains classrooms with large windows overlooking the front and rear yards. At the southern end of the classroom wing, a 3-story classroom wing was constructed with large south facing, multi-paned windows. In 1963, Ratcliff Architects added 5,000 sf (four additional classrooms) to the rear, second floor of the school. The front yard of the school was designed as a playground for both the school and the neighborhood.

BUSD closed the school in 1980 and leased space to various educational institutions. In 2014, the German International School (GIS) purchased the property and performed some maintenance items. The City denied GIS' request to expand the facility. GIS subsequently sold the property to the current Owner, Samuli Seppälä, who intends to convert the educational building into a single-family residence, a much less hazardous and intense use. The Owner intends to maintain the original building almost in its entirety and will restore and preserve most of its interior and exterior features.

The building will be the Owner's primary residence. The remodel project converts mainly the southern wing into living quarters and preserves and restores all the important interior spaces including the Auditorium, classrooms, hallways, and grand staircases. Most of the historic interior finishes will be retained and restored, including the auditorium's many wood features and the Batchelder-tiled fireplace in Studio 203. Partitions are being removed in the Kindergarten room to restore its original spatial configuration. Some minor modifications to secondary elevations on the south and east sides of the 3-story portion of the building are being proposed to accommodate the new single-family use. The northern portions of the building will repurpose the existing classrooms into art studios. The studios will be used by the Owner and visiting guest artists.

The residence will include an Accessory Dwelling Unit (ADU) and because of the building's large size (approximately 50,000 sf), the Owner is requesting that the ADU be allowed to exceed the 850 sf limit and comprise 1200 sf on the ground floor of the home. This ADU will have no negative impact on the neighborhood and will be used by "artists-in-residence."

While the building will primarily be a residence, the Owner intends to occasionally host private art classes, seminars, workshops and retreats on his property. Consequently, he is applying for a Moderate Home Occupation Permit. He will host a maximum of 25 artists approximately twice a month for art-related projects. The auditorium and asphalt area in front yard will be used to display and present their work.

To accommodate this new use, the Owner is proposing a second parking area in the front asphalt yard on the south side. The north area will also be used for additional storage sheds and artists' displays. The neighbors may continue to use the existing playground, dog park and picnic areas for the time being. The proposed artistic activities and related events are not commercial and will have no impacts on the neighborhood.

While the facade of the building is intact with a high degree of integrity, it is in dire need of repairs and maintenance. The building, in general, is in poor condition and the goal of the current improvements is to restore original doors and repair windows in addition to a general upgrade of the structure's foundation, electrical, mechanical and plumbing systems. The building is fire-sprinkled and is being seismically strengthened on the 3-story south wall while drainage improvements are being designed for the entire structure. A significant amount of termite and structural repair will also be conducted during construction.

All the improvements will meet *The Secretary of the Interior's Standards for the Rehabilitation of Historic Properties* (see attached "Historic Design Analysis"). Proposed alterations on the front of the building include replacing replacement doors with wood doors similar to original doors and restoring two small upper windows on the 3-story wing. Existing wood windows throughout the building will be repaired and made fully operable. Secondary side elevations will be kept intact. On the ground floor of the south side of the 3-story wing, the cafeteria kitchen will be converted to a garage. A garage door is proposed to replace some of the damaged windows when the foundation is replaced.

The rear of the building will remain intact with the exception of adding doors and windows to the third floor of the east elevation. The doors will access a new proposed balcony built on the existing flat roof of the 1963 addition. This deck will feature a pool and hot tub and its required guardrails will be constructed of stucco to match the building's exterior finish. The guardrails are offset from the story below to distinguish it from the existing building. A residential elevator is being added to the rear of the building and it is located to maintain interior circulation and finishes as well as to have minimal impact on the building's exterior.











PROPOSED PROJECT

PROJECT INFORMATION

150 LE ROY AVE



APPLICANT INFORMATION

For more information, check the Planning Dept. Web Page: www.ci.berkeley.ca.us/planning or call 510-961-3400.

Public Notices:





PROPOSED PROJECT

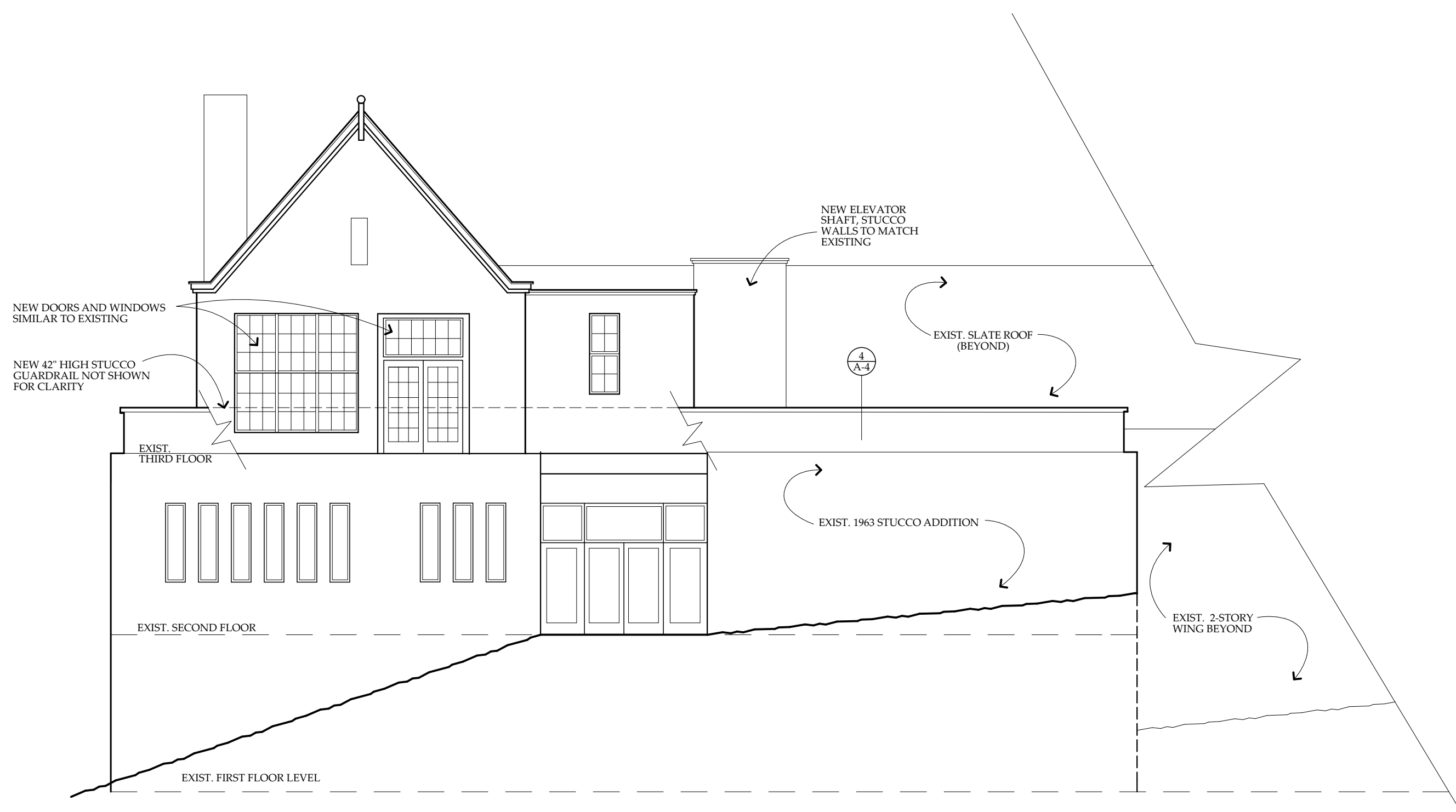
PROJECT INFORMATION:

1581 LE ROY AVE

Converting Educational Facility to a Single-Family Home with an Accessory Dwelling Unit and Moderate Impact Home Occupation License

APPLICANT INFORMATION:

Jerri Holan & Associates
1323 Solano Avenue, Suite 204
Albany, CA 94706
510.528.1079
www.holanarchitects.com



EAST ELEVATION

For more information, check the Planning Dept. Web Page: www.ci.berkeley.ca.us/planning or call 510-981-7410.

Public Notices:



March 27, 2019

Good morning Jerri,

The form in Sheet 1 A is too small to fill in. As my father's legal representative please accept the following:

Printed Name: Watson M. Laetsch, Ph.D

Signature: Electronic authorization

Address: 1554 LeRoy Avenue

Owner

Date: March 26, 2019

Have Objections: Century old open space should remain as such

Please let me know if you would like an actual signature and I'll get it to you.

Cheers,

~Krishen

Comments Regarding Sheet A-1 Rehabilitation & Remodel of Hillside School for Samuli Seppala, 1581 LeRoy Ave., Berkeley - To be transmitted to City staff

- We support the request to create a residence and ADU in the former school, but are concerned about/object to a use permit that would change zoning of this property to R-3 instead of current R-1 due to future uses that would be allowed under this zoning change. We would argue for exploring other means - is there a way to do this without complete zoning change or with some limits on what is allowed in the future? (Do drawings submitted with the present permit request place any limitations on future use?) The information we received seems to suggest that R-1 in combination with the Moderate Home Occupation Permit and perhaps some variances would cover the proposed use(s) of the building that have been outlined to us. Please consider this as a better option than a zoning change. Occasional/limited retreat, seminar, classes and workshops use seems like a good idea but the parking need for this might be an issue.
- Re. some parking + sculpture and some continued playground space on current playground: If this does happen we would like to see it allowed through a building permit or variance rather than a zoning change so that possible future uses would not be so wide open for larger residential structures (or potentially other uses?) on the current playground. Please request a variance rather than a change in zoning
- We feel that it is important to find a way to maintain/retain as much of the open space/playground area as possible for public use and would like to see a larger area set aside for playground use in perpetuity, with the neighborhood perhaps participating in maintenance or some form of ownership in order to make this happen.
- We don't feel that a large parking area is consistent or compatible with our residential neighborhood and therefore would like to see permanent limits placed on the number of parking spaces allowed. The street is also quite narrow and not conducive to easy passage of much increased traffic.
- The property is located in a high risk fire zone, a landslide zone and a fault zone It is important that any structures or changes in property use abide by the guidelines, limits and restrictions imposed by the Alquist Priolo Earthquake Fault Zoning Act as well as those governing slide and fire danger zones. We're also concerned re. ability/permission to so radically increase housing density (and/or parking?) through a change to R-3 zoning as this would effect evacuation and other potentially life-saving strategies.

We object to a zoning change to R-3 for the area of the property/parcel that lies west of the existing building.

Let us know if you have questions, and thanks again for your willingness to work with neighbors and your consideration of neighborhood concerns.
Michael Scott and Vicki Piovia, Owners, 1570 LeRoy Ave.

(We realized last night that this was actually what our concerns represented)

March 31, 2019

Hi Vicki and Scott-

Thank you for your comments regarding the Hillside School project. I have included them in our package to the City. I have also attached, for your convenience, a pdf file of all the plans so perhaps you can read them easier than the small paper copies.

Regarding your concerns about a zoning change, you have misread the plans. There is NO zoning change: the property will remain in the R-1H zone established for the neighborhood. The Use Permit Application is only for an Occupancy change as required by the California Building Code. The current occupancy of the property is Educational (E) and it will be changed to a single-family residential occupancy (R-3). The entire property will then conform to all single-family requirements in the R-1H zone. That is, only one main house and one ADU will be allowed on the property.

The current proposal for the playground area is to allow public access to the neighborhood. Future owners may continue this option or not. Please note that Sam is allowing the continued playground use at great expense -- the cost of liability insurance for this public use is extremely high.

The new parking area is shown on the plans with the number of spaces proposed. It will be screened from the street by a 6' high wood fence as shown on the drawings. When the project moves into the building permit phase, drainage and construction plans will be prepared for the parking area. Sam does not expect his seminars or retreats to need any additional parking other than what he is providing on his property. Therefore, parking should not negatively impact the neighborhood and neither should traffic: the proposed single-family, low-intensity use of this property significantly reduces traffic compared to previous educational uses.

All construction requirements for an existing single-family home in the earthquake, landslide, and fire zones will be met and satisfied during the preparation of the permit and construction plans as required by the City of Berkeley.

I hope this clarifies some of your concerns and thank you again for sharing your comments.

Sincerely,

Jerri Holan, FAIA
510.528.1079
www.holanarchitects.com

March 27, 2019

Hello Jerri,

Apologies for the delayed response. We have been trying to educate ourselves as much as possible before asking questions and commenting.

We are neighbors of Sam Seppala, living across from the playground at 1570 LeRoy Ave. We really appreciate all of Sam's efforts and energy to restore, repair and improve the school building and the time he has spent consulting with neighbors re. his plans, and we are very excited by what we see happening across the street. Unfortunately, given the small print and the size of the drawings we have been unable to see the details of the drawings or carefully read all of the plans.

We do have a few questions and thought you would be able to provide more details and information that would help us in understanding. Several of the questions have to do with the requested change in zoning from R-1 to R-3 ("Zoning: R-1H - Existing Educational Building converting to R-3 Building Occupancy") and feel that we haven't gotten enough details regarding this request given that it has long-term consequences. Does the zoning change refer only to the building or also include the open space? Why would it need to change from R-1(with variances) to R-3? Doesn't the Moderate Home Occupation Permit cover Sam's proposed use(s) of the building? (This seems to include the occasional art class/retreat use of the building, a new and interesting use mentioned in Sam's cover letter but which was less clear to me in the plans) It would be helpful to all of us if you could explain why the zoning change is requested.

Our grandchildren love to cross the street to play in the playground, as did our children, and kudos to Sam for recognizing the value of this and maintaining some open space for children in his plans. Is there a way to ensure that there is open space in perpetuity?

We're also interested in the issue of parking spaces on the current playground but don't feel we have enough specifics about the plan. We're hoping you can help us to better understand what the parking area would actually look like e.g., number and size of spaces. Do the drawings for the present request place any limitations on future use? e.g. since plans indicate specific number of spaces does that indicate what is/will be allowed?: My understanding is that the permit being requested should show, in addition to how many parking spaces and where they would be, what sort of paving there will be, the drainage, a garage or anything else (other than the proposed fence) that might be used to disguise it from the street. Have any ecologically better forms of paving been explored? How would possible additional parking needed for the retreat, seminar and class/workshop use mentioned in Sam's letter be addressed? Are there any provisions for additional off-street parking in other locations? If not, could there be?

Sheet T-1 notes that the building/parcel is in a fault zone and a landslide zone and a fire zone. How were the guidelines and restrictions of the Alquist-Priolo Earthquake Fault Zoning Act incorporated into the planning? Are there similar zoning acts that apply to building in landslide and fire zones? And if so, how have these been applied or incorporated?

We will be away caring for grandchildren March 31-April 7, thus unfortunately unable to attend the April 5 meeting.

Having more information regarding these questions would have helped us to more comfortably sign Sheet A-1 as requested. Because we will be away as of Sunday, you will notice that there is some overlap in these questions and the attached comments and concerns, but we decided to send both.

Thank you for your help.

Sincerely,

Michael Scott and Vicki Piovia

Because the space on the enclosed A-1 sheet seemed insufficient we are also sending the following:

Printed Name: Michael F. Scott and Vicki Piovia, Owners

Signature: Electronic authorization

Address: 1570 LeRoy Avenue

Date: March 27, 2019

Have concerns/comments: By signing we acknowledge receipt of materials but do not necessarily indicate agreement or complete understanding. Please share attached comments and concerns with city staff.

Mr. Sepälä,

Thank you for the opportunity to review your plans and comment on your proposal.

My basic concern is how the current open-space (former school playground) will be utilized as reflected in your proposal.

Because the concept of "art" can mean many different things to different people, could you provide a little more detail about the kind of art that you intend to create?

What are the twice a month art-related projects? Are these events or exhibitions open to public or private visitors as well as participants? Are they day and/or night events and how long will each last? Are loud noise or music part of these projects?

Do you plan to store more of the Airstream trailers such as the one currently situated in front of the building in the proposed parking area of the playground? Will visitors live in or occupy these stored trailers?

My general concern is whether this proposal will be compatible with this quiet single family residential neighborhood. While I have no personal objection to art projects in general (they can certainly contribute to the cultural diversity), they seem more appropriate for the under-utilized locations, such as the former industrial areas, of the Bay Area that are already permitted for multiple use and where many art groups and collectives establish themselves.

My personal preference is to see the playground somehow remain as the open-space neighborhood fixture that is much used and appreciated by literally generations of neighbors for many decades.

Glenn Fukuya

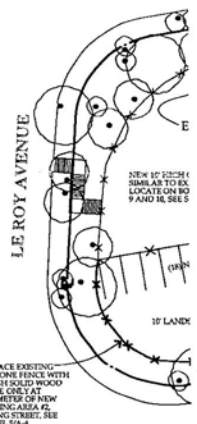
I have reviewed the plans for converting Hillside School (1581 Le Roy Avenue) into a single-family residence with an ADU and Moderate Home Occupancy Permit.

GENERAL AND SITE PLAN

1. These Drawings and Specifications shall be the sole possession of the General Contractor.
2. Use of these drawings constitutes acceptance of the General Contractor's responsibility for the work shown.
3. Drawings and Specifications shall be read in connection with the General Conditions of Contract.
4. The architect will not be responsible for the contractor's interpretation of the drawings.
5. The architect does not accept responsibility for the contractor's failure to verify any conditions shown on the drawings and shall be brought to the attention of the contractor.
6. All work shall conform to the applicable Building Code and Interior's Standards for the State of California.
7. By executing the Work, the contractor shall be deemed to have accepted the requirements of the Drawings and Specifications.
8. The Contractor shall be responsible for the safety of the workmen and the public.
9. The contractor shall be responsible for the protection of existing structures and utilities.
10. The site shall be kept clear of construction materials and equipment.
11. Any work not shown or specified shall be the responsibility of the contractor.
12. All items not noted as new shall be replaced in kind.
13. All existing walls, floors, and ceilings shall be removed and replaced as shown.

NEIGHBORHOOD SIGNATURES						
Printed Name	Signature	Address	Owner or Renter	Date	Have No Objections (Please state briefly)	Have No Comment
		2530 Buena Vista				
		2535 Buena Vista				
		2545 Buena Vista				
		2555 Buena Vista				
		2564 Buena Vista				
		2565 Buena Vista				
		2573 Buena Vista				
		1520 Le Roy				
		1526 Le Roy				
		1536 Le Roy				
		1540 Le Roy				
		1542 Le Roy				
		1544 Le Roy				
		1546 Le Roy				
		1550 Le Roy				
		1554 Le Roy				
		1562 Le Roy				
		1570 Le Roy				
		1578 Le Roy	OWNER	3/27/19	(Attached sheet)	
		1580 Le Roy				
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		1590 Le Roy				
		1595 Le Roy				
		1512 La Loma				
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		1546 La Loma				
		1530 La Vereda				
		1535 La Vereda				
		2639 Cedar				
		2641 Cedar				
		1521 Hill Court				

GLENN FURUKA [Signature]



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Hillside School--Change of Use Application--Seppala memo to Nei...

Subject: Hillside School--Change of Use Application--Seppala memo to Neighbors of 3/15/2019

From: Peter Lydon <ptrlydon@gmail.com>

1584 LeRoy

Date: 3/31/2019, 9:26 PM

To: Jerri Holan <jerri@holanarchitects.com>

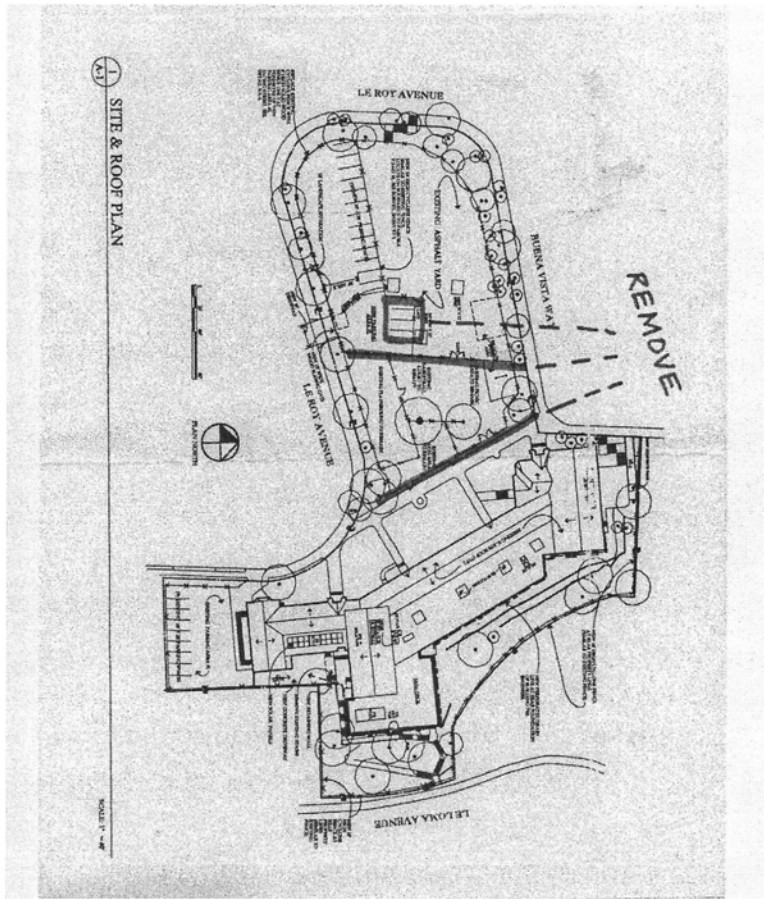
CC: Samuli Seppälä <sam@verk.com>

Dear Ms. Holan,

Attached is a copy of Sheet A-1 made out to give the **individual assenting response of our household at 1584 Le Roy Avene** (Lydon). Also a copy of your sketch of the open space to the west of the Hillside School marked in red to illustrate the following observations on the open space.

1. We are greatly appreciative of Mr. Seppala's rescue and revival of the Hillside school property. We particularly value and applaud his keeping space open for neighborhood and general citizen park use. Such a park/playground is a major enhancement of the neighborhood. (We are open to proposals for neighborhood help with expenses, such as liability insurance, that arise from his hospitable use of this portion of the west open space land.)
2. The German School introduced the correct idea that an off-leash dog run is incompatible with a play space for children for reasons of health and hygiene. The German group erected the fence between the playground and the Buena Vista-Le Roy walkway and posted signs excluding dogs. Since their departure, the signs have gone, but the enclosure of the space makes it possible to run dogs off-leash in the playground space, and many dog-owners from outside the neighborhood have emerged and now come in cars with dogs to run free in the playground. In the long history of the school, this space was never used as a dog run. Such a use, which has now arisen, discourages neighborhood and other children from using the playground, which otherwise is a fine and highly appreciated resource for them. (There was at least one incident of child-dog friction.) Therefore, we suggest that that boundary fence can come down, restoring the many-decades pre-German status quo, and that it be understood that unleashed dogs (which are not permitted in general Berkeley territory) are not welcome in the open space west of the walkway.
3. We suggest that parking could be less separated from the artists' outdoor space. A curb cut for some parking is probably needed, but the parking could be smaller in area, with agreement on greater use by Mr. Seppala and his visitors of the street curb parking, which is quite abundant. Artists, and even travel trailers, for example, could be issued our G district residential street parking permits.
4. The moved sheds are fine. Is a fence necessary between the artists' work/exhibition area and the general area open to the neighbors and serving as a playground? These uses would seem not so incompatible, at least for most hours of the week.
5. In general, preservation and even augmentation of trees is essential.

Hillside School--Change of Use Application--Seppala memo to Nei...



**Concerns of Eugene R. Alward and Nancy L. Alward, 1595 Le Roy Avenue,
regarding a Use Permit for the Hillside School**

Overall

In general, Samuli Seppälä's request to use a portion of the Hillside School as his residence, while making some of the space available for artists' studios, when combined with his willingness and ability to restore the building, is, on balance, good for the neighborhood and the city, which should lean toward accommodating him.

Public Safety Concern

In doing so, the city should pay special attention to a serious public safety issue that so far Samuli Seppälä (Sam) has neglected. Our property at 1595 Le Roy Avenue shares a boundary with Sam at the extreme southern end of his property. On 27 February 2019 Sam met with Eugene R. Alward (Gene) to describe his plans. Among other subjects, he mentioned his intention to run a drainpipe from the southern end of his building south to the southeast corner of his property, and from there west toward Le Roy Avenue along our shared boundary. Along the shared boundary, the pipe was to be four feet below the surface. At the time, Gene did not comment because he did not yet understand how that could be harmful.

We have two enormous redwood trees that are just south of the shared boundary. On 12 March 2019 Gene met with arborists to learn what actions could threaten the health of these redwood trees. Among other things, he learned that if Sam installs his drainpipe four feet below the surface by digging a trench, that would involve cutting many roots of at least one redwood tree because most of the roots would be within three feet of the surface. Significant severance of roots of a redwood tree would risk destabilizing the tree. A destabilized redwood could fall, perhaps in high wind, in an unpredictable direction on an unpredictable date. Anyone struck by the trunk of such a massive tree would be killed; any structure or vehicle would be destroyed. Gene also learned that there are techniques for installing such a pipe—one involves air spade excavation—without digging a trench. He also learned that there are competent local tree service companies who can do such work properly.

On 13 March 2019 Gene emailed Sam to describe the danger that would result from digging a trench at that location and to say that there were alternatives. He asked to meet with him to explain what he had learned. Sam has not responded.

Any use permit issued to Sam should be contingent on his not creating a public safety hazard by severing redwood roots on his property.

Facilitate return to use as a school should Samuli Seppälä sell the property

In granting a use permit to Sam, the city should do so only in a manner that makes it as easy as possible for the building to be used as a school again, as it was most recently by the German International School of Silicon Valley, if Sam chooses to sell the property in the future. In particular, zoning should not just be changed to residential. Instead, Sam should be accommodated through a variance.

Finally, there may be some things the city would normally require for a residence that are at odds with use of the property for a school. If Sam asks for the flexibility to leave some feature of the property in a form more appropriate to a school, the city should lean toward accommodating him if the city believes that doing so would make it easier for a subsequent buyer to return the property to use as a school.

Eugene R. Alward
31 March 2019

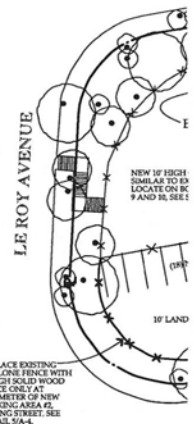
Samuli Seppälä
March 31, 2019

I have reviewed the plans for converting Hillside School (1581 Le Roy Avenue) into a single-family residence with an ADU and Moderate Home Occupancy Permit.

GENERAL AND SITE PLAN

1. These Drawings and Specifications shall be the sole possession of the General Contractor.
2. Use of these drawings and specifications shall be in connection with the project only.
3. Drawings and Specifications shall be in connection with the project only.
4. The architect will not be responsible for the contractor's interpretation of the drawings and specifications.
5. The architect does not accept responsibility for the contractor's interpretation of the drawings and specifications and shall be brought to the attention of the contractor.
6. All work shall conform to the International Building Code and the International Residential Code.
7. By executing the Work, the contractor shall be deemed to have accepted the requirements of the Drawings and Specifications.
8. The Contractor shall be responsible for the accuracy of the information provided to the architect.
9. The contractor shall be responsible for the accuracy of the information provided to the architect.
10. The site shall be kept clear of construction materials and equipment at all times.
11. Any work not shown or specified shall be the responsibility of the contractor.
12. All items not noted as new shall be replaced or repaired to match the existing conditions.
13. All existing walls, floors, and ceilings shall be removed and replaced as shown on the drawings.

NEIGHBORHOOD SIGNATURES						
Printed Name	Signature	Address	Owner or Renter	Date	Have No Objections	Have Objections (Please state briefly)
		2530 Buena Vista				
		2535 Buena Vista				
		2545 Buena Vista				
		2555 Buena Vista				
		2564 Buena Vista				
		2565 Buena Vista				
		2573 Buena Vista				
		1520 Le Roy				
		1526 Le Roy				
		1536 Le Roy				
		1540 Le Roy				
		1542 Le Roy				
		1544 Le Roy				
		1546 Le Roy				
		1550 Le Roy				
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		1570 Le Roy				
		1578 Le Roy				
		1580 Le Roy				
		1584 Le Roy				
		1586 Le Roy				
		1590 Le Roy				
		1595 Le Roy	owners			attached
		1512 La Loma				
		1514 La Loma				
		1515 La Loma				
		1521 La Loma				
		1525 La Loma				
		1528 La Loma				
		1530 La Loma				
		1542 La Loma				
		1544 La Loma				
		1546 La Loma				
		1550 La Vereda				
		1555 La Vereda				
		2639 Cedar				
		2641 Cedar				
		1521 Hill Court				



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March 29, 2019

Hi there -

I am not a proximate neighbor. But I have have been engaged as a neighbor a user of the property for 18 years that I have lived here.

I am not able to make the meeting next week.

I have read through all of the materials and drawings.

I support Seppalas plans for the property.

I would like to note that I support continued public access to the park part of the property. I also support less chain link fencing

Thanks
Eric Van Dusen
2628 Hilgard

JERRI HOLAN & ASSOCIATES, AIA
ARCHITECTS ENGINEERS PLANNERS
1323 SOLANO AVENUE, SUITE 204
ALBANY, CA 94706

OAKLAND CA 94615
13 MAR 2019 PM 5 L

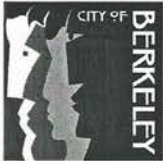


Handwritten signature

Owners and Occupants
2641 Cedar Avenue
Berkeley, CA 94708

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RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
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94706180034

94706-19034
94706>1800



PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420
Email: Planning@ci.berkeley.ca.us

II.E. HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Pursuant to the Permit Streamlining Act (PSA), a development permit application may not be accepted as complete unless and until the applicant has submitted a signed statement indicating whether the proposed project site or any alternative site(s) is on the lists of hazardous waste sites compiled pursuant to Government Code Section 65962.5 by the California Secretary for Environmental Protection.

Data lists / maps are available at the following websites (check multiple lists and categories):

<http://www.calepa.ca.gov/SiteCleanup/CorteseList/>

<http://www.envirostor.dtsc.ca.gov/public/>

<https://geotracker.waterboards.ca.gov/>

Applicant's Information:

Name: VERRI HOLAN & ASSOCIATES, AIA
Street Address: 1323 SOLANO AVE, #204
City, State, Zip Code: ALBANY, CA 94106
Phone Number: 510/528-1079

Project Information:

Address: 1581 LE ROY AVENUE
City, State, Zip Code: BERKELEY, CA 94108
Assessor's book, page, and parcel number: 058-2245-009-03

Specify any list pursuant to Section 65962.5 of the Government Code:

NONE

Regulatory identification number: _____

Date of list: _____

Applicant's verification:

Signature:  Date: 3/8/19

HISTORIC DESIGN ANALYSIS

of proposed Single-Family Use and ADU at Hillside School

for

Samuli Seppälä
1581 Le Roy Avenue
Berkeley, California

This evaluation was prepared by Jerri Holan, FAIA. Since 1991, Ms. Holan has been professionally qualified, and practicing, as a Preservation Architect and Architectural Historian per *The Secretary of the Interior's Standards and Guidelines for Historic Preservation*. Ms. Holan has also been certified with the State of California, Office of Historic Preservation, since 2004, as a Historical Resource Consultant. Jerri Holan has an advanced degree from the University of California, Berkeley, and is a Fulbright research scholar and a Fellow of the American Institute of Architects.

ANALYSIS OF PROPOSED PROJECT

Based on March, 2019, plans prepared by Jerri Holan & Associates, the following analysis is to determine if the proposed project conforms to *The Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings* for purposes of CEQA. In order to comply with CEQA, negative impacts on character-defining features of the historic resource need to be avoided.

Standard 1 - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

The proposed project meets this rehabilitation Standard. The original use of the building, a K-6 school, is being converted to a single-family home. This change requires minimal changes to the structure's distinctive materials, features, and spaces. The building's primary envelope will remain intact, including its roof lines and primary elevations.

The remodel project converts mainly the southern wing into living quarters and preserves and restores all the important interior spaces including the Auditorium, classrooms, hallways, and grand staircases. Most of the historic interior finishes will be retained and restored, including the auditorium's many wood features and the Batchelder-tiled fireplace in Studio 203. Partitions are being removed in the Kindergarten room to restore its original spatial configuration.

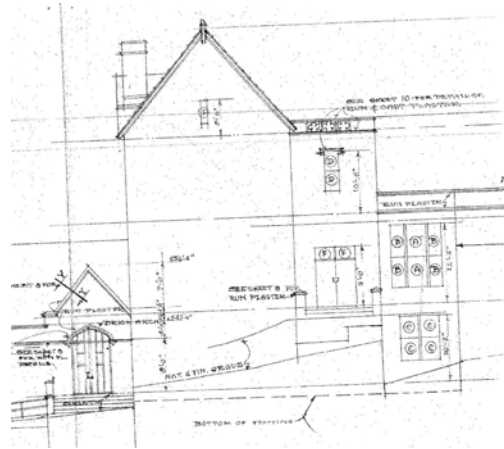
The building's prominent site makes most of its elevations visible from public right-of-ways: Le Roy, Buena Vista, and La Loma. The front, west facade is the primary elevation of the building and views of the building's north and south sides are secondary views. All visible portions of the

HISTORIC DESIGN ANALYSIS

1581 Le Roy Avenue

building on the west, north and south elevations will remain unchanged except for repairs and restorations to some doors and windows.

While some of the rear elevation of the building is visible from La Loma, the East Elevation is primarily a service elevation as can be seen in the original 1925 drawing below.



ORIGINAL EAST ELEVATION DRAWING, 1925

Today, the East Elevation features a large addition from 1963 which obscures most of the publicly visible portion of the rear of the historic building. The third floor is the only remaining visible portion of the rear historic elevation and it is being preserved with the exception of window additions on the east wall and elevator housing to the north. The elevator housing is located adjacent to an exhaust flue which was added to the building in 1963. The roof of the 1963 addition is being converted into a patio for the new living quarters which will preserve views of the historic third floor profile. These minor changes serve the new residential use of the building.

Standard 2 - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

The proposal meets this Standard as the distinctive materials and spatial relationship of the historic building are not being altered.

Standard 3 - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.

The proposed project meets this Rehabilitation Standard. The building is, and will remain, a record of its time, place, and use. No conjectural architectural features are being added.

HISTORIC DESIGN ANALYSIS

1581 Le Roy Avenue

Standard 4 - Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The project meets this Standard. The property has a good degree of integrity and the major 1963 rear addition will remain as is. It should be noted that, according to the National Register Nomination Form, the 1963 addition is not an important architectural feature of the historic building and does not need to be preserved.

Standard 5 - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The proposed project meets this Rehabilitation Standard. The project proposes to preserve the historic structure and its finishes and does not alter any of its distinctive craftsmanship.

Standard 6 - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

The project complies with this Standard as the original historic structure has extensive door and window deterioration. The old doors and windows will be repaired where possible and only replaced if necessary (some windows on south side). Two small, upper windows will be restored on the West Elevation of the 3-story wing that is documented with photographs. The new windows and doors will match the old in design and materials, all substantiated with the original 1925 architectural drawings.

Standard 7 - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

The project complies with this Standard as the extensive window repairs will use hand methods rather than chemical treatments. See Facade and Wood Treatment Notes on Sheet A-3.

Standard 8 - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

The plans indicate that, if any significant archeological resources are found, the City of Berkeley would be notified and that they would be mitigated with appropriate measures.

Standard 9 - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.

HISTORIC DESIGN ANALYSIS

1581 Le Roy Avenue

The project meets this Standard. There is no additional square footage being added and it does not destroy historical relationships or materials which characterize the property. Any required new stucco, materials, or doors and windows – due to repairs -- will match originals.

The addition of a garage door on the ground floor of the three-story wing is not visible from the public right of way. However, it's styling is compatible with the historic structure and will be distinguished by the use of a metal finish.

The addition of rear windows on the third floor, East Elevation will be compatible in size and configuration to the original windows but distinguished from them with the use of double-glazing and modern wood materials.

The stucco guardrails for the new balcony on the rear of the building are offset from the buildings original walls and distinguished by a thickened upper handrail section.

A residential elevator is being added to the rear of the building and it was located to have minimal impact on the building's exterior, next to an existing flue addition from 1963.

Standard 10 - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The project meets this Standard as the third-floor modifications and first-floor garage door could be removed without impacting the form and integrity of the original historic building.

ANALYSIS CONCLUSION

After reviewing the project, it is my professional opinion that the project is in conformance to *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings*.

On Fri, Mar 29, 2019 at 12:28 PM Peter Lydon <ptrlydon@gmail.com> wrote:

Hello Neighbors,

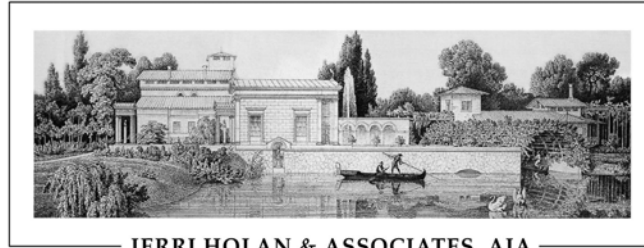
As you know, Samuli Seppala purchased the Hillside School property and has made very substantial rehab investments in a structure and a space whose deterioration was a great concern for many years to us living nearby.

A draft rehab planning document covering both the school structure and the open space was circulated on paper to inform the proximate neighbors by his architect, Jerri Holan. This was done under the city's procedures for granting a permit for the "change of use" which Sam is requesting. The change of status is from an educational use to a residential one. since he is planning to live in one space in the restored large building, letting other rooms be used by artists on a daytime basis. Immediately proximate neighbors were requested to signal to the Architect's office that they had reviewed Mr. Seppala's plan for his property, with comments if wished.

A digital copy of the draft plan (more legible than the copy previously sent out to interested neighbors not directly proximate to the property) is attached along with Sam's transmittal memo.

Since several neighbors have asked for more information on Sam's onward plans for his property, on Friday, April 5th, at 6 PM at Peter and Norma Lydon's house at 1584 Le Roy, Sam and his Architect, Jerri Holan, will be available to meet with interested neighbors to discuss their draft planning for the property, bringing information up to date, filling in details, listening to suggestions and answering questions, in preparation for going to the city with the "change of use" permit application.

With best, Peter Lydon
Sec, Hillside Association of Berkeley
ptrlydon@gmail.com
510-644-8064



JERRI HOLAN & ASSOCIATES, AIA
Architects ♦ Engineers ♦ Planners

TRANSMITTAL MEMO

To: Neighbors of Hillside School
Date: March 15, 2019
From: Samuli Seppälä, Owner, Hillside School, 1581 Le Roy Avenue

As the new Owner of Hillside School, I am converting the historic school into a single-family residence, with an Accessory Dwelling Unit (ADU) and a Moderate Home Occupation Permit for my artistic activities described below. The enclosed plans illustrate the work being proposed for the conversion (Sheets A-1 through A-4, dated March 15, 2019). The building will be preserved almost in its entirety and will eventually restore most of its interior and exterior features. Some minor modifications to secondary elevations on the south and east sides of the 3-story portion of the building are being proposed to accommodate the new single-family use.

The building will primarily be a residence. The remodel project converts the southern wing into living quarters and restores the remaining northern portion for art-related activities. I intend to occasionally host private art classes, seminars, workshops and retreats on the property. Existing classrooms will be repurposed into art studios to be used by myself and visiting guest artists. The new ADU will be used by “artists-in-residence.”

Consequently, I am applying for a Moderate Home Occupation Permit to host a maximum of 25 artists approximately twice a month for art-related projects. The auditorium and asphalt area in front yard will be used to display and present art work. We are adding a second parking area in the front asphalt yard (on the south side) for the artists which will be screened by a new 6' tall wood fence and 10' of landscaping. The north area will also be used for additional storage sheds and artists' displays. The proposed artistic activities and related events are not commercial and will have no impacts on the neighborhood. The neighbors may continue to use the existing playground, dog park and picnic area on the remaining asphalt area for the time being.

While the building is intact with a high degree of integrity, it is in dire need of repairs and maintenance. The building is in poor condition and the goal of the current improvements is to restore original doors and repair windows in addition to a general upgrade of the structure's

foundation, electrical, mechanical and plumbing systems. The building is being seismically strengthened on the 3-story south wall while drainage improvements are being designed for the entire property. A significant amount of termite and structural repair will also be conducted during construction.

Please look over the enclosed plans and share with me any concerns or issues you may have with my proposal. On Sheet A-1, you will find a Signature Table for your comments. Next to your address, print and sign your name and list any comments or objections there. Take as much space as you need and add additional sheets if you need. Even if you have no comments, I would appreciate your signature on the Table per City requirements. All of your comments will be reviewed by me and transmitted to City staff.

If you have any questions, please contact the Architect, Jerri Holan, at her office below. We'll try and respond as soon as we can.

Finally, if you could return the signed Sheet A-1 to the Architect's office by April 1, we would appreciate it.

Thank you for your time,



Samuli Seppälä
1581 Le Roy Avenue
Berkeley, CA 94708

Enclosures



PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420 Email: Planning@CityofBerkeley.info

DATE STAMP HERE

ZONING USE QUESTIONNAIRE

Property Address 1581 LE ROY AVENUE Permit # _____
 Applicant Name JEKRI HOLA & ASSOCIATES Phone # 510/528-1019
 Name of Property Owner (if different from applicant) SAMULI SEPPÄLÄ Phone # 305/106-0619
 Proposed Use SINGLE FAMILY HOME & ART CENTER Previous Use ELEMENTARY SCHOOL
 Describe your business: ART CENTER TO HOST PRIVATE ART CLASSES & WORKSHOPS

Does your business include the sale of: Drug Paraphernalia? Tobacco? Alcohol Medical Marijuana?

What are adjacent uses (sides and rear?) SINGLE-FAMILY HOMES

Is this an existing building? Yes No

If yes, has a Change of Occupancy Inspection been made by the Building and Safety Division?
 Yes No RESIDENTIAL USE

What changes will be made to the building? MINOR CHANGES TO SIDE & REAR TO ACCOMMODATE

...ist days and hours of operation:
 * WILL VARY FROM MONTH TO MONTH
 Monday - Thursday: 9 AM → 9 PM Friday: 9 AM → 9 PM
 Saturday: 9 AM → 9 PM Sunday: 10 AM - 7 PM

Is the transaction contingent on obtaining a Use Permit? Yes No Explain _____

How many employees will you have (including yourself)? Total 3-4 Per Shift 3-4

How many customers do you expect at one time? 25 When will be your busiest hours? WEEKDAYS

Is there an existing parking lot? * Yes No Do you share it with any other use? NO
 * PROPOSING TWO PARKING LOTS

Will you provide parking for customers? Yes No How many spaces? 25

Will you provide parking for employees? Yes No How many spaces? 2

Will parking be on the same property? Yes No If not, explain: _____

From what area do you expect the majority of your customers:
 Immediate neighborhood _____ Several neighborhoods _____ Passing Traffic _____ City-wide Larger area _____

Will you be selling any alcoholic beverages for off-site consumption? Yes _____ No

If yes, have you applied for an off-sale license from the State Department of Alcoholic Beverage Control? Yes _____ No _____

Will you be selling beverages in containers subject to California Redemption Value (CRV)? Yes _____ No

ADDRESS: 1581 LE ROY AVENUE DATE: 3/8/19

ESTABLISHMENTS SERVING FOOD OR DRINK

Proposed seating (#) _____ Maximum allowable capacity under Building Code (#) _____

What type of cooking will you feature? _____

How will cooking odors be controlled? _____

What arrangement will be made for recycling? _____

Alcoholic Beverages

Will you serve beer? _____ Wine? _____ Liquor? _____

With meals only? _____ Separately? _____ At a bar? _____

Have you applied for a license from Department of Alcoholic Beverage Control? Yes _____ No _____

Music

Will you provide live entertainment? Yes _____ No _____ Of what type? _____

Will there be live music? _____ Recorded? _____ Amplified at what level? _____

Will sound control be provided? Yes _____ No _____

What are the assurances that sound control will be adequate? _____

When will sound controls be installed? _____

Who is responsible for assuring that the business operates as described above?

[PRINT NAME] SAMUeli SEPPÄLÄ

Signature  Date 3/8/19

UNITED STATES POSTAL SERVICE Certificate Mail

This Certificate of Mailing provides evidence that mail has been presented to USPS® for n This form may be used for domestic and international mail.

From: **JERRI HOLAN & ASSOCIATES, A/**
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 2530 Buena Vista
BKLY CA 94708

U.S. POSTAGE PAID
 ALBANY CA 94706
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PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES, A**
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 2565 Buena Vista
BKLY, CA 94708

U.S. POSTAGE PAID
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 MAR 13 19
 AMOUNT
\$1.45
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1323 Solano Avenue, Suite #204
Albany, CA 94706

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BKLY, CA 94708

U.S. POSTAGE PAID
 ALBANY CA 94706
 MAR 13 19
 AMOUNT
\$1.45
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This Certificate of Mailing provides evidence that mail has been presented to USPS® for n This form may be used for domestic and international mail.

From: **JERRI HOLAN & ASSOCIATES, A**
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 2573 Buena Vista
BKLY, CA 94708

U.S. POSTAGE PAID
 ALBANY CA 94706
 MAR 13 19
 AMOUNT
\$1.45
 R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Mail

This Certificate of Mailing provides evidence that mail has been presented to USPS® for n This form may be used for domestic and international mail.

From: **JERRI HOLAN & ASSOCIATES, A**
ARCHITECTS - ENGINEERS - PLANNER
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 2545 Buena Vista
BKLY, CA 94708

U.S. POSTAGE PAID
 ALBANY CA 94706
 MAR 13 19
 AMOUNT
\$1.45
 R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Mail

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From: **JERRI HOLAN & ASSOCIATES, A**
ARCHITECTS - ENGINEERS - PLANNER
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1520 Le Roy
BENKLY, CA 9470

U.S. POSTAGE PAID
 ALBANY CA 94706
 MAR 13 19
 AMOUNT
\$1.45
 R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Mail

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From: **JERRI HOLAN & ASSOCIATES, A**
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 2555 Buena Vista
BKLY, CA 94708

U.S. POSTAGE PAID
 ALBANY CA 94706
 MAR 13 19
 AMOUNT
\$1.45
 R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Mail

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From: **JERRI HOLAN & ASSOCIATES, A/**
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1526 Le Roy
BKLY, CA 94708

U.S. POSTAGE PAID
 ALBANY CA 94706
 MAR 13 19
 AMOUNT
\$1.45
 R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Mail

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From: **JERRI HOLAN & ASSOCIATES, A**
ARCHITECTS - ENGINEERS - PLANNER
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 2564 Buena Vista
BKLY, CA 94708

U.S. POSTAGE PAID
 ALBANY CA 94706
 MAR 13 19
 AMOUNT
\$1.45
 R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for n This form may be used for domestic and international mail.

From: **JERRI HOLAN & ASSOCIATES,**
ARCHITECTS - ENGINEERS - PLANNI
1323 Solano Avenue, Suite #20
Albany, CA 94706

To: 1536 Le Roy
BENKLY, CA 94708

U.S. POSTAGE PAID
 ALBANY CA 94706
 MAR 13 19
 AMOUNT
\$1.45
 R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

From: JERRI HOLAN & ASSOCIATES, AI
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1540 Le Roy
Bkly, CA 94708

U.S. POSTAGE PAID
ALBANY CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Mail

From: JERRI HOLAN & ASSOCIATES, A
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1554 Le Roy
Bkly, CA 94708

U.S. POSTAGE PAID
ALBANY CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

From: JERRI HOLAN & ASSOCIATES,
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1542 Le Roy
Bkly, CA 94708

U.S. POSTAGE PAID
ALBANY CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

From: JERRI HOLAN & ASSOCIATES,
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1562 Le Roy
Bkly, CA 94708

U.S. POSTAGE PAID
ALBANY CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

From: JERRI HOLAN & ASSOCIATES,
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1544 Le Roy
Bkly, CA 94708

U.S. POSTAGE PAID
ALBANY CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

From: JERRI HOLAN & ASSOCIATES,
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1570 Le Roy
Bkly, CA 94708

U.S. POSTAGE PAID
ALBANY CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

From: JERRI HOLAN & ASSOCIATES,
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1546 Le Roy
Bkly, CA 94708

U.S. POSTAGE PAID
ALBANY CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

From: JERRI HOLAN & ASSOCIATES,
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1578 Le Roy
Bkly, CA 94708

U.S. POSTAGE PAID
ALBANY CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

From: JERRI HOLAN & ASSOCIATES,
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1550 Le Roy
Bkly, CA 94708

U.S. POSTAGE PAID
ALBANY CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

From: JERRI HOLAN & ASSOCIATE
ARCHITECTS - ENGINEERS - PLANNERS
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1580 Le Roy Ave
Bkly, CA 94708

U.S. POSTAGE PAID
ALBANY CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES**
ARCHITECTS - ENGINEERS - PLANNING
1323 Solano Avenue, Suite #20
Albany, CA 94706

To: 1584 Le Roy
BKLY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES**
ARCHITECTS - ENGINEERS - PLANNING
1323 Solano Avenue, Suite #20
Albany, CA 94706

To: 1514 LA LOMA
BKLY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES**
ARCHITECTS - ENGINEERS - PLANNING
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1586 Le Roy
BKLY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES**
ARCHITECTS - ENGINEERS - PLANNING
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1515 LA LOMA
BKLY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES**
ARCHITECTS - ENGINEERS - PLANNING
1323 Solano Avenue, Suite #20
Albany, CA 94706

To: 1590 Le Roy Ave
BKLY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES**
ARCHITECTS - ENGINEERS - PLANNING
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1521 LA LOMA
BKLY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES**
ARCHITECTS - ENGINEERS - PLANNING
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1595 Le Roy Ave
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES**
ARCHITECTS - ENGINEERS - PLANNING
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1525 LA LOMA AVE
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES**
ARCHITECTS - ENGINEERS - PLANNING
1323 Solano Avenue, Suite #20
Albany, CA 94706

To: 1512 LA LOMA AVE
BKLY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES**
ARCHITECTS - ENGINEERS - PLANNING
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1528 LA LOMA
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES, ARCHITECTS - ENGINEERS - PLANNER**
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1530 LA LOMA
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES ARCHITECTS - ENGINEERS - PLANNI**
1323 Solano Avenue, Suite #2
Albany, CA 94706

To: 1555 LA VENDED
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

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From: **JERRI HOLAN & ASSOCIATES, ARCHITECTS - ENGINEERS - PLANNER**
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1542 LA LOMA
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: **JERRI HOLAN & ASSOCIATES ARCHITECTS - ENGINEERS - PLA**
1323 Solano Avenue, Suite
Albany, CA 94706

To: 2639 CEDAR
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

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From: **JERRI HOLAN & ASSOCIATES, ARCHITECTS - ENGINEERS - PLANNER**
1323 Solano Avenue, Suite #204
Albany, CA 94706

To: 1544 LA LOMA AV
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

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From: **JERRI HOLAN & ASSOCIATES ARCHITECTS - ENGINEERS - PLA**
1323 Solano Avenue, Suite
Albany, CA 94706

To: 2641 CEDAR AVE
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES, ARCHITECTS - ENGINEERS - PLANNI**
1323 Solano Avenue, Suite #20
Albany, CA 94706

To: 1546 LA LOMA
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

UNITED STATES POSTAL SERVICE Certificate Of Mailing

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: **JERRI HOLAN & ASSOCIATES ARCHITECTS - ENGINEERS - PLA**
1323 Solano Avenue, Suite
Albany, CA 94706

To: Owners & Occupants
1521 HILL COURT
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From: **JERRI HOLAN & ASSOCIATES ARCHITECTS - ENGINEERS - PLANNI**
1323 Solano Avenue, Suite #2
Albany, CA 94706

To: 1550 LA VENDED
BERKELEY, CA 94708

U.S. POSTAGE PAID
ALBANY, CA 94706
MAR 13 19
AMOUNT
\$1.45
R2304W120735-12

PS Form 3817, April 2007 PSN 7530-02-000-9065

474



PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: 1581 Le Roy Avenue Date: Feb. 20, 2019
Applicant's Name: Jerri Holan & Associates
Zoning District R-1H

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	<i>Existing</i>	<i>Proposed</i>	<i>Permitted/ Required</i>
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	0	2	2
Number of Parking Spaces (#)	9	27	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	0	7	0
Yards and Height			
Front Yard Setback (Feet)	10-20	10-20	20
Side Yard Setbacks: (facing property)			
Left: (Feet)	25	25	4
Right: (Feet)	25	25	4
Rear Yard Setback (Feet)	15-40	15-40	20
Building Height* (# Stories)	3	3	3
Average* (Feet)	35	35	35
Maximum* (Feet)	50	50	35
Areas			
Lot Area (Square-Feet)	117,546	117,546	5,000
Gross Floor Area* (Square-Feet)			
Total Area Covered by All Floors	50,302	50,302	N/A
Building Footprint* (Square-Feet)			
Total of All Structures	25,695	25,695	N/A
Lot Coverage* (%) (Footprint/Lot Area)	22	22	40
Useable Open Space* (Square-Feet)	91,851	91,851	800
Floor Area Ratio* Non-Residential only (Except ES-R)			

*See Definitions – Zoning Ordinance Title 23F.

Revised: 05/15



EXISTING WEST ELEVATIONS, 2019

PARCEL CONDITIONS:

- 1) Building is on the National Register of Historic Places and is a City Landmark;
- 2) Building is in the Fault Zone;
- 3) Building is in the Landslide Zone;
- 4) Building is not in a Creek Zone.

SCOPE OF ALTERATION WORK (NO SQUARE FOOTAGE BEING ADDED):

- 1) CHANGE OF OCCUPANCY FROM EDUCATIONAL TO SINGLE-FAMILY RESIDENTIAL WITH ADU;
- 2) REPLACE & RESTORE MISCELLANEOUS DOORS, WINDOWS & SIDELIGHTS;
- 3) RESTORE DAMAGED SOUTH WALL & REPLACE FOUNDATION;
- 4) CONVERT KITCHEN TO GARAGE AND ADD NEW CONCRETE DRIVEWAY AND RETAINING WALLS;
- 5) ADD ELEVATOR;
- 6) ADD BATHROOMS TO SECOND FLOOR;
- 7) REMODEL THIRD FLOOR AND ADD REAR DECK WITH STUCCO GUARD RAILS, POOL AND HOT TUB;
- 8) REPLACE ELECTRICAL AND MECHANICAL SYSTEMS;
- 9) ADD SOLAR PANELS;
- 10) ADD NEW FENCING;
- 11) ADD NEW PARKING AREA 2.

SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATING HISTORIC BUILDINGS:

As a property on the National Register of Historic Properties, the following Standards shall be followed:

- Standard 1** - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Standard 2** - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Standard 3** - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
- Standard 4** - Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Standard 5** - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Standard 6** - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Standard 7** - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Standard 8** - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Standard 9** - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
- Standard 10** - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2016 CALIFORNIA HISTORICAL BUILDING CODE (CHBC) NOTES:

As a qualified historic building, the application of the following provisions of the CHBC apply:

SECTION 8-102.1.6 - Qualified buildings shall not be subject to additional work required by the regular code beyond that required to complete the work undertaken.

SECTION 8-901.5 - Qualified buildings are exempted from compliance with energy conservation standards.

PLANNING, ZONING, & BUILDING INFORMATION:

APN: 058-2245-009-03 Fire Zone 2

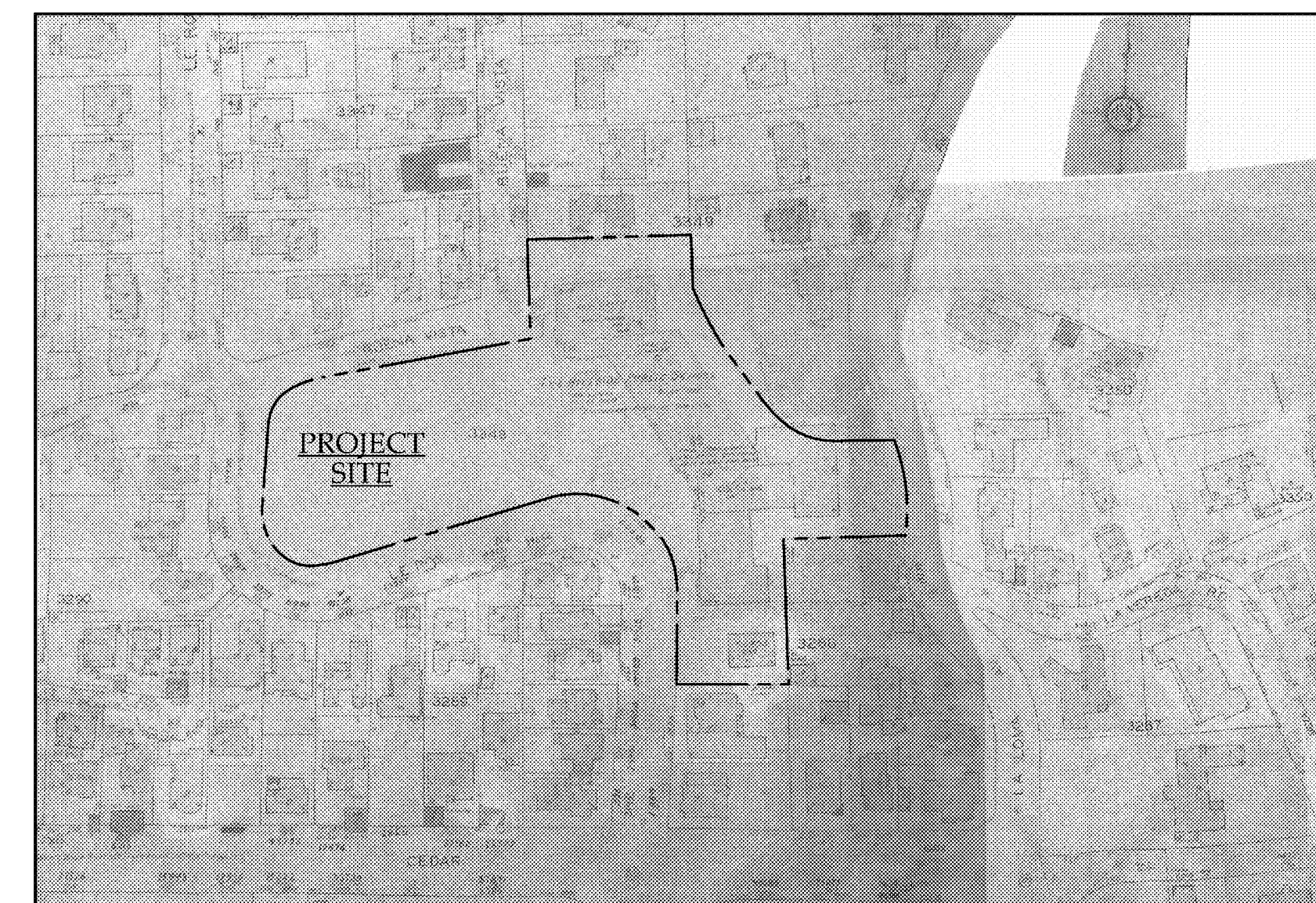
Zoning: R-1H Existing Educational Building converting to R-3 Building Occupancy

Three-story, Type VB Construction, Fully Sprinklered

Lot Size: 117,546 sf Footprint Size: 25,695 sf

First Floor Size: 25,695 sf
Second Floor Size: 21,562 sf
Third Floor Size: 3,045 sf

TOTAL SIZE 50,302 SF



1
T-1 VICINITY MAP

APPROX. SCALE: 1" = 100'



TABULATION FORM

Project Address: 1581 Le Roy Avenue Date: Feb. 20, 2019

Applicant's Name: Jerri Holan & Associates

Zoning District: R-1H

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

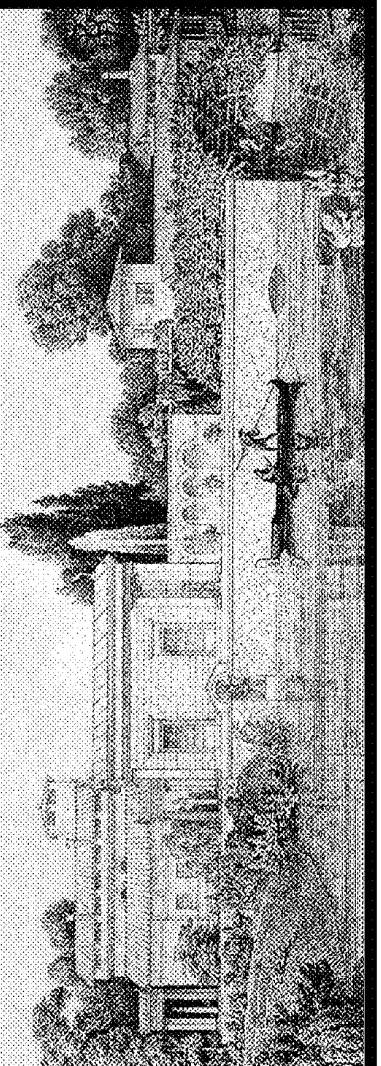
	Existing	Proposed	Permitted/ Required
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	0	2	2
Number of Parking Spaces (#)	9	27	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	0	7	0
Yards and Height			
Front Yard Setback (Feet)	10-20	10-20	20
Side Yard Setbacks (facing property)			
Left: (Feet)	25	25	4
Right: (Feet)	25	25	4
Rear Yard Setback (Feet)	15-40	15-40	20
Building Height*			
(# Stories)	3	3	3
Average* (Feet)	35	35	35
Maximum* (Feet)	50	50	35
Areas			
Lot Area (Square-Feet)	117,546	117,546	5,000
Gross Floor Area* (Square-Feet)			
Total Area Covered by All Floors	50,302	50,302	N/A
Building Footprint* (Square-Feet)	25,695	25,695	N/A
Total of All Structures			
Lot Coverage* (Footprint/Lot Area) (%)	22	22	40
Useable Open Space* (Square-Feet)	91,851	91,851	800
Floor Area Ratio*			
Non-Residential only (Except ES-R)			

*See Definitions - Zoning Ordinance Title 23F. Revised: 05/15

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DRAWING INDEX

- T-1 TITLE SHEET
- A-1 SITE & ROOF PLAN
- SY-1 SURVEY
- A-2 FIRST & SECOND FLOOR PLANS
- A-3 THIRD FLOOR PLANS & BUILDING SECTION
- A-4 PARTIAL ELEVATIONS & DETAILS
- A-5 ENERGY FORMS & FLASHING DETAILS



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510.528.1079
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Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPÄLÄ
1581 Le Roy Avenue
Berkeley, CA

Revision	Issue Date

TITLE SHEET

SHEET

T-1

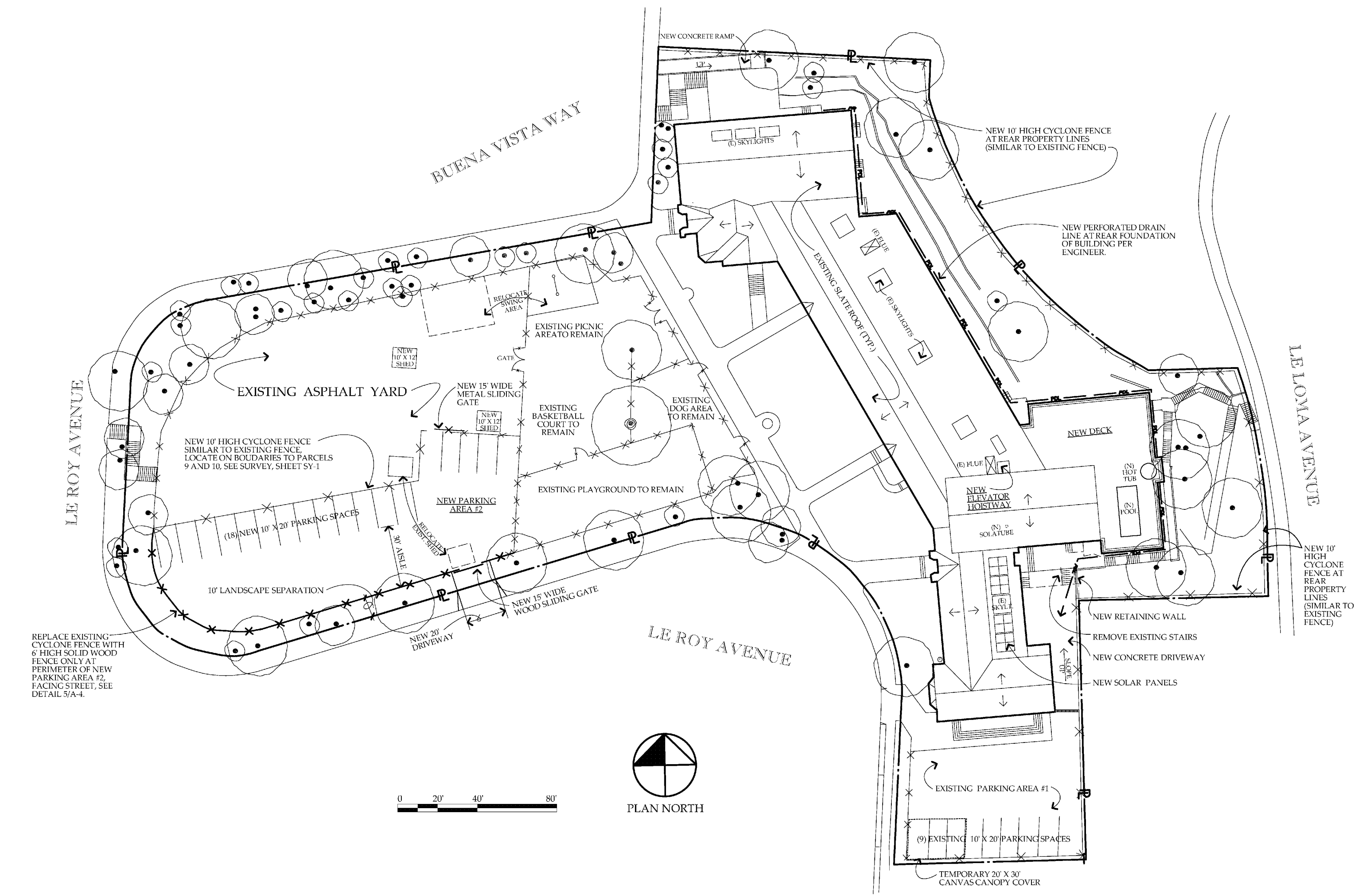
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I have reviewed the plans for converting Hillside School (1581 Le Roy Avenue) into a single-family residence with an ADU and Moderate Home Occupancy Permit.

NEIGHBORHOOD SIGNATURES							
Printed Name	Signature	Address	Owner or Renter	Date	Have No Objections	Have Objections (Please state briefly)	Have No Comment
		2530 Buena Vista					
		2535 Buena Vista					
		2545 Buena Vista					
		2555 Buena Vista					
		2564 Buena Vista					
		2565 Buena Vista					
		2573 Buena Vista					
		1520 Le Roy					
		1526 Le Roy					
		1536 Le Roy					
		1540 Le Roy					
		1542 Le Roy					
		1544 Le Roy					
		1546 Le Roy					
		1550 Le Roy					
		1554 Le Roy					
		1562 Le Roy					
		1570 Le Roy					
		1578 Le Roy					
		1580 Le Roy					
		1584 Le Roy					
		1586 Le Roy					
		1590 Le Roy					
		1595 Le Roy					
		1512 La Loma					
		1514 La Loma					
		1515 La Loma					
		1521 La Loma					
		1525 La Loma					
		1528 La Loma					
		1530 La Loma					
		1542 La Loma					
		1544 La Loma					
		1546 La Loma					
		1550 La Vereda					
		1555 La Vereda					
		2639 Cedar					
		2641 Cedar					
		1521 Hill Court					

GENERAL AND SITE PLAN NOTES:

- These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
- Use of these drawings constitutes acceptance.
- Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
- The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
- The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
- All work shall conform to the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Historical Building Code (CHBC), The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.**
- By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawings and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
- The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
- The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
- The site shall be kept clean at all times. Materials indicated to be reinstalled shall be stored and protected onsite unless otherwise noted. THE BASEMENT AREA WILL BE AVAILABLE FOR STORAGE OF NEW WINDOW UNITS DURING CONSTRUCTION. Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
- Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
- All items not noted as new (N) are existing.
- All existing walls, floors, and ceilings at removed, new or modified construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.

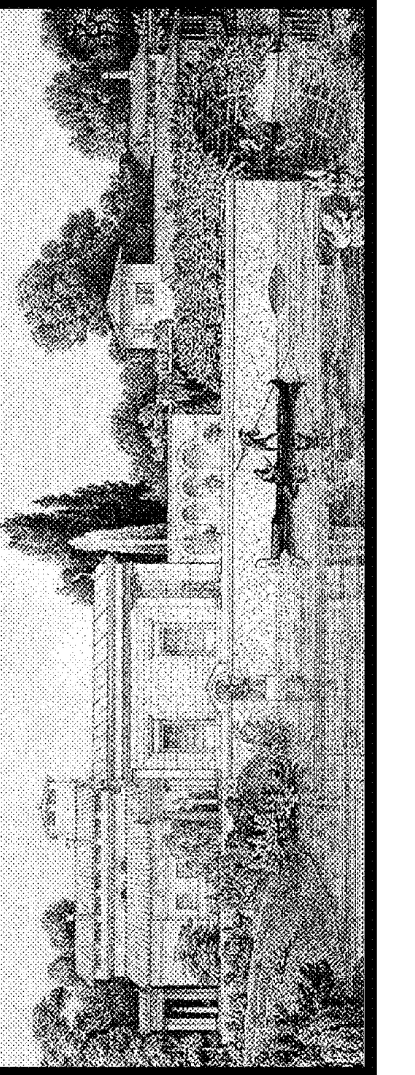
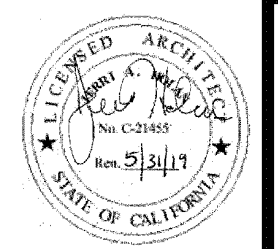


1 SITE & ROOF PLAN
A-1

SCALE: 1" = 40'

MARCH 15, 2019 - PROGRESS SET FOR NEIGHBORS

FEB. 25, 2019 - PROGRESS SET FOR NEIGHBORS



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Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPÄLÄ
1581 Le Roy Avenue
Berkeley, CA

Revisions:
Issue Date:
April 1, 2019 - Submittal for City Permit
April 1, 2019 - Submittal for Structural Alteration Permit & Utility Review

SITE & ROOF PLAN
SHEET

A-1
of 6

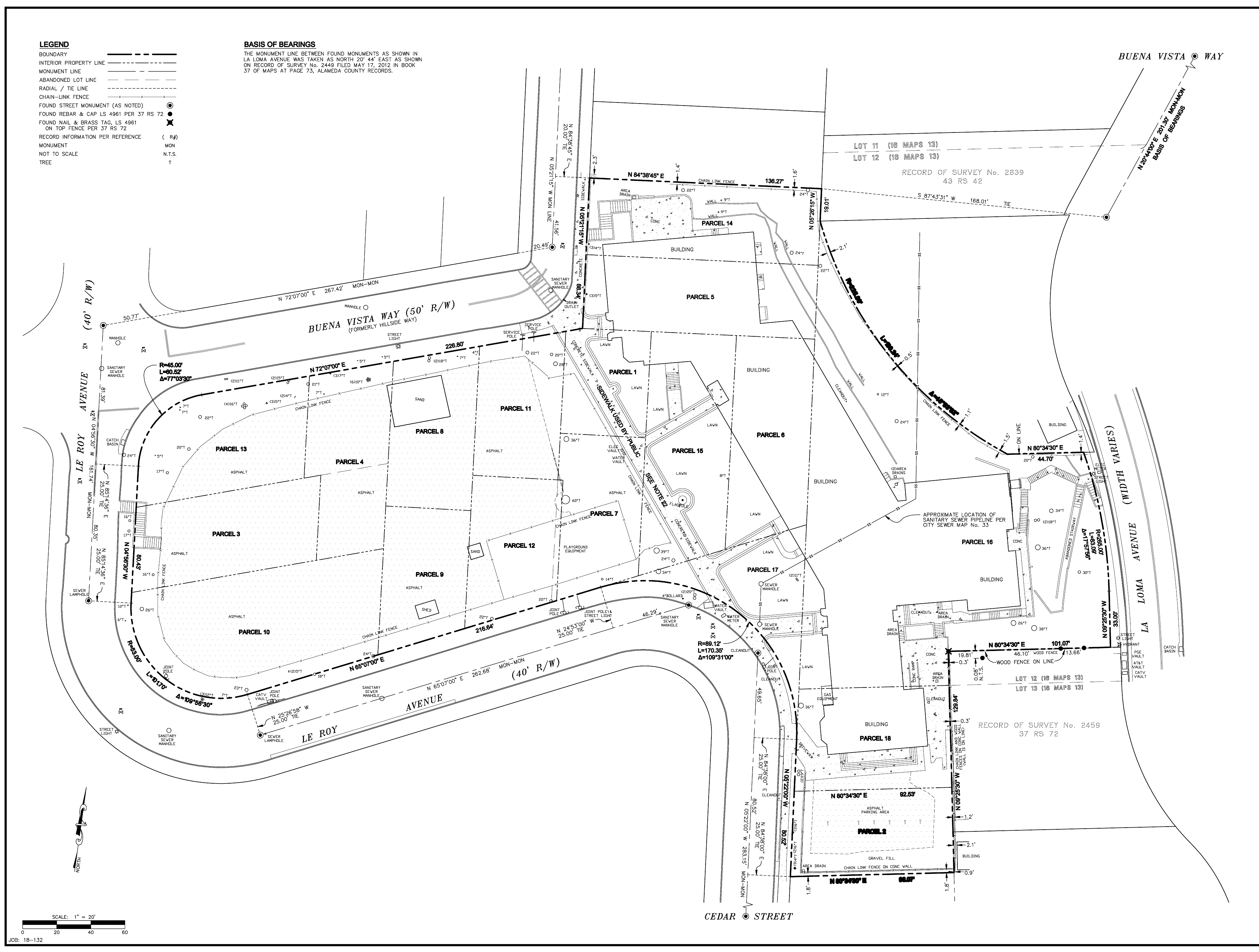
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LEGEND

- BOUNDARY
- INTERIOR PROPERTY LINE
- MONUMENT LINE
- ABANDONED LOT LINE
- RADIAL / TIE LINE
- CHAIN-LINK FENCE
- FOUND STREET MONUMENT (AS NOTED)
- FOUND REBAR & CAP LS 4961 PER 37 RS 72
- FOUND NAIL & BRASS TAG, LS 4961 ON TOP FENCE PER 37 RS 72
- RECORD INFORMATION PER REFERENCE (R#)
- MONUMENT MON
- NOT TO SCALE N.T.S.
- TREE

BASIS OF BEARINGS

THE MONUMENT LINE BETWEEN FOUND MONUMENTS AS SHOWN IN LA LOMA AVENUE WAS TAKEN AS NORTH 20° 44' EAST AS SHOWN ON RECORD OF SURVEY No. 2449 FILED MAY 17, 2012 IN BOOK 37 OF MAPS AT PAGE 73, ALAMEDA COUNTY RECORDS.



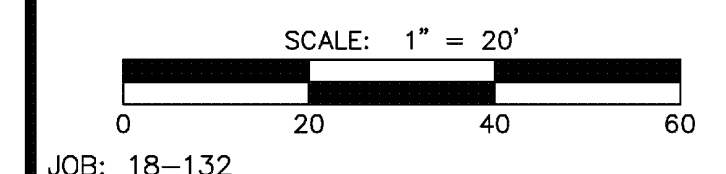
DMG ENGINEERING, Inc.
30 OAKVUE COURT
PLEASANT HILL, CA 94523
PHONE: (925) 787-0463
FAX: (925) 287-8503

DMG ENGINEERING, Inc.
RESTRICTED ENGINEERING DRAWINGS
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NO.	DATE	REVISIONS	BY

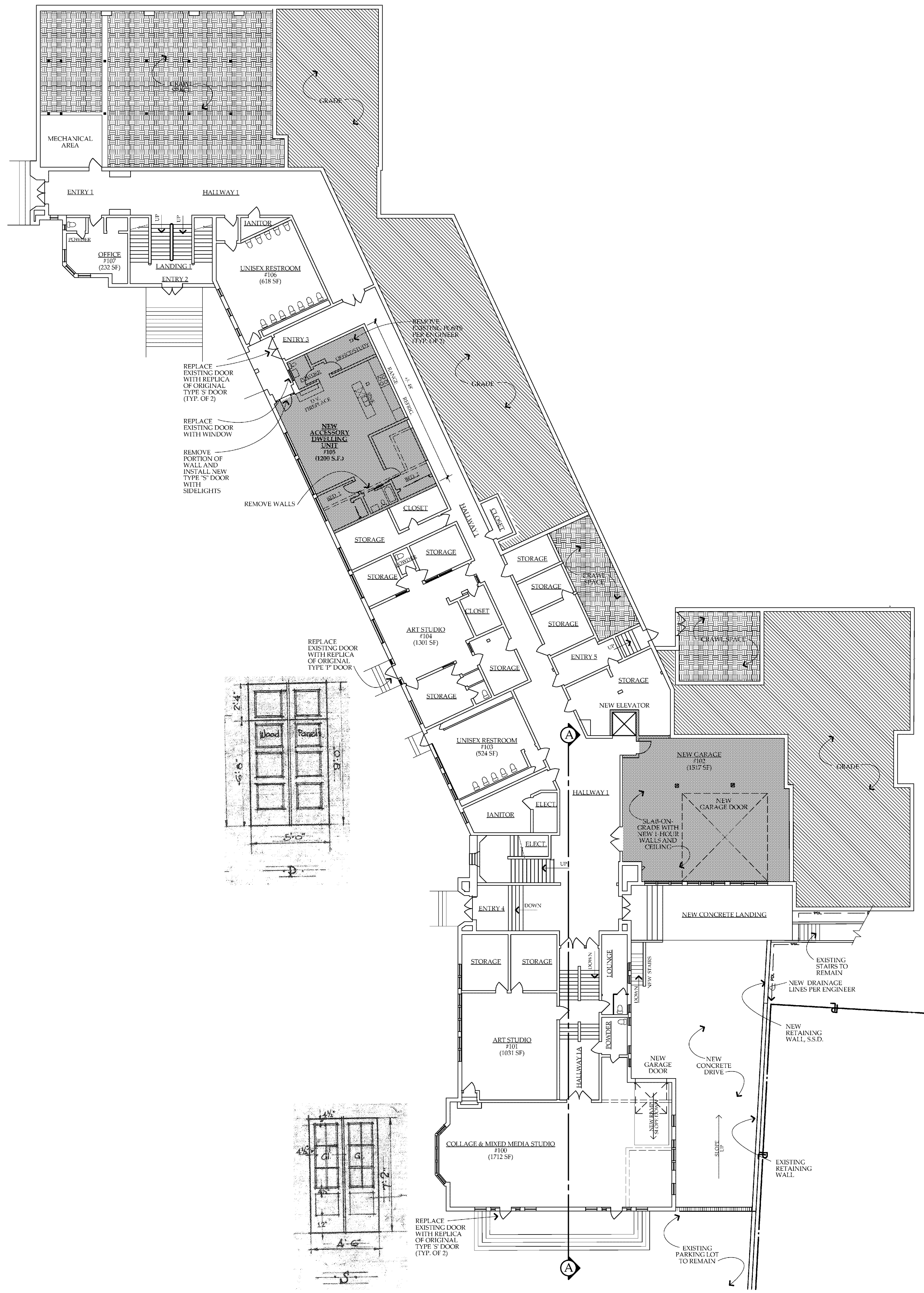
ALTA / NSPS LAND TITLE SURVEY
ALAMEDA COUNTY A.P.N. 58-2245-9-3
1581 LE ROY AVENUE
CITY OF BERKELEY - CALIFORNIA
SCALE: 1 INCH = 20 FEET
OCTOBER 2018

SHEET 2
OF 2 SHEETS
ORIG.DWG: 10-12-2018
REV.DWG:
JOB: 18-132



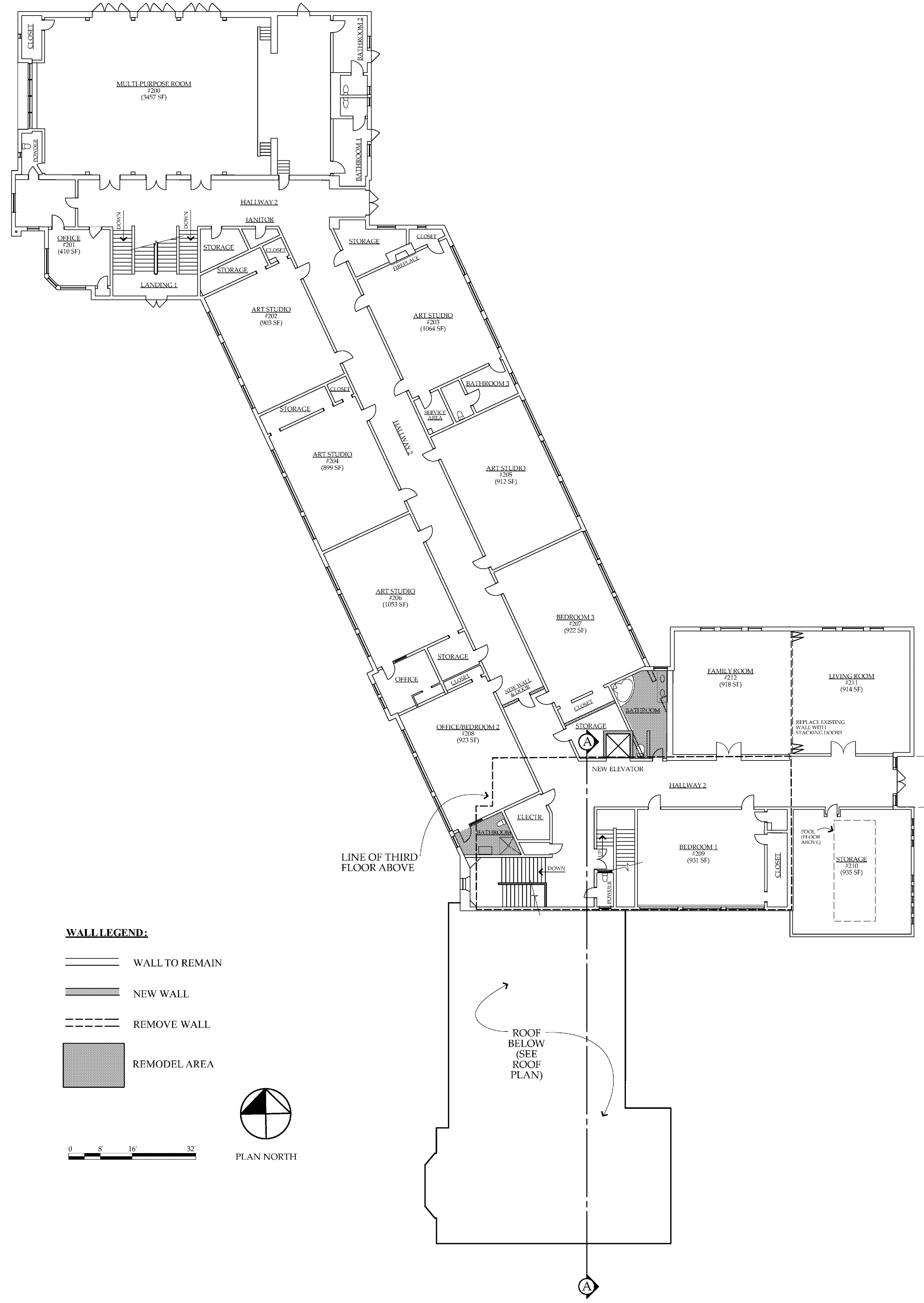
JOB: 18-132

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1 FIRST FLOOR PLAN
A-2

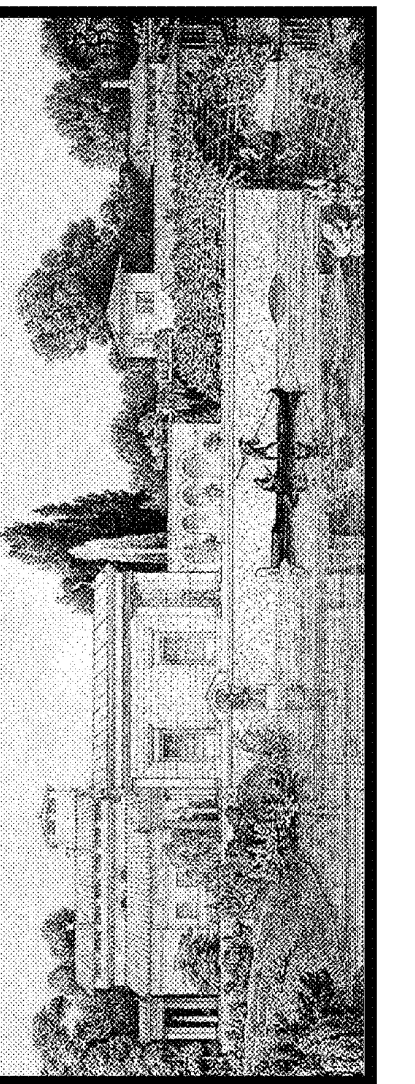
SCALE: 1/16" = 1'-0"



2 SECOND FLOOR PLAN
A-2

MARCH 15, 2019 - PROGRESS SET FOR NEIGHBORS
FEB. 25, 2019 - PROGRESS SET FOR NEIGHBORS

SCALE: 1/16" = 1'-0"

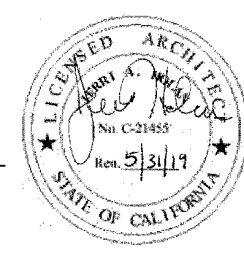


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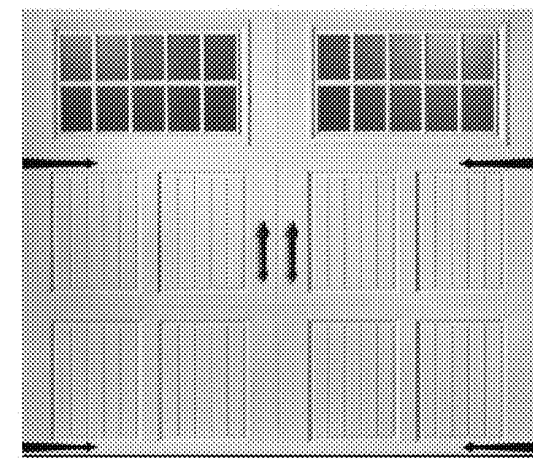
Revision:	
Issue Date:	
April 1, 2019 - S&B signed for I-16 Permit	
April 1, 2019 - Submitted for Structural Alteration Permit & Design Review	

FIRST & SECOND FLOOR PLANS
SHEET
A-2
of 6

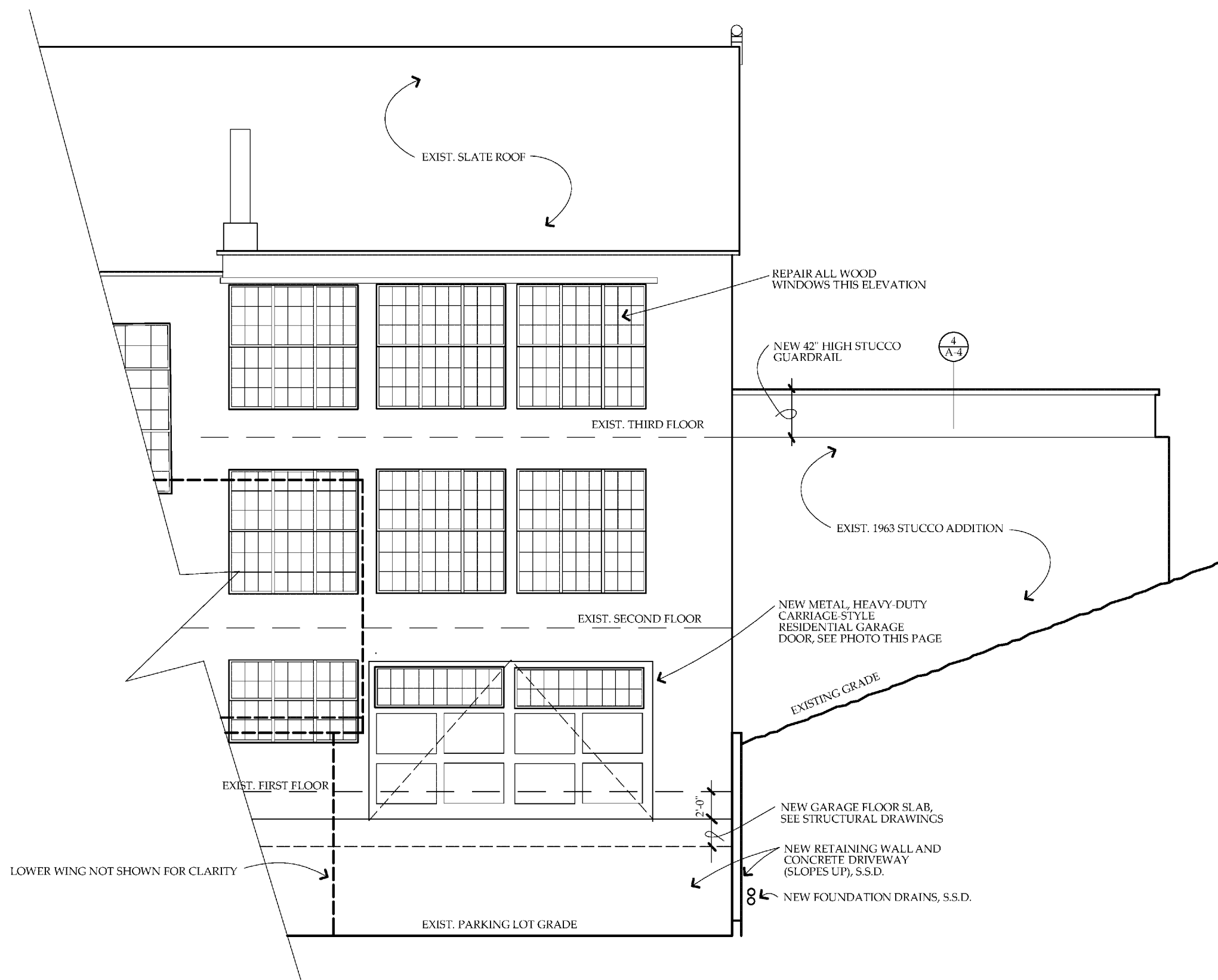




SOUTH ELEVATION PHOTO



PROPOSED GARAGE DOORS

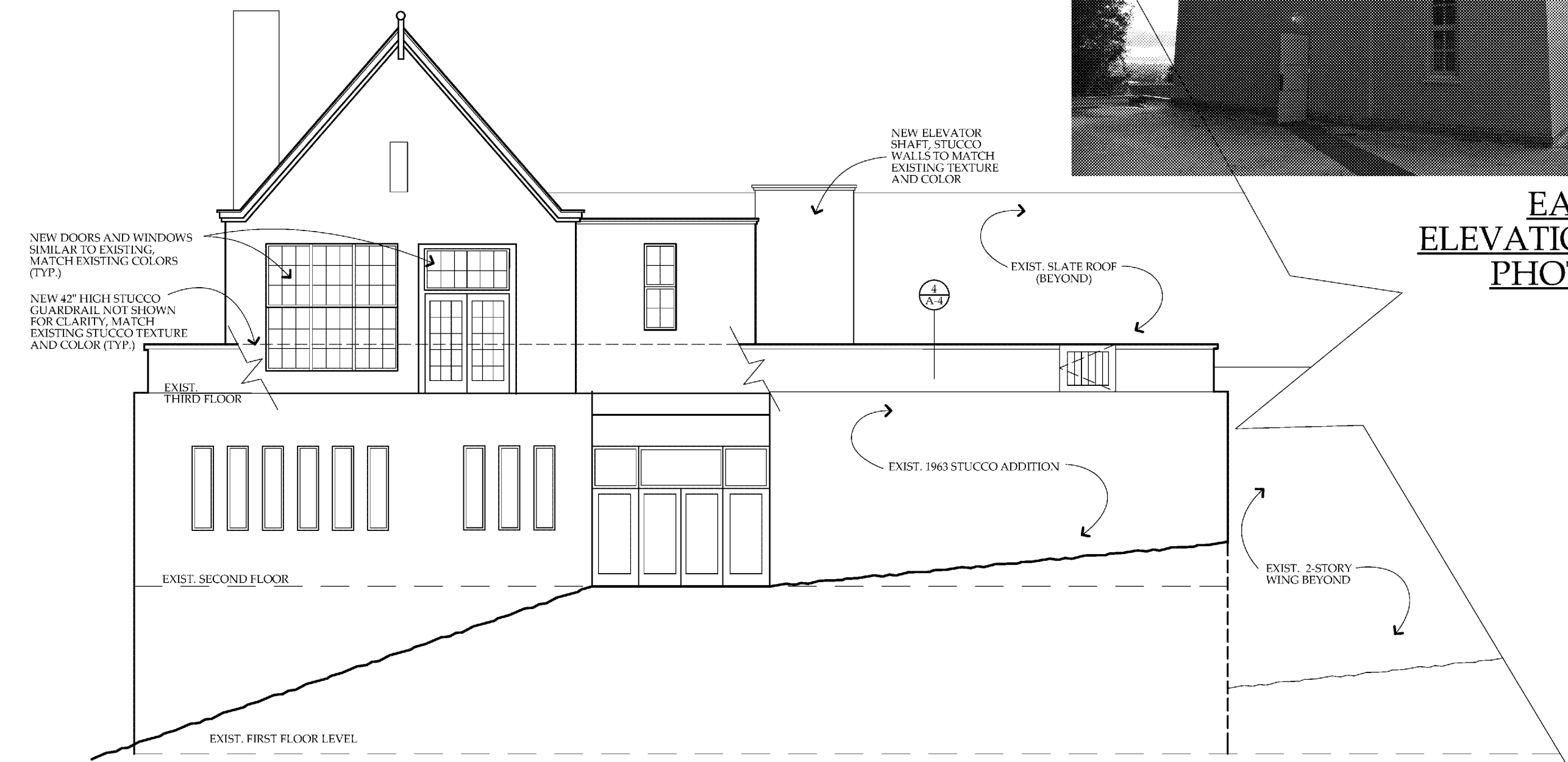


1 SOUTH ELEVATION DETAIL

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

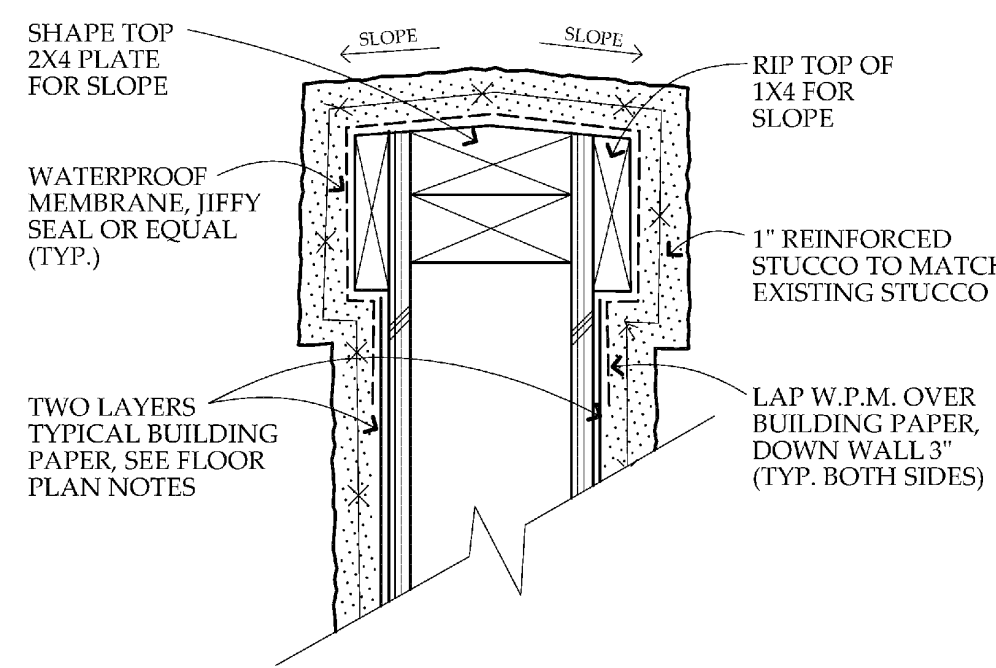


EAST ELEVATION PHOTO



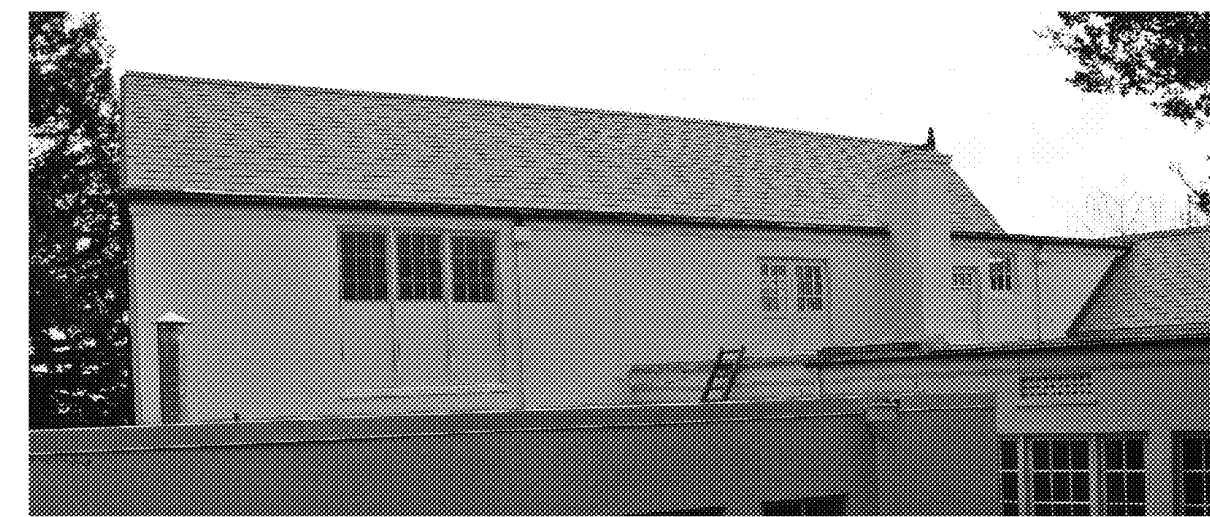
2 EAST ELEVATION DETAIL

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

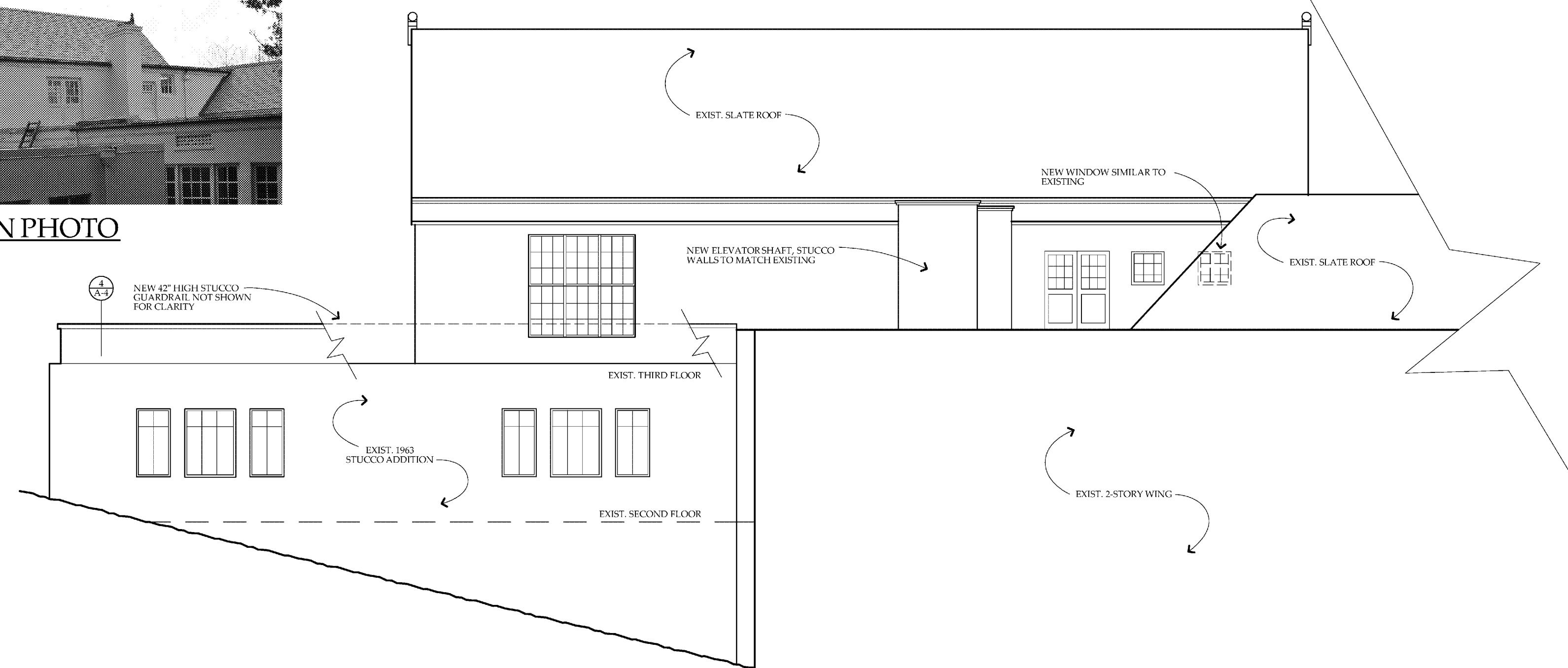


4 STUCCO GUARDRAIL DETAIL

SCALE: 3" = 1'-0"

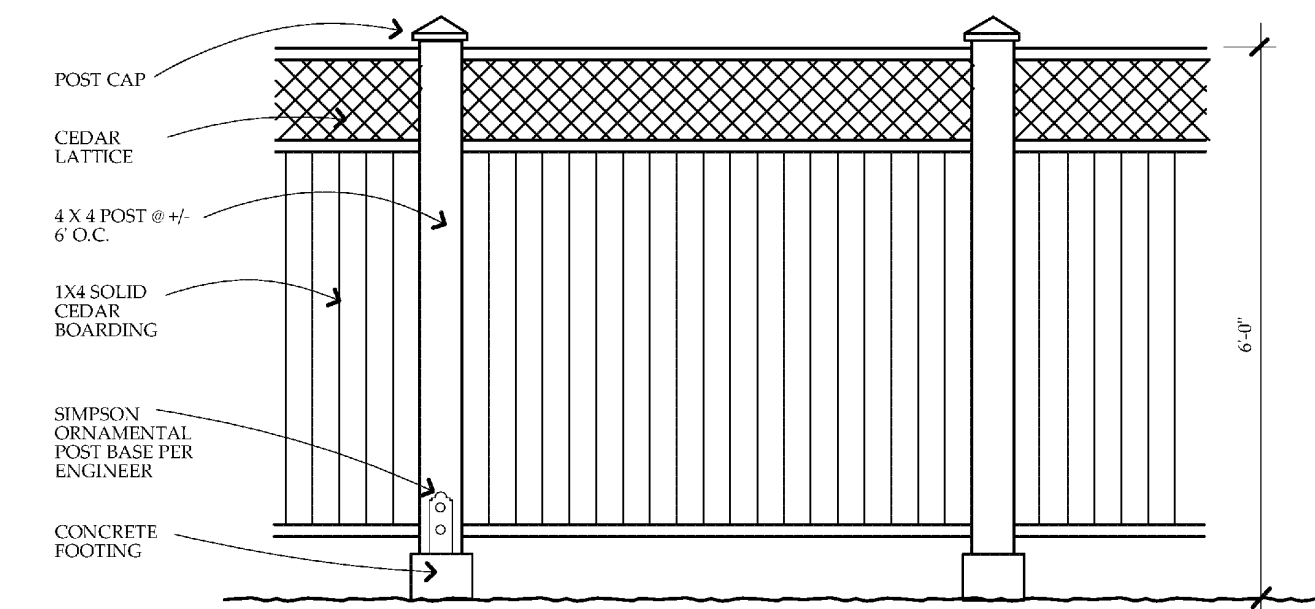


NORTH ELEVATION PHOTO



3 NORTH ELEVATION DETAIL

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



5 WOOD FENCE DETAIL

SCALE: 1/2" = 1'-0"

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1581 Le Roy Avenue
Berkeley, CA

Revision

Issue Date:
April 1, 2019 - Submittal for C-10 Permit
April 1, 2019 - Submittal for Structural Submittal
Permit & Utility Review

PARTIAL ELEVATIONS & DETAILS

SHEET
A-4



2016 Low-Rise Residential Mandatory Measures Summary

NOTE: Low-rise residential buildings subject to the Energy Standards must comply with all applicable mandatory measures, regardless of the compliance approach used. Review the respective section for more information. *Exceptions may apply. (Revised 04/2017)

Building Envelope Measures:	
§ 110.6(a):	Air Leakage. Manufactured fenestration, exterior doors, and exterior pet doors must limit air leakage to 0.3 cfm/ft² or less when tested per NFRC 400 or ASTM E283 or AIAA/MVM/AMCA 1014.5 2A/4B-2011.
§ 110.6(a):	Labeling. Fenestration products must have a label meeting the requirements of § 10-111(a).
§ 110.6(b):	Field-laminated exterior doors and fenestration products must use U factors and solar heat gain coefficient (SHGC) values from TABE 15-110.6.A and 110.6-B for compliance and must be caulked and/or weatherstripped.
§ 110.7:	Air Leakage. All joints, penetrations, and other openings in the building envelope that are potential sources of air leakage must be caulked, gasketed, or weather stripped.
§ 110.8(a):	Insulation Certification for Manufactured Structures. Insulation specified or installed must meet Standards for Insulating Material.
§ 110.8(a):	Insulation Requirements for Heated Slab Floors. Heated slab floors must be insulated per the requirements of § 110.8(g).
§ 110.8(b):	Roofing Products Solar Reflectance and Thermal Emittance. The thermal emittance and aged solar reflectance values of the roofing material must meet the requirements of § 110.8(h) when the installation of a cool roof is specified on the CFIR.
§ 110.8(g):	Radiant Barrier. A radiant barrier must have an emittance of 0.05 or less and be certified to the Department of Consumer Affairs.
§ 110.8(h):	Ceiling and Rafter Roof Insulation. Minimum R-22 insulation in wood-frame ceiling, or the weighted average U-factor must not exceed 0.043. Minimum R-19 or weighted average U-factor of 0.054 or less in a rafter roof alteration. After access doors must have permanently attached insulation using adhesive or mechanical fasteners. The attic access must be gasketed to prevent air leakage. Insulation must be installed in direct contact with a continuous roof or ceiling which is sealed to limit infiltration and exfiltration as specified in § 110.7, including but not limited to plastic insulation either above or below the roof deck or on top of a drywall ceiling.
§ 150.0(b):	Loose-fill Insulation. Loose fill insulation must meet the manufacturer's required density for the labeled R-value.
§ 150.0(c):	Above Grade Wall Insulation. Minimum R-13 insulation in 2x4 wood framing wall or have a U-factor of 0.102 or less (R-19 in 2x6 or U-factor of 0.074 or less). Oppaque non-framed assemblies must have an overall assembly U-factor not exceeding 0.102, equivalent to an installed value of R-13 in a wood framed assembly.
§ 150.0(d):	Raised-floor Insulation. Minimum R-19 insulation in raised wood framed floor or 0.037 maximum U-factor.
§ 150.0(e):	Slab Edge Insulation. Slab edge insulation must meet all of the following: have a water absorption rate, for the insulation material alone without joints, not greater than 0.2%; have a water vapor permeance no greater than 2.0 perm-inch; be protected from physical damage and UV light deterioration, and, when installed as part of a heated slab floor, meet the requirements of § 110.8(g).
§ 150.0(g):	Vapor Retarder. In Climate Zones 1-16, the earth floor or unvented crawl space must be covered with a Class I or Class II vapor retarder. This requirement also applies to controlled ventilation crawl spaces for buildings complying with the exception in § 150.0(i).
§ 150.0(g):	Vapor Retarder. In Climate Zones 14 and 16, a Class I or Class II vapor retarder must be installed on the conditioned space side of all insulation in all exterior walls, vertical attics, and unvented attics with air permeable insulation.
§ 150.0(g):	Fenestration Products. Fenestration, including skylights, separating conditioned space from unconditioned space or outdoors must have a maximum U-factor of 0.38, or the weighted average U-factor of all fenestration must not exceed 0.58.
Fireplaces, Decorative Gas Appliances, and Gas Log Measures:	
§ 150.0(e)1A:	Closable Doors. Masonry or factory built fireplaces must have a closable metal or glass door covering the entire opening of the firebox.
§ 150.0(e)1B:	Combustion Intake. Masonry or factory built fireplaces must have a combustion outside air intake, which is at least six square inches in area and is equipped with a readily accessible, operable, and light-tight damper or combustion air control device.
§ 150.0(e)1C:	Flue Damper. Masonry or factory built fireplaces must have a flue damper with a readily accessible control.
§ 150.0(e)2:	Pilot Light. Continuous burning pilot lights and the use of indoor air for cooling a firebox jacket, when that indoor air is vented to the outside of the building, are prohibited.
Space Conditioning, Water Heating, and Plumbing System Measures:	
§ 110.4-110.3:	Certification. Heating, ventilation and air conditioning (HVAC) equipment, water heaters, showerheads, faucets, and all other regulated appliances must be certified by the manufacturer to the Energy Commission.
§ 110.2(a):	HVAC Efficiency. Equipment must meet the applicable efficiency requirements in TABE 110.2-A through TABE 110.2-K.
§ 110.2(b):	Controls for Heat Pumps with Supplementary Electric Resistance Heaters. Heat pumps with supplementary electric resistance heaters must have controls that prevent supplementary heater operation when the heating load can be met by the heat pump alone; and that switch the cut on temperature for compression heating is higher than the cut on temperature for supplementary heating, and the cut off temperature for compression heating is higher than the cut off temperature for supplementary heating.
§ 110.2(c):	Thermostats. All utility heating or cooling systems not controlled by a central energy management control system (EMCS) must have a setback thermostat.
§ 110.3(a):	Water Heating Recirculation Loops Serving Multiple Dwelling Units. Water heating recirculation loops serving multiple dwelling units must meet the air release valve, backflow prevention, pump priming, pump isolation valve, and recirculation loop connection requirements of § 110.3(c).
§ 110.3(a):	Isolation Valves. Instantaneous water heaters with an input rating greater than 6.8 MBTU/hr (2 kW) must have isolation valves with hose bibbs or other fittings on both cold water and water lines of water heating systems to allow for water tank flushing when the valves are closed.
§ 110.5:	Pilot Lights. Continuously burning pilot lights are prohibited for natural gas, fan-type control furnaces, household cooking appliances (appliances without an electrical supply voltage connection with pilot lights that consume less than 150 Btu/hr are exempt), and pool and spa heaters.
§ 150.0(b):	Building Cooling and Heating Loads. Heating and/or cooling loads are calculated in accordance with ASHRAE Handbook, Equipment Volume, Applications Volume, and Fundamentals Volume; SMACNA Residential Comfort System Installation Standards Manual, or ACCA Manual J using design conditions specified in § 150.0(h):

2016 Low-Rise Residential Mandatory Measures Summary

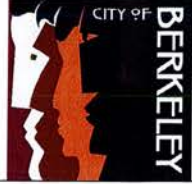
§ 150.0(a)3A:	Clearances. Installed air conditioner and heat pump outdoor condensing units must have a clearance of at least 5 feet from the outlet of any dryer vent.
§ 150.0(b)3B:	Liquid Line Drier. Installed air conditioner and heat pump systems must be equipped with liquid line filter driers if required, as specified by manufacturer's instructions.
§ 150.0(c):	Storage Tank Insulation. Unvented hot water tanks, such as storage tanks and backup storage tanks for solar water heating systems, must have 1.5" exterior insulation. Insulation on the storage tank must be installed on the exterior of the tank.
§ 150.0(d)2A:	Water piping and cooling system line insulation. For domestic hot water system piping, whether buried or unburied, all of the following must be insulated according to the requirements of TABE 150.3-A, the first 5 feet of hot and cold water pipes from the storage tank; all piping with a nominal diameter of 3/4 inch or larger; all piping associated with a domestic hot water recirculation system regardless of the pipe diameter; piping from the heating source to storage tank or between tanks; piping buried below grade; and all hot water pipes from the heating source to kitchen fixtures.
§ 150.0(d)2B:	Water piping and cooling system line insulation. All domestic hot water pipes that are buried below grade must be installed in a water proof and non-rodable casing or sleeve.
§ 150.0(d)2C:	Water piping and cooling system line insulation. Pipe for cooling system lines must be insulated as specified in § 150.0(d)2A. Distribution piping for steam and hydronic heating systems or hot water systems must meet the requirements of TABE 150.3-A.
§ 150.0(d)3:	Insulation Protection. Insulation must be protected from damage, including that due to sunlight, moisture, equipment maintenance, and wind.
§ 150.0(d)3A:	Insulation Protection. Insulation exposed to weather must be installed with a cover suitable for outdoor service. For example, protected by aluminum, sheet metal, painted canvas, or plastic cover. The cover must be water retardant and provide shielding from solar radiation that can cause degradation of the material.
§ 150.0(d)3B:	Insulation Protection. Insulation covering chilled water piping and refrigerant suction piping located outside the conditioned space must have a Class I or Class II vapor retarder.
§ 150.0(d)3C:	Gas or Propane Systems. Systems using gas or propane water heaters to serve individual dwelling units must include all of the following: a 120V electrical receptacle within 3 feet of the water heater; a Category III or IV vent, or a Type B vent with straight pipe between the outside termination and the space where the water heater is installed; a condensate drain that is no more than 2 inches higher than the base of the water heater, and allows natural draining without pump assistance; and a gas supply line with a capacity of at least 200,000 Btu/hr.
§ 150.0(d)3D:	Recirculating Loops. Recirculating loops serving multiple dwelling units must meet the requirements of § 110.3(c).
§ 150.0(d)3E:	Solar Water Heating Systems. Solar water heating systems and collectors must be certified and rated by the Solar Rating and Certification Corporation (SRCC) by a listing agency that is approved by the Executive Director.
Ducts and Fans Measures:	
§ 110.8(b)3:	Ducts. Insulation installed on an existing space conditioning duct must comply with § 604.0 of the California Mechanical Code (CMC) if a contractor installs the insulation; the contractor must certify to the customer in writing that the insulation meets this requirement.
§ 150.0(d)4:	CMC Compliance. All air distribution system ducts and plenums must be sealed, sealed, and insulated to meet the requirements of CMC §§ 601.0, 602.0, 603.0, 604.0, 605.0 and ANSI/SMACNA 006-2005 HVAC Duct Construction Standards Metal and Flexible 3rd Edition. Profiles of supply air and return air ducts and plenums must be insulated to a minimum installed level of R-6.0 (or higher if required by CMC § 605.0) or a minimum installed level of R-4.2 when entirely in conditioned space as confirmed through field verification and diagnostic testing (FVAT) 4.3.B. Connectors of metal ducts and inner cores of flexible ducts must be mechanically fastened. Openings must be sealed with mastic, tape, or other duct closure systems that meets the applicable requirements of UL 181, UL 181A, or UL 181B or aerosol sealant that meets the requirements of UL 723. If mastic or tape is used to seal openings greater than 1/2 inch, the combination of mastic and other mastic or tape must be used. Building cavities, support platforms for air handlers, and plenums designed or constructed with materials other than sealed sheet metal, duct board or flexible duct must not be used for conveying conditioned air. Building cavities and support platforms may contain ducts. Ducts installed in cavities and support platforms must not be compressed to cause reductions in the cross-sectional area of the ducts.
§ 150.0(d)5:	Factory-fabricated Duct Systems. Factory-fabricated duct systems must comply with applicable requirements for duct construction, connections, and closures, joints and seams of duct systems and that components must not be sealed with cloth back rubber adhesive duct tapes unless such tape is used in combination with mastic and draw bands.
§ 150.0(d)6:	Field-fabricated Duct Systems. Field-fabricated duct systems must comply with applicable requirements for pressure-sensitive tapes, mastics, sealants, and other treatments specified for duct construction.
§ 150.0(d)7:	Backdraft Dampers. All fan systems that exchange air between the conditioned space and the outside of the building must have backdraft or automatic dampers.
§ 150.0(d)8:	Gravity Ventilation Dampers. Gravity ventilating systems serving conditioned space must have either automatic or readily accessible, manually operated dampers in all openings to the outside, except combustion inlet and outlet air openings, and elevator shaft vents.
§ 150.0(d)9:	Protection of Insulation. Insulation must be protected from damage, including that due to sunlight, moisture, equipment maintenance, and wind. Insulation exposed to weather must be suitable for outdoor service. For example, protected by aluminum, sheet metal, painted canvas, or plastic cover. Cellular foam insulation must be protected as above or painted with a coating that is water retardant and provides shielding from solar radiation.
§ 150.0(d)10:	Perforated Core Flex Duct. Perforated core flex duct must have a non-porous layer between the inner core and outer vapor barrier.
§ 150.0(d)11:	Duct System Sealing and Leakage Test. When space conditioning systems use forced air duct systems to supply conditioned air to an occupiable space, the ducts must be sealed and duct leakage tested, as confirmed through field verification and diagnostic testing, in accordance with § 150.0(d)11 and Reference Residential Appendix 0A.3.
§ 150.0(d)12:	Air Filtration. Mechanical systems that supply air to an occupiable space through outdoor air exceeding 10 feet in length and through a thermal conditioning component, except evaporative coolers, must be provided with air filter devices that meet the design, installation, efficiency, pressure drop, and labeling requirements of § 150.0(d)12.

2016 Low-Rise Residential Mandatory Measures Summary

§ 150.0(d)13:	Duct System Sizing and Air Filter Grille Sizing. Space conditioning systems that use forced air ducts to supply cooling to an occupiable space must have a label for the placement of a static pressure probe (SPSP), or a permanently installed static pressure probe (PSPPI) in the supply plenum. The space conditioning system must also demonstrate a minimum 250 CFM per ton of nominal cooling capacity through the return grille, and an air handling unit fan efficiency of 0.58 WCFM as confirmed by field verification and diagnostic testing, in accordance with Reference Residential Appendix RA3.3. This applies to both single zone central forced air systems and every zone for zoned controlled central forced air systems.
§ 150.0(d)6:	Ventilation for Indoor Air Quality. All dwelling units must meet the requirements of ASHRAE Standard 62.2. Neither window operation nor continuous operation of central forced air system air handlers used in central fan integrated ventilation systems are permitted methods of providing whole building ventilation.
§ 150.0(d)14:	Field Verification and Diagnostic Testing. Whole-building ventilation airflow must be confirmed through field verification and diagnostic testing, in accordance with Reference Residential Appendix RA3.7.
Pool and Spa Systems and Equipment Measures:	
§ 110.4(a):	Certification by Manufacturers. Any pool or spa heating system or equipment must be certified to have all of the following: a thermal efficiency that complies with the Appliance Efficiency Regulations; an on-off switch mounted outside of the heater that allows shutting off the heater without adjusting the thermostat setting; a permanent weatherproof plate or card with operating instructions; and must not use electric resistance heating.
§ 110.4(b)1:	Piping. Any pool or spa heating equipment must be installed with at least 3/4 inches of pipe between the filter and the heater, or dedicated suction and return lines, or built-in or built-up connections to allow for future solar heating.
§ 110.4(b)2:	Covers. Outdoor pools or spas that have a heat pump or gas heater must have a cover.
§ 110.4(b)3:	Directional Inlets and Line Switches for Pools. Pools must have directional inlets that adequately mix the pool water, and a time switch that will allow all pumps to be set or programmed to run only during off-peak electric demand periods.
§ 110.5:	Pilot Light. Natural gas pool and spa heaters must not have a continuously burning pilot light.
§ 150.0(d)15:	Pool Systems and Equipment Installation. Residential pool systems or equipment must meet the specified requirements for pump sizing, flow rate, piping, filters, and valves.
Lighting Measures:	
§ 110.9:	Lighting Controls and Components. All lighting control devices and systems, ballasts, and luminaires must meet the applicable requirements of § 110.9.
§ 110.9(a):	JAB High Efficiency Light Sources. To qualify as a JAB high efficiency light source for compliance with § 150.0(k), a residential light source must be certified to the Energy Commission according to Reference Joint Appendix JAB.
§ 150.0(d)16:	Luminaire Efficacy. All installed luminaires must be high efficiency in accordance with TABE 150.0-A.
§ 150.0(d)17:	Blank Electrical Boxes. The number of electrical boxes that are more than 5 feet above the finished floor and do not contain a luminaire or other device must be no greater than the number of bedrooms. These electrical boxes must be covered by a dimmer, vacancy sensor control, or fan speed control.
§ 150.0(d)18:	Recessed Downlight Luminaires in Ceilings. Luminaires recessed into ceilings must meet all of the requirements for insulation contact (IC) labeling: air leakage sealing, maintenance, and socket and light source as described in § 150.0(d)18. A JAB-2016-E light source rated for elevated temperature must be installed by field inspection in all recessed downlight luminaires in ceilings.
§ 150.0(d)19:	Electronic Ballasts. Ballasts for fluorescent lamps rated 12 watts or greater must be electronic and must have an output frequency no less than 20 kHz.
§ 150.0(d)20:	Night Lights. Permanently installed night lights and night lights integral to installed luminaires or exhaust fans must be rated to consume no more than 5 watts of power per luminaire or exhaust fan as determined in accordance with § 130.0(c). Night lights do not need to be controlled by vacancy sensors.
§ 150.0(d)21:	Lighting Integral to Exhaust Fans. Lighting integral to exhaust fans (except when installed by the manufacturer in kitchen exhaust hood) must meet the applicable requirements of § 150.0(k).
§ 150.0(d)22:	Screen based Luminaires. Screen based luminaires must not be recessed downlight luminaires in ceilings and must contain lamps that comply with Reference Joint Appendix JAB. Installed lamps must be marked with "JAB-2016-E" as specified in Reference Joint Appendix JAB.
§ 150.0(d)23:	Enclosed Luminaires. Light sources installed in enclosed luminaires must be JAB compliant and must be marked with "JAB-2016-E."
§ 150.0(d)24:	Interior Switches and Controls. Exhaust fans must be dimmed using LED light sources must comply with NEMA SSL 7A.
§ 150.0(d)25:	Interior Switches and Controls. Luminaires must be switched with readily accessible controls that permit the luminaires to be manually switched ON and OFF.
§ 150.0(d)26:	Interior Switches and Controls. Luminaires and equipment must be installed in accordance with manufacturer's instructions.
§ 150.0(d)27:	Interior Switches and Controls. No control must bypass a dimmer or vacancy sensor function if the control is installed to comply with § 150.0(k).
§ 150.0(d)28:	Interior Switches and Controls. Lighting controls must comply with the applicable requirements of § 110.9.
§ 150.0(d)29:	Interior Switches and Controls. An energy management control system (EMCS) may be used to comply with dimmer requirements if it functions as a dimmer according to § 110.9; meets the installation Certificate requirements of § 130.4; meets the EMCs requirements of § 130.1(b); and all other requirements in § 150.0(k):
§ 150.0(d)30:	Interior Switches and Controls. An EMCs may be used to comply with vacancy sensor requirements in § 150.0(k) if it meets all of the following: it functions as a vacancy sensor according to § 110.9; the installation Certificate requirements of § 130.4; the EMCs requirements of § 130.1(b); and all other requirements in § 150.0(k):
§ 150.0(d)31:	Interior Switches and Controls. A multiuse programmable controller may be used to comply with dimmer requirements in § 150.0(k) if it provides the functionality of a dimmer according to § 110.9, and complies with all other applicable requirements in § 150.0(k):

2016 Low-Rise Residential Mandatory Measures Summary

§ 150.0(d)32:	Interior Switches and Controls. In bathrooms, garages, laundry rooms, and utility rooms, at least one luminaire in each of these spaces must be controlled by a vacancy sensor.
§ 150.0(d)33:	Interior Switches and Controls. Dimmers or vacancy sensors must control all luminaires required to have light sources compliant with Reference Joint Appendix JAB, except luminaires in closets less than 70 square feet and luminaires in hallways.
§ 150.0(d)34:	Interior Switches and Controls. Undercabinet lighting must be switched separately from other lighting systems.
§ 150.0(d)35:	Residential Outdoor Lighting. For single-family residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)35 (ON and OFF switch) and the requirements in other items § 150.0(d)36 (photo control and motion sensor) or item § 150.0(d)37 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)36:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)36 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)37:	Residential Outdoor Lighting. For low-rise residential buildings with four or more dwelling units, outdoor lighting not regulated by § 150.0(d)36 or § 150.0(d)37 must comply with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)38:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)38 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)39:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)39 (ON and OFF switch) and the requirements in other items § 150.0(d)40 (photo control and motion sensor) or item § 150.0(d)41 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)40:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)40 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)41:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)41 (ON and OFF switch) and the requirements in other items § 150.0(d)42 (photo control and motion sensor) or item § 150.0(d)43 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)42:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)42 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)43:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)43 (ON and OFF switch) and the requirements in other items § 150.0(d)44 (photo control and motion sensor) or item § 150.0(d)45 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)44:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)44 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)45:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)45 (ON and OFF switch) and the requirements in other items § 150.0(d)46 (photo control and motion sensor) or item § 150.0(d)47 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)46:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)46 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)47:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)47 (ON and OFF switch) and the requirements in other items § 150.0(d)48 (photo control and motion sensor) or item § 150.0(d)49 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)48:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)48 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)49:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)49 (ON and OFF switch) and the requirements in other items § 150.0(d)50 (photo control and motion sensor) or item § 150.0(d)51 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)50:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)50 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)51:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)51 (ON and OFF switch) and the requirements in other items § 150.0(d)52 (photo control and motion sensor) or item § 150.0(d)53 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)52:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)52 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)53:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)53 (ON and OFF switch) and the requirements in other items § 150.0(d)54 (photo control and motion sensor) or item § 150.0(d)55 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)54:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)54 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)55:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)55 (ON and OFF switch) and the requirements in other items § 150.0(d)56 (photo control and motion sensor) or item § 150.0(d)57 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)56:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)56 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)57:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)57 (ON and OFF switch) and the requirements in other items § 150.0(d)58 (photo control and motion sensor) or item § 150.0(d)59 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)58:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)58 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)59:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)59 (ON and OFF switch) and the requirements in other items § 150.0(d)60 (photo control and motion sensor) or item § 150.0(d)61 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)60:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)60 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)61:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)61 (ON and OFF switch) and the requirements in other items § 150.0(d)62 (photo control and motion sensor) or item § 150.0(d)63 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)62:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)62 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)63:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)63 (ON and OFF switch) and the requirements in other items § 150.0(d)64 (photo control and motion sensor) or item § 150.0(d)65 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)64:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)64 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)65:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)65 (ON and OFF switch) and the requirements in other items § 150.0(d)66 (photo control and motion sensor) or item § 150.0(d)67 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)66:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)66 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and 141.0.
§ 150.0(d)67:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting permanently mounted to a residential building, or to other buildings on the same lot, must meet the requirements of § 150.0(d)67 (ON and OFF switch) and the requirements in other items § 150.0(d)68 (photo control and motion sensor) or item § 150.0(d)69 (photo control and automatic time switch control, astronomical time clock, or EMCs).
§ 150.0(d)68:	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, and porches, and outdoor lighting for residential parking lots and residential carports with less than eight vehicles per site must comply with either § 150.0(d)68 or with the applicable requirements in § 110.9, 130.0, 130.2, 130.4, 140.7, and

	<h1>I. ZONING PROJECT APPLICATION FORM</h1>		<p>RECEIVED</p> <p>DATE STAMP HERE APR 01 2019</p> <p>LANDUSE PLANNING</p>
	<p>(This box for staff use only.)</p> <p>ZP201 <u>9-0061</u> PLN201 _____</p> <p>Administrative Use Permit <input type="checkbox"/> Pre-Application</p> <p><input checked="" type="checkbox"/> Use Permit / Variance</p> <p><input type="checkbox"/> Modification of any of the Above</p> <p>Intake Planner: <u>Alison Lenci</u></p>		

- Project Address:** 1581 LE ROY AVE Unit/Suite #: _____

Project Description: CONVERT AN EXISTING K-12 SCHOOL INTO A SINGLE FAMILY RESIDENCE WITH AN ACCESSORY DWELLING UNIT AND A MODERATE IMPACT HOME OCCUPATION PERMIT. THE BUILDING IS ON THE NATIONAL REGISTER OF HISTORIC PLACES & IS A LOCAL LANDMARK. THE 1/2 25,000 SF BLDG. CONSISTS MAINLY OF 2-STORIES W/A SMALL 3RD STORY ON ITS SOUTHERN HALF.
- Property Owner Name:** SAMU LI SEPPÄLÄ

Owner's Mailing Address: 1581 LE ROY AVE, BERKELEY, CA 94708

Phone #: 305/766-0619 Home Mobile Business **E-mail:** SAM@VERK.COM
- Applicant Name (or write "same"):** JERKI HOLAN & ASSOCIATES

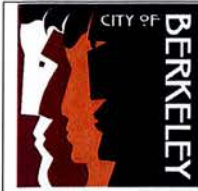
Applicant's Mailing Address: 1323 SOLANO AVE, # 204, ALBANY, CA 94706

Phone #: 510/528-1019 Home Mobile Business **E-mail:** JERKI@HOLANARCHITECTS.COM

<p>For projects involving <u>only</u> the following four items and <u>none</u> of the items on pages 2-3 of this form, please refer to the handout indicated in the right-hand column <u>instead</u> of filling out this form.</p>	
<p>1. Converting existing Rental or Tenant In Common (TIC) Units to Condominiums?</p>	<p>Refer to the "Condominium Conversion Procedures: Guide for Applicants"</p>
<p>2. Demolition of, or exterior alterations to, a designated City of Berkeley Landmark, Structure of Merit, or structure in a City Historic District (or interior alterations to such buildings if publicly owned)?</p>	<p>Refer to the "Landmark Preservation Commission: Structural Alteration Permit and Design Review Submittal Requirements"</p>
<p>3. Application to designate a City Landmark, Structure of Merit or Historic District?</p>	<p>Refer to the "Landmark, Structure of Merit or Historic District Designation Form"</p>
<p>4. Exterior changes (including signs) to (1) any structure (new or existing) in a non-residential zoning district OR (2) a commercial or mixed-use building in the R-4 District?</p>	<p>Refer to the Design Review Submittal Packet</p>
<p>Continued on Page 2</p>	

PLANNING & DEVELOPMENT

Land Use Planning Division, 1947 Center Street, 2nd Floor, Berkeley, CA 94704
 Tel: 510.981.7410 TDD: 510.981.6903
 Fax: 510.981.7420 Email: Planning@CityofBerkeley.info



I. ZONING PROJECT APPLICATION FORM

Submittal Requirements Checklist – Instructions

1. Complete the checklist below and **sign the bottom of page 3.** (*Owner must also sign, or provide a letter authorizing the applicant to sign on the owner's behalf.*)
2. For each question for which you check "yes", review the Zoning Project Submittal Requirements to learn more and to provide the item indicated in the right-hand column.
3. **Submit a pdf copy of the entire application, along with the paper application to the Planner at the Permit Service Center, Zoning Counter.**

Does the project include:	No	Yes	Handout / Application Requirement
1. Any work requiring an Administrative Use Permit, Use Permit, Variance, or Modification of any these permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Required For All Projects
2. Any new structure(s), addition(s), demolition(s), exterior alteration(s), or change(s) of use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Required For All Projects Involving Construction
3. A new main building, OR a new accessory building/structure or main building addition within 2 feet of a required setback?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Boundary/Topographic Survey
4. More than 50 cubic yards of grading?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Grading Plan
5. A request to waive or reduce required parking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking Survey
6. (1) a building over three stories in height, (2) a Density Bonus, (3) an FAR over 2.0, (4) over 10,000 sq. ft. of gross floor area; OR any wireless installation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Photo Simulations
7. A new main building or an addition exceeding 14 feet in average height in the 'H' Overlay District?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Section Drawings Story Poles
8. A new main building or an addition exceeding 14 feet in average height on a site adjacent to a residential use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shadow Study
9. A new main building (except accessory buildings/structures)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Street Strip Elevation
10. Creation of (1) 5 or more dwelling or live/work units, or (2) additional condominium units resulting in 5 or more condominium units on the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Housing Affordability Statement Applicant Anti-Discriminatory Housing Policies
11. Under Government Code Section 65915: a. A request for a Density Bonus? b. A request for any concessions or incentives in addition to a Density Bonus?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Housing Affordability Statement Additional Incentives or Concessions Documents
12. Creation of (1) 10 or more dwelling units, (2) 5,000 sq. ft. of floor area, OR (3) 25 or more peak hour vehicle trips (based on ITE trip generation rates)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Traffic Impact Analysis
13. Creation or replacement of 2,500 square feet or more of impervious surface area? (Includes additions and new buildings but not routine maintenance and re-surfacing).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Stormwater Requirements Checklist
14. Any new dwelling unit(s), or addition or renovation of 10,000 sq. ft. or more of non-residential space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Green Building Checklist Energy Efficiency Analysis (<i>nonresidential mixed-use only</i>)
15. 2,500 sq. ft. or more of new landscape area or 2,500 sq. ft. or more of rehabilitated landscape?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Berkeley Water Efficient and Bay Friendly Landscape Requirements
16. A new building on a site with a history of soil and/or groundwater contamination or within Environmental Management Areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Phase I or II Assessment
17. A new building or addition in a liquefaction, landslide, or fault zone shown on the "Environmental Constraints Map"	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Seismic Hazard Investigation
18. Federal funding, either directly or through the City of Berkeley Housing Trust Fund?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Area of Potential Effects (APE) Statement
19. A new business, or a new commercial space with tenant/operator already selected? (Does not include home occupations.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Zoning Use Questionnaire



I. ZONING PROJECT APPLICATION FORM

You must disclose whether or not any of the following are true of the project:	No	Yes
<ul style="list-style-type: none"> Over 7,500 square feet of office, retail, restaurant, hotel, lodging, manufacturing, light industrial, research and development, warehouse or storage? If so, Affordable Child Care and Affordable Housing Fees apply. Refer to Council Resolutions #66,618-N.S. & #66,617-N.S. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Any new commercial or industrial building, more than five or more Dwelling Units; or an addition or more than 10,000 square feet. If so, Percent for Public Art on Private Projects Program applies, per BMC Chapter 23C.23. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Project involves the elimination or rehabilitation of any dwelling units, and/or are any of the dwelling units on the property controlled rental units? If so, your application will be referred to the Rent Stabilization Board. No action is required on your part. You may contact them at (510) 981-7368 if you have any questions. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Construction activity within the drip line of a Coast Live Oak tree with circumference over 18" at 4'-6" above ground (or 26" aggregate circumference for multi-trunked trees)? If so, the Moratorium on the removal of Coast Live Oaks Ordinance applies, per BMC Chapter 6.52. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Removal of 25% or more of a main building's exterior walls and roof (including replacement of existing structural members)? If so, the Demolition Ordinance may apply, per BMC Chapter 23C.08. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Smoke Shops or Drug Paraphernalia? 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Cultivation, Distribution, Manufacture or Sale of Cannabis? 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Demolition or substantial change of a building >40 years old? If so, the Demolition Ordinance will apply, per BMC Chapter 23C.08, as well as Section 15300.2 of the CEQA Guidelines. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Construction on a parcel that is within 40' of an open creek or 25' of a culverted creek? If so, the Preservation and Restoration of Natural Watercourses Ordinance applies, per BMC Chapter 17.08 	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Under penalty of perjury, I certify that:

- (1) the above information is true and complete to the best of my knowledge, and
- (2) the attached paper and electronic copies of this application are the same.

(*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications.)

Applicant Signature: Jeremi Holan

Owner's Signature: [Signature]

Printed: Jeremi Holan

Printed: SAMU SUTPALA

Date: 3/11/19

Date: 3/11/19

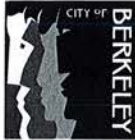


I. ZONING PROJECT APPLICATION FORM

(This page is for staff use only.)

Zoning District(s):

Zoning Section	Description
1. 23 <u>D. 16. 030</u>	UP/AUP to change use from k-12 school to single family residence (SFR)
2. 23 <u>D. 16. 030</u>	UP/AUP to establish a moderate impact use at new SFR
3. 23 <u>D. 08. 060. B.2</u>	UP/AUP to construct fences > 6' w/in Required yards
4. 23 <u>D. 08. 030</u>	UP/AUP to add a hot tub
5. 23 <u>D. 16. 070. C</u>	UP/AUP to alteration of a portion of a building > 14' (elevator shaft) and convert a roof area to a new deck > 14' in avg. height
6. 23 <u>E. 96. 070. B.1</u>	UP/AUP to alteration of a portion of a building > 20' in the H district
7. 23 _____	UP/AUP to
8. 23 _____	UP/AUP to
9. 23 _____	UP/AUP to



CITY OF BERKELEY

Permit Service Center
1947 Center St, 3rd floor
Berkeley, CA 94704

Receipt Date:

4/1/2019

Receipt Number:

576779

**RECEIPT
ZP2019-0061**

Applicant Information

Jerri Holan
1323 SOLANO AVE, Suite 204
ALBANY CA 94706-1800

Property Information

Parcel Number: 058 224500903

Project Information

Type: Planning
Group: Zoning Permit
Category: NA
Sub-Category: NA
Project:

Location

1581 LE ROY Ave
BERKELEY, CA 94708

Work Description: to make alterations to a landmark property including, (1) converting an existing K-12 School into a single family residence with 5 bedrooms, (2) establishing an ADU within the main building, (3) establishing a moderate impact home occupation, (4) adding 18 off-street parking spaces, (5) replacing existing fencing and constructing new fencing over 6 ft. in height, (6) creating a new deck over 14 ft. in average height and installing a hot tub on the new deck area, and (7) constructing an attached elevator shaft over 20 ft. in height.

RECEIVED
APR 01 2019
LAND USE PLANNING

Payor: Jerri Holan	Payment Status: Paid	Date Printed: 4/1/2019
Cashier: DCOWANS	Payment Method: Check	Check #: 2294
Fees:		Amount
UPPH010 - UPPH: Base Tier 1 (all other projects)		\$3600.00
RM - Records Management		\$50.00
ADDCPF - Community Planning Fee (15%)		\$840.00
UPPH040 - UPPH: Base Fee Traffic Eng. Review (base fee for up to 4 hrs)		\$640.00
UPPH060 - UPPH: Additional Use Permit (on same project)		\$2000.00
UPPH070 - UPPH: ZAB Public Hearing Fee		\$1025.00
	Total:	\$8155.00

Property Address:
1581 LE ROY Ave
BERKELEY, CA 94708



Permit Service Center
Building and Safety Division
1947 Center St. Third Floor
Berkeley, CA 94704

INVOICE

Date: 4/1/2019 2:48:44 PM

Invoice #: 405093
Record #: ZP2019-0061
Address: 1581 LE ROY AVE

Bill to:

Jerri Holan
1323 SOLANO AVE, Suite 204
ALBANY CA 94706-1800

RECEIVED

APR 01 2019

LAND USE PLANNING

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
4/1/2019	Records Management	\$50.00	\$0.00	\$50.00
4/1/2019	UPPH: Base Fee Traffic Eng. Review (base fee for up to 4 hrs)	\$640.00	\$0.00	\$640.00
4/1/2019	Community Planning Fee (15%)	\$840.00	\$0.00	\$840.00
4/1/2019	UPPH: ZAB Public Hearing Fee	\$1,025.00	\$0.00	\$1,025.00
4/1/2019	UPPH: Additional Use Permit (on same project)	\$2,000.00	\$0.00	\$2,000.00
4/1/2019	UPPH: Base Tier 1 (all other projects)	\$3,600.00	\$0.00	\$3,600.00
Totals:		\$8,155.00	\$0.00	\$8,155.00



PROPOSED PROJECT



EAST ELEVATION

PROJECT INFORMATION:

1581 LE ROY AVE

Converting Educational Facility
to a Single-Family Home with an
Accessory Dwelling Unit and
Modular Second Home
- Vacant Home

APPLICANT INFORMATION:

Janet Hubert & Associates
1723 Redwood Avenue, Suite 204
Albany, CA 94706
112.226.1079
www.hubertassociates.com

For more information, check the Planning Dept. Web
Page: www.ci.berkeley.ca.us/planning or call 510-
981-7410.

Public Notices:



ECT

PROJECT INFORMATION:

1581 LE ROY AVE

Converting Educational Facility
to a Single-Family Home with an
Accessory Dwelling Unit and
Modular Home





PROPOSED PROJECT

PROJECT INFORMATION:

1581 LE ROY AVE

Consulting, Environmental & Safety
1581 Le Roy Avenue, Suite 204
Berkeley, CA 94709
510.528.1078
www.tandh.com



EAST ELEVATION

APPLICANT INFORMATION:

T&H Home & Associates
1581 Le Roy Avenue, Suite 204
Berkeley, CA 94709
510.528.1078
www.tandh.com

For more information, check the Planning Dept. Web
Page: www.ci.berkeley.ca.us/planning or call 510-981-7410.

Public Notices:

Blank area for public notices.







PROPOSED PROJECT

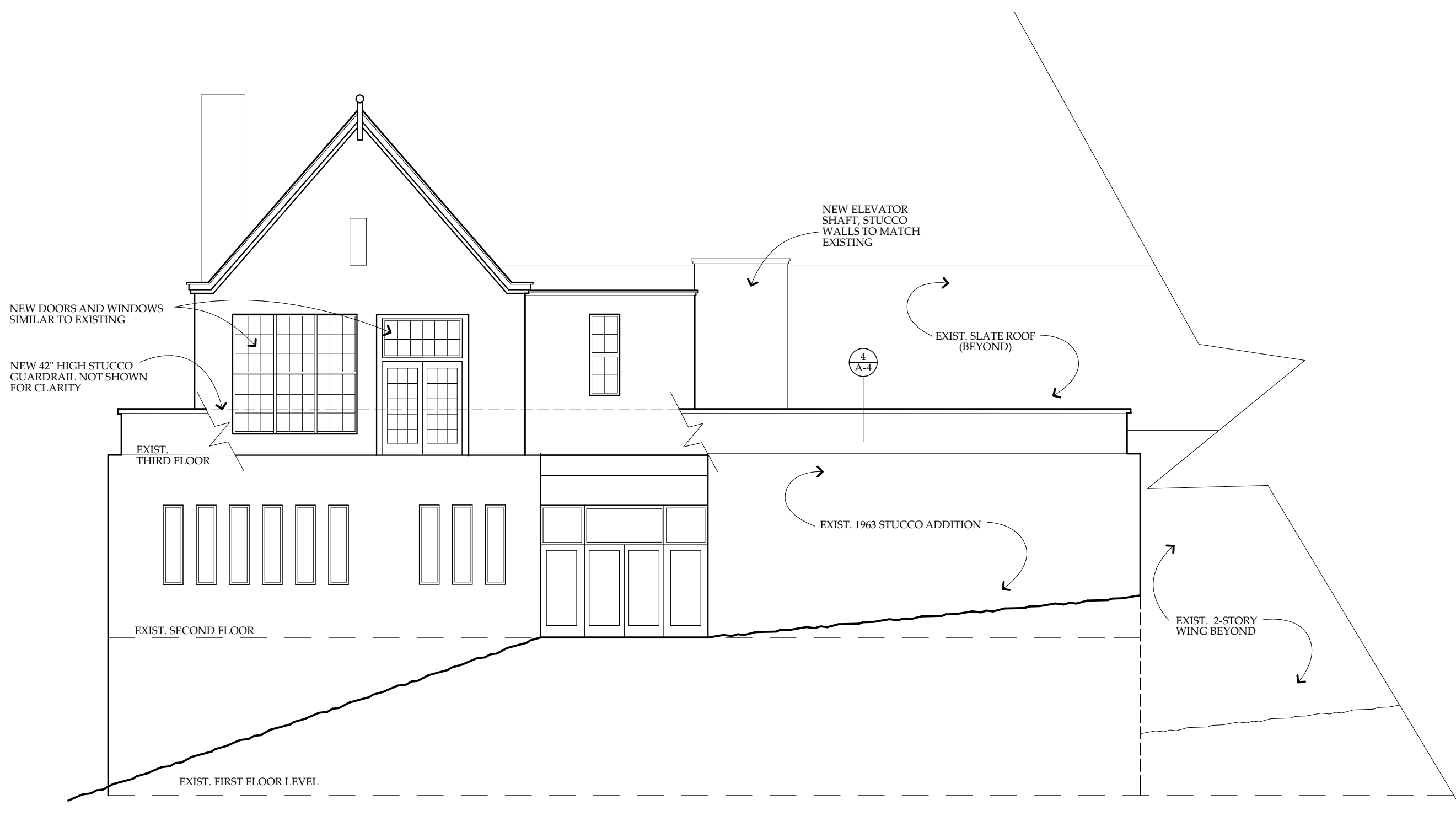
PROJECT INFORMATION:

1581 LE ROY AVE

Converting Educational Facility to a Single-Family Home with an Accessory Dwelling Unit and Moderate Impact Home Occupation License

APPLICANT INFORMATION:

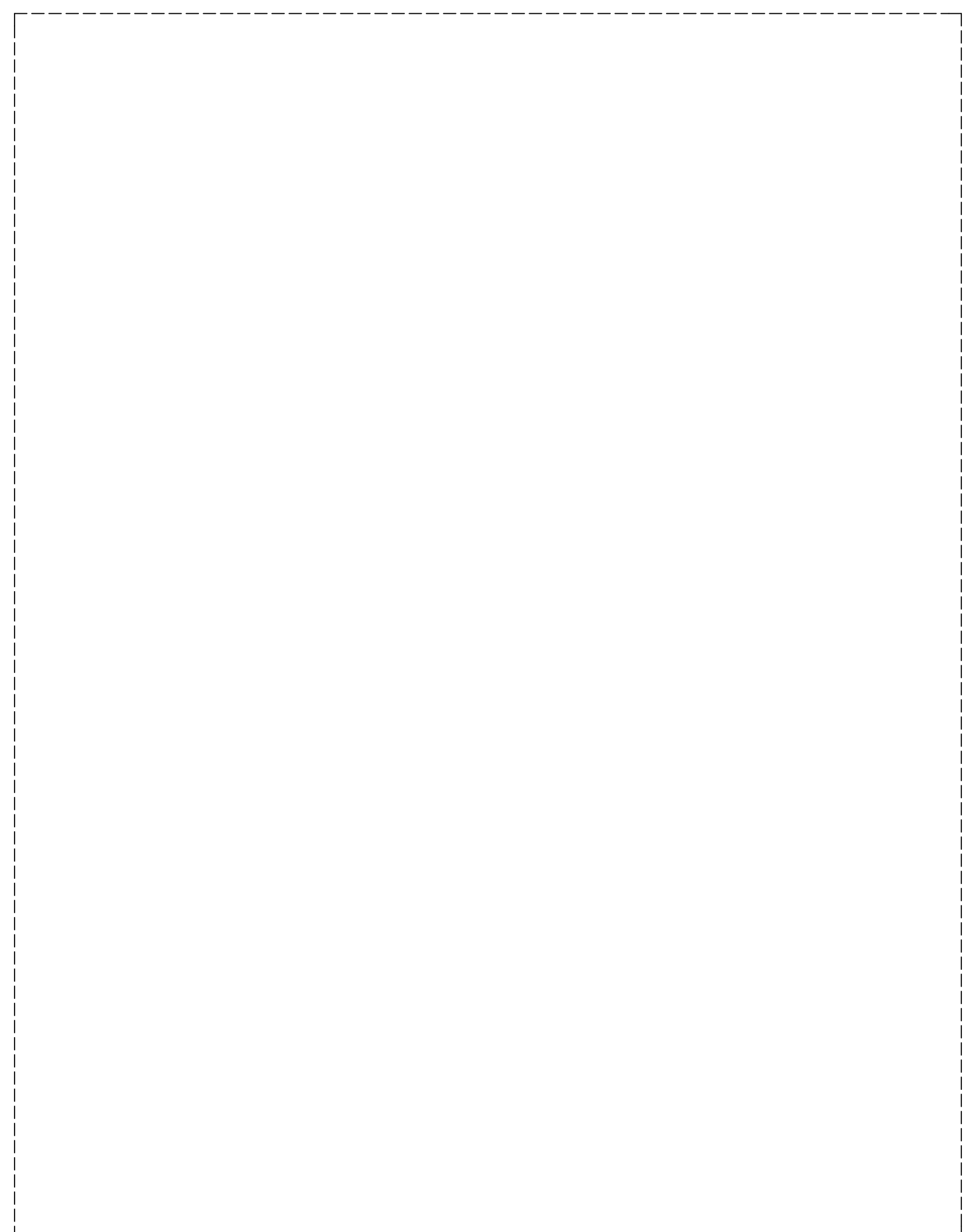
Jerri Holan & Associates
1323 Solano Avenue, Suite 204
Albany, CA 94706
510.528.1079
www.holanarchitects.com



EAST ELEVATION

For more information, check the Planning Dept. Web Page: www.ci.berkeley.ca.us/planning or call 510-981-7410.

Public Notices:





JERRI HOLAN & ASSOCIATES, AIA
Architects ♦ Engineers ♦ Planners

APPLICANT'S STATEMENT

Hillside School

1581 Le Roy Avenue

March 11, 2019

Designed by Master Architect Walter Ratcliff in 1925, the Hillside School was designated City Landmark #61 in 1980. In 1982, it was placed on the National Register of Historic Places. It is a Neo-Tudor, stucco and half-timber, slate-roofed, mostly two-story building with a plan that follows the contours of the hillside. The north wing of the building features a grand auditorium with a large, multi-paned window overlooking the Bay which is the most prominent feature of its facade. The south wing is anchored by a single-story portion of the building with large south-facing windows overlooking a parking area. Between the two wings is a two-story central portion of the building which contains classrooms with large windows overlooking the front and rear yards. At the southern end of the classroom wing, a 3-story classroom wing was constructed with large south facing, multi-paned windows. In 1963, Ratcliff Architects added 5,000 sf (four additional classrooms) to the rear, second floor of the school. The front yard of the school was designed as a playground for both the school and the neighborhood.

BUSD closed the school in 1980 and leased space to various educational institutions. In 2014, the German International School (GIS) purchased the property and performed some maintenance items. The City denied GIS' request to expand the facility. GIS subsequently sold the property to the current Owner, Samuli Seppälä, who intends to convert the educational building into a single-family residence, a much less hazardous and intense use. The Owner intends to maintain the original building almost in its entirety and will restore and preserve most of its interior and exterior features.

The building will be the Owner's primary residence. The remodel project converts mainly the southern wing into living quarters and preserves and restores all the important interior spaces including the Auditorium, classrooms, hallways, and grand staircases. Most of the historic interior finishes will be retained and restored, including the auditorium's many wood features and the Batchelder-tiled fireplace in Studio 203. Partitions are being removed in the Kindergarten room to restore its original spatial configuration. Some minor modifications to secondary elevations on the south and east sides of the 3-story portion of the building are being proposed to accommodate the new single-family use. The northern portions of the building will repurpose the existing classrooms into art studios. The studios will be used by the Owner and visiting guest artists.

The residence will include an Accessory Dwelling Unit (ADU) and because of the building's large size (approximately 50,000 sf), the Owner is requesting that the ADU be allowed to exceed the 850 sf limit and comprise 1200 sf on the ground floor of the home. This ADU will have no negative impact on the neighborhood and will be used by "artists-in-residence."

While the building will primarily be a residence, the Owner intends to occasionally host private art classes, seminars, workshops and retreats on his property. Consequently, he is applying for a Moderate Home Occupation Permit. He will host a maximum of 25 artists approximately twice a month for art-related projects. The auditorium and asphalt area in front yard will be used to display and present their work.

To accommodate this new use, the Owner is proposing a second parking area in the front asphalt yard on the south side. The north area will also be used for additional storage sheds and artists' displays. The neighbors may continue to use the existing playground, dog park and picnic areas for the time being. The proposed artistic activities and related events are not commercial and will have no impacts on the neighborhood.

While the facade of the building is intact with a high degree of integrity, it is in dire need of repairs and maintenance. The building, in general, is in poor condition and the goal of the current improvements is to restore original doors and repair windows in addition to a general upgrade of the structure's foundation, electrical, mechanical and plumbing systems. The building is fire-sprinkled and is being seismically strengthened on the 3-story south wall while drainage improvements are being designed for the entire structure. A significant amount of termite and structural repair will also be conducted during construction.

All the improvements will meet *The Secretary of the Interior's Standards for the Rehabilitation of Historic Properties* (see attached "Historic Design Analysis"). Proposed alterations on the front of the building include replacing replacement doors with wood doors similar to original doors and restoring two small upper windows on the 3-story wing. Existing wood windows throughout the building will be repaired and made fully operable. Secondary side elevations will be kept intact. On the ground floor of the south side of the 3-story wing, the cafeteria kitchen will be converted to a garage. A garage door is proposed to replace some of the damaged windows when the foundation is replaced.

The rear of the building will remain intact with the exception of adding doors and windows to the third floor of the east elevation. The doors will access a new proposed balcony built on the existing flat roof of the 1963 addition. This deck will feature a pool and hot tub and its required guardrails will be constructed of stucco to match the building's exterior finish. The guardrails are offset from the story below to distinguish it from the existing building. A residential elevator is being added to the rear of the building and it is located to maintain interior circulation and finishes as well as to have minimal impact on the building's exterior.



TRANSMITTAL MEMO

To: Neighbors of Hillside School
Date: March 15, 2019
From: Samuli Seppälä, Owner, Hillside School, 1581 Le Roy Avenue

As the new Owner of Hillside School, I am converting the historic school into a single-family residence, with an Accessory Dwelling Unit (ADU) and a Moderate Home Occupation Permit for my artistic activities described below. The enclosed plans illustrate the work being proposed for the conversion (Sheets A-1 through A-4, dated March 15, 2019). The building will be preserved almost in its entirety and will eventually restore most of its interior and exterior features. Some minor modifications to secondary elevations on the south and east sides of the 3-story portion of the building are being proposed to accommodate the new single-family use.

The building will primarily be a residence. The remodel project converts the southern wing into living quarters and restores the remaining northern portion for art-related activities. I intend to occasionally host private art classes, seminars, workshops and retreats on the property. Existing classrooms will be repurposed into art studios to be used by myself and visiting guest artists. The new ADU will be used by “artists-in-residence.”

Consequently, I am applying for a Moderate Home Occupation Permit to host a maximum of 25 artists approximately twice a month for art-related projects. The auditorium and asphalt area in front yard will be used to display and present art work. We are adding a second parking area in the front asphalt yard (on the south side) for the artists which will be screened by a new 6' tall wood fence and 10' of landscaping. The north area will also be used for additional storage sheds and artists' displays. The proposed artistic activities and related events are not commercial and will have no impacts on the neighborhood. The neighbors may continue to use the existing playground, dog park and picnic area on the remaining asphalt area for the time being.

While the building is intact with a high degree of integrity, it is in dire need of repairs and maintenance. The building is in poor condition and the goal of the current improvements is to restore original doors and repair windows in addition to a general upgrade of the structure's

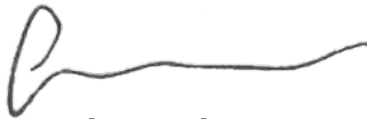
foundation, electrical, mechanical and plumbing systems. The building is being seismically strengthened on the 3-story south wall while drainage improvements are being designed for the entire property. A significant amount of termite and structural repair will also be conducted during construction.

Please look over the enclosed plans and share with me any concerns or issues you may have with my proposal. On Sheet A-1, you will find a Signature Table for your comments. Next to your address, print and sign your name and list any comments or objections there. Take as much space as you need and add additional sheets if you need. Even if you have no comments, I would appreciate your signature on the Table per City requirements. All of your comments will be reviewed by me and transmitted to City staff.

If you have any questions, please contact the Architect, Jerri Holan, at her office below. We'll try and respond as soon as we can.

Finally, if you could return the signed Sheet A-1 to the Architect's office by April 1, we would appreciate it.

Thank you for your time,



Samuli Seppälä
1581 Le Roy Avenue
Berkeley, CA 94708

Enclosures

March 27, 2019

Good morning Jerri,

The form in Sheet 1 A is too small to fill in. As my father's legal representative please accept the following:

Printed Name: Watson M. Laetsch, Ph.D

Signature: Electronic authorization

Address: 1554 LeRoy Avenue

Owner

Date: March 26, 2019

Have Objections: Century old open space should remain as such

Please let me know if you would like an actual signature and I'll get it to you.

Cheers,

~Krishen

Comments Regarding Sheet A-1 Rehabilitation & Remodel of Hillside School for Samuli Seppala, 1581 LeRoy Ave., Berkeley - To be transmitted to City staff

- We support the request to create a residence and ADU in the former school, but are concerned about/object to a use permit that would change zoning of this property to R-3 instead of current R-1 due to future uses that would be allowed under this zoning change. We would argue for exploring other means - is there a way to do this without complete zoning change or with some limits on what is allowed in the future? (Do drawings submitted with the present permit request place any limitations on future use?) The information we received seems to suggest that R-1 in combination with the Moderate Home Occupation Permit and perhaps some variances would cover the proposed use(s) of the building that have been outlined to us. Please consider this as a better option than a zoning change. Occasional/limited retreat, seminar, classes and workshops use seems like a good idea but the parking need for this might be an issue.
- Re. some parking + sculpture and some continued playground space on current playground: If this does happen we would like to see it allowed through a building permit or variance rather than a zoning change so that possible future uses would not be so wide open for larger residential structures (or potentially other uses?) on the current playground. Please request a variance rather than a change in zoning
- We feel that it is important to find a way to maintain/retain as much of the open space/playground area as possible for public use and would like to see a larger area set aside for playground use in perpetuity, with the neighborhood perhaps participating in maintenance or some form of ownership in order to make this happen.
- We don't feel that a large parking area is consistent or compatible with our residential neighborhood and therefore would like to see permanent limits placed on the number of parking spaces allowed. The street is also quite narrow and not conducive to easy passage of much increased traffic.
- The property is located in a high risk fire zone, a landslide zone and a fault zone It is important that any structures or changes in property use abide by the guidelines, limits and restrictions imposed by the Alquist Priolo Earthquake Fault Zoning Act as well as those governing slide and fire danger zones. We're also concerned re. ability/permission to so radically increase housing density (and/or parking?) through a change to R-3 zoning as this would effect evacuation and other potentially life-saving strategies.

We object to a zoning change to R-3 for the area of the property/parcel that lies west of the existing building.

Let us know if you have questions, and thanks again for your willingness to work with neighbors and your consideration of neighborhood concerns.
Michael Scott and Vicki Piovia, Owners, 1570 LeRoy Ave.

(We realized last night that this was actually what our concerns represented)

March 31, 2019

Hi Vicki and Scott-

Thank you for your comments regarding the Hillside School project. I have included them in our package to the City. I have also attached, for your convenience, a pdf file of all the plans so perhaps you can read them easier than the small paper copies.

Regarding your concerns about a zoning change, you have misread the plans. There is NO zoning change: the property will remain in the R-1H zone established for the neighborhood. The Use Permit Application is only for an Occupancy change as required by the California Building Code. The current occupancy of the property is Educational (E) and it will be changed to a single-family residential occupancy (R-3). The entire property will then conform to all single-family requirements in the R-1H zone. That is, only one main house and one ADU will be allowed on the property.

The current proposal for the playground area is to allow public access to the neighborhood. Future owners may continue this option or not. Please note that Sam is allowing the continued playground use at great expense -- the cost of liability insurance for this public use is extremely high.

The new parking area is shown on the plans with the number of spaces proposed. It will be screened from the street by a 6' high wood fence as shown on the drawings. When the project moves into the building permit phase, drainage and construction plans will be prepared for the parking area. Sam does not expect his seminars or retreats to need any additional parking other than what he is providing on his property. Therefore, parking should not negatively impact the neighborhood and neither should traffic: the proposed single-family, low-intensity use of this property significantly reduces traffic compared to previous educational uses.

All construction requirements for an existing single-family home in the earthquake, landslide, and fire zones will be met and satisfied during the preparation of the permit and construction plans as required by the City of Berkeley.

I hope this clarifies some of your concerns and thank you again for sharing your comments.

Sincerely,

Jerri Holan, FAIA
510.528.1079
www.holanarchitects.com

March 27, 2019

Hello Jerri,

Apologies for the delayed response. We have been trying to educate ourselves as much as possible before asking questions and commenting.

We are neighbors of Sam Seppala, living across from the playground at 1570 LeRoy Ave. We really appreciate all of Sam's efforts and energy to restore, repair and improve the school building and the time he has spent consulting with neighbors re. his plans, and we are very excited by what we see happening across the street. Unfortunately, given the small print and the size of the drawings we have been unable to see the details of the drawings or carefully read all of the plans.

We do have a few questions and thought you would be able to provide more details and information that would help us in understanding. Several of the questions have to do with the requested change in zoning from R-1 to R-3 ("Zoning: R-1H - Existing Educational Building converting to R-3 Building Occupancy") and feel that we haven't gotten enough details regarding this request given that it has long-term consequences. Does the zoning change refer only to the building or also include the open space? Why would it need to change from R-1(with variances) to R-3? Doesn't the Moderate Home Occupation Permit cover Sam's proposed use(s) of the building? (This seems to include the occasional art class/retreat use of the building, a new and interesting use mentioned in Sam's cover letter but which was less clear to me in the plans) It would be helpful to all of us if you could explain why the zoning change is requested.

Our grandchildren love to cross the street to play in the playground, as did our children, and kudos to Sam for recognizing the value of this and maintaining some open space for children in his plans. Is there a way to ensure that there is open space in perpetuity?

We're also interested in the issue of parking spaces on the current playground but don't feel we have enough specifics about the plan. We're hoping you can help us to better understand what the parking area would actually look like e.g., number and size of spaces. Do the drawings for the present request place any limitations on future use? e.g. since plans indicate specific number of spaces does that indicate what is/will be allowed?: My understanding is that the permit being requested should show, in addition to how many parking spaces and where they would be, what sort of paving there will be, the drainage, a garage or anything else (other than the proposed fence) that might be used to disguise it from the street. Have any ecologically better forms of paving been explored? How would possible additional parking needed for the retreat, seminar and class/workshop use mentioned in Sam's letter be addressed? Are there any provisions for additional off-street parking in other locations? If not, could there be?

Sheet T-1 notes that the building/parcel is in a fault zone and a landslide zone and a fire zone. How were the guidelines and restrictions of the Alquist-Priolo Earthquake Fault Zoning Act incorporated into the planning? Are there similar zoning acts that apply to building in landslide and fire zones? And if so, how have these been applied or incorporated?

We will be away caring for grandchildren March 31-April 7, thus unfortunately unable to attend the April 5 meeting.

Having more information regarding these questions would have helped us to more comfortably sign Sheet A-1 as requested. Because we will be away as of Sunday, you will notice that there is some overlap in these questions and the attached comments and concerns, but we decided to send both.

Thank you for your help.

Sincerely,

Michael Scott and Vicki Piovia

Because the space on the enclosed A-1 sheet seemed insufficient we are also sending the following:

Printed Name: Michael F. Scott and Vicki Piovia, Owners

Signature: Electronic authorization

Address: 1570 LeRoy Avenue

Date: March 27, 2019

Have concerns/comments: By signing we acknowledge receipt of materials but do not necessarily indicate agreement or complete understanding. Please share attached comments and concerns with city staff.

Mr. Sepälä,

Thank you for the opportunity to review your plans and comment on your proposal.

My basic concern is how the current open-space (former school playground) will be utilized as reflected in your proposal.

Because the concept of "art" can mean many different things to different people, could you provide a little more detail about the kind of art that you intend to create?

What are the twice a month art-related projects? Are these events or exhibitions open to public or private visitors as well as participants? Are they day and/or night events and how long will each last? Are loud noise or music part of these projects?

Do you plan to store more of the Airstream trailers such as the one currently situated in front of the building in the proposed parking area of the playground? Will visitors live in or occupy these stored trailers?

My general concern is whether this proposal will be compatible with this quiet single family residential neighborhood. While I have no personal objection to art projects in general (they can certainly contribute to the cultural diversity), they seem more appropriate for the under-utilized locations, such as the former industrial areas, of the Bay Area that are already permitted for multiple use and where many art groups and collectives establish themselves.

My personal preference is to see the playground somehow remain as the open-space neighborhood fixture that is much used and appreciated by literally generations of neighbors for many decades.

Glenn Fukuya

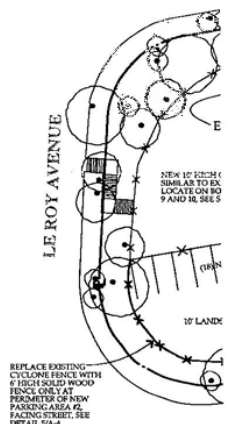
I have reviewed the plans for converting Hillside School (1581 Le Roy Avenue) into a single-family residence with an ADU and Moderate Home Occupancy Permit.

GENERAL AND SITE PLAN

1. These Drawings and Specifications shall be the sole possession of the General Contractor.
2. Use of these drawings constitutes an acknowledgment of the General Contractor's responsibility to read and understand the drawings and specifications in connection with the work.
3. Drawings and specifications shall be the reference in connection with the work.
4. The architect will not be responsible for the work.
5. The architect does not accept responsibility for the work unless advised to verify any and all conditions and shall be brought to the attention of the architect.
6. All work shall conform to the applicable Building Code and Interior's Standards for the work.
7. By executing the Work, the Contractor shall be responsible for the requirements of the Drawings and specifications.
8. The Contractor shall be responsible for the work.
9. The contractor shall be responsible for the work.
10. The site shall be kept clear of all materials and equipment during the work.
11. Any work not shown or specified shall be the responsibility of the Contractor.
12. All items not noted as new shall be the responsibility of the Contractor.
13. All existing walls, floors, and ceilings shall be the responsibility of the Contractor.

NEIGHBORHOOD SIGNATURES							
Printed Name	Signature	Address	Owner or Renter	Date	Have No Objections	Have Objections (Please state briefly)	Have No Comment
		2530 Buena Vista					
		2535 Buena Vista					
		2545 Buena Vista					
		2555 Buena Vista					
		2564 Buena Vista					
		2565 Buena Vista					
		2573 Buena Vista					
		1520 Le Roy					
		1526 Le Roy					
		1536 Le Roy					
		1540 Le Roy					
		1542 Le Roy					
		1544 Le Roy					
		1546 Le Roy					
		1550 Le Roy					
		1554 Le Roy					
		1562 Le Roy					
		1570 Le Roy					
	GLENN FURUKA	1578 Le Roy	OWNER	3/27/19		(Attached sheet)	
		1580 Le Roy					
		1584 Le Roy					
		1586 Le Roy					
		1590 Le Roy					
		1595 Le Roy					
		1512 La Loma					
		1514 La Loma					
		1515 La Loma					
		1521 La Loma					
		1525 La Loma					
		1528 La Loma					
		1530 La Loma					
		1542 La Loma					
		1544 La Loma					
		1546 La Loma					
		1550 La Vereda					
		1555 La Vereda					
		2639 Cedar					
		2641 Cedar					
		1521 Hill Court					

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Hillside School--Change of Use Application--Seppala memo to Nei...

Subject: Hillside School--Change of Use Application--Seppala memo to Neighbors of 3/15/2019

From: Peter Lydon <ptrlydon@gmail.com>

1584 LeRoy

Date: 3/31/2019, 9:26 PM

To: Jerri Holan <jerri@holanarchitects.com>

CC: Samuli Seppälä <sam@verk.com>

Dear Ms. Holan,

Attached is a copy of Sheet A-1 made out to give the **individual assenting response of our household at 1584 Le Roy Avene** (Lydon). Also a copy of your sketch of the open space to the west of the Hillside School marked in red to illustrate the following observations on the open space.

1. We are greatly appreciative of Mr. Seppala's rescue and revival of the Hillside school property. We particularly value and applaud his keeping space open for neighborhood and general citizen park use. Such a park/playground is a major enhancement of the neighborhood. (We are open to proposals for neighborhood help with expenses, such as liability insurance, that arise from his hospitable use of this portion of the west open space land.)
2. The German School introduced the correct idea that an off-leash dog run is incompatible with a play space for children for reasons of health and hygiene. The German group erected the fence between the playground and the Buena Vista-Le Roy walkway and posted signs excluding dogs. Since their departure, the signs have gone, but the enclosure of the space makes it possible to run dogs off-leash in the playground space, and many dog-owners from outside the neighborhood have emerged and now come in cars with dogs to run free in the playground. In the long history of the school, this space was never used as a dog run. Such a use, which has now arisen, discourages neighborhood and other children from using the playground, which otherwise is a fine and highly appreciated resource for them. (There was at least one incident of child-dog friction.) Therefore, we suggest that that boundary fence can come down, restoring the many-decades pre-German status quo, and that it be understood that unleashed dogs (which are not permitted in general Berkeley territory) are not welcome in the open space west of the walkway.
3. We suggest that parking could be less separated from the artists' outdoor space. A curb cut for some parking is probably needed, but the parking could be smaller in area, with agreement on greater use by Mr. Seppala and his visitors of the street curb parking, which is quite abundant. Artists, and even travel trailers, for example, could be issued our G district residential street parking permits.
4. The moved sheds are fine. Is a fence necessary between the artists' work/exhibition area and the general area open to the neighbors and serving as a playground? These uses would seem not so incompatible, at least for most hours of the week.
5. In general, preservation and even augmentation of trees is essential.

Hillside School--Change of Use Application--Seppala memo to Nei...

I have reviewed the plans for converting Hillside School (200 Le Roy Avenue) into a single-family residence with an ADU and Hillside Home Company. Please

NEIGHBORHOOD SIGNATURES						
Printed Name	Signature	Address	Owner or Person	Plan No	Block/Sectional (Please include 100 ft)	Block No. Consented
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**Concerns of Eugene R. Alward and Nancy L. Alward, 1595 Le Roy Avenue,
regarding a Use Permit for the Hillside School**

Overall

In general, Samuli Seppälä's request to use a portion of the Hillside School as his residence, while making some of the space available for artists' studios, when combined with his willingness and ability to restore the building, is, on balance, good for the neighborhood and the city, which should lean toward accommodating him.

Public Safety Concern

In doing so, the city should pay special attention to a serious public safety issue that so far Samuli Seppälä (Sam) has neglected. Our property at 1595 Le Roy Avenue shares a boundary with Sam at the extreme southern end of his property. On 27 February 2019 Sam met with Eugene R. Alward (Gene) to describe his plans. Among other subjects, he mentioned his intention to run a drainpipe from the southern end of his building south to the southeast corner of his property, and from there west toward Le Roy Avenue along our shared boundary. Along the shared boundary, the pipe was to be four feet below the surface. At the time, Gene did not comment because he did not yet understand how that could be harmful.

We have two enormous redwood trees that are just south of the shared boundary. On 12 March 2019 Gene met with arborists to learn what actions could threaten the health of these redwood trees. Among other things, he learned that if Sam installs his drainpipe four feet below the surface by digging a trench, that would involve cutting many roots of at least one redwood tree because most of the roots would be within three feet of the surface. Significant severance of roots of a redwood tree would risk destabilizing the tree. A destabilized redwood could fall, perhaps in high wind, in an unpredictable direction on an unpredictable date. Anyone struck by the trunk of such a massive tree would be killed; any structure or vehicle would be destroyed. Gene also learned that there are techniques for installing such a pipe—one involves air spade excavation—without digging a trench. He also learned that there are competent local tree service companies who can do such work properly.

On 13 March 2019 Gene emailed Sam to describe the danger that would result from digging a trench at that location and to say that there were alternatives. He asked to meet with him to explain what he had learned. Sam has not responded.

Any use permit issued to Sam should be contingent on his not creating a public safety hazard by severing redwood roots on his property.

Facilitate return to use as a school should Samuli Seppälä sell the property

In granting a use permit to Sam, the city should do so only in a manner that makes it as easy as possible for the building to be used as a school again, as it was most recently by the German International School of Silicon Valley, if Sam chooses to sell the property in the future. In particular, zoning should not just be changed to residential. Instead, Sam should be accommodated through a variance.

Finally, there may be some things the city would normally require for a residence that are at odds with use of the property for a school. If Sam asks for the flexibility to leave some feature of the property in a form more appropriate to a school, the city should lean toward accommodating him if the city believes that doing so would make it easier for a subsequent buyer to return the property to use as a school.

Eugene R. Alward
31 March 2019

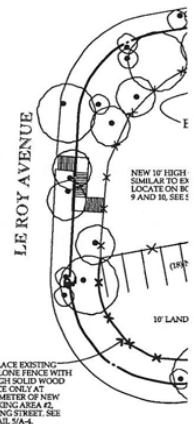
Samuli Seppälä
March 31, 2019

I have reviewed the plans for converting Hillside School (1581 Le Roy Avenue) into a single-family residence with an ADU and Moderate Home Occupancy Permit.

GENERAL AND SITE PLAN

1. These Drawings and Specifications shall be the sole possession of the General Contractor.
2. Use of these drawings constitutes an acknowledgment that the Contractor has read and understands the drawings and specifications and shall be held responsible for their interpretation.
3. Drawings and Specifications shall be the basis for all work in connection with this contract.
4. The architect will not be responsible for the Contractor's interpretation of the drawings and specifications.
5. The architect does not accept responsibility for the Contractor's interpretation of the drawings and specifications and shall be brought to the attention of the Contractor.
6. All work shall conform to the International Building Code and the International Residential Code as amended.
7. By executing the Work, the Contractor shall be deemed to have accepted the requirements of the Drawings and Specifications.
8. The Contractor shall be responsible for obtaining all necessary permits.
9. The contractor shall be responsible for maintaining access to all adjacent properties at all times.
10. The site shall be kept clean and free of debris at all times. NEW WINDOW UNITS TO BE INSTALLED.
11. Any work not shown or specified shall be the responsibility of the Contractor.
12. All items not noted as new shall be replaced in kind.
13. All existing walls, floors, and ceilings shall be removed and replaced in kind.

NEIGHBORHOOD SIGNATURES						
Printed Name	Signature	Address	Owner or Renter	Date	Have No Objections	Have Objections (Please state briefly)
		2530 Buena Vista				
		2535 Buena Vista				
		2545 Buena Vista				
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		2564 Buena Vista				
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		2573 Buena Vista				
		1520 Le Roy				
		1526 Le Roy				
		1536 Le Roy				
		1540 Le Roy				
		1542 Le Roy				
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		1550 Le Roy				
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		1562 Le Roy				
		1570 Le Roy				
		1578 Le Roy				
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		1586 Le Roy				
		1590 Le Roy				
		1595 Le Roy	owners			attached
		1512 La Loma				
		1514 La Loma				
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		1546 La Loma				
		1550 La Vereda				
		1555 La Vereda				
		2639 Cedar				
		2641 Cedar				
		1521 Hill Court				



C:\Users\Jerrri Holan\Documents\Jerrri Holan\Assoc\Drawings\HILLSIDE SCHOOL\PLANNING DRWG\HILLSIDE PLANNING.0311.dwg

March 29, 2019

Hi there -

I am not a proximate neighbor. But I have have been engaged as a neighbor a user of the property for 18 years that I have lived here.

I am not able to make the meeting next week.

I have read through all of the materials and drawings.

I support Seppalas plans for the property.

I would like to note that I support continued public access to the park part of the property. I also support less chain link fencing

Thanks
Eric Van Dusen
2628 Hilgard



PLANNING & DEVELOPMENT

Land Use Planning, 2120 Milvia Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420
Email: Planning@ci.berkeley.ca.us

II.E. HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Pursuant to the Permit Streamlining Act (PSA), a development permit application may not be accepted as complete unless and until the applicant has submitted a signed statement indicating whether the proposed project site or any alternative site(s) is on the lists of hazardous waste sites compiled pursuant to Government Code Section 65962.5 by the California Secretary for Environmental Protection.

Data lists / maps are available at the following websites (check multiple lists and categories):

<http://www.calepa.ca.gov/SiteCleanup/CorteseList/>

<http://www.envirostor.dtsc.ca.gov/public/>

<https://geotracker.waterboards.ca.gov/>

Applicant's Information:

Name: VERRI HOLAN & ASSOCIATES, AIA
Street Address: 1323 SOLANO AVE, #204
City, State, Zip Code: ALBANY, CA 94106
Phone Number: 510/528-1079

Project Information:

Address: 1581 LE ROY AVENUE
City, State, Zip Code: BERKELEY, CA 94108
Assessor's book, page, and parcel number: 058-2245-009-03

Specify any list pursuant to Section 65962.5 of the Government Code:

NONE

Regulatory identification number: _____

Date of list: _____

Applicant's verification:

Signature:  Date: 3/8/19

HISTORIC DESIGN ANALYSIS

of proposed Single-Family Use and ADU at Hillside School

for

Samuli Seppälä
1581 Le Roy Avenue
Berkeley, California

This evaluation was prepared by Jerri Holan, FAIA. Since 1991, Ms. Holan has been professionally qualified, and practicing, as a Preservation Architect and Architectural Historian per *The Secretary of the Interior's Standards and Guidelines for Historic Preservation*. Ms. Holan has also been certified with the State of California, Office of Historic Preservation, since 2004, as a Historical Resource Consultant. Jerri Holan has an advanced degree from the University of California, Berkeley, and is a Fulbright research scholar and a Fellow of the American Institute of Architects.

ANALYSIS OF PROPOSED PROJECT

Based on March, 2019, plans prepared by Jerri Holan & Associates, the following analysis is to determine if the proposed project conforms to *The Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings* for purposes of CEQA. In order to comply with CEQA, negative impacts on character-defining features of the historic resource need to be avoided.

Standard 1 - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

The proposed project meets this rehabilitation Standard. The original use of the building, a K-6 school, is being converted to a single-family home. This change requires minimal changes to the structure's distinctive materials, features, and spaces. The building's primary envelope will remain intact, including its roof lines and primary elevations.

The remodel project converts mainly the southern wing into living quarters and preserves and restores all the important interior spaces including the Auditorium, classrooms, hallways, and grand staircases. Most of the historic interior finishes will be retained and restored, including the auditorium's many wood features and the Batchelder-tiled fireplace in Studio 203. Partitions are being removed in the Kindergarten room to restore its original spatial configuration.

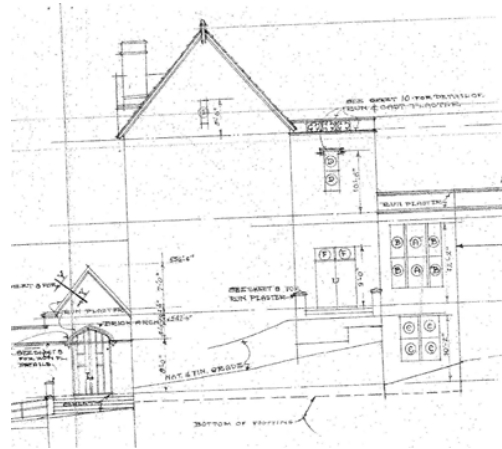
The building's prominent site makes most of its elevations visible from public right-of-ways: Le Roy, Buena Vista, and La Loma. The front, west facade is the primary elevation of the building and views of the building's north and south sides are secondary views. All visible portions of the

HISTORIC DESIGN ANALYSIS

1581 Le Roy Avenue

building on the west, north and south elevations will remain unchanged except for repairs and restorations to some doors and windows.

While some of the rear elevation of the building is visible from La Loma, the East Elevation is primarily a service elevation as can be seen in the original 1925 drawing below.



ORIGINAL EAST ELEVATION DRAWING, 1925

Today, the East Elevation features a large addition from 1963 which obscures most of the publicly visible portion of the rear of the historic building. The third floor is the only remaining visible portion of the rear historic elevation and it is being preserved with the exception of window additions on the east wall and elevator housing to the north. The elevator housing is located adjacent to an exhaust flue which was added to the building in 1963. The roof of the 1963 addition is being converted into a patio for the new living quarters which will preserve views of the historic third floor profile. These minor changes serve the new residential use of the building.

Standard 2 - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

The proposal meets this Standard as the distinctive materials and spatial relationship of the historic building are not being altered.

Standard 3 - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.

The proposed project meets this Rehabilitation Standard. The building is, and will remain, a record of its time, place, and use. No conjectural architectural features are being added.

HISTORIC DESIGN ANALYSIS

1581 Le Roy Avenue

Standard 4 - Changes to a property that have acquired historic significance in their own right will be retained and preserved.

The project meets this Standard. The property has a good degree of integrity and the major 1963 rear addition will remain as is. It should be noted that, according to the National Register Nomination Form, the 1963 addition is not an important architectural feature of the historic building and does not need to be preserved.

Standard 5 - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

The proposed project meets this Rehabilitation Standard. The project proposes to preserve the historic structure and its finishes and does not alter any of its distinctive craftsmanship.

Standard 6 - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

The project complies with this Standard as the original historic structure has extensive door and window deterioration. The old doors and windows will be repaired where possible and only replaced if necessary (some windows on south side). Two small, upper windows will be restored on the West Elevation of the 3-story wing that is documented with photographs. The new windows and doors will match the old in design and materials, all substantiated with the original 1925 architectural drawings.

Standard 7 - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

The project complies with this Standard as the extensive window repairs will use hand methods rather than chemical treatments. See Facade and Wood Treatment Notes on Sheet A-3.

Standard 8 - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

The plans indicate that, if any significant archeological resources are found, the City of Berkeley would be notified and that they would be mitigated with appropriate measures.

Standard 9 - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.

HISTORIC DESIGN ANALYSIS

1581 Le Roy Avenue

The project meets this Standard. There is no additional square footage being added and it does not destroy historical relationships or materials which characterize the property. Any required new stucco, materials, or doors and windows – due to repairs -- will match originals.

The addition of a garage door on the ground floor of the three-story wing is not visible from the public right of way. However, it's styling is compatible with the historic structure and will be distinguished by the use of a metal finish.

The addition of rear windows on the third floor, East Elevation will be compatible in size and configuration to the original windows but distinguished from them with the use of double-glazing and modern wood materials.

The stucco guardrails for the new balcony on the rear of the building are offset from the buildings original walls and distinguished by a thickened upper handrail section.

A residential elevator is being added to the rear of the building and it was located to have minimal impact on the building's exterior, next to an existing flue addition from 1963.

Standard 10 - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The project meets this Standard as the third-floor modifications and first-floor garage door could be removed without impacting the form and integrity of the original historic building.

ANALYSIS CONCLUSION

After reviewing the project, it is my professional opinion that the project is in conformance to *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings*.

On Fri, Mar 29, 2019 at 12:28 PM Peter Lydon <ptrlydon@gmail.com> wrote:

Hello Neighbors,

As you know, Samuli Seppala purchased the Hillside School property and has made very substantial rehab investments in a structure and a space whose deterioration was a great concern for many years to us living nearby.

A draft rehab planning document covering both the school structure and the open space was circulated on paper to inform the proximate neighbors by his architect, Jerri Holan. This was done under the city's procedures for granting a permit for the "change of use" which Sam is requesting. The change of status is from an educational use to a residential one. since he is planning to live in one space in the restored large building, letting other rooms be used by artists on a daytime basis. Immediately proximate neighbors were requested to signal to the Architect's office that they had reviewed Mr. Seppala's plan for his property, with comments if wished.

A digital copy of the draft plan (more legible than the copy previously sent out to interested neighbors not directly proximate to the property) is attached along with Sam's transmittal memo.

Since several neighbors have asked for more information on Sam's onward plans for his property, on Friday, April 5th, at 6 PM at Peter and Norma Lydon's house at 1584 Le Roy, Sam and his Architect, Jerri Holan, will be available to meet with interested neighbors to discuss their draft planning for the property, bringing information up to date, filling in details, listening to suggestions and answering questions, in preparation for going to the city with the "change of use" permit application.

With best, Peter Lydon
Sec, Hillside Association of Berkeley
ptrlydon@gmail.com
510-644-8064



PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420 Email: Planning@CityofBerkeley.info

DATE STAMP HERE

ZONING USE QUESTIONNAIRE

Property Address 1581 LE ROY AVENUE Permit # _____
 Applicant Name JEFFI HOLLAN & ASSOCIATES Phone # 510/528-1019
 Name of Property Owner (if different from applicant) SAMULI SEPPÄLÄ Phone # 305/766-0679
 Proposed Use SINGLE FAMILY HOME & ART CENTER Previous Use ELEMENTARY SCHOOL
 Describe your business: ART CENTER TO HOST PRIVATE ART CLASSES & WORKSHOPS

Does your business include the sale of: Drug Paraphernalia? Tobacco? Alcohol Medical Marijuana?

What are adjacent uses (sides and rear?) SINGLE-FAMILY HOMES
 Is this an existing building? Yes No

If yes, has a Change of Occupancy Inspection been made by the Building and Safety Division?
 Yes No RESIDENTIAL USE

What changes will be made to the building? MINOR CHANGES TO SIDE & REAR TO ACCOMMODATE
 _ist days and hours of operation.* * WILL VARY FROM MONTH TO MONTH
 Monday - Thursday: 9 AM → 9 PM Friday: 9 AM → 9 PM
 Saturday: 9 AM → 9 PM Sunday: 10 AM - 7 PM

Is the transaction contingent on obtaining a Use Permit? Yes No Explain _____

How many employees will you have (including yourself)? Total 3-4 Per Shift 3-4

How many customers do you expect at one time? 25 When will be your busiest hours? WEEKDAYS

Is there an existing parking lot? Yes No Do you share it with any other use? NO
* PROPOSING TWO PARKING LOTS

Will you provide parking for customers? Yes No How many spaces? 25

Will you provide parking for employees? Yes No How many spaces? 2

Will parking be on the same property? Yes No If not, explain: _____

From what area do you expect the majority of your customers:
 Immediate neighborhood _____ Several neighborhoods _____ Passing Traffic _____ City-wide Larger area _____

Will you be selling any alcoholic beverages for off-site consumption? Yes _____ No

If yes, have you applied for an off-sale license from the State Department of Alcoholic Beverage Control? Yes _____ No _____

Will you be selling beverages in containers subject to California Redemption Value (CRV)? Yes _____ No

ADDRESS: 1581 LE ROY AVENUE DATE: 3/8/19

ESTABLISHMENTS SERVING FOOD OR DRINK

Proposed seating (#) _____ Maximum allowable capacity under Building Code (#) _____

What type of cooking will you feature? _____

How will cooking odors be controlled? _____

What arrangement will be made for recycling? _____

Alcoholic Beverages

Will you serve beer? _____ Wine? _____ Liquor? _____

With meals only? _____ Separately? _____ At a bar? _____

Have you applied for a license from Department of Alcoholic Beverage Control? Yes _____ No _____

Music

Will you provide live entertainment? Yes _____ No _____ Of what type? _____

Will there be live music? _____ Recorded? _____ Amplified at what level? _____

Will sound control be provided? Yes _____ No _____

What are the assurances that sound control will be adequate? _____

When will sound controls be installed? _____

Who is responsible for assuring that the business operates as described above?

[PRINT NAME] SAMU LI SEPPÄLÄ

Signature  Date 3/8/19



PLANNING & DEVELOPMENT

Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Fax: 510.981.7420 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: 1581 Le Roy Avenue Date: Feb. 20, 2019
Applicant's Name: Jerri Holan & Associates
Zoning District R-1H

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	<i>Existing</i>	<i>Proposed</i>	<i>Permitted/ Required</i>
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	0	2	2
Number of Parking Spaces (#)	9	27	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	0	7	0
Yards and Height			
Front Yard Setback (Feet)	10-20	10-20	20
Side Yard Setbacks: (facing property)			
Left: (Feet)	25	25	4
Right: (Feet)	25	25	4
Rear Yard Setback (Feet)	15-40	15-40	20
Building Height* (# Stories)	3	3	3
Average* (Feet)	35	35	35
Maximum* (Feet)	50	50	35
Areas			
Lot Area (Square-Feet)	117,546	117,546	5,000
Gross Floor Area* (Square-Feet) Total Area Covered by All Floors	50,302	50,302	N/A
Building Footprint* (Square-Feet) Total of All Structures	25,695	25,695	N/A
Lot Coverage* (%) (Footprint/Lot Area)	22	22	40
Useable Open Space* (Square-Feet)	91,851	91,851	800
Floor Area Ratio* Non-Residential only (Except ES-R)			

*See Definitions – Zoning Ordinance Title 23F.

Revised: 05/15

JERRI HOLAN & ASSOCIATES, AIA
ARCHITECTS ENGINEERS PLANNERS
1323 SOLANO AVENUE, SUITE 204
ALBANY, CA 94706

OAKLAND CA 94615
13 MAR 2019 PM 5 L



Handwritten signature

Owners and Occupants
2641 Cedar Avenue
Berkeley, CA 94708

NIJIE 557 06 1 0000/24/19
RETURN TO SENDER
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EC: 94706180034 *1585-05524-19-19
94706180034

94706-18003
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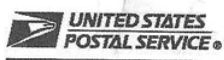
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1521 HILL COURT
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4 of 4



EXISTING WEST ELEVATIONS, 2019

PARCEL CONDITIONS:

- 1) Building is on the National Register of Historic Places and is a City Landmark;
- 2) Building is in the Fault Zone;
- 3) Building is in the Landslide Zone;
- 4) Building is not in a Creek Zone.

SCOPE OF ALTERATION WORK (NO SQUARE FOOTAGE BEING ADDED):

- 1) CHANGE OF OCCUPANCY FROM EDUCATIONAL TO SINGLE-FAMILY RESIDENTIAL WITH ADU;
- 2) REPLACE & RESTORE MISCELLANEOUS DOORS, WINDOWS & SIDELIGHTS;
- 3) RESTORE DAMAGED SOUTH WALL & REPLACE FOUNDATION;
- 4) CONVERT KITCHEN TO GARAGE AND ADD NEW CONCRETE DRIVEWAY AND RETAINING WALLS;
- 5) ADD ELEVATOR;
- 6) ADD BATHROOMS TO SECOND FLOOR;
- 7) REMODEL THIRD FLOOR AND ADD REAR DECK WITH STUCCO GUARD RAILS, POOL AND HOT TUB;
- 8) REPLACE ELECTRICAL AND MECHANICAL SYSTEMS;
- 9) ADD SOLAR PANELS;
- 10) ADD NEW FENCING;
- 11) ADD NEW PARKING AREA 2.

SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATING HISTORIC BUILDINGS:

As a property on the National Register of Historic Properties, the following Standards shall be followed:

- Standard 1** - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Standard 2** - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Standard 3** - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
- Standard 4** - Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Standard 5** - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Standard 6** - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Standard 7** - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Standard 8** - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Standard 9** - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
- Standard 10** - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2016 CALIFORNIA HISTORICAL BUILDING CODE (CHBC) NOTES:

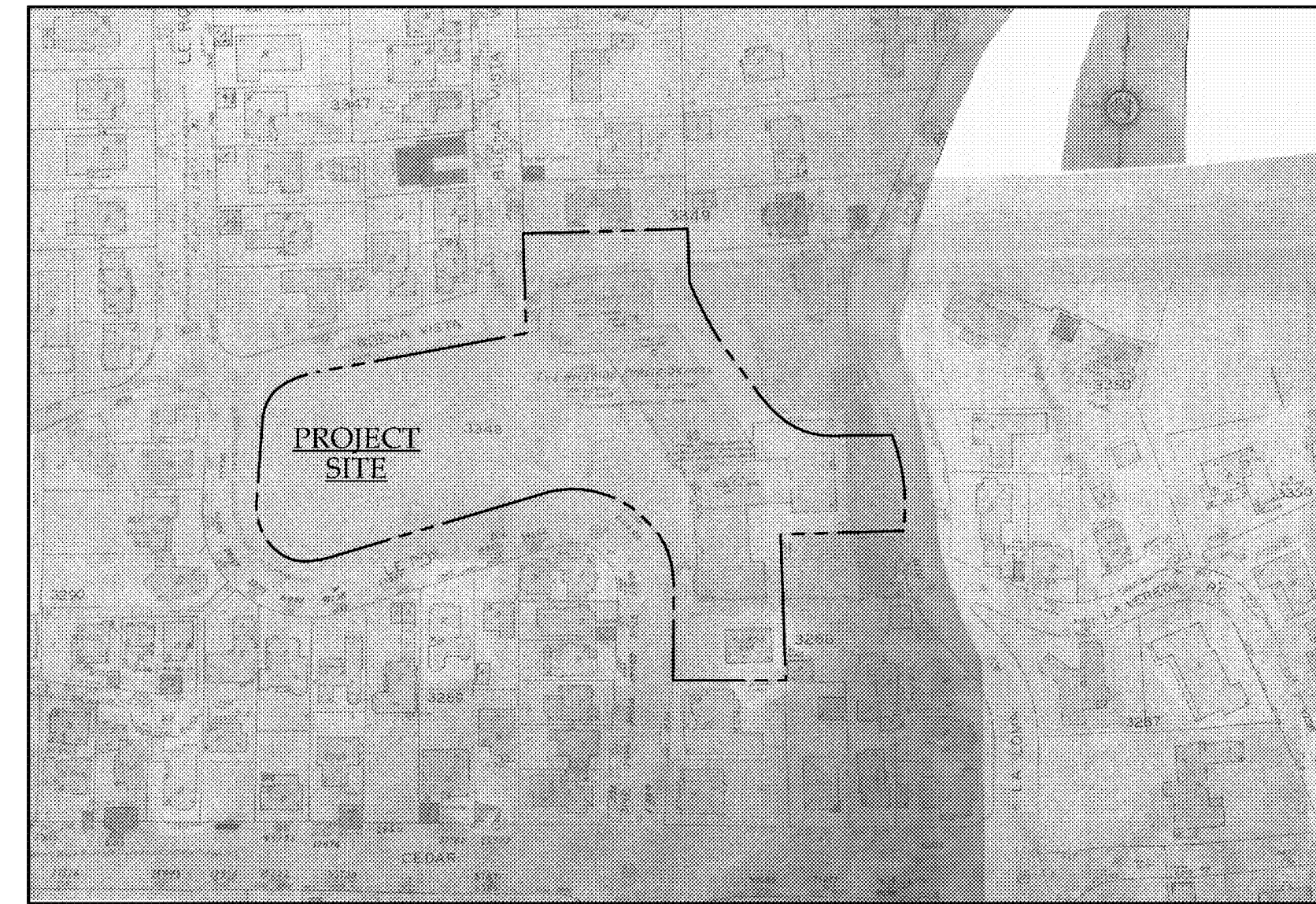
As a qualified historic building, the application of the following provisions of the CHBC apply:

SECTION 8-102.1.6 - Qualified buildings shall not be subject to additional work required by the regular code beyond that required to complete the work undertaken.

SECTION 8-901.5 - Qualified buildings are exempted from compliance with energy conservation standards.

PLANNING, ZONING, & BUILDING INFORMATION:

APN: 058-2245-009-03 Fire Zone 2
 Zoning: R-1H Existing Educational Building converting to R-3 Building Occupancy
 Three-story, Type VB Construction, Fully Sprinklered
 Lot Size: 117,546 sf Footprint Size: 25,695 sf
 First Floor Size: 25,695 sf
 Second Floor Size: 21,562 sf
 Third Floor Size: 3,045 sf
 TOTAL SIZE 50,302 SF



1 T-1 VICINITY MAP

APPROX. SCALE: 1" = 100'



TABULATION FORM

Project Address: 1581 Le Roy Avenue Date: Feb. 20, 2019
 Applicant's Name: Jerri Holan & Associates
 Zoning District: R-1H

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/Required
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	0	2	2
Number of Parking Spaces (#)	9	27	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	0	7	0
Yards and Height			
Front Yard Setback (Feet)	10-20	10-20	20
Side Yard Setbacks (facing property)			
Left: (Feet)	25	25	4
Right: (Feet)	25	25	4
Rear Yard Setback (Feet)	15-40	15-40	20
Building Height*			
(# Stories)	3	3	3
Average* (Feet)	35	35	35
Maximum* (Feet)	50	50	35
Areas			
Lot Area (Square-Feet)	117,546	117,546	5,000
Gross Floor Area* (Square-Feet)			
Total Area Covered by All Floors	50,302	50,302	N/A
Building Footprint* (Square-Feet)	25,695	25,695	N/A
Total of All Structures			
Lot Coverage* (Footprint/Lot Area) (%)	22	22	40
Useable Open Space* (Square-Feet)	91,851	91,851	800
*See Definitions - Zoning Ordinance Title 23F. Revised: 05/15			

DRAWING INDEX

- T-1 TITLE SHEET
- A-1 SITE & ROOF PLAN
- SY-1 SURVEY
- A-2 FIRST & SECOND FLOOR PLANS
- A-3 THIRD FLOOR PLANS & BUILDING SECTION
- A-4 PARTIAL ELEVATIONS & DETAILS
- A-5 ENERGY FORMS & FLASHING DETAILS

JERRI HOLAN & ASSOCIATES
 ARCHITECT * ENGINEERS * PLANNERS
 1323 Solano Avenue, Suite 204, Albany, CA 94706
 510.528.1079
 www.holanarchitects.com

Rehabilitation & Remodel of
 Hillside School
 for
 SAMULI SEPPÄLÄ
 1581 Le Roy Avenue
 Berkeley, CA

Revision:	
Issue Date:	
April 1, 2019 - Submittal for Use Permit	
April 1, 2019 - Submittal for Conditional Submittal	
March 1, 2019 - Submittal for Review	

TITLE SHEET

SHEET
 T-1
 of 6

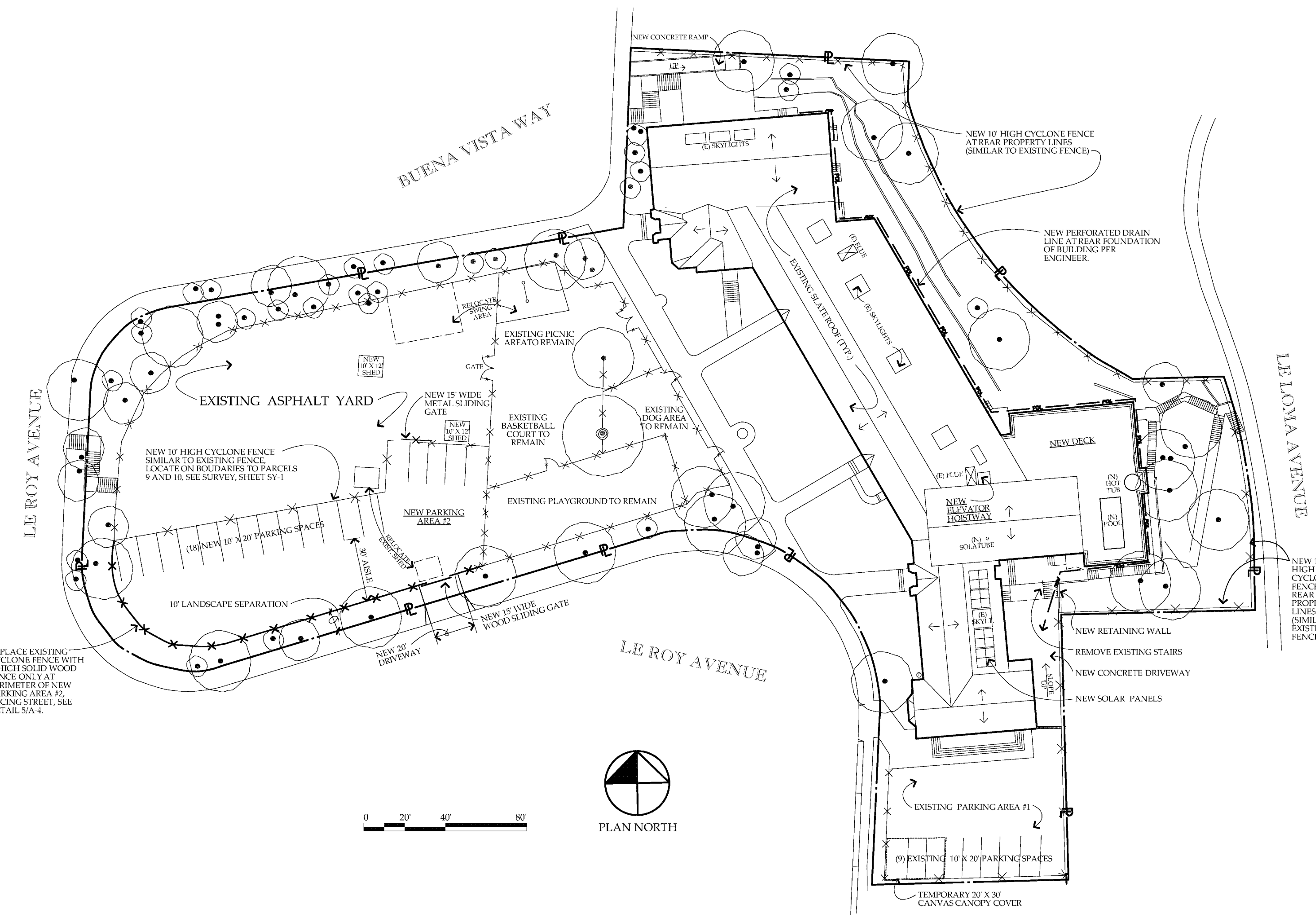


I have reviewed the plans for converting Hillside School (1581 Le Roy Avenue) into a single-family residence with an ADU and Moderate Home Occupancy Permit.

NEIGHBORHOOD SIGNATURES							
Printed Name	Signature	Address	Owner or Renter	Date	Have No Objections	Have Objections (Please state briefly)	Have No Comment
		2530 Buena Vista					
		2535 Buena Vista					
		2545 Buena Vista					
		2555 Buena Vista					
		2564 Buena Vista					
		2565 Buena Vista					
		2573 Buena Vista					
		1520 Le Roy					
		1526 Le Roy					
		1536 Le Roy					
		1540 Le Roy					
		1542 Le Roy					
		1544 Le Roy					
		1546 Le Roy					
		1550 Le Roy					
		1554 Le Roy					
		1562 Le Roy					
		1570 Le Roy					
		1578 Le Roy					
		1580 Le Roy					
		1584 Le Roy					
		1586 Le Roy					
		1590 Le Roy					
		1595 Le Roy					
		1512 La Loma					
		1514 La Loma					
		1515 La Loma					
		1521 La Loma					
		1525 La Loma					
		1528 La Loma					
		1530 La Loma					
		1542 La Loma					
		1544 La Loma					
		1546 La Loma					
		1550 La Vereda					
		1555 La Vereda					
		2639 Cedar					
		2641 Cedar					
		1521 Hill Court					

GENERAL AND SITE PLAN NOTES:

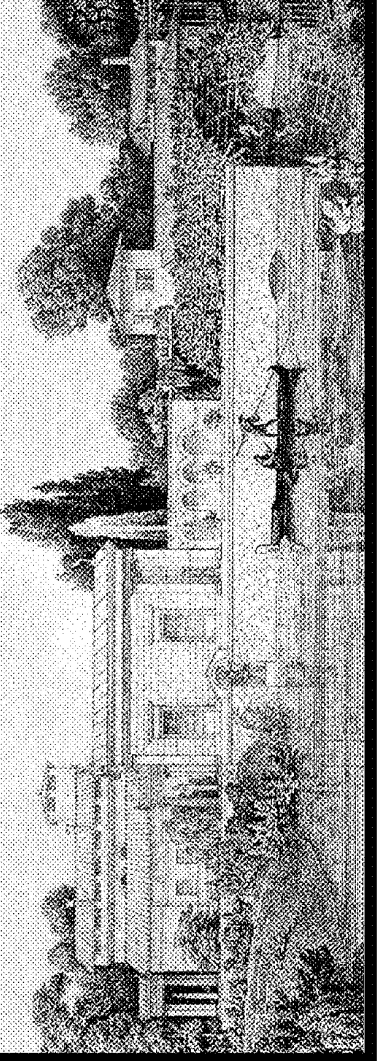
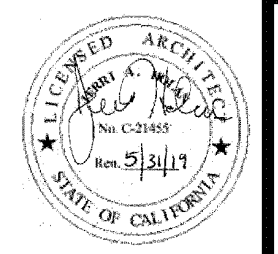
- These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
- Use of these drawings constitutes acceptance.
- Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
- The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
- The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
- All work shall conform to the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Historical Building Code (CHBC), The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.
- By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawings and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
- The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
- The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
- The site shall be kept clean at all times. Materials indicated to be reinstalled shall be stored and protected onsite unless otherwise noted. THE BASEMENT AREA WILL BE AVAILABLE FOR STORAGE OF NEW WINDOW UNITS DURING CONSTRUCTION. Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
- Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
- All items not noted as new (N) are existing.
- All existing walls, floors, and ceilings at removed, new or modified construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.



1 SITE & ROOF PLAN
A-1

MARCH 15, 2019 - PROGRESS SET FOR NEIGHBORS FEB. 25, 2019 - PROGRESS SET FOR NEIGHBORS

SCALE: 1" = 40'



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Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPÄLÄ
1581 Le Roy Avenue
Berkeley, CA

Revisions:
Issue Date:
April 1, 2019 - Submittal for C.A. Permit
April 1, 2019 - Submittal for Structural Alterations Permit & Utility Review

SITE & ROOF PLAN
SHEET
A-1
of 6

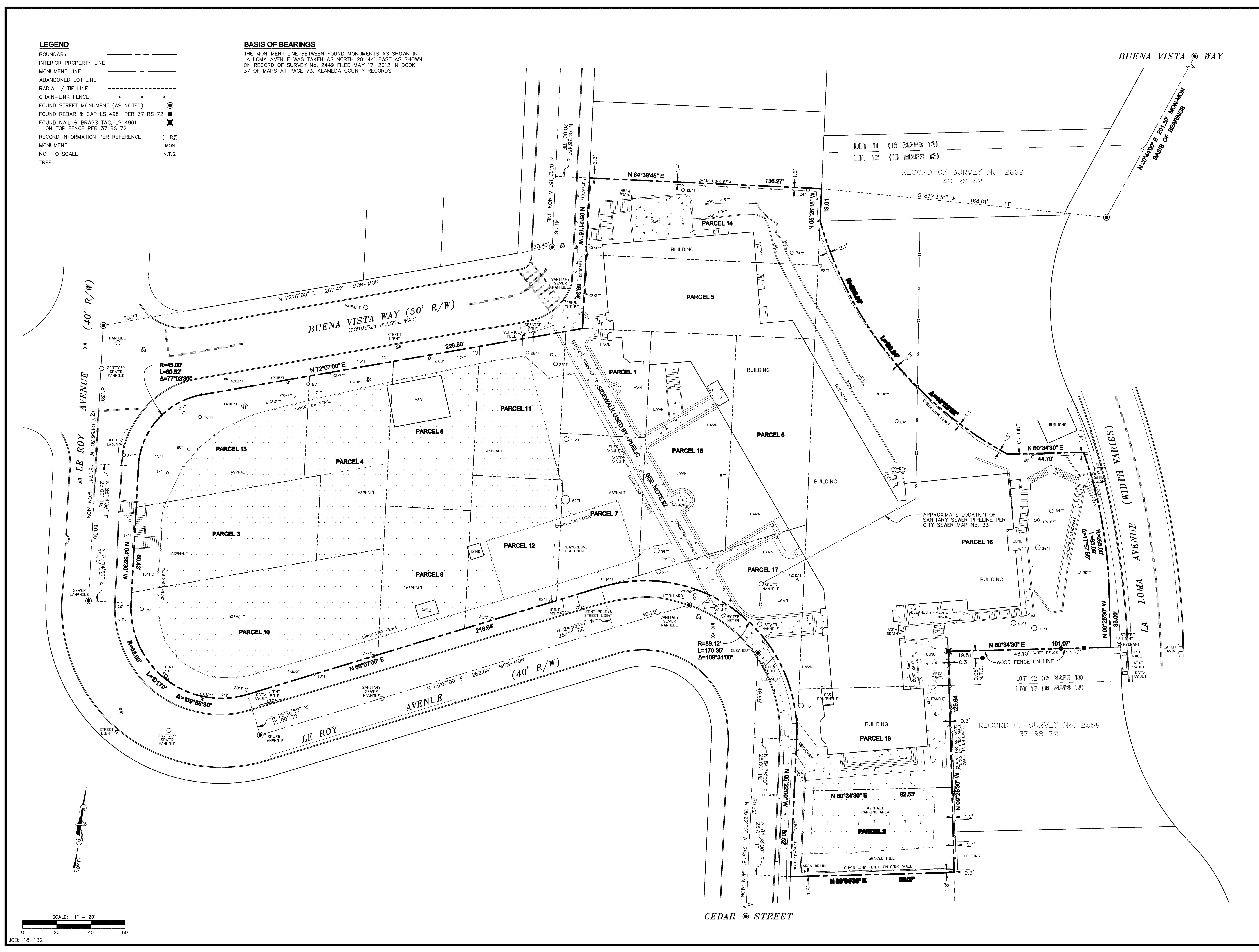
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LEGEND

- BOUNDARY
- INTERIOR PROPERTY LINE
- MONUMENT LINE
- ABANDONED LOT LINE
- RADIAL / TIE LINE
- CHAIN-LINK FENCE
- FOUND STREET MONUMENT (AS NOTED)
- FOUND REBAR & CAP LS 4961 PER 37 RS 72
- FOUND NAIL & BRASS TAG, LS 4961 ON TOP FENCE PER 37 RS 72
- RECORD INFORMATION PER REFERENCE (R#)
- MONUMENT MON
- NOT TO SCALE N.T.S.
- TREE

BASIS OF BEARINGS

THE MONUMENT LINE BETWEEN FOUND MONUMENTS AS SHOWN IN LA LOMA AVENUE WAS TAKEN AS NORTH 20° 44' EAST AS SHOWN ON RECORD OF SURVEY No. 2449 FILED MAY 17, 2012 IN BOOK 37 OF MAPS AT PAGE 73, ALAMEDA COUNTY RECORDS.



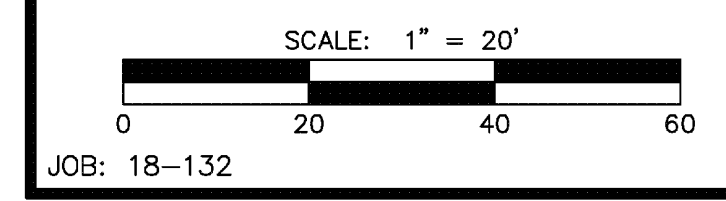
DMG ENGINEERING, Inc.
30 OAKVUE COURT
PLEASANT HILL, CA 94523
PHONE: (925) 787-0463
FAX: (925) 287-8503

RESTRICTED ENGINEERING DRAWINGS
The information, plans, designs, notes and arrangements shown on this drawing are confidential and may not be reproduced in whole or in part without the expressed written consent of DMG Engineering, Inc. This information is provided as Preliminary/Interim and/or conceptual information that is conceptual subject to verification and/or change. The engineer makes no claim for original information or of information supplied by others.

NO.	DATE	REVISIONS	BY

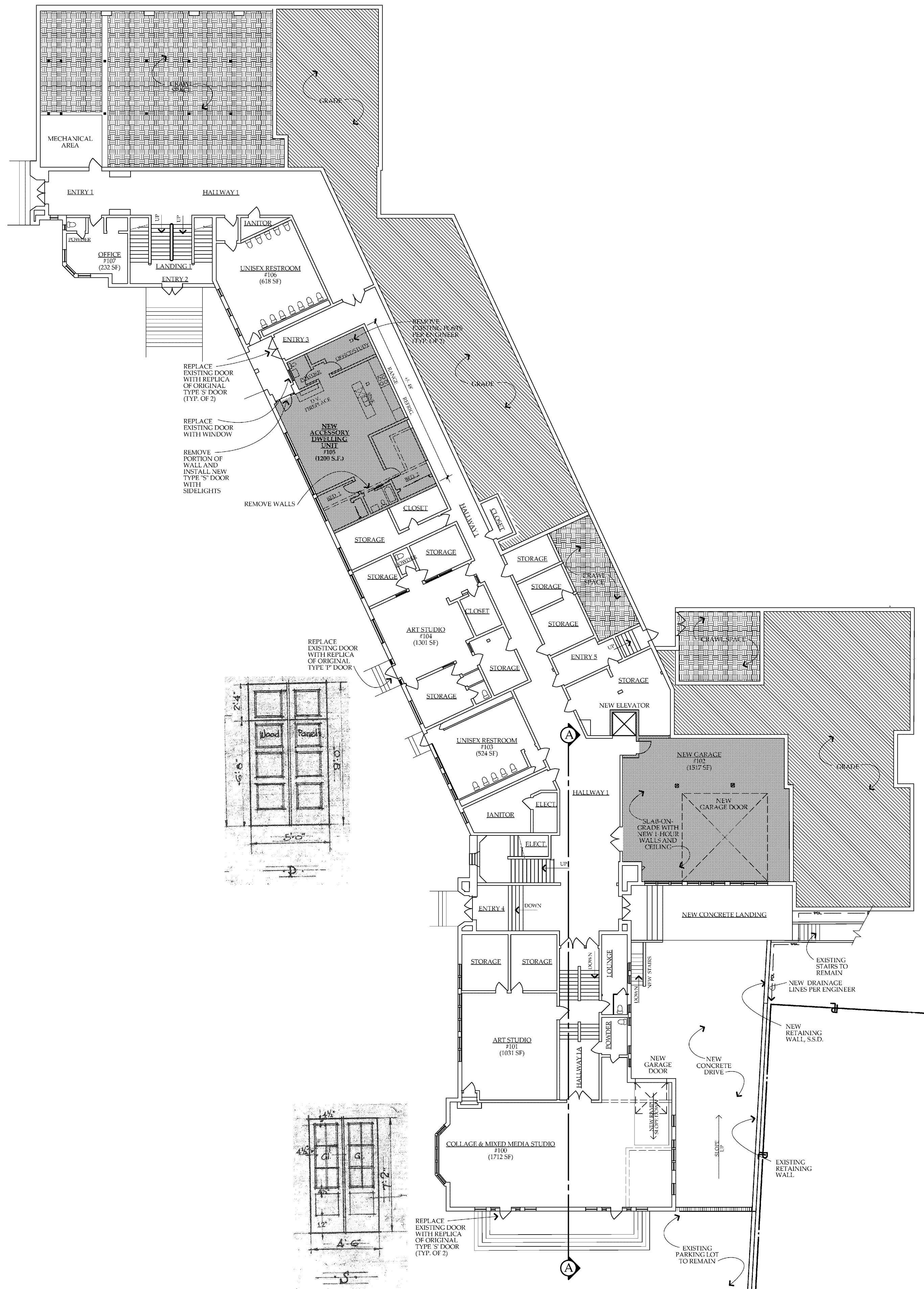
ALTA / NSPS LAND TITLE SURVEY
ALAMEDA COUNTY A.P.N. 58-2245-9-3
1581 LE ROY AVENUE
CITY OF BERKELEY - CALIFORNIA
SCALE: 1 INCH = 20 FEET
OCTOBER 2018

SHEET 2
OF 2 SHEETS
ORIG.DWG: 10-12-2018
REV.DWG:
JOB: 18-132



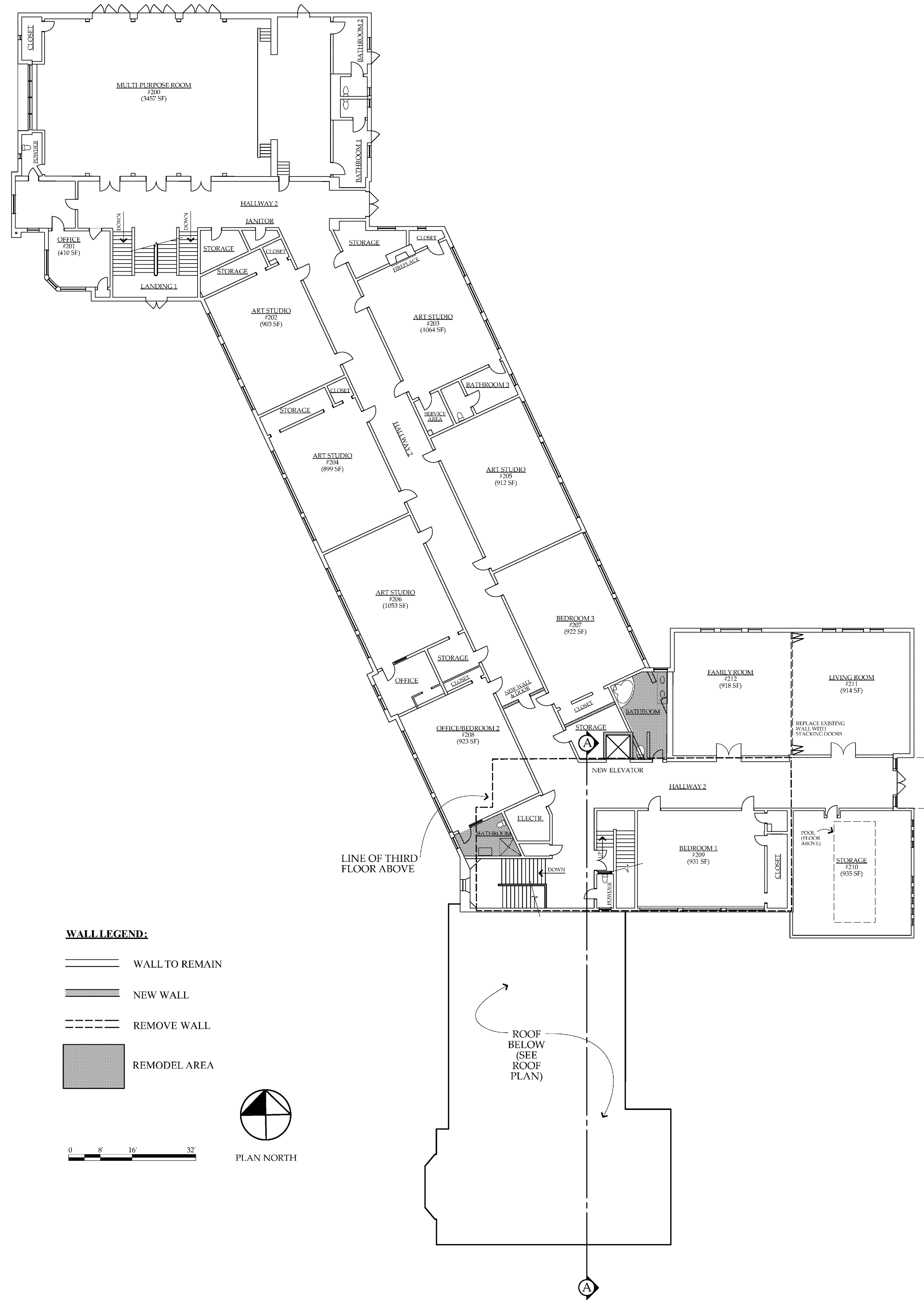
JOB: 18-132

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1 FIRST FLOOR PLAN
A-2

SCALE: 1/16" = 1'-0"

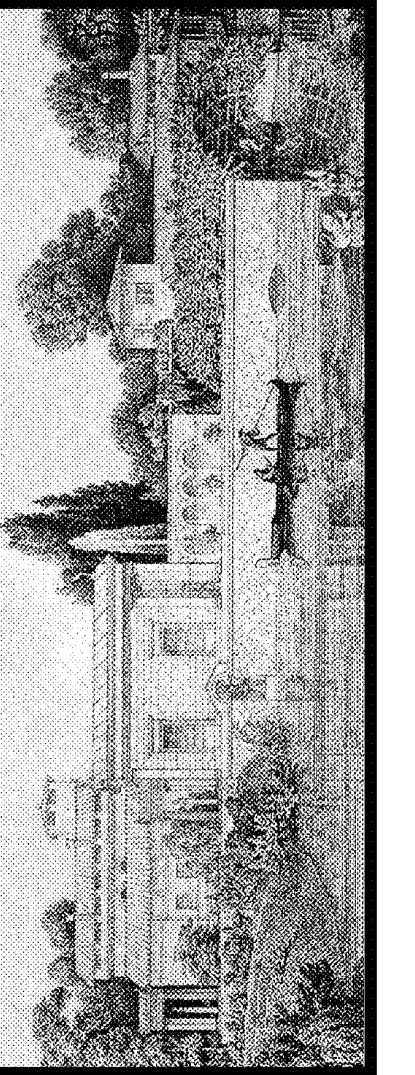


2 SECOND FLOOR PLAN
A-2

MARCH 15, 2019 - PROGRESS SET FOR NEIGHBORS

FEB. 25, 2019 - PROGRESS SET FOR NEIGHBORS

SCALE: 1/16" = 1'-0"



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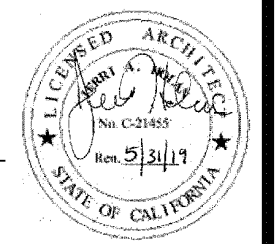
Rehabilitation & Remodel of
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1581 Le Roy Avenue
Berkeley, CA

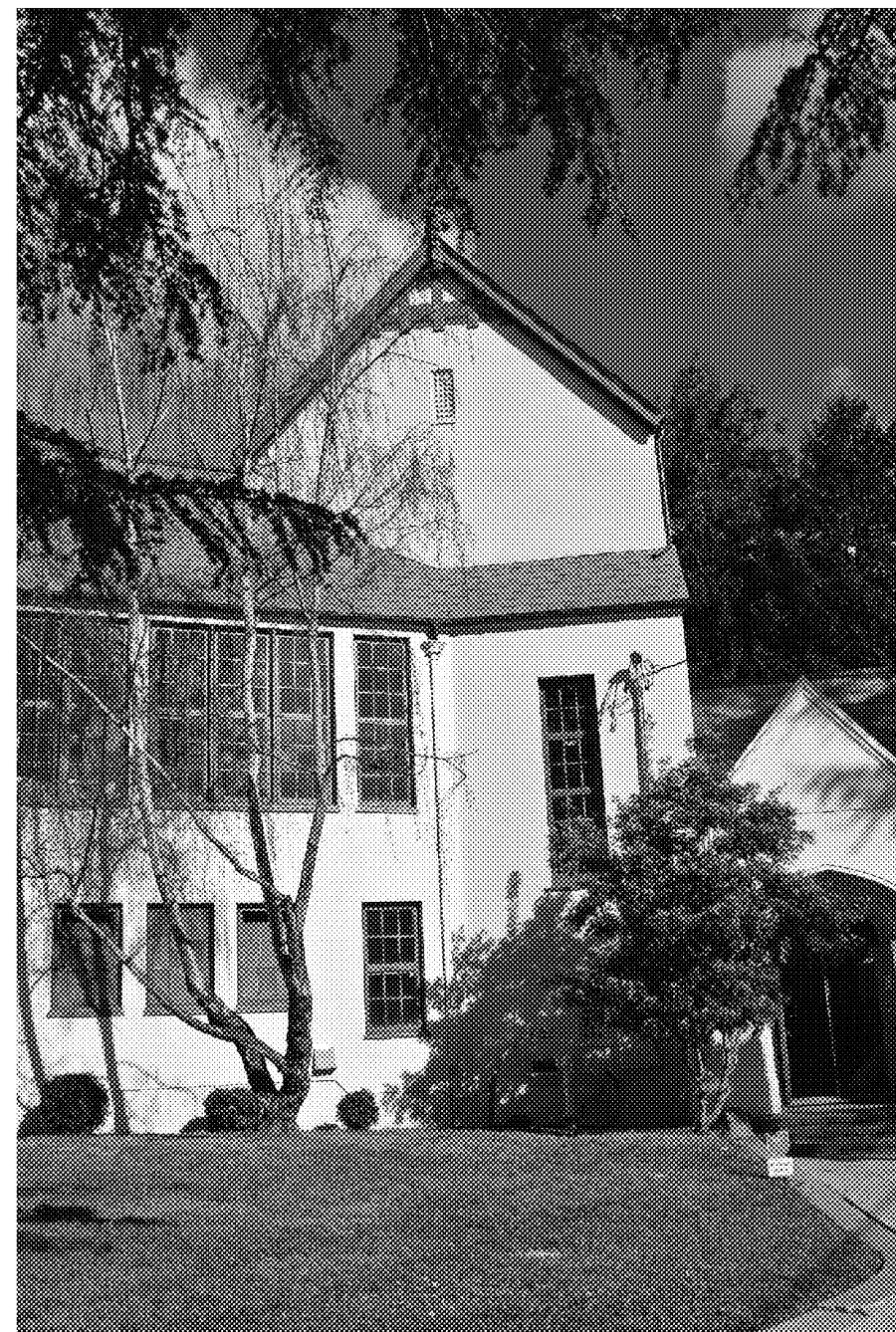
Revision

FIRST & SECOND
FLOOR PLANS

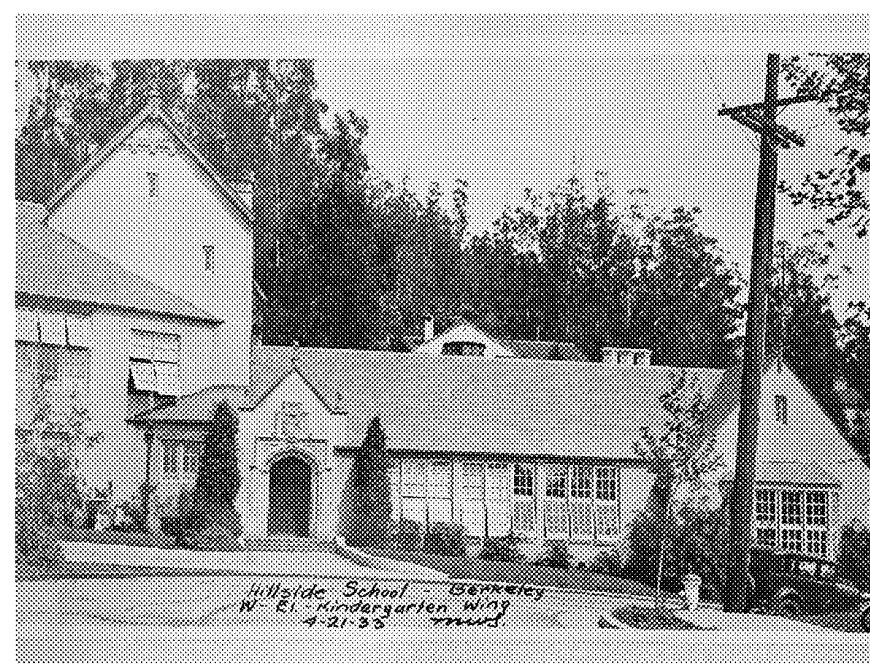
SHEET
A-2

of 6

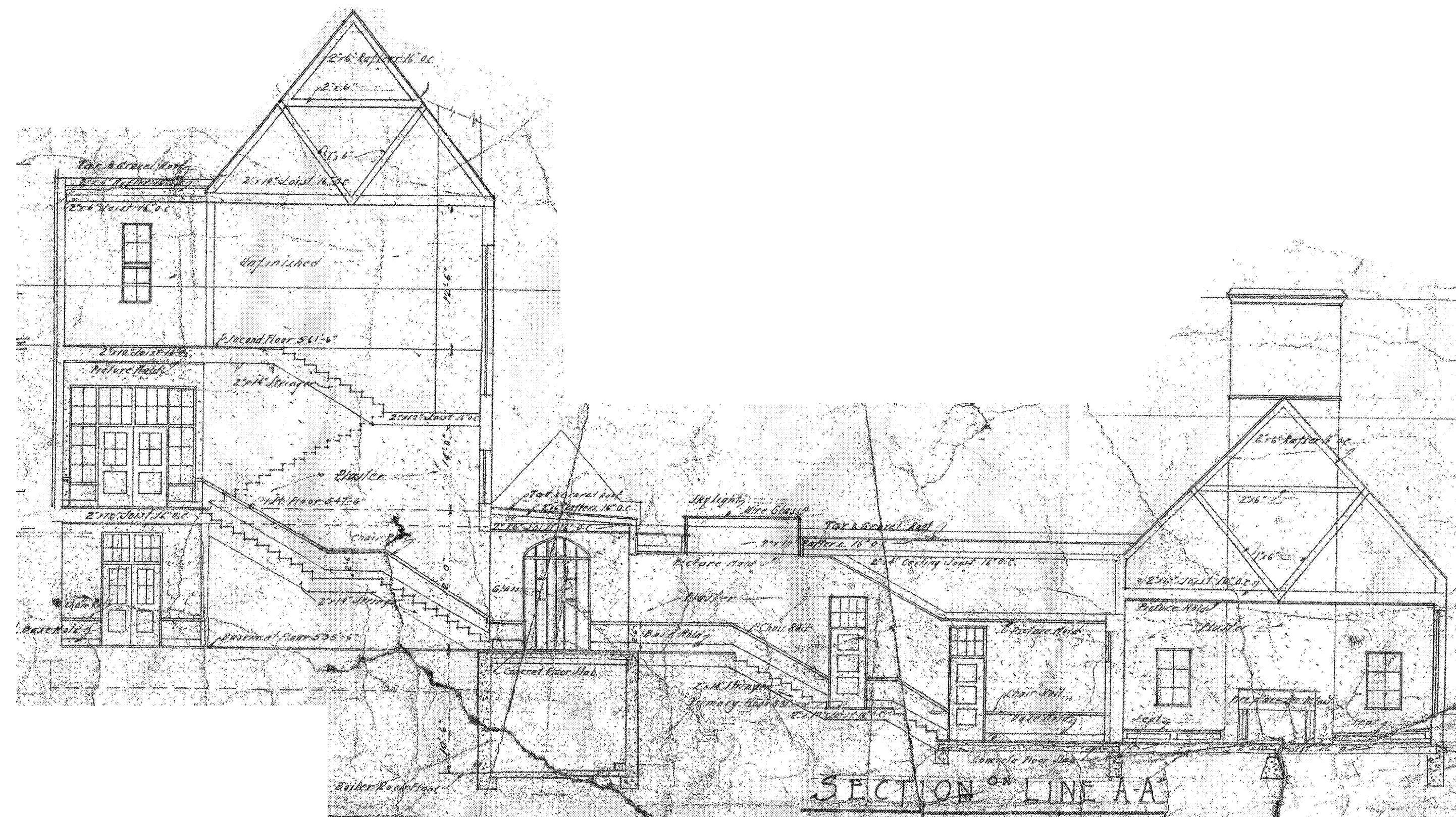
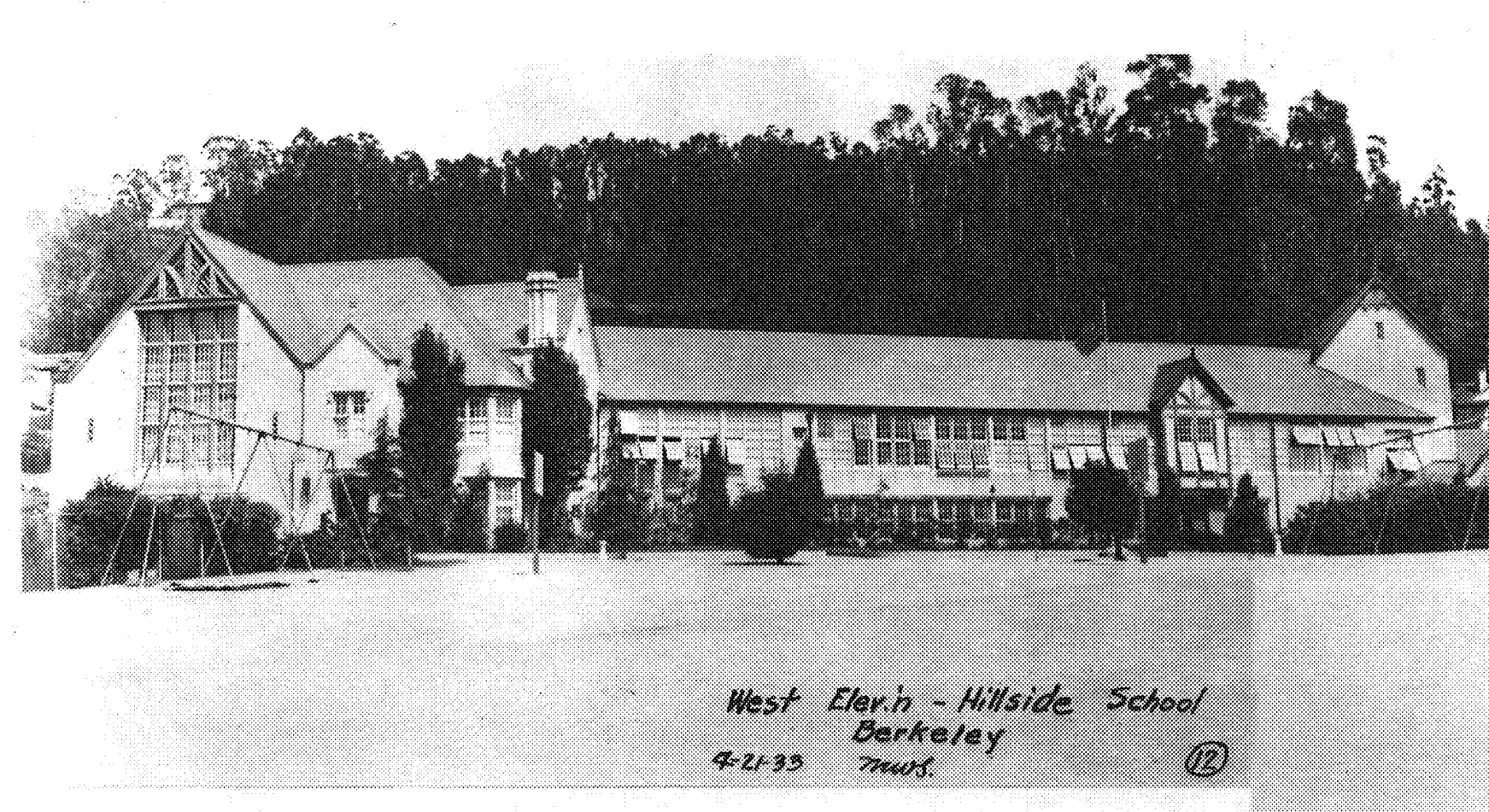




2019 WEST ELEVATION

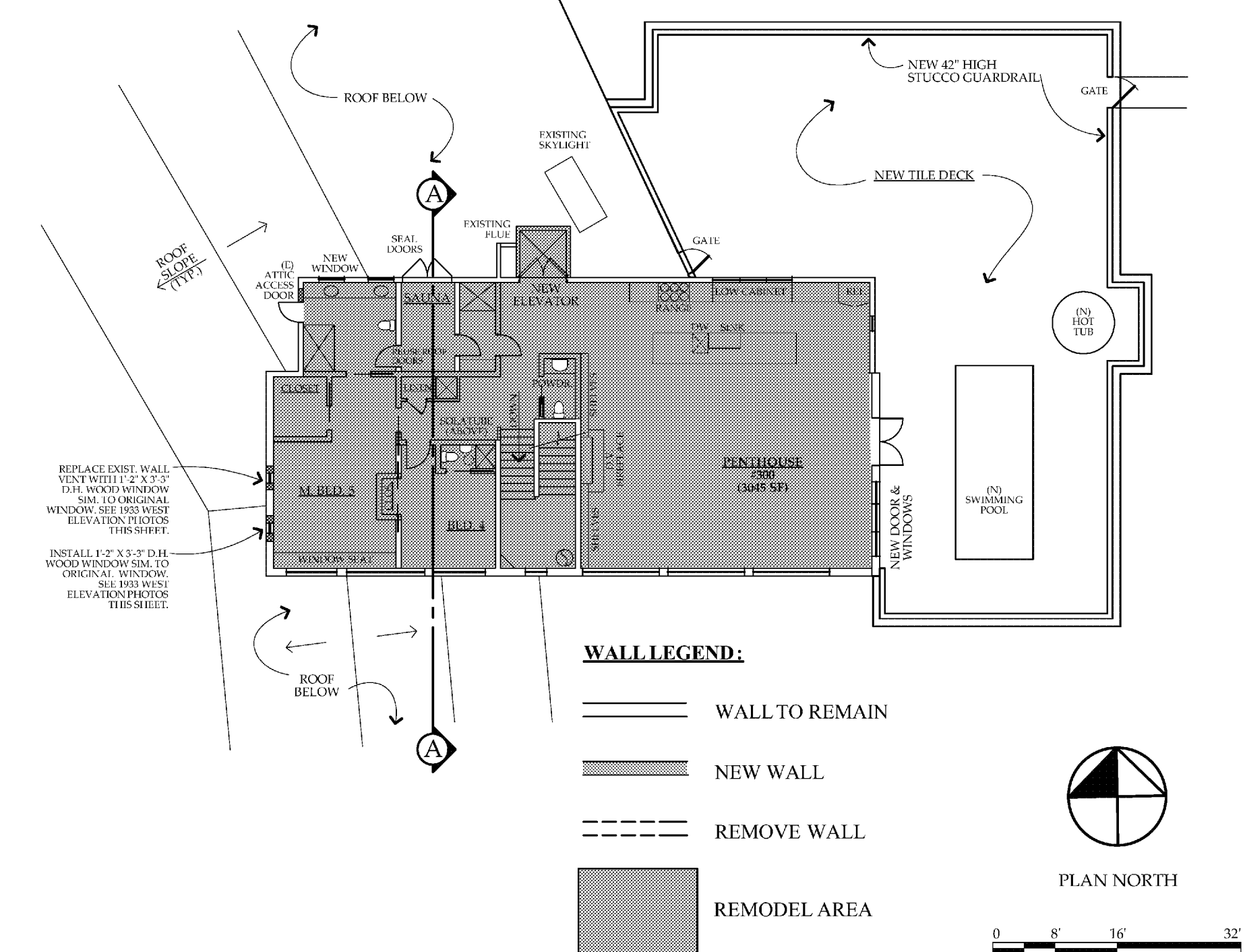


1933 WEST ELEVATIONS



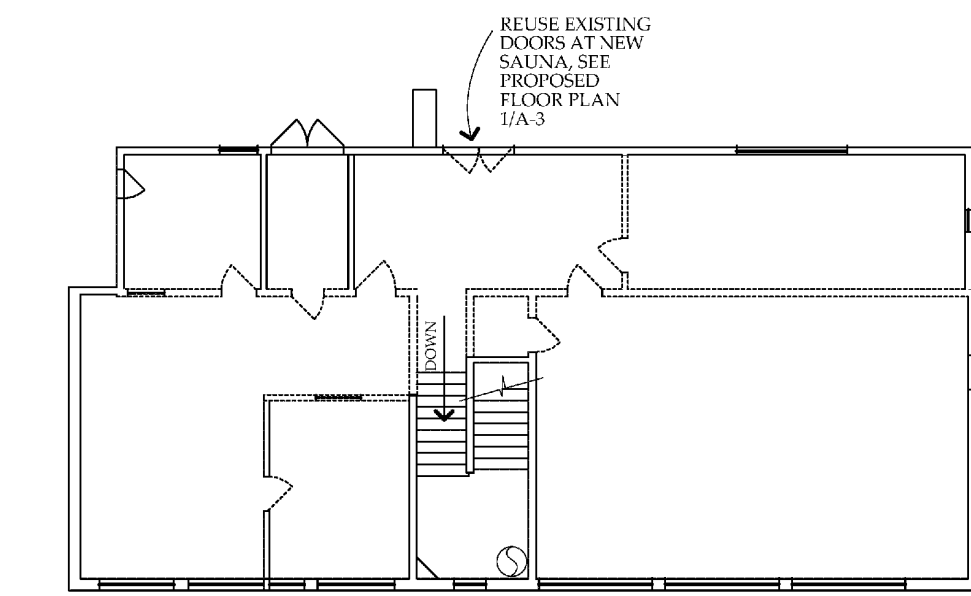
3 NORTH/SOUTH BUILDING SECTION A-A LOOKING EAST, 1925

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



1 THIRD FLOOR PLAN

SCALE: 1/16" = 1'-0"

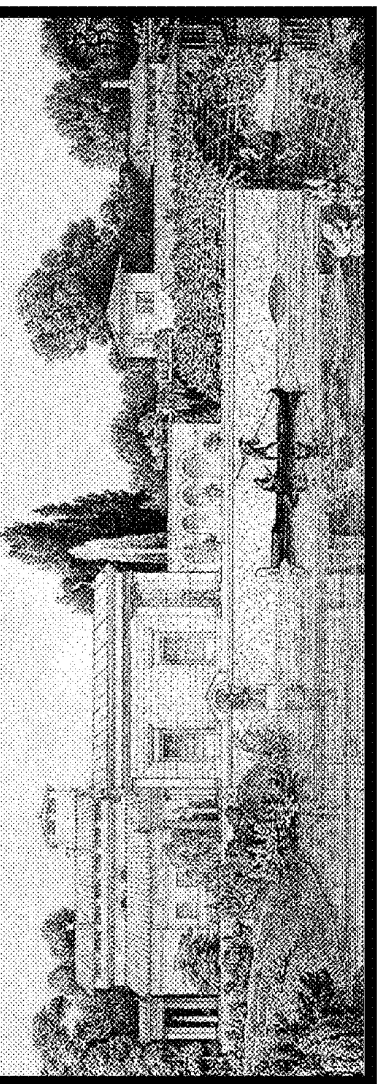


2 THIRD FLOOR DEMOLITION PLAN

SCALE: 1/16" = 1'-0"

FAÇADE RESTORATION & WOOD TREATMENT NOTES:

- 1) ALL WORK SHALL CONFORM TO THE 1995 SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATION OF HISTORIC BUILDINGS.
- 2) PRIOR TO DEMOLITION, THE CONTRACTOR WILL MEET WITH THE PRESERVATION ARCHITECT ON SITE TO REVIEW HISTORIC MATERIALS AND TREATMENTS.
- 3) RETAIN ALL ORIGINAL WOOD MEMBERS ON THE FRONT AND SIDES. MEMBERS SHALL BE PROTECTED AND PRESERVED DURING CONSTRUCTION.
- 4) SURFACE PREPARATION: REMOVE DAMAGED AND DETERIORATED PAINT FROM ALL WOOD SURFACES TO THE NEXT SOUND LAYER USING THE GENTLEST MEANS POSSIBLE (HANDSCRAPING AND HANDSANDING). USE CHEMICAL STRIPPERS PRIMARILY TO SUPPLEMENT HAND METHODS. IF APPROPRIATE, DETACHABLE WOOD ELEMENTS MAY BE CHEMICALLY DIP-STRIPPED. USE ELECTRIC HOT-AIR GUNS WITH CARE ON DECORATIVE WOOD FEATURES.
- 5) INSPECT WOOD MEMBERS FOR DAMAGE. ORIGINAL WOOD MEMBERS THAT ARE DAMAGED OR DETERIORATED, SHALL BE REPAIRED OR STABILIZED. IF REPLACEMENT IS NECESSARY, APPROVAL FROM PRESERVATION ARCHITECT IS REQUIRED. REPLACEMENT MATERIALS SHALL MATCH ORIGINALS IN MATERIAL, DESIGN, AND TEXTURE.
- 6) REPAIR, STABILIZE, AND CONSERVE FRAGILE WOOD USING WELL-TESTED CONSOLIDANTS WHEN APPROPRIATE. REPAIR WOOD FEATURES BY PATCHING, PIECING, OR REINFORCING THE WOOD USING RECOGNIZED PRESERVATION METHODS. THE NEW WORK SHALL BE PHYSICALLY AND VISUALLY COMPATIBLE AND BE IDENTIFIABLE UPON CLOSE INSPECTION.
- 7) PROTECT WOOD MEMBERS BY PROVIDING PROPER DRAINAGE AND AVOID WATER ACCUMULATION ON FLAT OF HORIZONTAL SURFACES.
- 8) NO HARSH TREATMENT OR CHEMICALS SHALL BE USED ON ORIGINAL WOOD MEMBERS. TREATMENTS THAT CAUSE DAMAGE TO ORIGINAL WOOD MEMBERS SHALL NOT BE USED.
- 9) PATCH AND REPAIR ANY DAMAGED STUCCO AND MATCH EXISTING STUCCO TEXTURE.
- 10) APPLY COMPATIBLE PAINT OR FINISH COAT SYSTEM FOLLOWING PROPER SURFACE PREPARATION ON STUCCO AND WOOD SURFACES. MATCH EXISTING INTERIOR AND EXTERIOR COLORS.
- 11) IF ANY SIGNIFICANT ARCHEOLOGICAL RESOURCES ARE FOUND, CONTACT THE CITY OF BERKELEY FOR APPROPRIATE MEASURES.



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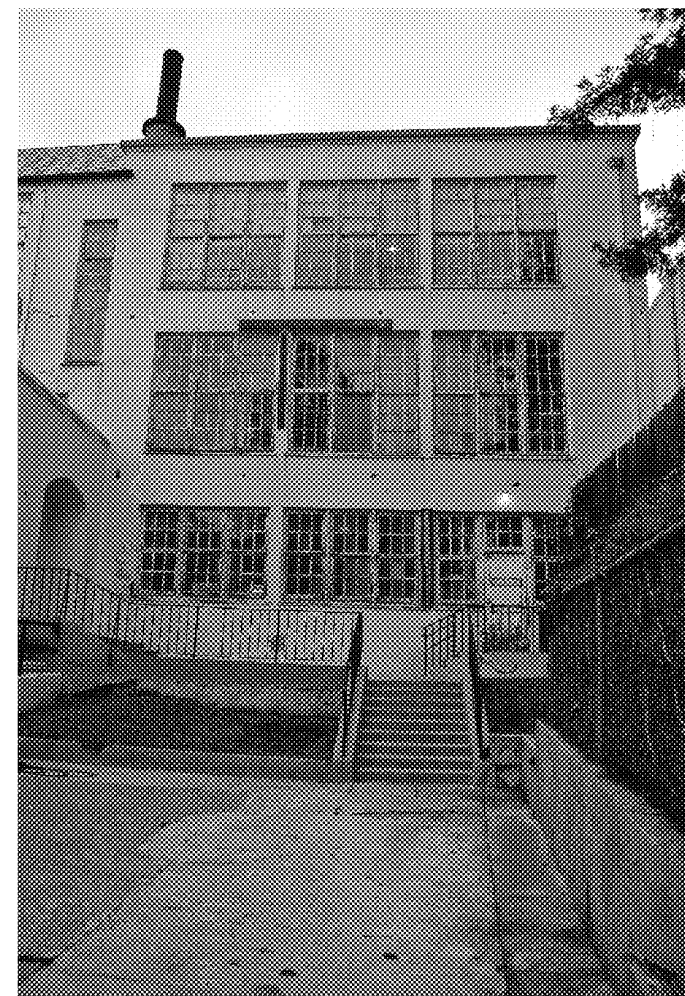
Rehabilitation & Remodel of
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Revisions:

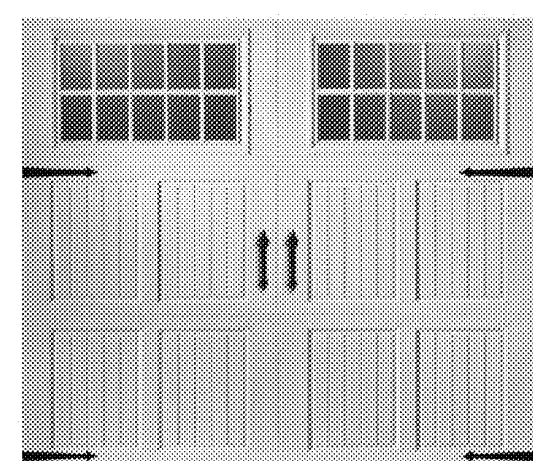
THIRD FLOOR
 PLANS AND BLDG.
 SECTION

SHEET
 A-3

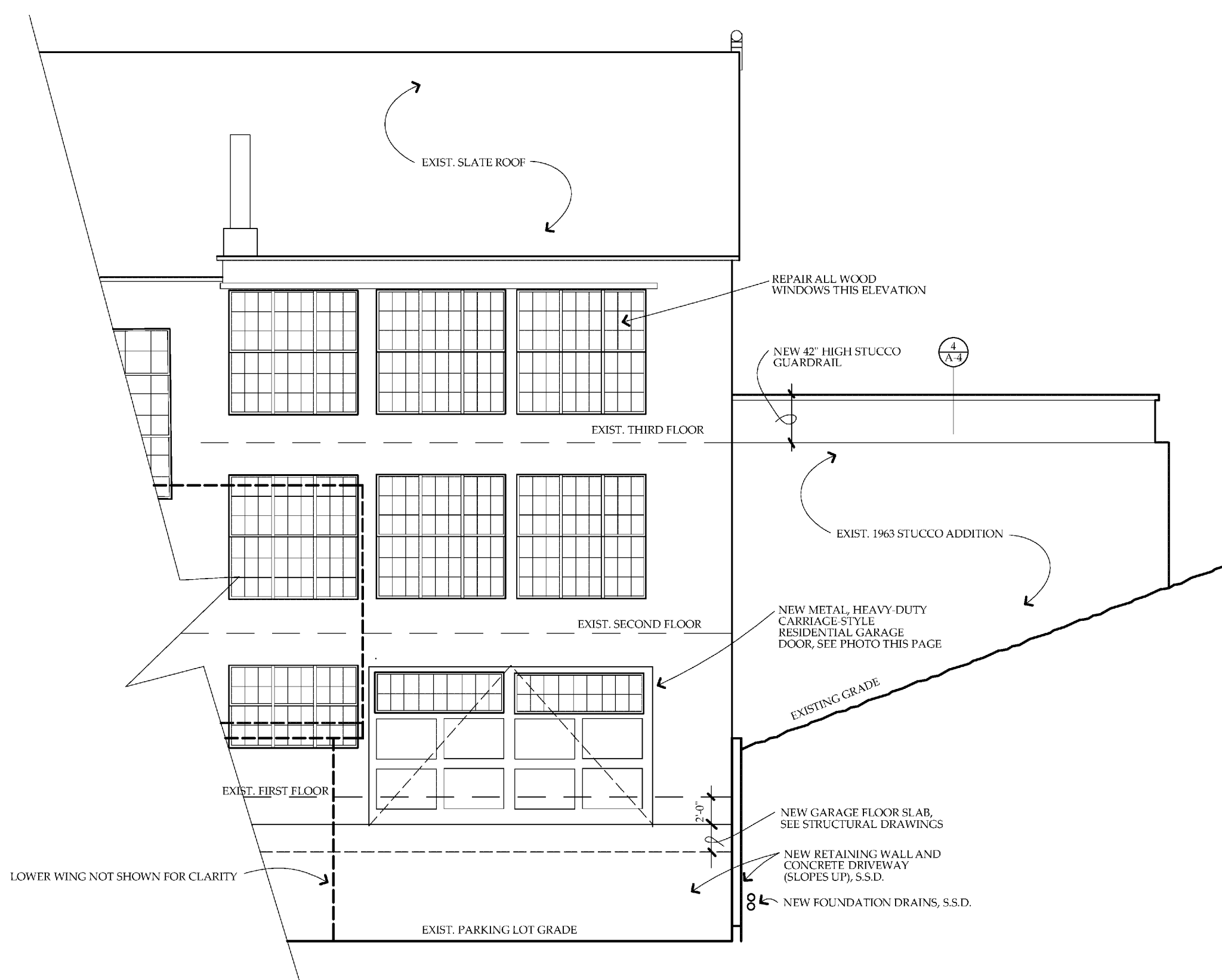
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SOUTH ELEVATION PHOTO



PROPOSED GARAGE DOORS



1 SOUTH ELEVATION DETAIL

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

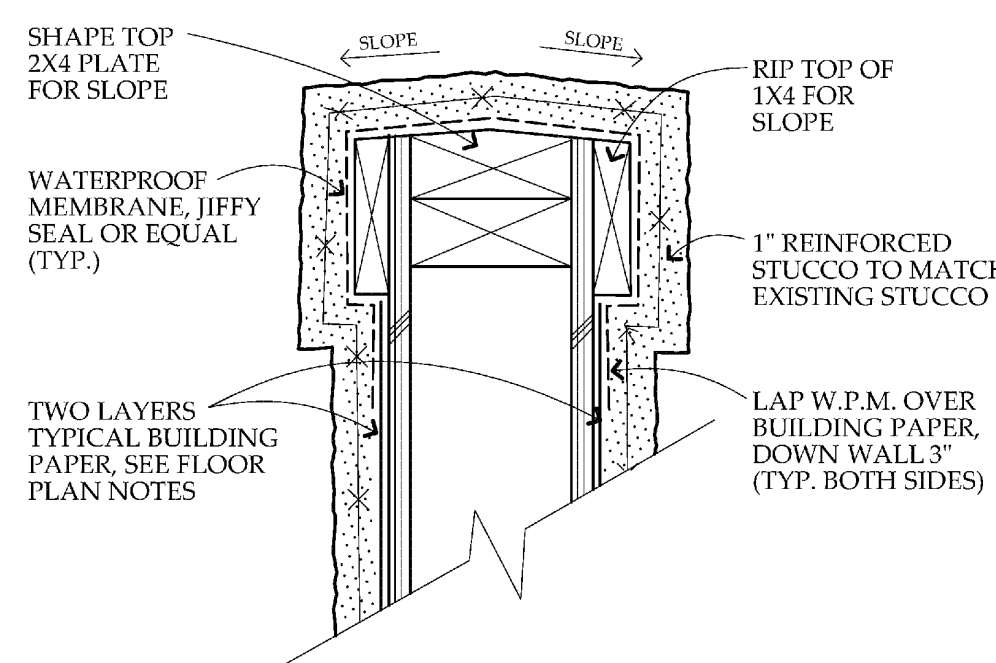


EAST ELEVATION PHOTO



2 EAST ELEVATION DETAIL

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

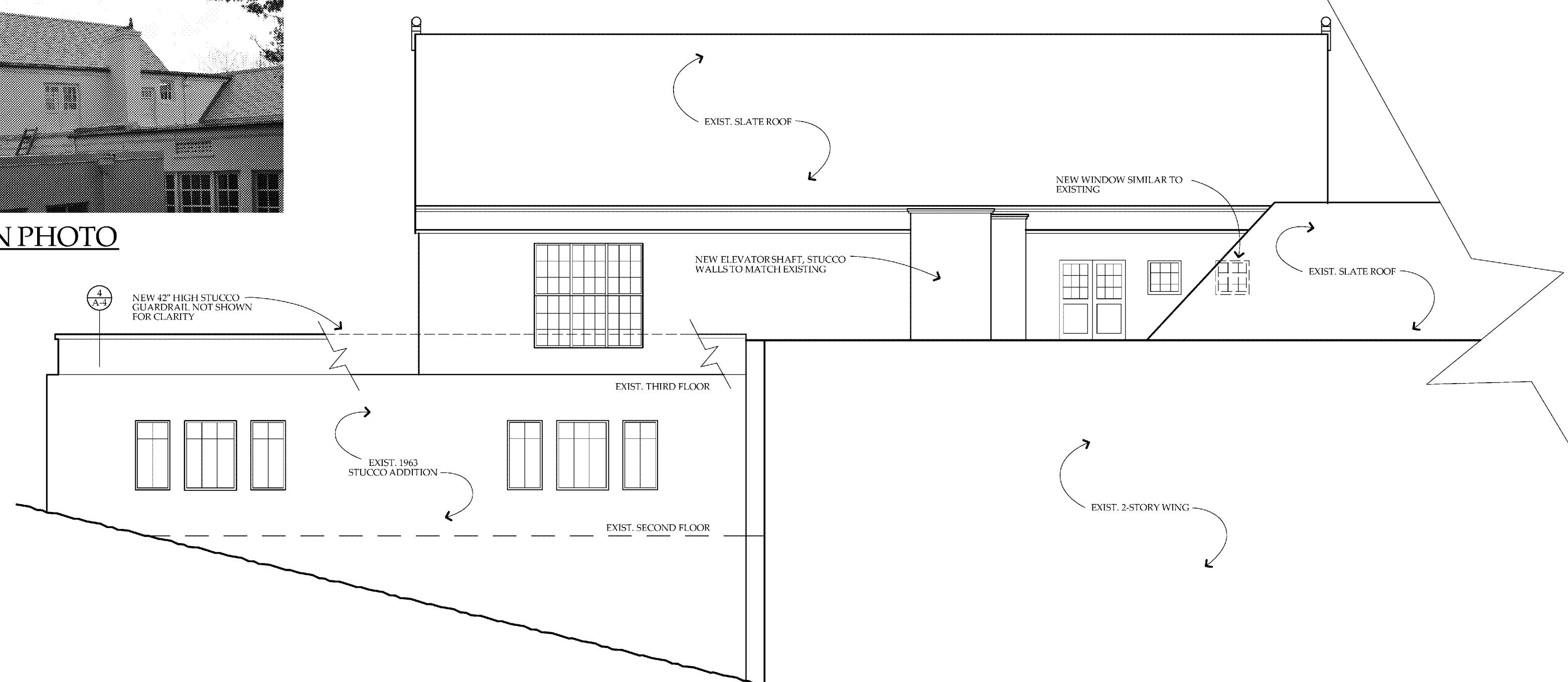


4 STUCCO GUARDRAIL DETAIL

SCALE: 3" = 1'-0"

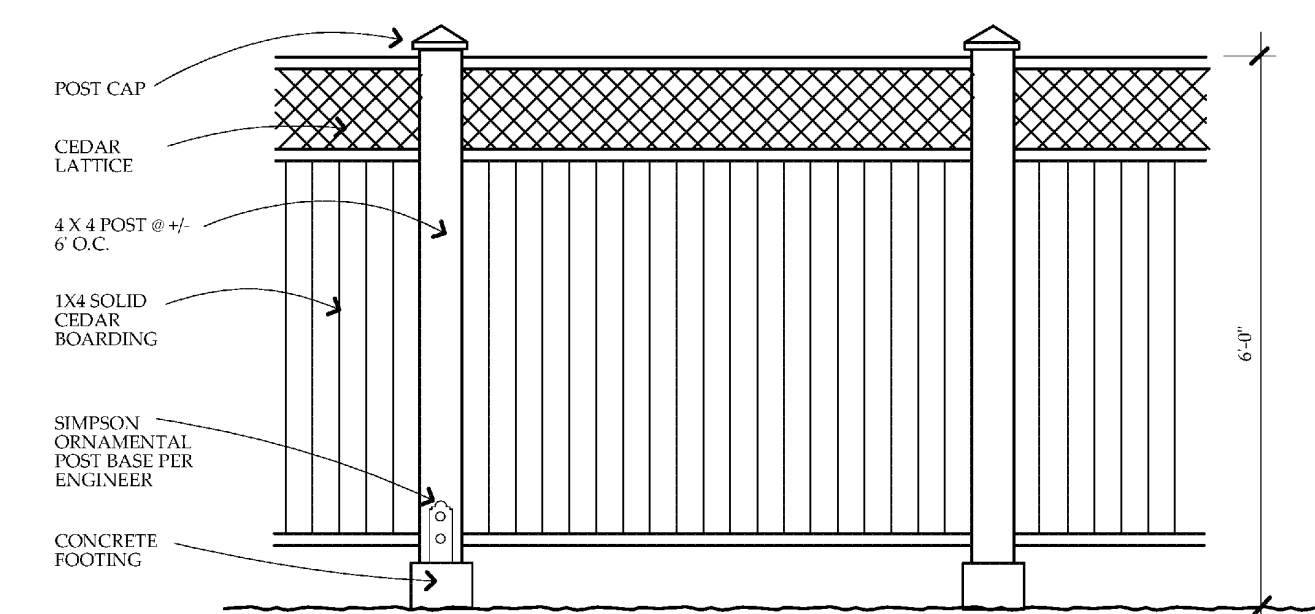


NORTH ELEVATION PHOTO



3 NORTH ELEVATION DETAIL

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



5 WOOD FENCE DETAIL

SCALE: 1/2" = 1'-0"

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Rehabilitation & Remodel of
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for
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1581 Le Roy Avenue
Berkeley, CA

Revision

PARTIAL ELEVATIONS & DETAILS

SHEET
A-4



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Planning & Development Department
Land Use Planning Division

April 8, 2019

Jerri Holan
Jerri Holan & Associates
1323 Solano Avenue, #204
Albany, CA 94706

Sent via email:
jerri@holanarchitects.com

RE: 1581 Le Roy Avenue, Application #ZP2019-0061.

Use permit: *To make alterations to a landmark property including, (1) converting an existing K-12 School into a single family residence with 5 bedrooms, (2) establishing an ADU within the main building, (3) establishing a moderate impact home occupation, (4) adding 18 off-street parking spaces, (5) replacing existing fencing and constructing new fencing over 6 ft. in height, (6) creating a new deck over 14 ft. in average height and installing a hot tub on the new deck area, and (7) constructing an attached elevator shaft over 20 ft. in height.*

Dear applicant:

On behalf of the City of Berkeley, I would like to introduce myself as the project planner for the above referenced application. Staff from various City departments will be reviewing your application, including the Building and Safety, Land Use Planning and Transportation divisions, as well as other interested parties, to ensure that the project application is complete. If any questions arise, City staff will either contact you in writing or by phone at the number supplied on your application. Unless you inform us otherwise, you will be the primary contact during the application process

You can expect site visits by various staff members in the next couple of weeks. These visits will be from the public right-of-way, unless staff makes an appointment with you in advance. I will be contacting you within 30 days of your application date to follow-up with the status of the project and to request any additional information needed for your application to be deemed complete. Answers to frequently asked questions related to Use Permits, including "what is the process" and "how long does it take" can be found on the City's website at: <http://www.ci.berkeley.ca.us/contentdisplay.aspx?id=820>

Please note that due to staffing reductions and the level of permit activity, applicants should be prepared to expect longer processing times than in the past. The City has consultants available to expedite applications for an additional fee.

Please feel free to contact me if you are interested in using this service to expedite your application or if you have other questions or comments about your application. I can be reached by email at fcrane@cityofberkeley.info or by phone at (510) 981-7413.

Please know that this application is subject to the Permits Streamlining Act, Government Code Section 65921, which (1) sets forth various time limits within which state and local government agencies must either approve or disapprove permits and (2) providing that these time limits may be extended once (and only once) by agreement between the parties.

I look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Fatema Crane".

Fatema Crane
Senior Planner

I have reviewed the plans for converting Hillside School (1581 Le Roy Avenue) into a single-family residence with an ADU and Moderate Home Occupancy Permit.

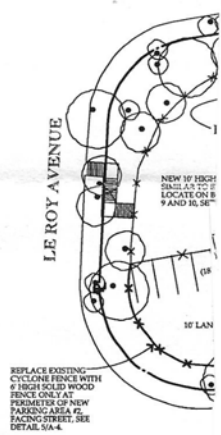
GENERAL AND SITE PLAN

1. These Drawings and Specifications are the sole possession of the General Contractor.
2. Use of these drawings constitutes an acknowledgment of their accuracy and a reference in connection with the Work.
3. The architect will not be responsible for the drawings and specifications.
4. The architect does not accept any liability for the accuracy of the drawings and specifications.
5. The architect shall be brought to the attention of the contractor.
6. All work shall conform to the Interior's Standards for the Work.
7. By executing the Work, the contractor shall be responsible for the requirements of the Drawings.
8. The contractor shall be responsible for the requirements of the Drawings.
9. The contractor shall be responsible for the requirements of the Drawings.
10. The site shall be kept clear of all materials and equipment.
11. Any work not shown or specified shall be noted as new.
12. All items not noted as new shall be noted.
13. All existing walls, floors, and ceilings shall be noted.

NEIGHBORHOOD SIGNATURES

Printed Name	Signature	Address	Owner or Renter	Date	Have No Objections	Have Objections (Please state briefly)	Have No Comment
		2530 Buena Vista					
		2535 Buena Vista					
		2545 Buena Vista					
		2555 Buena Vista					
		2564 Buena Vista					
		2565 Buena Vista					
		2573 Buena Vista					
		1520 Le Roy					
		1526 Le Roy					
		1536 Le Roy					
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		1578 Le Roy					
		1580 Le Roy					
		1584 Le Roy					
		1586 Le Roy					
		1590 Le Roy					
		1595 Le Roy					
		1512 La Loma					
		1514 La Loma					
		1515 La Loma					
		1521 La Loma					
		1525 La Loma					
		1528 La Loma			✓	3/15/14	
		1530 La Loma			✓	3/15/14	
		1542 La Loma					
		1544 La Loma					
		1546 La Loma					
		1550 La Vereda					
		1555 La Vereda					
		2639 Cedar					
		2641 Cedar					
		1521 Hill Court					

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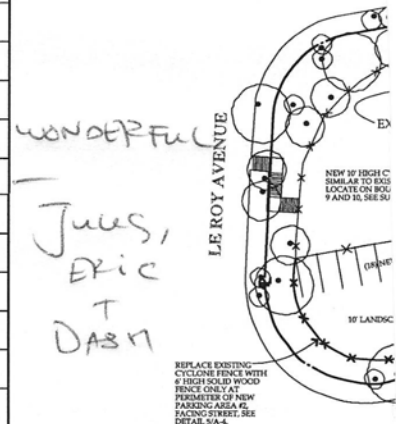
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I have reviewed the plans for converting Hillside School (1581 Le Roy Avenue) into a single-family residence with an ADU and Moderate Home Occupancy Permit.

GENERAL AND SITE PLAN 1

1. These Drawings and Specific possession of the General C
2. Use of these drawings const
3. Drawings and Specification reference in connection with
4. The architect will not be res
5. The architect does not acce, advised to verify any and al shall be brought to the atter
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7. By executing the Work, the requirements of the Drawin
8. The Contractor shall be res
9. The contractor shall be res
10. The site shall be kept clean NEW WINDOW UNITS I
11. Any work not shown or sp
12. All items not noted as new
13. All existing walls, floors, a noted.

NEIGHBORHOOD SIGNATURES						
Printed Name	Signature	Address	Owner or Renter	Date	Have No Objections	Have Objections (Please state briefly)
		2530 Buena Vista				
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		1570 Le Roy				
		1578 Le Roy				
		1580 Le Roy				
		1584 Le Roy				
		1586 Le Roy				
		1590 Le Roy				
		1595 Le Roy				
	JULIA SHELL ERIC PINARELLI	1512 La Loma	OWNER	4/10	✓	WE SUPPORT THIS RESTORATION!
		1514 La Loma				
		1515 La Loma				
		1521 La Loma				
		1525 La Loma				
		1528 La Loma				
		1530 La Loma				
		1542 La Loma				
		1544 La Loma				
		1546 La Loma				
		1550 La Vereda				
		1555 La Vereda				
		2639 Cedar				
		2641 Cedar				
		1521 Hill Court				



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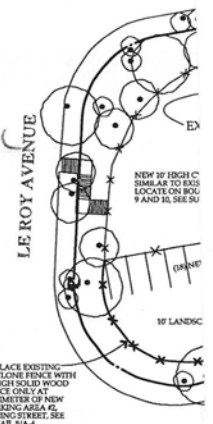
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		1550 La Vereda				
		1555 La Vereda				
		2639 Cedar				
		2641 Cedar				
		1521 Hill Court				

Land Use Planning
Received
April 15, 2019



WONDERFUL
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de School - Berkeley - S. End Kind'g'n - 4-21-33 m.w.s.



Planning and Development
Land Use Planning Division

May 1, 2019

Jeri Holan, AIA
Jeri Holan & Associates
1323 Solano Avenue
Albany, CA 94706

RE: Applications for Use Permit (ZP) 2019-0061 & Structural Alteration Permit (LMSAP) 2019-0004 -- To convert an existing K-12 school building and site to low-density residential use with an incidental home occupation in the R-1(H) district.

Dear Jeri,

Hello! I reviewed the applications referenced above - thank you for your submittal. Unfortunately I am unable to continue my review as these applications are incomplete, pursuant to Gov't Code section 65943, and require more information. In order to proceed, we must address the matters that I have outlined below. Please carefully consider the items on this list and then contact me with any questions or concerns.

1. Seismic Hazard Investigation. As described in the City's Zoning Submittal Requirements document, all applications for projects in a seismic hazard zone must include a geotechnical report satisfying the requirements of the State's Special Publication 117. This project is located on such a site and, if the project is valued at 50% or more of the subject building's value, then a geotechnical report is required for this application. You must provide such a report or demonstrate that one is not required according to the established criteria.

2. Home Occupation use. Please confirm whether the property owner will conduct the proposed Home Occupation for Art-related Events as a commercial activity that would require a Business License (Berkeley Municipal Code Title 9), or if these intended activities and events would be free-of-charge to the guests and participants. This information will assist the City in determining the appropriate permitting requirements for this proposed, incidental use of the subject property.

1581 Le Roy Avenue – #ZP2019-0061 & #LMSAP2019-0004
Page 2

3. Revised project plans. Please revise the proposal and the project plans to limit the size of the proposed Accessory Dwelling Unit (ADU) to more than 850 sq. ft. in total area. Berkeley Municipal Code Section 23C.16, the ADU ordinance, was recently revised and no longer permits these units to exceed 850 sq. ft. in total area. Please also revise the proposal and project plans to include information about the height of the proposed storage sheds.

Please review the project plans and then add or amend the information about the proposed exterior changes to the building that may have been omitted or overlooked on the plan set submitted April 1, 2019. For example, drawings 2/A-4 and 3/A-4 appear to misrepresent the existing conditions and whether the existing chimney will be retained, truncated or otherwise altered. Improvements required to create vehicle access to the new garage and the height of the new retaining wall on drawing 1/A-2 are not described.

4. Advisory comment: Please be advised that additional queries may result from my review of the information requested above.

We remind all applicants that they are responsible for the accuracy and completeness of all application materials. Incorrect or incomplete information may result in delay or denial of your application.

Once assembled, you should address your re-submittal package to my attention and deliver it to our receptionist in the Permit Service Center during regular business hours. Be sure to include an electronic copy of all items submittal saved on a CD storage disc, and include the disc in your re-submittal package.

Thank you for your consideration; I look forward to working with you!

Yours sincerely,



M. Fatema Crane
Senior Planner
Direct tel.: 510-981-7413
Office tel.: 510-981-7410

CITY of BERKELEY
Planning and Development Department
Permit Service Center
1947 Center Street, 2nd Floor
Berkeley, CA 94704
Hours: Mon. – Fri., 8:30 AM to 4 PM
Except Tuesdays until 3PM



JERRI HOLAN & ASSOCIATES, AIA
Architects + Engineers + Planners

May 20, 2019

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MAY 21 2019

LAND USE PLANNING

Fatema Crane, Senior Planner
City Of Berkeley Planning Division
Center Street
Berkeley, CA 94704

RE: *Use Permit Application (ZP) 2019-0061 &
Structural Alteration Permit (LMSAP) 2019-0004
1581 Le Roy Avenue*

Dear Ms. Crane:

Below are our responses to the items requested in your letter dated May 1, 2019. Revised Plans have been submitted separately.

1. To satisfy State's Special Publication 117, we are submitting a Residential Conversion Costs Table (under separate cover) itemizing the areas that will be converted to residential use, their square footage, their construction costs, and totals showing that the residential remodel will cost less than 50% of the purchase price of the property and will comprise less than 50% of the building's total square footage.
2. According to Aaron Lowe in Berkeley's Finance Department, since this project will have no sales or commercial uses on the property (the art center activities will be completely private and by invitation only, they will not be open to the public), a business permit will not be required. Therefore, the Moderate Impact Home Occupation Permit might not be necessary.
3. We have revised the ADU on the first floor to comply with the 850 sq.ft. Requirement.

We have included a photo of the proposed new accessory "art" sheds, specified their height, and located them in our preferred locations.

The height of the new retaining wall on the east side of the new driveway has been specified.

In addition, we are "restoring" the South Terrace back to it's original configuration with two wing walls and brick treads. However, we are keeping its' current smaller footprint rather than restoring the Terrace to the full width of the building as this would block access to Parking Area 1.

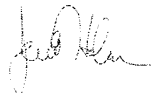
We have corrected the existing exhaust shaft to show it's correct height next to the new elevator shaft.

The Office (Room 201) on the second floor has been converted to a Bedroom Suite. Please note on the Application that the project will have six bedrooms, not five.

4. A Supplemental Applicant's Statement is included under separate cover.

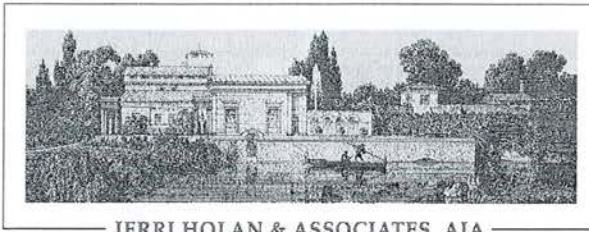
Please contact me if you have any questions or need additional information. Otherwise, I look forward to hearing from you regarding our possible hearing dates in the Fall.

Sincerely,



Jerri Holan, FAIA

(Attachments Under Separate Cover)



JERRI HOLAN & ASSOCIATES, AIA
Architects ♦ Engineers ♦ Planners

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APPLICANT'S SUPPLEMENTAL STATEMENT

Hillside School
1581 Le Roy Avenue

May 20, 2019

As stated in the Project Description and Applicant's Statement dated March 11, 2019, the Owner is permitting the neighbors to continue using the existing playground, dog park and picnic areas for the time being.

These areas will be open from sunrise to sunset, year round, including holidays.

The Owner has agreed to maintain liability insurance on these premises and reserves the right to rescind public access at any time.

RESIDENTIAL CONVERSION COSTS			
for			
1581 Le Roy Avenue			
May 15, 2019			
California Public Resource Code Section 2293 (d) (2)			
Area	Square Footage	Const. Cost/sf	Total Cost
EXTERIOR			
Elevator	25	N/A	\$55,000
New Driveway & Retaining Wall	1900	\$30	\$57,000
FIRST FLOOR			
Accessory Dwelling Unit	850	\$200	\$170,000
Garage	1710	\$75	\$128,250
SECOND FLOOR			
New Bathrooms	260	\$300	\$78,000
Remodel Bedrooms	2800	\$75	\$210,000
Remodel Living and Family	1830	\$75	\$137,250
THIRD FLOOR			
New Balcony, Pool, & Hot Tub	3110	\$125	\$388,750
Penthouse Remodel	3045	\$200	\$609,000
TOTALS	15,530* (3% of Total)		\$1,833,250** (38% of Total)

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*Total Square Footage of Building = 500,320 sf

**Total Value of Building = \$4,800,000



EXISTING WEST ELEVATIONS, 2019

PARCEL CONDITIONS:

- 1) Building is on the National Register of Historic Places and is a City Landmark;
- 2) Building is in the Fault Zone;
- 3) Building is in the Landslide Zone;
- 4) Building is not in a Creek Zone.

SCOPE OF ALTERATION WORK (NO SQUARE FOOTAGE BEING ADDED):

- 1) CHANGE OF OCCUPANCY FROM EDUCATIONAL TO SINGLE-FAMILY RESIDENTIAL WITH ADU;
- 2) REPLACE & RESTORE MISCELLANEOUS DOORS, WINDOWS & SIDELIGHTS;
- 3) RESTORE DAMAGED 3-STORY SOUTH WALL & REPLACE FOUNDATION;
- 4) RESTORE SOUTH TERRACE, ADD WING WALLS AND BRICK STAIRS SIMILAR TO ORIGINAL TERRACE.
- 5) CONVERT KITCHEN TO GARAGE AND ADD NEW CONCRETE DRIVEWAY AND RETAINING WALLS;
- 6) ADD ELEVATOR;
- 7) ADD BATHROOMS TO SECOND FLOOR;
- 8) REMODEL THIRD FLOOR AND ADD REAR DECK WITH STUCCO GUARD RAILS, POOL AND HOT TUB;
- 9) REPLACE ELECTRICAL AND MECHANICAL SYSTEMS;
- 10) ADD SOLAR PANELS;
- 11) ADD NEW FENCING;
- 12) ADD NEW PARKING AREA 2.

SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATING HISTORIC BUILDINGS:

As a property on the National Register of Historic Properties, the following Standards shall be followed:

- Standard 1** - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Standard 2** - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Standard 3** - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
- Standard 4** - Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Standard 5** - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Standard 6** - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Standard 7** - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Standard 8** - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Standard 9** - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
- Standard 10** - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2016 CALIFORNIA HISTORICAL BUILDING CODE (CHBC) NOTES:

As a qualified historic building, the application of the following provisions of the CHBC apply:

SECTION 8-102.1.6 - Qualified buildings shall not be subject to additional work required by the regular code beyond that required to complete the work undertaken.

SECTION 8-901.5 - Qualified buildings are exempted from compliance with energy conservation standards.

PLANNING, ZONING, & BUILDING INFORMATION:

APN: 058-2245-009-03 Fire Zone 2

Zoning: R-1H Existing Educational Building Occupancy (E) is converting to Single-family Residential Occupancy (R-3)

Three-story, Type VB Construction, Fully Sprinklered

Lot Size: 117,546 sf Footprint Size: 25,695 sf

First Floor Size: 25,695 sf
Second Floor Size: 21,562 sf
Third Floor Size: 3,045 sf

TOTAL SIZE 50,302 SF



TABULATION FORM

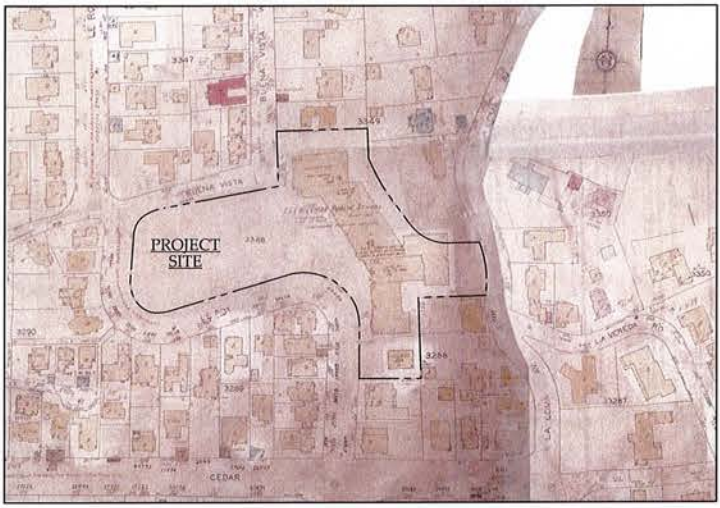
Project Address: 1581 Le Roy Avenue Date: Feb 20, 2019
Applicant's Name: Jerri Holan & Associates

Zoning District: R-1H

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/Required
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (U)	0	2	2
Number of Parking Spaces (P)	9	27	1
Number of Bedrooms (B)	0	5	0
Yards and Height			
Front Yard Setback (Feet)	10-20	10-20	20
Side Yard Setbacks (facing property)			
Left (Feet)	25	25	4
Right (Feet)	25	25	4
Rear Yard Setback (Feet)	15-40	15-40	20
Building Height* (Stories)	3	3	3
Average* (Feet)	35	35	35
Maximum* (Feet)	50	50	35
Areas			
Lot Area (Square-Feet)	117,546	117,546	5,000
Gross Floor Area* (Square-Feet)	50,302	50,302	N/A
Total Area Covered by All Floors	50,302	50,302	N/A
Building Footprint* (Square-Feet)	25,695	25,695	N/A
Total of All Structures	25,695	25,695	N/A
Lot Coverage* (Footprint/Lot Area) (%)	22	22	40
Useable Open Space* (Square-Feet)	91,851	91,851	600
Floor Area Ratio* (Except ES-R)			
Non-Residential only			

*See Definitions - Zoning Ordinance Title 23F Revised: 03/15



VICINITY MAP

APPROX. SCALE: 1" = 100'

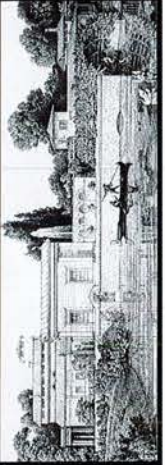
DRAWING INDEX

- T-1 TITLE SHEET
- A-1 SITE & ROOF PLAN
- SY-1 SURVEY
- A-2 FIRST & SECOND FLOOR PLANS
- A-3 THIRD FLOOR PLANS & BUILDING SECTION
- A-4 PARTIAL ELEVATIONS & DETAILS
- A-5 ENERGY FORMS & FLASHING DETAILS

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MARCH 15, 2019 - PROGRESS SET FOR NEIGHBORS FEB. 25, 2019 - PROGRESS SET FOR NEIGHBORS



JERRI HOLAN & ASSOCIATES
ARCHITECT • ENGINEERS • PLANNERS
1323 Solano Avenue, Suite 204, Albany, CA 94706
www.holanarchitects.com 510.528.1079

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPÄLÄ
1581 Le Roy Avenue
Berkeley, CA

Revision	Date	Description
1	02/20/2019	Supplemental Submission for Use Permit
2	04/11/2019	Scheduled for Use Permit
3	04/11/2019	Revised for Historical Commission Review & Design Review

TITLE SHEET

SHEET
T-1
of 6

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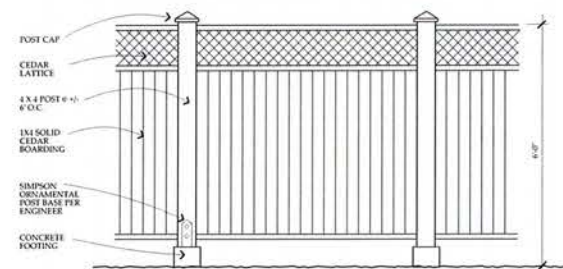
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GENERAL AND SITE PLAN NOTES:

- These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
- Use of these drawings constitutes acceptance.
- Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
- The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
- The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
- All work shall conform to the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Historical Building Code (CHBC), The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.
- By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawings and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
- The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
- The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
- The site shall be kept clean at all times. Materials indicated to be reinstalled shall be stored and protected onsite unless otherwise noted. THE BASEMENT AREA WILL BE AVAILABLE FOR STORAGE OF NEW WINDOW UNITS DURING CONSTRUCTION. Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
- Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
- All items not noted as new (N) are existing.
- All existing walls, floors, and ceilings at removed, new or modified construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.

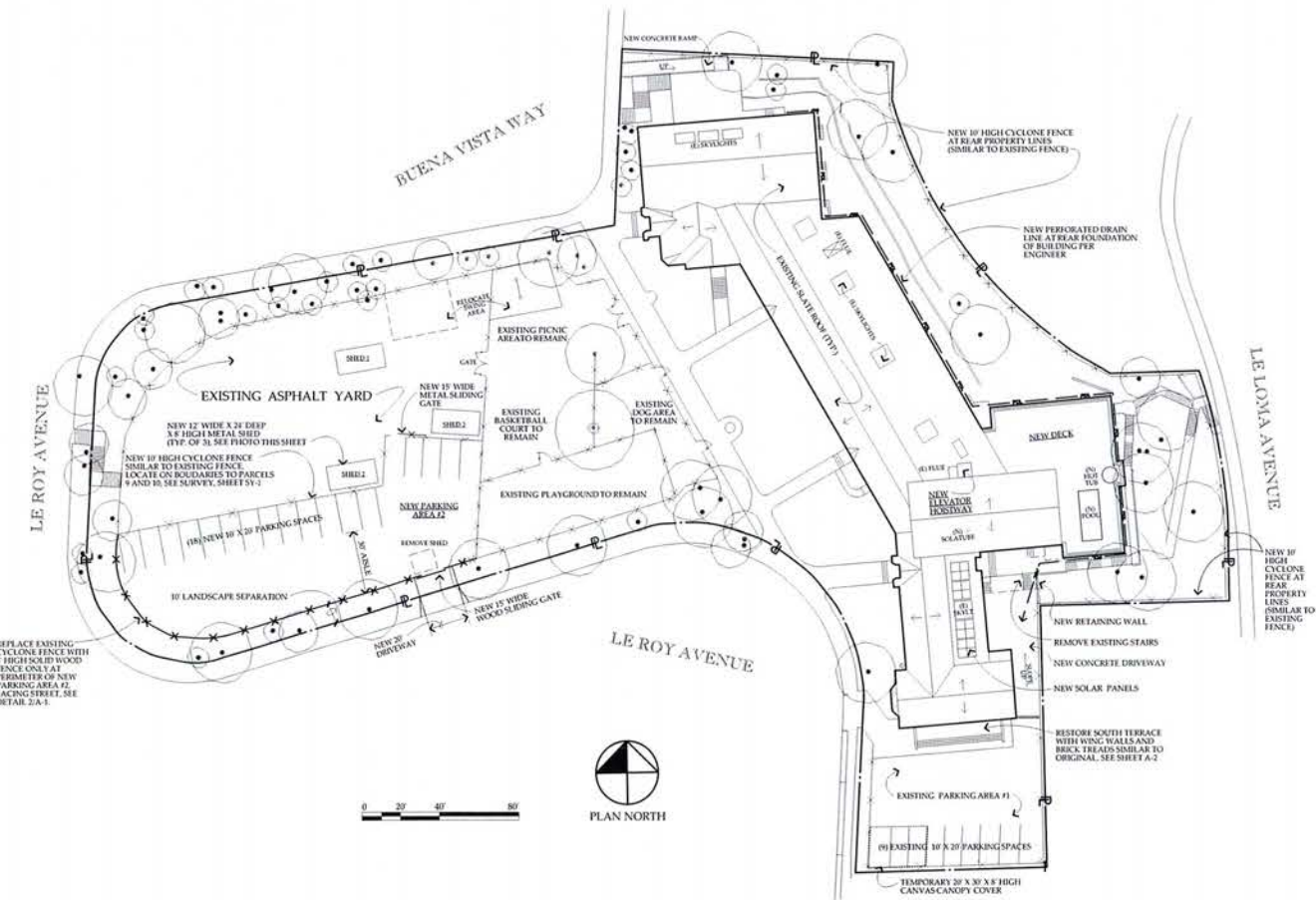


PROPOSED NEW SHED



2 WOOD FENCE DETAIL

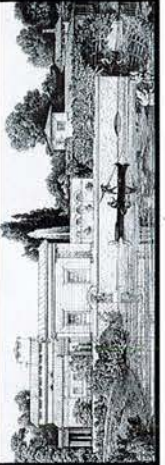
SCALE: 1/2" = 1'-0"



1 SITE & ROOF PLAN

SCALE: 1" = 40'

MARCH 15, 2019 - PROGRESS SET FOR NEIGHBORS FEB. 25, 2019 - PROGRESS SET FOR NEIGHBORS



JERRI HOLAN & ASSOCIATES
ARCHITECT • ENGINEERS • PLANNERS
1323 Solano Avenue, Suite 204, Albany, CA 94706
www.jerriholanarchitects.com 510.528.7079

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPALA
1581 Le Roy Avenue
Berkeley, CA

Revisions

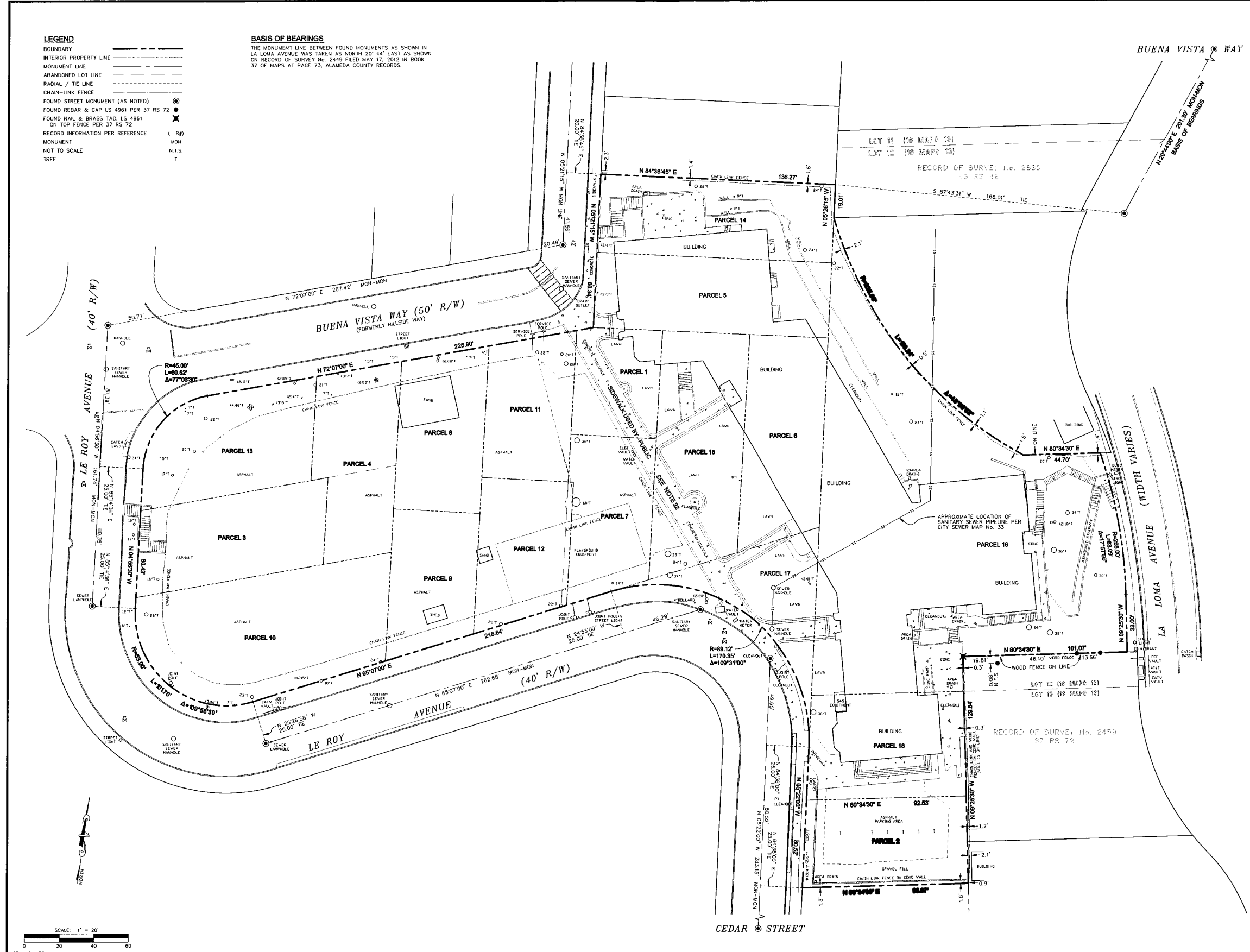
Rev. No.	Description

SITE & ROOF PLAN
SHEET

A-1

of 6





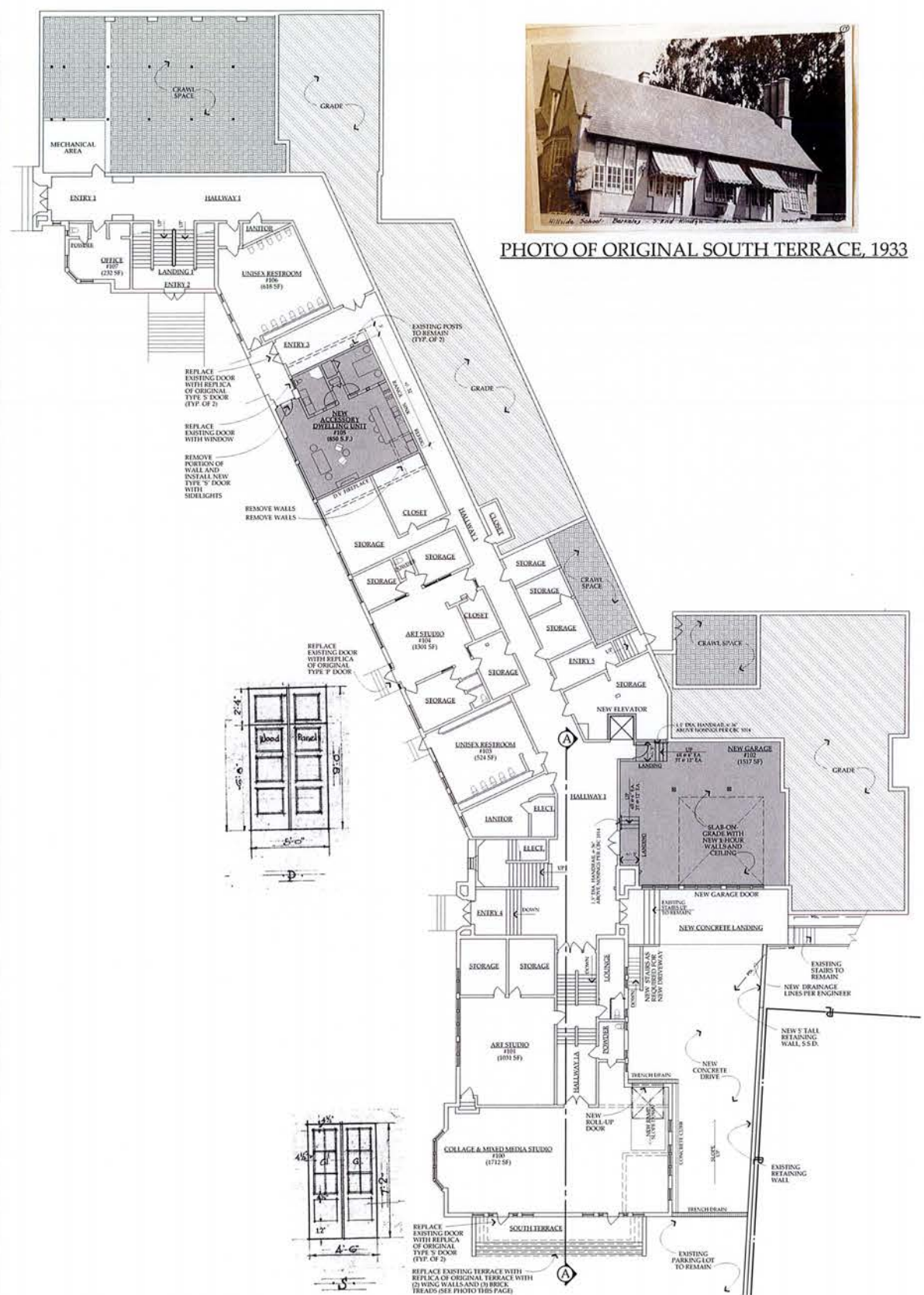
DMG ENGINEERING, Inc.
30 OAKVUE COURT
PLEASANT HILL, CA 94523
PHONE: (925) 781-0463
FAX: (925) 287-8503

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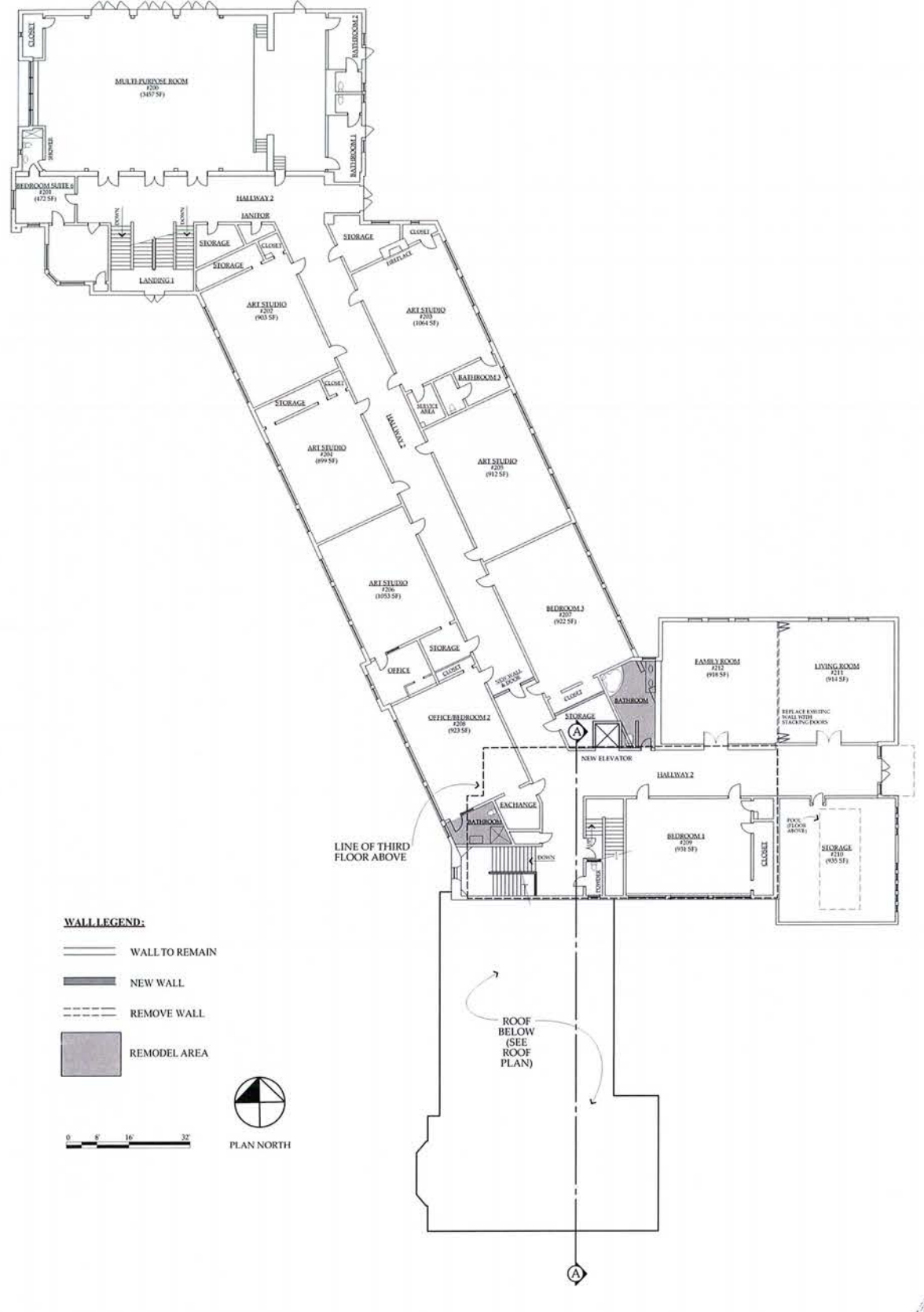
ALTA / NSPS LAND TITLE SURVEY
ALAMEDA COUNTY A.P.N. 58-2245-9-3
1581 LE ROY AVENUE
CITY OF BERKELEY - CALIFORNIA
SCALE: 1" = 20 FEET
OCTOBER 2018

SHEET 2
OF 2 SHEETS
ORIG DWG: 10-12-2018
REV DWG: _____
JOB: 18-132

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1 FIRST FLOOR PLAN
SCALE: 1/16" = 1'-0"



2 SECOND FLOOR PLAN
SCALE: 1/16" = 1'-0"

MARCH 15, 2019 - PROGRESS SET FOR NEIGHBORS FEB. 25, 2019 - PROGRESS SET FOR NEIGHBORS



PHOTO OF ORIGINAL SOUTH TERRACE, 1933

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www.holanarchitects.com 510.528.1079

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPÄLÄ
1581 Le Roy Avenue
Berkeley, CA

Revisions

Rev. No.	Rev. Description

FIRST & SECOND
FLOOR PLANS

SHEET
A-2
of 6

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2016 Low-Rise Residential Mandatory Measures Summary

NOTE: Low-rise residential buildings subject to the Energy Standards must comply with all applicable mandatory measures, regardless of the compliance approach used. Review the respective section for more information. Exceptions may apply. (Exception 502.02.7.)

Building Envelope Measures:	
§ 110-0001	Air Leakage. Manufactured fenestration, exterior doors, and exterior pet doors must meet an leakage of 0.3 cfm/ft² or less when tested per NFRC 68 or ASTM E283 or AIAA/WMA/CA 5101 S. 20440-2011.
§ 110-0002	Labeling. Fenestration products must have a label meeting the requirements of § 110-0110.
§ 110-0003	Felt lateral exterior doors and fenestration products. Must use U factor and solar heat gain coefficient (SHGC) values from Table E.5.10.6.A and 110.6.B for compliance and must be caulked and/or weatherstripped.
§ 110-0004	Air Leakage. Air joints, penetrations, and other openings in the building envelope that are potential sources of air leakage must be caulked, gaskets or weather stopped.
§ 110-0005	Insulation Certification by Manufacturer. Insulation specified or installed must meet Standards for Insulating Material.
§ 110-0006	Insulation Requirements for Heated Slab Floors. Heated slab floors must be insulated per the requirements of § 110-0101.
§ 110-0007	Roofing Products Solar Reflectance and Thermal Emittance. The thermal emittance and aged solar reflectance values of the roofing material must meet the requirements of § 110-0101 when the installation of a roof is as specified on the CFIR.
§ 110-0008	Radiant Barrier. A radiant barrier must have an emittance of 0.05 or less and be certified to the Department of Consumer Affairs.
§ 110-0009	Ceiling and Rafter Roof Insulation. Minimum R-22 insulation in wood frame ceiling, or the weighted average U factor must not exceed 0.043. Minimum R-19 or weighted average U factor of 0.034 or less in rafter roof alteration. Rtc. access doors must have permanently attached insulation using adhesive or mechanical fasteners. The rtc. access must be gasketed to prevent air leakage. Insulation must be installed in direct contact with a continuous roof or ceiling which is watered to limit infiltration and exfiltration as specified in § 110-0101, excluding but not limited to rafter insulation either above or below the roof deck or on top of a rafter ceiling.
§ 110-0010	Loose Fill Insulation. Loose fill insulation must meet the manufacturer's required density for the labeled R-value.
§ 110-0011	Above Grade Wall Insulation. Minimum R-13 insulation in 2x4 inch wood framing wall or have a U factor of 0.162 or less (R-19 in 2x6 or 2x8 inch framing wall). Cavity wall framed assemblies must have an overall assembly U factor not exceeding 0.102, equivalent to an insulation value of R-13 in a wood framed assembly.
§ 110-0012	Raised Floor Insulation. Minimum R-19 insulation in raised wood framed floor or 0.037 maximum U factor.
§ 110-0013	Slab Edge Insulation. Slab edge insulation must meet all of the following: have a water absorption rate, for the insulation material alone without facing, no greater than 3%, have a water vapor permeance no greater than 2 perms, be protected from physical damage and UV light, deterioration, and when installed as part of a heated slab floor, meet the requirements of § 110-0101.
§ 110-0014	Vapor Retarder. In Climate Zones 1-6, the earth floor or unvented crawl space must be covered with a Class I or Class II vapor retarder. This requirement also applies to controlled ventilation crawl space buildings complying with the exception to § 110-0101.
§ 110-0015	Vapor Retarder. In Climate Zones 7-16, the earth floor or unvented crawl space must be covered with a Class I or Class II vapor retarder. This requirement also applies to controlled ventilation crawl space buildings complying with the exception to § 110-0101.
§ 110-0016	Fenestration Products. Fenestration, including skylights, separating conditioned space from unconditioned space or outdoors must have a minimum U factor of 0.35, or the weighted average U factor of all fenestration must not exceed 0.18.
Finishes, Decorative Gas Appliances, and Gas Log Measures:	
§ 110-0017	Combustion Air. Masonry or factory built fireplaces must have a double metal air glass door covering the entire opening of the firebox.
§ 110-0018	Combustion Air. Masonry or factory built fireplaces must have a combustion air intake, which is at least 36 square inches in area and is equipped with a readily accessible, operable, and lighted fire damper or combustion air control device.
§ 110-0019	Fire Damper. Masonry or factory built fireplaces must have a fire damper with a readily accessible control.
§ 110-0020	Flue Light. Continuous burning pilot lights and the use of indoor air for cooling a flue jacket, when that indoor air is vented to the exterior of the building, are prohibited.
Space Conditioning, Water Heating, and Plumbing System Measures:	
§ 110-04110.1	Certification. Heating, ventilation and air conditioning (HVAC) equipment, water heaters, showerheads, faucets, and all other regulated appliances must be certified by the manufacturer to the Energy Commission.
§ 110-04120	HVAC Efficiency. Equipment must meet the applicable efficiency requirements in TABLE 110.2-A through TABLE 110.2-K.
§ 110-04130	Controls for Heat Pumps with Supplemental Electric Resistance Heaters. Heat pumps with supplementary electric resistance heaters must have controls that prevent supplementary heater operation when the heating load can be met by the heat pump alone, and in which the cut-on temperature for supplementary heating is higher than the cut-off temperature for supplementary heating.
§ 110-04140	Thermostats. All energy heating or cooling systems not controlled by a centralized energy management control system (EMCS) must have a setback thermostat.
§ 110-04150	Water Heating Recirculation Loops Serving Multiple Dwelling Units. Water heating recirculation loops serving multiple dwelling units must include an air release valve, backflow prevention, pump isolation valve, and recirculation loop connection requirements of § 110-0301.
§ 110-04160	Isolation Valves. Instantaneous water heaters with an input rating greater than 6.4 MBTU/hr or 189 million Btu must have isolation valves with bubble or other fittings on both cold water and hot water lines of water heating systems to allow for water tank flushing when the valves are closed.
§ 110-04170	Pilot Lights. Continuous burning pilot lights are prohibited for gas fire-type central furnaces, household cooking appliances (except gas water heaters), and electrically supplied outdoor connections with pilot lights that consume less than 100 Btu/hr are exempt, and gas and gas water heaters.
§ 110-04180	Building Cooling and Heating Loads. Heating and/or cooling loads are calculated in accordance with ASHRAE Handbook, Equipment Volume, Applications Volume, and Fundamentals Volume, SMACNA Residential Control System Installation Standards Manual, or ACCA Manual for Air Conditioning Contractors (specification) § 110-0301.

2016 Low-Rise Residential Mandatory Measures Summary

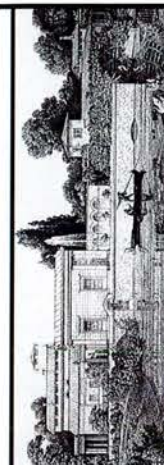
§ 110-05010	Cleanlines. Installed air conditioner and heat pump outdoor condensing unit must have a clearance of at least 5 feet from the outlet of any dryer vent.
§ 110-05015	Liquid Leak Drive. Installed air conditioner and heat pump systems must be equipped with liquid line flash drives, if required, as specified by manufacturer's instructions.
§ 110-05020	Storage Tank Insulation. Unvented hot water tanks, such as storage tanks and backup storage tanks for water heating systems, must have 1.5 inch exterior insulation or 1.9 inch exterior insulation where the exterior insulation R-value is indicated on the rating of the tank.
§ 110-05025	Water piping and cooling system line insulation. For domestic hot water system piping, whether buried or unburied, all of the following must be installed according to the requirements of TABLE 110.2-A: The first 5 feet of hot and cold water pipes from the storage tank, all piping with a nominal diameter of 1/4 inch or larger, all piping associated with a domestic hot water recirculation system regardless of the pipe diameter, piping from the heating source to storage tank or between tanks, piping buried below grade, and all hot water pipes from the heating source to fixture heating.
§ 110-05030	Water piping and cooling system line insulation. All domestic hot water pipes that are buried below grade must be installed in a water proof and non-combustible casing or sleeve.
§ 110-05035	Water piping and cooling system line insulation. Pipe for cooling system lines must be insulated as specified in § 110-0503A. Distribution piping for steam and hydronic heating systems or hot water systems must meet the requirements in TABLE 110.2-A.
§ 110-05040	Insulation Protection. Insulation must be protected from damage, including that due to sunlight, moisture, equipment maintenance, and wind.
§ 110-05045	Insulation Protection. Insulation exposed to weather must be installed with a cover suitable for outdoor service. For example, protected by aluminum, sheet metal, painted canvas, or plastic cover. The cover must be water resistant and provide shading from solar radiation that can cause degradation of the material.
§ 110-05050	Insulation Protection. Insulation covering chiller water piping and refrigerant suction piping located outside the conditioned space must have a Class I or Class II vapor retarder.
§ 110-05055	Gas or Propane Systems. Systems using gas or propane water heaters to serve individual dwelling units must include all of the following: a 1/2 inch electrical nipple with 1/2 inch of the water heater, a Category III or IV vent, or a Type B vent with straight pipe between the outside termination and the space where the water heater is installed, a condensate drain that is no more than 2 inches higher than the base of the water heater, and a vent terminal flashing without joints, antiseals, and gas sealing for with a leakage of at least 200,000 Btu/hr.
§ 110-05060	Recirculating loops. Recirculating loops serving multiple dwelling units must meet the requirements of § 110-0301.
§ 110-05065	Solar Water Heating Systems. Solar water heating systems and collectors must be certified and rated by the Solar Rating and Certification Corporation (SRCC) by a listing agency that is approved by the insurance Division.
Ducts and Fan Measures:	
§ 110-06010	Ducts. Insulation installed on an existing space conditioning duct must comply with § 604.0 of the California Mechanical Code (CMC). A contractor installing the insulation, the contractor must certify to the customer, in writing, that the insulation meets this requirement.
§ 110-06015	CMC Compliance. All air distribution system ducts and plenums must be installed, sealed, and insulated to meet the requirements of CMC § 601.0, 602.0, 603.0, 604.0, 605.0 and ANSI/ACCA 90.1-2006 HVAC Duct Construction Standards Manual and Flexible Duct Edition. Factors of supply air and return air ducts and plenums must be insulated to a minimum insulated level of R-6.0 or higher if required by CMC § 605.0 or a minimum insulated level of R-4.2 when entirely in conditioned space as outlined through field verification and diagnostic testing.
§ 110-06020	CMC Compliance. All air distribution system ducts and plenums must be installed, sealed, and insulated to meet the requirements of CMC § 601.0, 602.0, 603.0, 604.0, 605.0 and ANSI/ACCA 90.1-2006 HVAC Duct Construction Standards Manual and Flexible Duct Edition. Factors of supply air and return air ducts and plenums must be insulated to a minimum insulated level of R-6.0 or higher if required by CMC § 605.0 or a minimum insulated level of R-4.2 when entirely in conditioned space as outlined through field verification and diagnostic testing.
§ 110-06025	Factory fabricated duct systems. Factory fabricated duct systems must comply with applicable requirements for duct construction, connections, and closures, joints and seams of duct systems and their components must not be sealed with each back, vapor adhesive duct tape unless such tape is used in combination with mastic and gaskets.
§ 110-06030	Field fabricated duct systems. Field fabricated duct systems must comply with applicable requirements for pressure sensitive tapes, mastic, sealants, and other requirements specified for duct construction.
§ 110-06035	Backdraft Dampers. All fan systems that exchange air between the conditioned space and the outside of the building must have backdraft dampers.
§ 110-06040	Ceiling Ventilation Dampers. Ceiling ventilation systems serving conditioned space must have either automatic or readily accessible, manually operated dampers at all openings to the outside, except combustion riser and exhaust air openings, and elevator shaft vents.
§ 110-06045	Insulation Protection. Insulation must be protected from damage, including that due to sunlight, moisture, equipment maintenance, and wind. Insulation exposed to weather must be suitable for outdoor service. For example, protected by aluminum, sheet metal, painted canvas, or plastic cover. Cellular foam insulation must be protected as above or painted with a coating that is water resistant and provides shading from solar radiation.
§ 110-06050	Pressure Inlet Core Fit Out. Pressure inlet core fits must have a nonporous barrier between the inner core and outer vapor barrier.
§ 110-06055	Duct System Sealing and Leakage Test. When space conditioning systems are forced air duct systems to supply conditioned space to an unoccupied space, the ducts must be sealed and duct leakage tested, as defined through field verification and diagnostic testing, in accordance with § 110-05013 and Reference Residential Appendix B-1.
§ 110-06060	Air Filtration. Mechanical systems that supply air to an unoccupied space through ductwork exceeding 10 feet in length and through a thermal conditioning component, except evaporative coolers, must be provided with an air filter device that meets the design, installation, efficiency, pressure drop, and labeling requirements of § 110-05012.

2016 Low-Rise Residential Mandatory Measures Summary

§ 110-07010	Duct System Sealing and Air Filter Galle Slings. Space conditioning systems that use forced air ducts to supply conditioned space to an unoccupied space must have a hole for the placement of a static pressure probe (SPFP), or a permanently installed static pressure probe (PSPFP) in the supply plenum. The space conditioning system must also demonstrate airflow at 250 CFM per sq ft of nominal ceiling opening through the return grilles, and an air handling unit efficiency of 0.56 WCFM as confirmed by field verification and diagnostic testing, in accordance with Reference Residential Appendix A-3. This applies to both single zone central forced air systems and every zone for zonally controlled central forced air systems.
§ 110-07015	Ventilation for Indoor Air Quality. All dwelling units must meet the requirements of ASHRAE Standard 62.2. Neither window operation nor continuous operation of central forced air system or handlers used in central fan integrated ventilation systems are permissible methods of providing whole building ventilation.
§ 110-07020	Field Verification and Diagnostic Testing. Whole building ventilation airflow must be confirmed through field verification and diagnostic testing, as specified in Reference Residential Appendix A-3.
Pool and Spa Systems and Equipment Measures:	
§ 110-08010	Certification by Manufacturer. Any pool or spa heating system or equipment must be certified to have all of the following: a thermal efficiency that complies with the Appliance Efficiency Regulations, an on/off switch mounted outside of the heater that allows shutting off the heater without adjusting the thermostat setting, a permanent weatherproof gasket or cap with opening instructions, and must not use electric resistance heaters.
§ 110-08015	Piping. Any pool or spa heating equipment must be installed with at least 36 inches of pipe between the filter and the heater, or dedicated suction and return lines, or built-in built-up connections to allow for future heater heating.
§ 110-08020	Covers. Outdoor pools or spas that have a heat pump or gas heater must have a cover.
§ 110-08025	Directional signs and time switches for pools. Pools must have directional signs that adequately mark the pool water, and a time switch that will allow for automatic shut-off of pool pumps and heaters.
§ 110-08030	Pool Lights. Natural gas pool and spa heaters must not have a continuously burning pilot light.
§ 110-08035	Pool Systems and Equipment Installation. Residential pool systems or equipment must meet the specified requirements for pump, pump flow rate, piping, filter, and valves.
Lighting Measures:	
§ 110-09010	Lighting Controls and Components. All lighting control devices and systems, ballasts, and luminaires must meet the applicable requirements of § 110-5.
§ 110-09015	JM High Efficacy Light Sources. To qualify as a JM high efficacy light source for compliance with § 110-09A, a residential light source must be certified to the Energy Commission according to Reference Residential Appendix A-8.
§ 110-09020	Luminaire Efficiency. All installed luminaires must be high efficacy in accordance with TABLE 110.0-A.
§ 110-09025	Blank Electrical Boxes. The number of electrical boxes that are more than 5 feet above the finished floor and do not contain a luminaire or other device must be greater than the number of luminaires. These electrical boxes must be labeled by a diener, vacancy sensor control, or fan speed control.
§ 110-09030	Recessed Downlight Luminaires in Ceilings. Luminaires recessed into ceilings must meet all of the requirements for installation (IC) labeling, air leakage, sealing, performance, and socket and light source as described in § 110-09A.C. A JM 2016 light source used for recessed lighting must be installed by field verification as an increased daylight luminaire in ceiling.
§ 110-09035	Electronic Ballasts. Ballasts for fluorescent lamps rated 1/2 watts or greater must be electronic, and must have an output frequency no less than 20 kHz.
§ 110-09040	Night Lights. Permanently installed night lights and night lights integral to installed luminaires or exhaust fans must be rated to consume no more than 1 watt of power per luminaire or exhaust fan as determined in accordance with § 110-09D. Night lights do not need to be controlled by vacancy sensors.
§ 110-09045	Lighting Integral to Exhaust Fans. Lighting integral to exhaust fans (except when installed by the manufacturer in which exhaust hood) must meet the applicable requirements of § 110-09D.
§ 110-09050	Scrub based luminaires. Scrub based luminaires must not be recessed downlight luminaires in ceilings and must contain lamps that comply with Reference Residential Appendix A-8. Installed lamps must be marked with "JAB-2016" or "JAB-2016-C" as specified in Reference Residential Appendix A-8.
§ 110-09055	Enclosed Luminaires. Light sources installed in enclosed luminaires used with LED light sources must comply with IESNA E-16, § 110.0-A.
§ 110-09060	Interior Switches and Controls. Exhaust fans must be switched separately from lighting systems.
§ 110-09065	Interior Switches and Controls. Luminaires must be switched with readily accessible controls that permit the luminaires to be manually switched ON and OFF.
§ 110-09070	Interior Switches and Controls. Controls and equipment must be installed in accordance with manufacturer's instructions.
§ 110-09075	Interior Switches and Controls. No control must bypass a diener or vacancy sensor function if the control is installed to comply with § 110-09D.
§ 110-09080	Interior Switches and Controls. Lighting controls must comply with the applicable requirements of § 110-5.
§ 110-09085	Interior Switches and Controls. An energy management control system (EMCS) may be used to comply with diener requirements if a function as a diener according to § 110-5, meets the installation, certification requirements of § 110.4, meets the EMC requirements of § 110-5B, and meets all other requirements of § 110-09D.
§ 110-09090	Interior Switches and Controls. An EMCS may be used to comply with vacancy sensor requirements in § 110-09D if it meets all of the following: functions as a vacancy sensor according to § 110-5, the installation, certification requirements of § 110.4, meets the EMC requirements of § 110-5B, and all other requirements of § 110-09D.
§ 110-09095	Interior Switches and Controls. A multi-zone programmable controller may be used to comply with diener requirements in § 110-09D if it provides the functionality of a diener according to § 110-5, and complies with all other applicable requirements of § 110-09D.

2016 Low-Rise Residential Mandatory Measures Summary

§ 110-10010	Interior Switches and Controls. In bathrooms, garages, laundry rooms, and utility rooms, at least one luminaire in each of these spaces must be controlled by a vacancy sensor.
§ 110-10015	Interior Switches and Controls. Luminaires in vacancy sensors must control all luminaires required to have light sources compliant with Reference Residential Appendix A-8, except luminaires in rooms less than 70 square feet and luminaires in hallways.
§ 110-10020	Interior Switches and Controls. Luminaires about lighting must be switched separately from other lighting systems.
§ 110-10025	Residential Outdoor Lighting. For single-family residential buildings, outdoor lighting permanently mounted to a residential building or to other buildings on the same lot, must meet the requirements of § 110-09A(B), (D), and (E) and the requirements in either item § 110-09A(A) (spotlight and motion sensor) or item § 110-09A(C) (photo control and automatic time switch control, astronomical time clock, or EMC).
§ 110-10030	Residential Outdoor Lighting. For low-rise multifamily residential buildings, outdoor lighting for private patios, balconies, entrances, and porches, and outdoor lighting for residential parking lots and residential garages with less than eight vehicles per site must comply with § 110-09A(A) (spotlight and motion sensor) or item § 110-09A(C) (photo control and automatic time switch control, astronomical time clock, or EMC).
§ 110-10035	Residential Outdoor Lighting. For low-rise multifamily residential buildings with four or more dwelling units, outdoor lighting not regulated by § 110-09A(B) or § 110-09A(C) must comply with the applicable requirements in § 110-5, 110.2, 110.4, 140.7 and 141.0.
§ 110-10040	Residential Outdoor Lighting. Outdoor lighting for residential parking lots and residential garages with a total of eight or more vehicles per site must comply with the applicable requirements in § 110-5, 110.2, 110.4, 140.7, and 141.0.
§ 110-10045	Internally Illuminated Address Signs. Internally illuminated address signs must comply with § 140.6, or must consume no more than 5 watts of power as determined according to § 110-09I.
§ 110-10050	Residential Garages for Light or More Vehicles. Lighting for residential parking garages for eight or more vehicles must comply with the applicable requirements for residential garages in § 110-5, 110.2, 110.4, 140.6, and 141.0.
§ 110-10055	Interior Common Areas of Low-rise Multifamily Residential Buildings. In a low-rise multifamily residential building where the total interior common area is a single building equals 20 percent or less of the floor area, permanently installed lighting for the interior common areas in that building must be high efficacy luminaires and controlled by an occupancy sensor.
§ 110-10060	Interior Common Areas of Low-rise Multifamily Residential Buildings. In a low-rise multifamily residential building where the total interior common area is a single building equals more than 20 percent of the floor area, permanently installed lighting in that building must: a. Comply with the applicable requirements in § 110-5, 110.2, 110.4, and 141.0, and b. Lighting installed in corridors and stairwells must be controlled by occupancy sensors that reduce the lighting power in each space by at least 50 percent. The occupancy sensors must be capable of turning the light fully on and off from all dispersed points of egress and ingress.
Solar Ready Buildings:	
§ 110-10065	Single Family Residences. Single family residences located in subdivisions with two or more single family residences and where the application for a tentative subdivision map for the residences has been deemed complete by the enforcement agency must comply with the requirements of § 110-10066 through § 110-10068.
§ 110-10070	Low-rise Multifamily Buildings. Low-rise multifamily buildings must comply with the requirements of § 110-10069 through § 110-10071.
§ 110-10075	Minimum Area. The solar zone must have a minimum total area as described below. The solar zone must comply with access, pathway, smoke ventilation, and spacing requirements as specified in Title 24, Part 9 or other Parts of Title 24 in any requirements adopted by a local jurisdiction. The solar zone total area must be composed of areas that have no dimension less than 5 feet and are no less than 10 square feet each for buildings with roof areas less than or equal to 10,000 square feet or no less than 180 square feet each for buildings with roof areas greater than 10,000 square feet. For single family residences the solar zone must be located on the roof or overhang of the building and have a total area no less than 200 square feet. For low-rise multifamily buildings the solar zone must be located on the roof or overhang of the building, or on the roof or overhang of another structure located within 250 feet of the building, or on covered parking related with the building project, and have a total area no less than 15 percent of the total roof area of the building excluding any skylight area.
§ 110-10080	Orientation. All sections of the solar zone located on steeply sloped roofs must be oriented between 110 degrees and 270 degrees of true north and measured in the horizontal plane of the height difference between the highest point of the obstruction and the horizontal projection of the highest point of the solar zone, measured in the vertical plane.
§ 110-10085	Shading. The solar zone must not contain any obstructions, including but not limited to: vents, chimneys, architectural features, and roof-mounted equipment.
§ 110-10090	Shading. Any obstruction located on the roof or any other part of the building that projects above a solar zone must be located at least twice the distance, measured in the horizontal plane, of the height difference between the highest point of the obstruction and the horizontal projection of the highest point of the solar zone, measured in the vertical plane.
§ 110-10095	Structural Design Loads on Construction Documents. For areas of the roof designated as solar zone, the structural design loads for roof dead load and roof live load must be clearly indicated on the construction documents.
§ 110-10100	Interconnection Pathways. The construction documents must indicate a location for inverters and metering equipment and a pathway for routing of conduct from the solar zone to the point of interconnection with the electrical service for single family residences the point of interconnection will be the main service panel; and a pathway for routing of plumbing from the solar zone to the water-heating system.
§ 110-10105	Documentation. A copy of the construction documents or a comparable document indicating the information from § 110-10069 through § 110-10102 must be provided to the applicant.
§ 110-10110	Main Electrical Service Panel. The main electrical service panel must have a minimum busbar rating of 200 amps.
§ 110-10115	Main Electrical Service Panel. A location for inverters and metering equipment must allow for the installation of a double pole circuit breaker for a future solar electric installation. The reserved space must be positioned at the opposite (back) end from the input breaker location or other circuit location, and permitted per Title 24, Part 9, Section 902.1.



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Rehabilitation & Remodel of
 Hillside School
 for
SAMULI SEPPÄLÄ
 1581 Le Roy Avenue
 Berkeley, CA

ENERGY FORMS

SHEET

A-5





Planning and Development Department
Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704-1113

LANDMARKS PRESERVATION COMMISSION NOTICE OF PUBLIC HEARING

SUBJECT: 1581 Le Roy Avenue
LMSAP2019-0004

WHEN: Thursday, June 6, 2019.
Meeting starts at 7:00pm.

WHERE: Multi-Purpose Room (Basement)
1947 Center Street, Berkeley.
Wheelchair accessible.

«NAME1»

«NAME2»

«ADDRESS1» «ADDRESS2»



SUBJECT: 1581 Le Roy Avenue
Structural Alteration Permit LMSAP2019-0004 to convert a City Landmark school building and site to residential use and to make exterior changes to the property including installation of a swimming pool with terrace railing, surface parking lot and fences.

CEQA Determination: Categorically exempt pursuant CEQA Guidelines 15331.

**NOTICE CONCERNING
YOUR LEGAL RIGHTS:**

If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence delivered to the Commission at, or prior to, the public hearing.

All persons are welcome to attend the hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Commission may limit the time granted to each speaker.

Send written comments to the Landmarks Preservation Commission Secretary, City of Berkeley Permit Service Center, 2120 Milvia Street, Berkeley, CA 94704, or e-mail to: LPC@CityofBerkeley.info, or fax (510) 981-7420. To ensure inclusion in the packet, submit correspondence **seven (7)** days before the hearing. For any correspondence submitted less than seven days before the meeting, submit 11 copies which staff will deliver to the Commission at its meeting.

Persons with disabilities may request accommodation (via agendas in Large print or Braille, assistive listening devices or a sign language interpreter) by contacting the City Clerks Department at (510) 981-6900, or (510) 981-6903 (TTY).

PLEASE NOTE: email addresses, names, street addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, it will become part of the public record, and will become accessible on the City Website.

The agenda and project files for this meeting will be available online 3 days prior to this meeting at:
<http://www.cityofberkeley.info/landmarks/preservationcommission>

Mail and Post Date: May 23, 2019

1581 Le Roy Ave

193 notices

mailed out 05-23-19

NAME1	NAME2	ADDRESS1	ADDRESS2
Berkeley Hills Progressive Neighbors	861 REGAL RD	BERKELEY CA	94708
Daley's Scenic Park Neighborhood Group	2708 VIRGINIA ST	BERKELEY CA	94709
Maybeck Twin Association	2733 BUENA VISTA WAY	BERKELEY CA	94708
North East Berkeley Association	P.O. BOX 7477,	BERKELEY CA	94707
Northgate Association	1799 EUCLID AVE APT 1	BERKELEY CA	94709
Scenic Avenue (1400 Block) Neighborhood	1418 SPRING WAY	BERKELEY CA	94708
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	BERKELEY CA	94720-1382
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND CA	94618
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY CA	94704
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000	SO SAN FRANCISCO CA	94080
Public Notice Journal	PO Box 330356	SAN FRANCISCO CA	94133
COMMON AREA OF PARCEL MAP 10141	1212 GLEN AVE	BERKELEY CA	94708
JOHNSON A D & BARBARA L TRS	13003 NEPTUNE DR	SAN LEANDRO CA	94577
SKINNER MATTHEW B & SKINNER CHARLOTTE E TR	1427 NORTHSIDE AVE	BERKELEY CA	94702
GEE PAUL S & MAZELGEE LEAH TRS	1442A WALNUT ST, #430	BERKELEY CA	94709
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SAEZ EMMANUEL & GARDNERSAEZ CASEY	1497 LE ROY AVE	BERKELEY CA	94708
SINGH HOLLY M & SATINDER TRS	1501 LE ROY AVE	BERKELEY CA	94708
HALD OLE H TR BYPASS TRUST & HALD OLE H TR SU ETAL	1504 LEROY AVE	BERKELEY CA	94708
SHANNON CHRISTINA M	1505 LE ROY AVE	BERKELEY CA	94708
DUNLAP KATHERINE B TR	1508 LA LOMA AVE	BERKELEY CA	94708
HAGOPIAN JOANNE E & EKNOIAN JOHN C TRS	1508 LE ROY AVE	BERKELEY CA	94708
ASTON MARTIN & KRYSTAL SHEILA TRS	1509 EUCLID AVE	BERKELEY CA	94708
MEYERSON IVAN D & MARIS T TRS	1509 LA LOMA AVE	BERKELEY CA	94708
BANK MICHAEL S & ADRIANNE TRS	1509 LE ROY AVE	BERKELEY CA	94708
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CURTIS JULIA	1553 LA VEREDA RD	BERKELEY CA	94708
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OREILLEY MICHAEL D & FELDMAN LINDA S TR	1594 LE ROY AVE	BERKELEY CA	94708
ALWARD EUGENE R & NANCY L	1595 LE ROY AVE	BERKELEY CA	94708
LORBER JOANN R TR	1596 LE ROY AVE	BERKELEY CA	94708
JACKSON ROBERT D & BARSCHI EDITH B TRS	1597 LE ROY AVE	BERKELEY CA	94708
OWENS JAMES M TR & YOKOI STEPHEN H TR	1600 LA LOMA AVE	BERKELEY CA	94709
SCHLESINGER VICTORIA A & JOHNSON DAVID V ETAL	1619 LE ROY AVE	BERKELEY CA	94709
HESS WINIFRED L TR	1620 LE ROY AVE	BERKELEY CA	94709
WONG MARILYN P & KOON WANG S TRS	1628 LA LOMA AVE	BERKELEY CA	94709

HUME JUSTINE TR	1630 WALNUT ST	BERKELEY CA	94709
WALLENBERG JOHAN J & JENNIFER E TRS	17806 SE 1ST ST	VANCOUVER WA	98684
YEN KELVIN & HOTZU	196 TUSCALOOSA AVE	ATHERTON CA	94027
ARON KENNETH & FELICIA ETAL	201 FAIR OAKS ST	SAN FRANCISCO CA	94110
SEPPALA SAMULI	2121 DWIGHT WAY, #213	BERKELEY CA	94704
GEOFFROY ERIC G & ARCHER HEATHER S	2500 BUENA VISTA WAY	BERKELEY CA	94708
SID WAH J & YUET K TRS	2501 HILL CT	BERKELEY CA	94708
MORINIERE LEILA TR	2504 HILL CT	BERKELEY CA	94708
ULP GRACE L TR	2506 BUENA VISTA WAY	BERKELEY CA	94708
RUSSELL RICHARD L & JOAN E TRS	2509 HILL CT	BERKELEY CA	94708
VIRANI NURUDDIN & ALIYA M TRS	2510 HILL CT	BERKELEY CA	94708
DARAABRAMS JOSEPH A & BENAY P	2511 HILL CT	BERKELEY CA	94708
WALLACE RICHARD J & KAISER KATHARINA U	2512 HILL CT	BERKELEY CA	94708
ALTIERI LAURA TR	2514 BUENA VISTA WAY	BERKELEY CA	94708
REGAN TERRENCE M TR	2514 HILL CT	BERKELEY CA	94708
GATZKE ALLAN E & KELLY KATHLEEN E	2515 HILL CT	BERKELEY CA	94708
CARPIAUX ELEANOR	2518 BUENA VISTA WAY	BERKELEY CA	94708
KROOTH RICHARD & ANN	2518 HILL CT	BERKELEY CA	94708
GIRLING ROBERT & KEITH SHERRY TRS	2519 HILL CT	BERKELEY CA	94708
SAIDNIA FARROKH	2521 HILL CT	BERKELEY CA	94708
GETZ WAYNE M & JENNIFER B TRS	2522 HILL CT	BERKELEY CA	94708
WEINSTEIN HERTA TR	2525 BUENA VISTA WAY	BERKELEY CA	94708
STANDLEY ANDREW P & JUDITH I TRS	2525 HILL CT	BERKELEY CA	94708
ODERMATT THOMAS & NAKAO YUMI TRS	2530 BUENA VISTA WAY	BERKELEY CA	94708
CULLEN MICHAEL & MARGARET TRS	2535 BUENA VISTA WAY	BERKELEY CA	94708
ARMITAGE JOHN	2545 BUENA VISTA WAY	BERKELEY CA	94708
GALVIN KEVIN & BARBARA TRS	2545 CEDAR ST	BERKELEY CA	94708
MAINS RICHARD C & SLATER PATRICIA TRS	2548 CEDAR ST	BERKELEY CA	94708
POROPAT BRUCE & COWGILLPOROPAT CYNTHIA TRS	2555 BUENA VISTA WAY	BERKELEY CA	94708
NICHOLS HENRY Y IRR. CEDAR ST TR & NICHOLS NI ETAL	2560 CEDAR ST	BERKELEY CA	94708
HAUTEFEUILLE LAURENT & CRONEMBOLD DANIELA	2564 BUENA VISTA WAY	BERKELEY CA	94708
SCHEFFY CLARK W & ZOEHATEEH C D	2565 BUENA VISTA WAY	BERKELEY CA	94708
JEWETT ROBERT E	2573 BUENA VISTA WAY	BERKELEY CA	94708
GRAHAM BRYAN S & MURPHY ERIN E TRS	2574 BUENA VISTA WAY	BERKELEY CA	94708
DODGE ANDREA C TR	2575 CEDAR ST	BERKELEY CA	94708
LIE JOHN	2580 BUENA VISTA WAY	BERKELEY CA	94708
DRESCHER TIMOTHY W & JO TRS	2583 BUENA VISTA WAY	BERKELEY CA	94708
KERIEVSKY JOSHUA L	2583 CEDAR ST	BERKELEY CA	94708
CHEN CYNTHIA TR	2587 BUENA VISTA WAY	BERKELEY CA	94708
SCHREIBSTEIN JEROME & TANCOR MARIANNE F	2590 CEDAR ST	BERKELEY CA	94708
YAN POSU	2596 CEDAR ST	BERKELEY CA	94708
SHALILEH FEREYDOON	2598 SACRAMENTO ST	BERKELEY CA	94702
NOONAN MARY L TR	2599 BUENA VISTA WAY	BERKELEY CA	94708
NELSON ALAN H & JUDITH M TRS	2600 BUENA VISTA WAY	BERKELEY CA	94708
MOMTCHEV STANISLAV P & KALOYANOVA ELENA K TRS	2630 CEDAR ST	BERKELEY CA	94708
ORMSBY CHARLES L & SACHIKO T	2639 CEDAR ST	BERKELEY CA	94708
HILL MARY F TR	2644 CEDAR ST	BERKELEY CA	94708
LANDRY DERIK & WEAVER R N & KULLBERG CONSTANCE A	2647 CEDAR ST	BERKELEY CA	94708
BARTKO JOHN J & PAMELA A TRS	2655 BUENA VISTA WAY	BERKELEY CA	94708
HELFANT DAVID B & MARX DEBORAH J TR	2660 BUENA VISTA WAY	BERKELEY CA	94708
GROSSMAN SEYMOUR & ROBERTA S TRS	2661 CEDAR ST	BERKELEY CA	94708
SAMBOR DANA HEIRS OF EST	2678 BUENA VISTA WAY	BERKELEY CA	94708
BISHOP JAMES K & FUNG INEZ Y	2683 BUENA VISTA WAY	BERKELEY CA	94708
GILLESPIE MICHAEL B & NICOLA J TRS	2696 CEDAR ST	BERKELEY CA	94708
LAKE STEVEN & NANCY	2718 BUENA VISTA WAY	BERKELEY CA	94708
BERGER ANNA TR & BERGER ANNA TR	2750 BUENA VISTA WAY	BERKELEY CA	94708
LANGER JONAS & MARILYN TRS	2780 BUENA VISTA WAY	BERKELEY CA	94708
RUPPERT CHARLES E	2790 BUENA VISTA WAY	BERKELEY CA	94708
SMITH THOMAS TR	2828 E 9TH ST	TUCSON AZ	85716
SID GEORGE & KATY TRS	316 SHERWOOD WAY	MENLO PARK CA	94025
CHU MICHAEL H & JESSICA H	40919 DURILLO DR	FREMONT CA	94539
LIU CHUN C & TANG LI L TRS	511 W WISTERIA AVE	ARCADIA CA	91007
LATIMER CAROLE B	610 MYRTLE AVE	PLACERVILLE CA	95667
PENNELL ROBERT H TR	7 MAYBECK TWIN DR	BERKELEY CA	94708
STREIFF LAUREN D	8 CAVESWOOD LN	OWINGS MILLS MD	21117
NIEWOEHNER FRANZ	GEMUNDER STR. 4	D-50937 COLOGNE GERM/ FORGN	
PERKINS SHEL ETAL	PO BOX 410356	SAN FRANCISCO CA	94141
OCCUPANT	1480 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1512 LA LOMA AVE 1	BERKELEY CA	94708
OCCUPANT	1512 LA LOMA AVE 2	BERKELEY CA	94708
OCCUPANT	1516 LE ROY AVE A	BERKELEY CA	94708
OCCUPANT	1520 LE ROY AVE	BERKELEY CA	94708

1581 Le Roy Ave

193 notices

mailed out 05-23-19

OCCUPANT	1526 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1528 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1544 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1554 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1555 LA VEREDA RD	BERKELEY CA	94708
OCCUPANT	1555 LA VEREDA RD 1	BERKELEY CA	94708
OCCUPANT	1555 LA VEREDA RD 2	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 1	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 2	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 3	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 4	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE COM	BERKELEY CA	94708
Samuli Seppala	1581 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1586 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1587 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1589 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1590 LA VEREDA RD	BERKELEY CA	94708
OCCUPANT	1601 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1620 LE ROY AVE A	BERKELEY CA	94709
OCCUPANT	1621 LE ROY AVE	BERKELEY CA	94709
OCCUPANT	2501 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2502 HILL CT	BERKELEY CA	94708
OCCUPANT	2505 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2510 HILL CT COM	BERKELEY CA	94708
OCCUPANT	2513 HILL CT	BERKELEY CA	94708
OCCUPANT	2515 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2517 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2519 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2520 HILL CT	BERKELEY CA	94708
OCCUPANT	2525 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2526 HAWTHORNE TER	BERKELEY CA	94708
OCCUPANT	2533 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2535 BUENA VISTA WAY 1	BERKELEY CA	94708
OCCUPANT	2535 BUENA VISTA WAY 2	BERKELEY CA	94708
OCCUPANT	2557 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2559 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2570 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2577 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2592 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2593 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2595 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2597 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2626 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2641 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2642 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2649 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2704 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2720 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2730 BUENA VISTA WAY	BERKELEY CA	94708
Jerri Holan and Associates	1323 Solano Avenue, #204	Albany CA	94706



Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd fl.
Berkeley, CA 94704-1113

LANDMARKS PRESERVATION COMMISSION NOTICE OF PUBLIC MEETING

WHEN: June 6, 2019
Meeting starts at 7:00 p.m.

WHERE: Multi-Purpose Room (Basement).
1947 Center Street, Berkeley.
Meeting is Wheelchair accessible

SUBJECT: 1581 LeRoy Avenue
Structural Alteration Permit LMSAP2019-0004 to convert a City Landmark school building and site to residential use and to make exterior changes to the property including installation of a swimming pool with terrace railing, surface parking lot and fences.

All persons are welcome to attend the hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Commission may continue an item and limit the time granted to each speaker.

Send written comments to:

Landmarks Preservation Commission Secretary
City of Berkeley Land Use Planning Division
1947 Center Street, 2nd Fl. / Berkeley, CA 94704
or email to: LPC@CityofBerkeley.info,
or fax (510) 981-7420.

To ensure inclusion in the packet, submit correspondence **seven (7)** days prior to the hearing. For any correspondence submitted less than seven days before the meeting, submit 11 copies which staff will deliver to the Commission at its meeting.

PLEASE NOTE: Email addresses, names, street addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, it will become part of the public record, and will become accessible on the City Website.

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

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence delivered to the Commission at or prior to, the public hearing.

The agenda and project files for this meeting will be available online 3 days prior to this meeting at:
<http://www.cityofberkeley.info/ContentDisplay.aspx?id=13016>

Post Date: May 23, 2019



Planning and Development Department
Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704-1113

LANDMARKS PRESERVATION COMMISSION NOTICE OF PUBLIC HEARING

SUBJECT: 1581 Le Roy Avenue
LMSAP2019-0004

WHEN: Thursday, August 1, 2019.
Meeting starts at 7:00pm.

WHERE: Multi-Purpose Room (Basement)
1947 Center Street, Berkeley.
Wheelchair accessible.

«NAME1»

«NAME2»

«ADDRESS1» «ADDRESS2»



SUBJECT: 1581 Le Roy Avenue
Structural Alteration Permit LMSAP2019-0004 to convert a City Landmark school building and site to residential use and to make exterior changes to the property including installation of a vehicle door, a swimming pool with a terrace railing, a surface parking lot, perimeter fences and landscape improvements.

CEQA Determination: Categorically exempt from environment review pursuant CEQA Guidelines 15331.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

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All persons are welcome to attend the hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Commission may limit the time granted to each speaker.

Send written comments to the Landmarks Preservation Commission Secretary, City of Berkeley Permit Service Center, 2120 Milvia Street, Berkeley, CA 94704, or e-mail to: LPC@CityofBerkeley.info, or fax (510) 981-7420. To ensure inclusion in the packet, submit correspondence **seven (7)** days before the hearing. For any correspondence submitted less than seven days before the meeting, submit 11 copies which staff will deliver to the Commission at its meeting.

Persons with disabilities may request accommodation (via agendas in Large print or Braille, assistive listening devices or a sign language interpreter) by contacting the City Clerks Department at (510) 981-6900, or (510) 981-6903 (TTY).

PLEASE NOTE: email addresses, names, street addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, it will become part of the public record, and will become accessible on the City Website.

The agenda and project files for this meeting will be available online 3 days prior to this meeting at:

<http://www.cityofberkeley.info/landmarkspreservationcommission>

Mail and Post Date: July 22, 2019

1581 Le Roy Ave

197 notices

mailed out 07-22-19

NAME1	NAME2	ADDRESS1	ADDRESS2
Berkeley Hills Progressive Neighbors	861 REGAL RD	BERKELEY CA	94708
Daley's Scenic Park Neighborhood Group	2708 VIRGINIA ST	BERKELEY CA	94709
Maybeck Twin Association	2733 BUENA VISTA WAY	BERKELEY CA	94708
North East Berkeley Association	P.O. BOX 7477,	BERKELEY CA	94707
Northgate Association	1799 EUCLID AVE APT 1	BERKELEY CA	94709
Scenic Avenue (1400 Block) Neighborhood	1418 SPRING WAY	BERKELEY CA	94708
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	BERKELEY CA	94720-1382
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND CA	94618
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY CA	94704
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000	SO SAN FRANCISCO CA	94080
Public Notice Journal	PO Box 330356	SAN FRANCISCO CA	94133
COMMON AREA OF PARCEL MAP 10141	1212 GLEN AVE	BERKELEY CA	94708
JOHNSON A D & BARBARA L TRS	13003 NEPTUNE DR	SAN LEANDRO CA	94577
SKINNER MATTHEW B & SKINNER CHARLOTTE E TR	1427 NORTHSIDE AVE	BERKELEY CA	94702
GEE PAUL S & MAZELGEE LEAH TRS	1442A WALNUT ST, #430	BERKELEY CA	94709
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HASSE LIZBETH TR	155 SANSOME ST, #500	SAN FRANCISCO CA	94104
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OREGAN MARIAN C TR	1562 LE ROY AVE	BERKELEY CA	94708
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DELIBERTY TIFFANIE & RICHARD A	1590 LE ROY AVE	BERKELEY CA	94708
OREILLEY MICHAEL D & FELDMAN LINDA S TR	1594 LE ROY AVE	BERKELEY CA	94708
ALWARD EUGENE R & NANCY L	1595 LE ROY AVE	BERKELEY CA	94708
LORBER JOANN R TR	1596 LE ROY AVE	BERKELEY CA	94708
JACKSON ROBERT D & BARSCHI EDITH B TRS	1597 LE ROY AVE	BERKELEY CA	94708
OWENS JAMES M TR & YOKOI STEPHEN H TR	1600 LA LOMA AVE	BERKELEY CA	94709
SCHLESINGER VICTORIA A & JOHNSON DAVID V ETAL	1619 LE ROY AVE	BERKELEY CA	94709
HESS WINIFRED L TR	1620 LE ROY AVE	BERKELEY CA	94709
WONG MARILYN P & KOON WANG S TRS	1628 LA LOMA AVE	BERKELEY CA	94709

HUME JUSTINE TR	1630 WALNUT ST	BERKELEY CA	94709
WALLENBERG JOHAN J & JENNIFER E TRS	17806 SE 1ST ST	VANCOUVER WA	98684
YEN KELVIN & HOTZU	196 TUSCALOOSA AVE	ATHERTON CA	94027
ARON KENNETH & FELICIA ETAL	201 FAIR OAKS ST	SAN FRANCISCO CA	94110
SEPPALA SAMULI	2121 DWIGHT WAY, #213	BERKELEY CA	94704
GEOFFROY ERIC G & ARCHER HEATHER S	2500 BUENA VISTA WAY	BERKELEY CA	94708
SID WAH J & YUET K TRS	2501 HILL CT	BERKELEY CA	94708
MORINIERE LEILA TR	2504 HILL CT	BERKELEY CA	94708
ULP GRACE L TR	2506 BUENA VISTA WAY	BERKELEY CA	94708
RUSSELL RICHARD L & JOAN E TRS	2509 HILL CT	BERKELEY CA	94708
VIRANI NURUDDIN & ALIYA M TRS	2510 HILL CT	BERKELEY CA	94708
DARAABRAMS JOSEPH A & BENAY P	2511 HILL CT	BERKELEY CA	94708
WALLACE RICHARD J & KAISER KATHARINA U	2512 HILL CT	BERKELEY CA	94708
ALTIERI LAURA TR	2514 BUENA VISTA WAY	BERKELEY CA	94708
REGAN TERRENCE M TR	2514 HILL CT	BERKELEY CA	94708
GATZKE ALLAN E & KELLY KATHLEEN E	2515 HILL CT	BERKELEY CA	94708
CARPIAUX ELEANOR	2518 BUENA VISTA WAY	BERKELEY CA	94708
KROOTH RICHARD & ANN	2518 HILL CT	BERKELEY CA	94708
GIRLING ROBERT & KEITH SHERRY TRS	2519 HILL CT	BERKELEY CA	94708
SAIDNIA FARROKH	2521 HILL CT	BERKELEY CA	94708
GETZ WAYNE M & JENNIFER B TRS	2522 HILL CT	BERKELEY CA	94708
WEINSTEIN HERTA TR	2525 BUENA VISTA WAY	BERKELEY CA	94708
STANDLEY ANDREW P & JUDITH I TRS	2525 HILL CT	BERKELEY CA	94708
ODERMATT THOMAS & NAKAO YUMI TRS	2530 BUENA VISTA WAY	BERKELEY CA	94708
CULLEN MICHAEL & MARGARET TRS	2535 BUENA VISTA WAY	BERKELEY CA	94708
ARMITAGE JOHN	2545 BUENA VISTA WAY	BERKELEY CA	94708
GALVIN KEVIN & BARBARA TRS	2545 CEDAR ST	BERKELEY CA	94708
MAINS RICHARD C & SLATER PATRICIA TRS	2548 CEDAR ST	BERKELEY CA	94708
POROPAT BRUCE & COWGILLPOROPAT CYNTHIA TRS	2555 BUENA VISTA WAY	BERKELEY CA	94708
NICHOLS HENRY Y IRR. CEDAR ST TR & NICHOLS NI ETAL	2560 CEDAR ST	BERKELEY CA	94708
HAUTEFEUILLE LAURENT & CRONEMBOLO DANIELA	2564 BUENA VISTA WAY	BERKELEY CA	94708
SCHEFFY CLARK W & ZOEHATEHC D	2565 BUENA VISTA WAY	BERKELEY CA	94708
JEWETT ROBERT E	2573 BUENA VISTA WAY	BERKELEY CA	94708
GRAHAM BRYAN S & MURPHY ERIN E TRS	2574 BUENA VISTA WAY	BERKELEY CA	94708
DODGE ANDREA C TR	2575 CEDAR ST	BERKELEY CA	94708
LIE JOHN	2580 BUENA VISTA WAY	BERKELEY CA	94708
DRESCHER TIMOTHY W & JO TRS	2583 BUENA VISTA WAY	BERKELEY CA	94708
KERIEVSKY JOSHUA L	2583 CEDAR ST	BERKELEY CA	94708
CHEN CYNTHIA TR	2587 BUENA VISTA WAY	BERKELEY CA	94708
SCHREIBSTEIN JEROME & TANCOR MARIANNE F	2590 CEDAR ST	BERKELEY CA	94708
YAN POSU	2596 CEDAR ST	BERKELEY CA	94708
SHALILEH FEREYDOON	2598 SACRAMENTO ST	BERKELEY CA	94702
NOONAN MARY L TR	2599 BUENA VISTA WAY	BERKELEY CA	94708
NELSON ALAN H & JUDITH M TRS	2600 BUENA VISTA WAY	BERKELEY CA	94708
MOMTCHEV STANISLAV P & KALOYANOVA ELENA K TRS	2630 CEDAR ST	BERKELEY CA	94708
ORMSBY CHARLES L & SACHIKO T	2639 CEDAR ST	BERKELEY CA	94708
HILL MARY F TR	2644 CEDAR ST	BERKELEY CA	94708
LANDRY DERIK & WEAVER R N & KULLBERG CONSTANCE A	2647 CEDAR ST	BERKELEY CA	94708
BARTKO JOHN J & PAMELA A TRS	2655 BUENA VISTA WAY	BERKELEY CA	94708
HELFANT DAVID B & MARX DEBORAH J TR	2660 BUENA VISTA WAY	BERKELEY CA	94708
GROSSMAN SEYMOUR & ROBERTA S TRS	2661 CEDAR ST	BERKELEY CA	94708
SAMBOR DANA HEIRS OF EST	2678 BUENA VISTA WAY	BERKELEY CA	94708
BISHOP JAMES K & FUNG INEZ Y	2683 BUENA VISTA WAY	BERKELEY CA	94708
GILLESPIE MICHAEL B & NICOLA J TRS	2696 CEDAR ST	BERKELEY CA	94708
LAKE STEVEN & NANCY	2718 BUENA VISTA WAY	BERKELEY CA	94708
BERGER ANNA TR & BERGER ANNA TR	2750 BUENA VISTA WAY	BERKELEY CA	94708
LANGER JONAS & MARILYN TRS	2780 BUENA VISTA WAY	BERKELEY CA	94708
RUPPERT CHARLES E	2790 BUENA VISTA WAY	BERKELEY CA	94708
SMITH THOMAS TR	2828 E 9TH ST	TUCSON AZ	85716
SID GEORGE & KATY TRS	316 SHERWOOD WAY	MENLO PARK CA	94025
CHU MICHAEL H & JESSICA H	40919 DURILLO DR	FREMONT CA	94539
LIU CHUN C & TANG LI L TRS	511 W WISTERIA AVE	ARCADIA CA	91007
LATIMER CAROLE B	610 MYRTLE AVE	PLACERVILLE CA	95667
PENNELL ROBERT H TR	7 MAYBECK TWIN DR	BERKELEY CA	94708
STREIFF LAUREN D	8 CAVESWOOD LN	OWINGS MILLS MD	21117
NIEWOEHNER FRANZ	GEMUNDER STR. 4	D-50937 COLOGNE GERM/ FORGN	
PERKINS SHEL ETAL	PO BOX 410356	SAN FRANCISCO CA	94141
OCCUPANT	1480 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1512 LA LOMA AVE 1	BERKELEY CA	94708
OCCUPANT	1512 LA LOMA AVE 2	BERKELEY CA	94708
OCCUPANT	1516 LE ROY AVE A	BERKELEY CA	94708
OCCUPANT	1520 LE ROY AVE	BERKELEY CA	94708

1581 Le Roy Ave

197 notices

mailed out 07-22-19

OCCUPANT	1526 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1528 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1544 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1554 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1555 LA VEREDA RD	BERKELEY CA	94708
OCCUPANT	1555 LA VEREDA RD 1	BERKELEY CA	94708
OCCUPANT	1555 LA VEREDA RD 2	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 1	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 2	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 3	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 4	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE COM	BERKELEY CA	94708
Samuli Seppala	1581 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1586 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1587 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1589 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1590 LA VEREDA RD	BERKELEY CA	94708
OCCUPANT	1601 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1620 LE ROY AVE A	BERKELEY CA	94709
OCCUPANT	1621 LE ROY AVE	BERKELEY CA	94709
OCCUPANT	2501 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2502 HILL CT	BERKELEY CA	94708
OCCUPANT	2505 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2510 HILL CT COM	BERKELEY CA	94708
OCCUPANT	2513 HILL CT	BERKELEY CA	94708
OCCUPANT	2515 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2517 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2519 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2520 HILL CT	BERKELEY CA	94708
OCCUPANT	2525 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2526 HAWTHORNE TER	BERKELEY CA	94708
OCCUPANT	2533 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2535 BUENA VISTA WAY 1	BERKELEY CA	94708
OCCUPANT	2535 BUENA VISTA WAY 2	BERKELEY CA	94708
OCCUPANT	2557 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2559 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2570 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2577 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2592 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2593 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2595 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2597 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2626 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2641 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2642 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2649 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2704 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2720 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2730 BUENA VISTA WAY	BERKELEY CA	94708
Jerri Holan and Associates	1323 Solano Avenue, #204	Albany CA	94706
Interested Party	2717 Buena Vista Way	Berkeley CA	94708
Trippe & Berg	1551 La Vereda Road	Berkeley CA	94708
Beverly Cheney	1459 Greenwood Terrace	Berkeley CA	94708
Frank Saulsbury	2946 Shasta Road	Berkeley, CA	94708



Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd fl.
Berkeley, CA 94704-1113

LANDMARKS PRESERVATION COMMISSION NOTICE OF PUBLIC HEARING

WHEN: August 1, 2019
Meeting starts at 7:00 p.m.

WHERE: Multi-Purpose Room (Basement).
1947 Center Street, Berkeley.
Meeting is Wheelchair accessible

SUBJECT: 1581 LeRoy Avenue
Structural Alteration Permit LMSAP2019-0004 to convert a City Landmark school building and site to residential use and to make exterior changes to the property including installation of a swimming pool with terrace railing, surface parking lot and fences.

All persons are welcome to attend the hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Commission may continue an item and limit the time granted to each speaker.

Send written comments to:

Landmarks Preservation Commission Secretary
City of Berkeley Land Use Planning Division
1947 Center Street, 2nd Fl. / Berkeley, CA 94704
or email to: LPC@CityofBerkeley.info,
or fax (510) 981-7420.

To ensure inclusion in the packet, submit correspondence **seven (7)** days prior to the hearing. For any correspondence submitted less than seven days before the meeting, submit 11 copies which staff will deliver to the Commission at its meeting.

PLEASE NOTE: Email addresses, names, street addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, it will become part of the public record, and will become accessible on the City Website.

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

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence delivered to the Commission at or prior to, the public hearing.

The agenda and project files for this meeting will be available online 3 days prior to this meeting at:
<http://www.cityofberkeley.info/ContentDisplay.aspx?id=13016>

Post Date: July 22, 2019



EXISTING WEST ELEVATIONS, 2019

PARCEL CONDITIONS:

- 1) Building is on the National Register of Historic Places and is a City Landmark;
- 2) Building is in the Fault Zone;
- 3) Building is in the Landslide Zone;
- 4) Building is not in a Creek Zone.

SCOPE OF ALTERATION WORK (NO SQUARE FOOTAGE BEING ADDED):

- 1) CHANGE OF OCCUPANCY FROM EDUCATIONAL TO SINGLE-FAMILY RESIDENTIAL WITH ADU;
- 2) REPLACE & RESTORE MISCELLANEOUS DOORS, WINDOWS & SIDELIGHTS;
- 3) RESTORE DAMAGED 3-STORY SOUTH WALL & REPLACE FOUNDATION;
- 4) RESTORE SOUTH TERRACE, ADD WING WALLS AND BRICK STAIRS SIMILAR TO ORIGINAL TERRACE.
- 5) CONVERT KITCHEN TO GARAGE AND ADD NEW CONCRETE DRIVEWAY AND RETAINING WALLS;
- 6) ADD ELEVATOR;
- 7) ADD BATHROOMS TO SECOND FLOOR;
- 8) REMODEL THIRD FLOOR AND ADD REAR DECK WITH STUCCO GUARD RAILS, POOL AND HOT TUB;
- 9) REPLACE ELECTRICAL AND MECHANICAL SYSTEMS;
- 10) ADD SOLAR PANELS;
- 11) ADD NEW FENCING;
- 12) ADD NEW PARKING AREA 2.

SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATING HISTORIC BUILDINGS:

As a property on the National Register of Historic Properties, the following Standards shall be followed:

- Standard 1** - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Standard 2** - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Standard 3** - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
- Standard 4** - Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Standard 5** - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Standard 6** - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Standard 7** - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Standard 8** - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Standard 9** - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
- Standard 10** - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2016 CALIFORNIA HISTORICAL BUILDING CODE (CHBC) NOTES:

As a qualified historic building, the application of the following provisions of the CHBC apply:

SECTION 8-102.1.6 - Qualified buildings shall not be subject to additional work required by the regular code beyond that required to complete the work undertaken.

SECTION 8-901.5 - Qualified buildings are exempted from compliance with energy conservation standards.

PLANNING, ZONING, & BUILDING INFORMATION:

APN: 058-2245-009-03 Fire Zone 2

Zoning: R-1H Existing Educational Building Occupancy (E) is converting to Single-family Residential Occupancy (R-3)

Three-story, Type VB Construction, Fully Sprinklered

Lot Size: 117,546 sf Footprint Size: 25,695 sf

First Floor Size: 25,695 sf
Second Floor Size: 21,562 sf
Third Floor Size: 3,045 sf

TOTAL SIZE 50,302 SF



1
T-1 VICINITY MAP

APPROX. SCALE: 1" = 100'



TABULATION FORM

Project Address: 1581 Le Roy Avenue Date: Feb. 20, 2019

Applicant's Name: Jerri Holan & Associates

Zoning District: R-1H

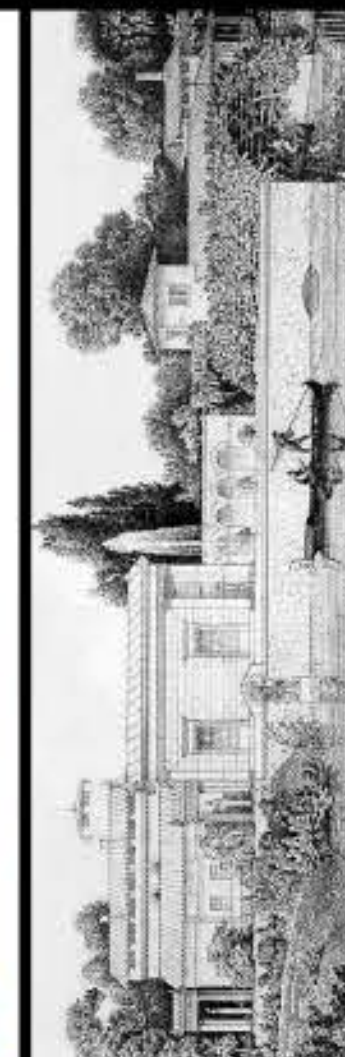
Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/ Required
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (d)	0	2	2
Number of Parking Spaces (d)	9	27	1
Number of Bedrooms (d) (R-1, R-1A, R-2, R-2A, and R-3 only)	0	5	0
Yards and Height			
Front Yard Setback (Feet)	10-20	10-20	20
Side Yard Setbacks: (Facing property)			
Left: (Feet)	25	25	4
Right: (Feet)	25	25	4
Rear Yard Setback (Feet)	15-40	15-40	20
Building Height*			
Building Height* (# Stories)	3	3	3
Average* (Feet)	35	35	35
Maximum* (Feet)	50	50	35
Areas			
Lot Area (Square-Feet)	117,546	117,546	5,000
Gross Floor Area* (Square-Feet)			
Total Area Covered by All Floors	50,302	50,302	N/A
Building Footprint* (Square-Feet)	25,695	25,695	N/A
Total of All Structures			
Lot Coverage* (Footprint/Lot Area) (%)	22	22	40
Useable Open Space* (Square-Feet)	91,851	91,851	800
*See Definitions - Zoning Ordinance Title 23F.			

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DRAWING INDEX

- T-1 TITLE SHEET
- A-1 SITE & ROOF PLAN
- SY-1 SURVEY
- A-2 FIRST & SECOND FLOOR PLANS
- A-3 THIRD FLOOR PLANS & BUILDING SECTION
- A-4 PARTIAL ELEVATIONS & DETAILS
- A-5 ENERGY FORMS & FLASHING DETAILS



JERRI HOLAN & ASSOCIATES
ARCHITECT * ENGINEERS * PLANNERS
1323 Solano Avenue, Suite 204, Albany, CA 94706
www.holanarchitects.com 510.528.1079

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPALA
1581 Le Roy Avenue
Berkeley, CA

Revisions:

May 20, 2019 - Supplemental Submissions for Use Permit
July 25, 2019 - Supplemental Submissions for Use Permit

Issued Date:

April 1, 2019 - Submitted for Title Permit
April 1, 2019 - Submitted for Structural Assessment
Plans & Design Review

TITLE SHEET

SHEET

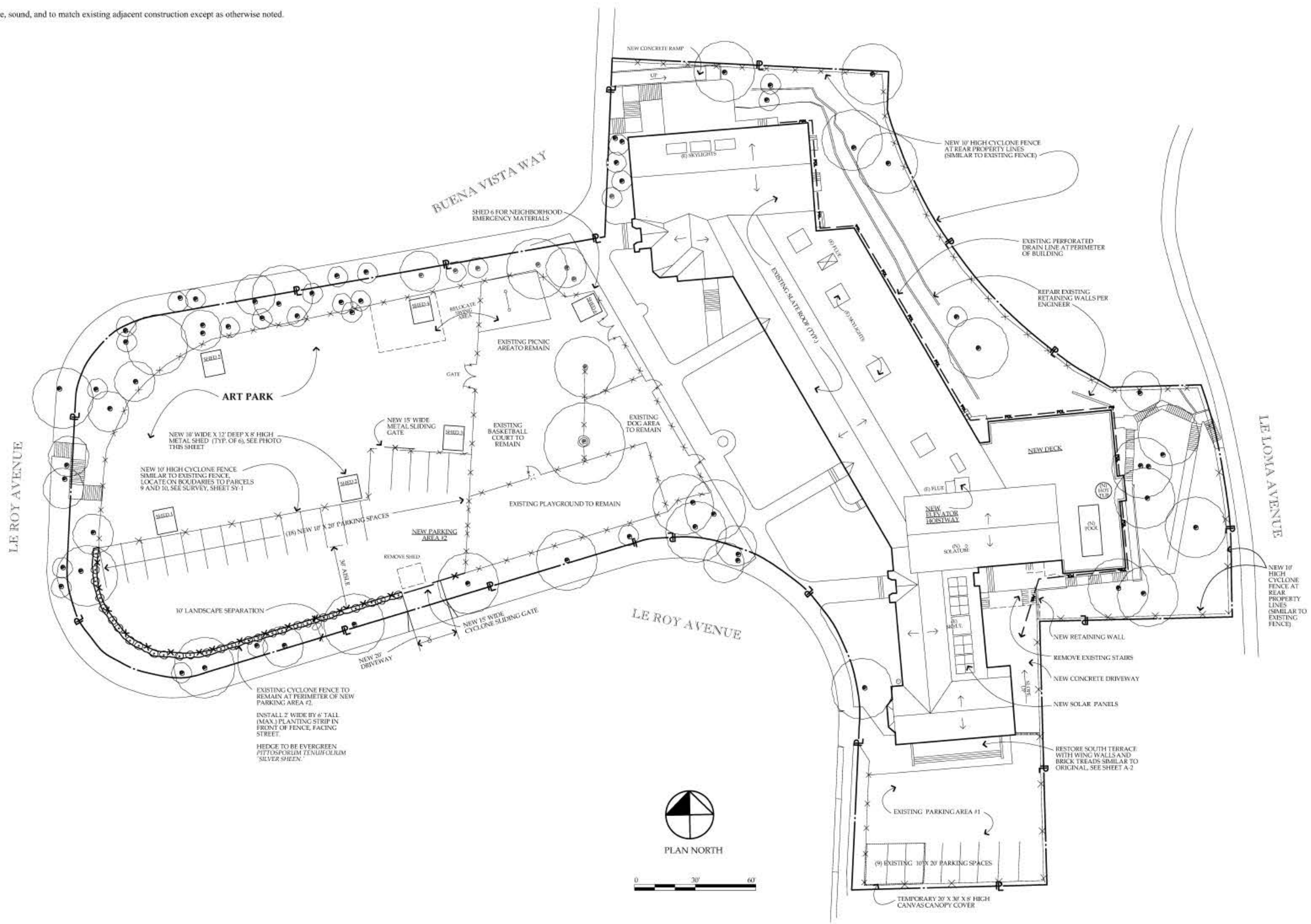
T-1

of 6



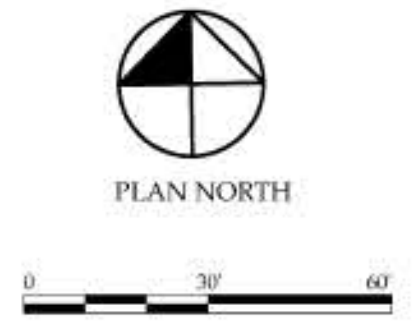
GENERAL AND SITE PLAN NOTES:

1. These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
2. Use of these drawings constitutes acceptance.
3. Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
4. The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
5. The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
6. All work shall conform to the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Historical Building Code (CHBC), The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.
7. By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawings and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
8. The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
9. The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
10. The site shall be kept clean at all times. Materials indicated to be reinstalled shall be stored and protected onsite unless otherwise noted. THE BASEMENT AREA WILL BE AVAILABLE FOR STORAGE OF NEW WINDOW UNITS DURING CONSTRUCTION. Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
11. Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
12. All items not noted as new (N) are existing.
13. All existing walls, floors, and ceilings at removed, new or modified construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.

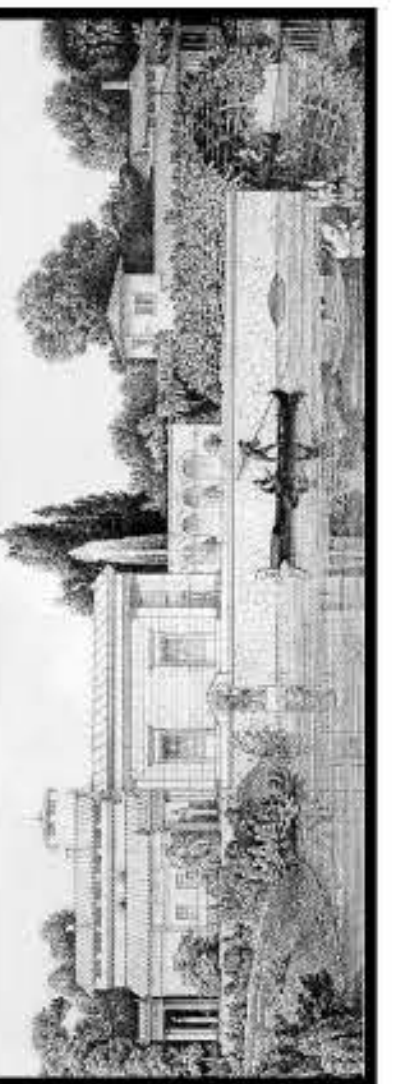


PROPOSED NEW SHED

1 SITE & ROOF PLAN
A-1



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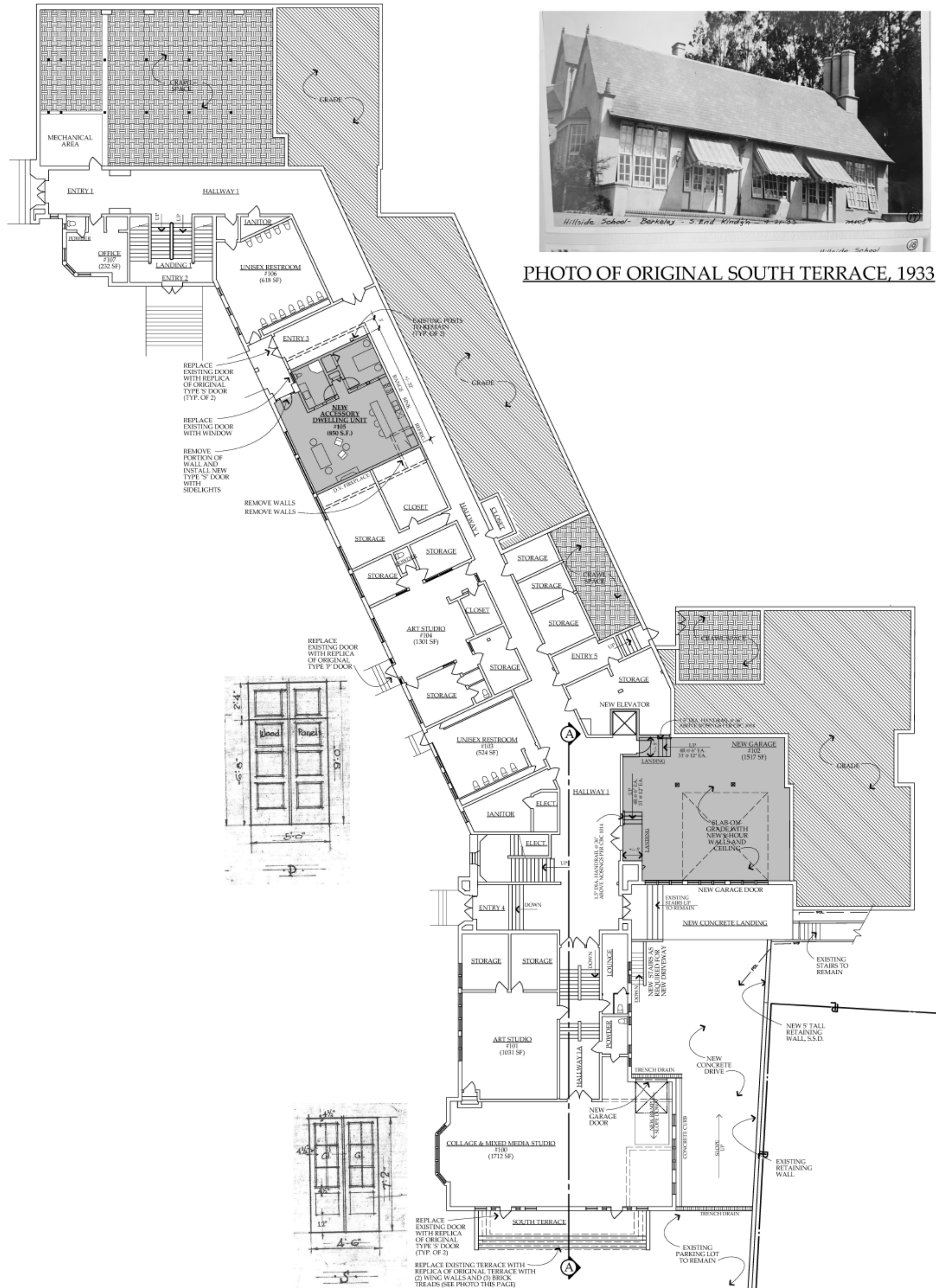
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Issue Date:
April 1, 2019 - Submitted for Use Permit
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SITE & ROOF PLAN
SHEET

A-1
of 6



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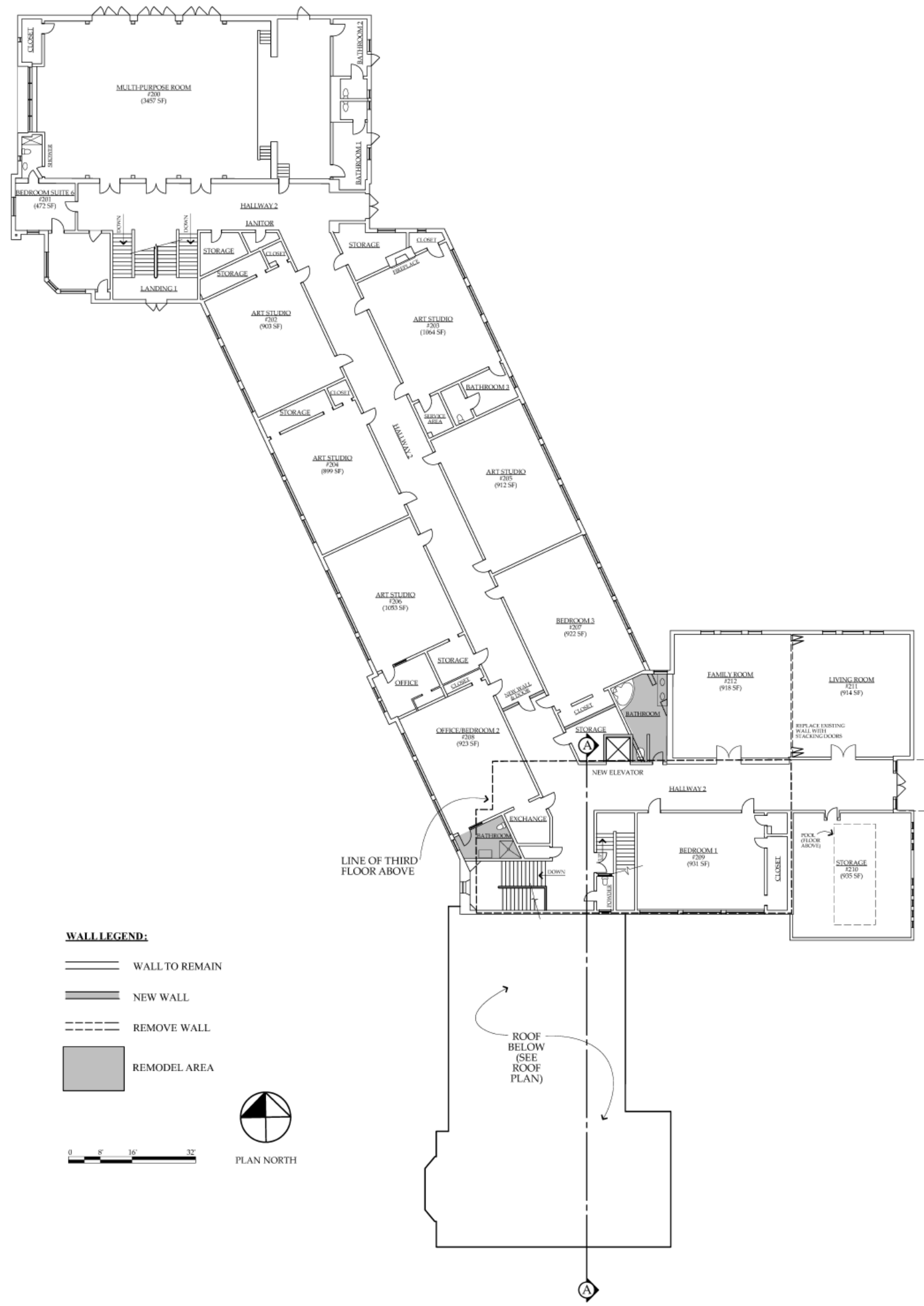


1 FIRST FLOOR PLAN
A-2

SCALE: 1/16" = 1'-0"



PHOTO OF ORIGINAL SOUTH TERRACE, 1933

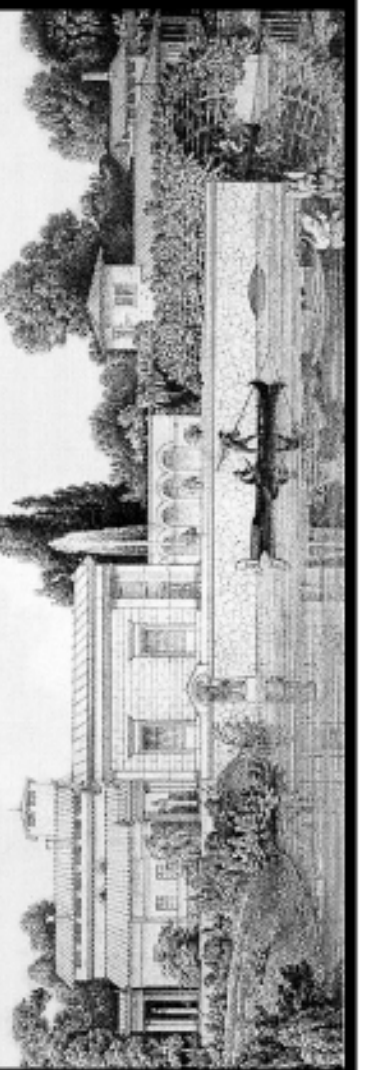


2 SECOND FLOOR PLAN
A-2

MARCH 15, 2019 - PROGRESS SET FOR NEIGHBORS

FEB. 25, 2019 - PROGRESS SET FOR NEIGHBORS

SCALE: 1/16" = 1'-0"



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FIRST & SECOND
FLOOR PLANS

SHEET
A-2

of 6



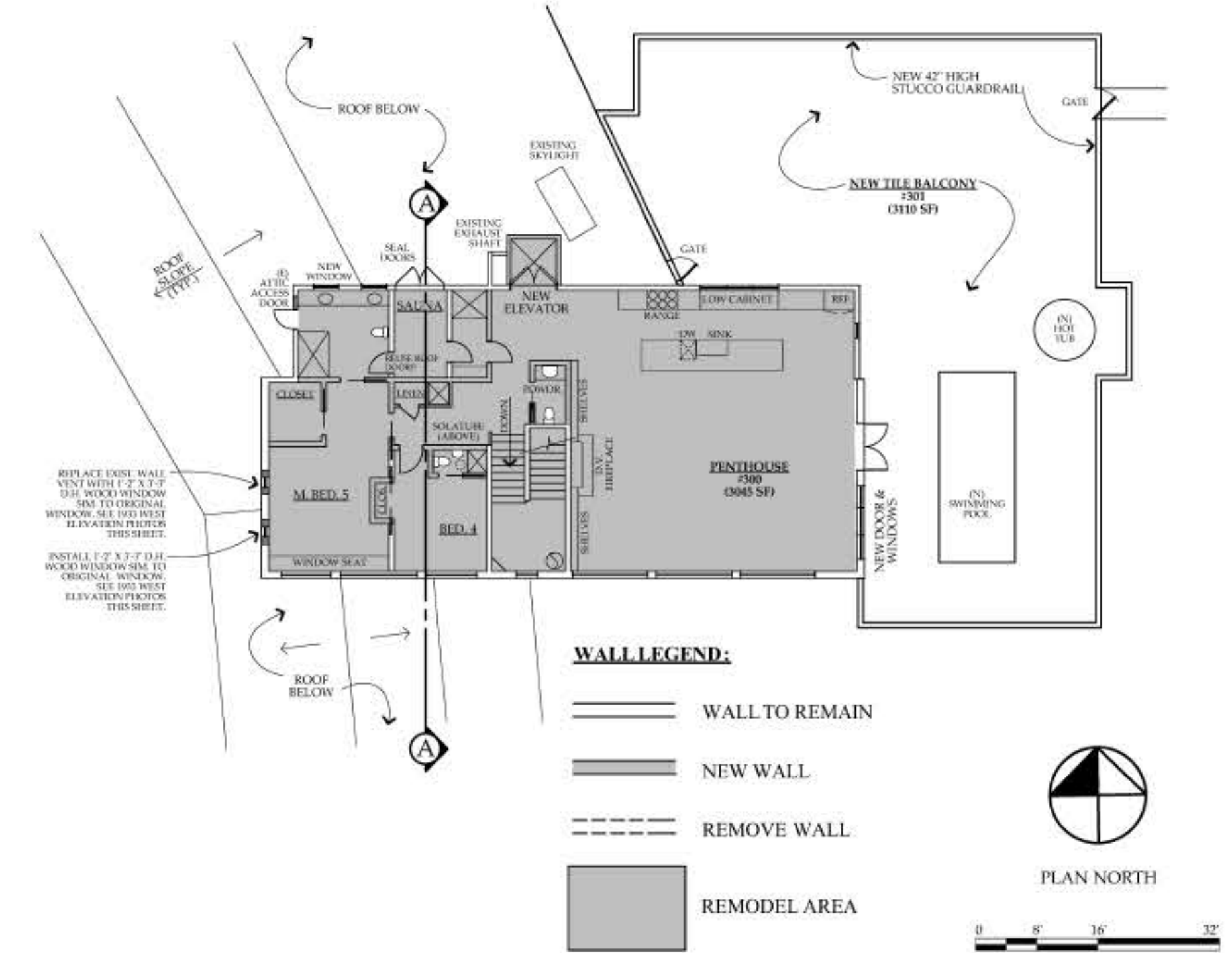
2019 WEST ELEVATION



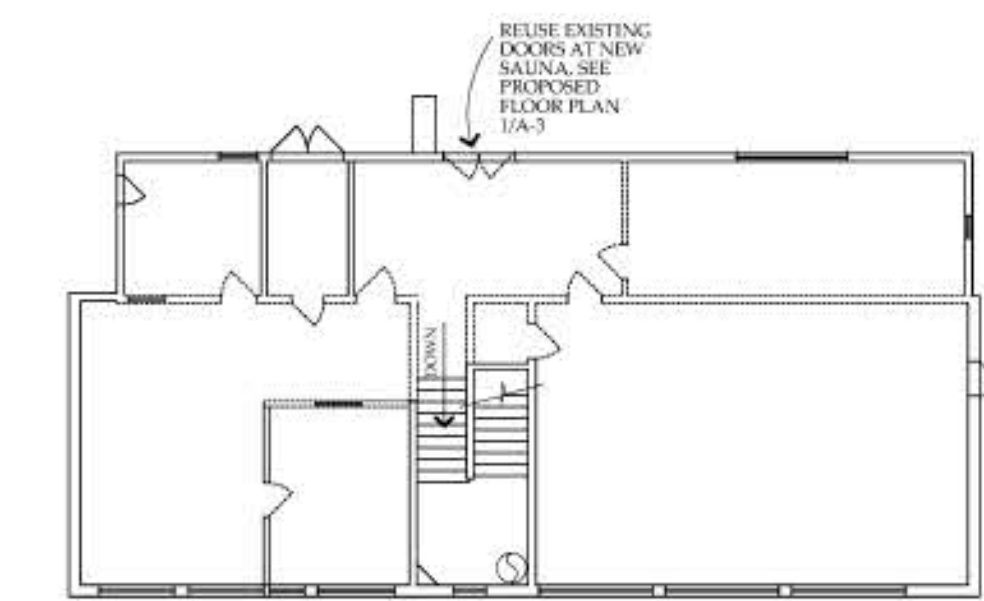
1933 WEST ELEVATIONS



West Elevation - Hillside School
Berkeley
4-21-33
mws.



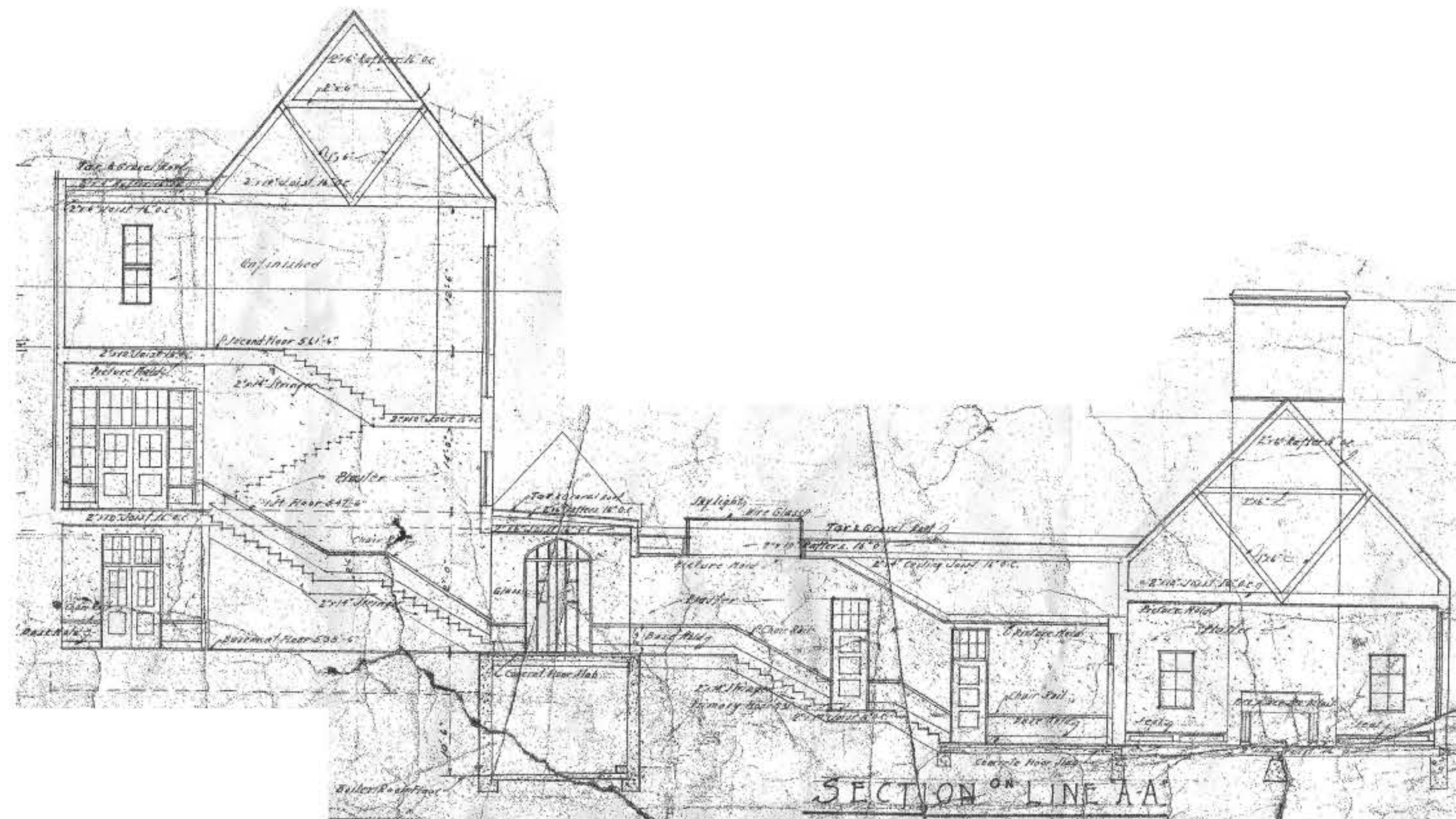
1
A-3
THIRD FLOOR PLAN



2
A-3
THIRD FLOOR DEMOLITION PLAN
SCALE: 1/16" = 1'-0"

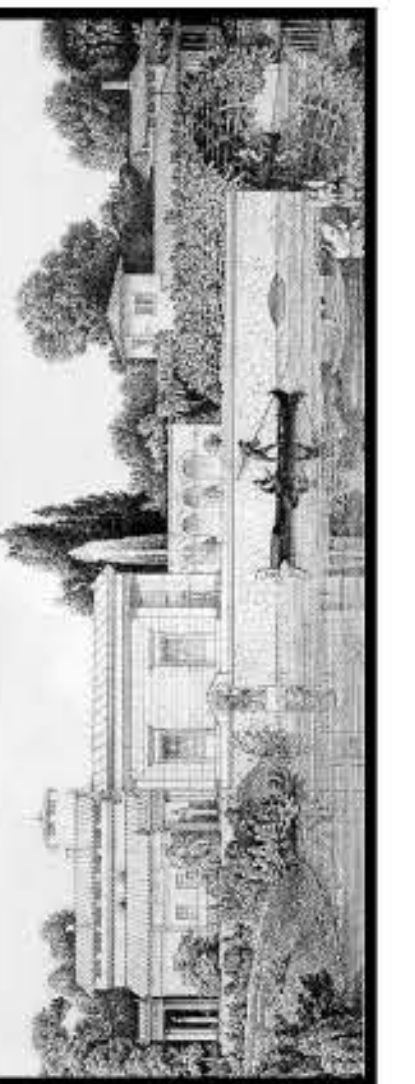
FACADE RESTORATION & WOOD TREATMENT NOTES:

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- 5) INSPECT WOOD MEMBERS FOR DAMAGE. ORIGINAL WOOD MEMBERS THAT ARE DAMAGED OR DETERIORATED, SHALL BE REPAIRED OR STABILIZED. IF REPLACEMENT IS NECESSARY, APPROVAL FROM PRESERVATION ARCHITECT IS REQUIRED. REPLACEMENT MATERIALS SHALL MATCH ORIGINALS IN MATERIAL, DESIGN, AND TEXTURE.
- 6) REPAIR, STABILIZE, AND CONSERVE FRAGILE WOOD USING WELL-TESTED CONSOLIDANTS WHEN APPROPRIATE. REPAIR WOOD FEATURES BY PATCHING, PIECING, OR REINFORCING THE WOOD USING RECOGNIZED PRESERVATION METHODS. THE NEW WORK SHALL BE PHYSICALLY AND VISUALLY COMPATIBLE AND BE IDENTIFIABLE UPON CLOSE INSPECTION.
- 7) PROTECT WOOD MEMBERS BY PROVIDING PROPER DRAINAGE AND AVOID WATER ACCUMULATION ON FLAT OF HORIZONTAL SURFACES.
- 8) NO HARSH TREATMENT OR CHEMICALS SHALL BE USED ON ORIGINAL WOOD MEMBERS. TREATMENTS THAT CAUSE DAMAGE TO ORIGINAL WOOD MEMBERS SHALL NOT BE USED.
- 9) PATCH AND REPAIR ANY DAMAGED STUCCO AND MATCH EXISTING STUCCO TEXTURE.
- 10) APPLY COMPATIBLE PAINT OR FINISH COAT SYSTEM FOLLOWING PROPER SURFACE PREPARATION ON STUCCO AND WOOD SURFACES. MATCH EXISTING INTERIOR AND EXTERIOR COLORS.
- 11) IF ANY SIGNIFICANT ARCHEOLOGICAL RESOURCES ARE FOUND, CONTACT THE CITY OF BERKELEY FOR APPROPRIATE MEASURES.



3
A-3
NORTH/SOUTH BUILDING SECTION A-A LOOKING EAST, 1925

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



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510.528.1079

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPÄLÄ
1581 Le Roy Avenue
Berkeley, CA

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THIRD FLOOR
PLANS AND BLDG.
SECTION

SHEET
A-3
of 6

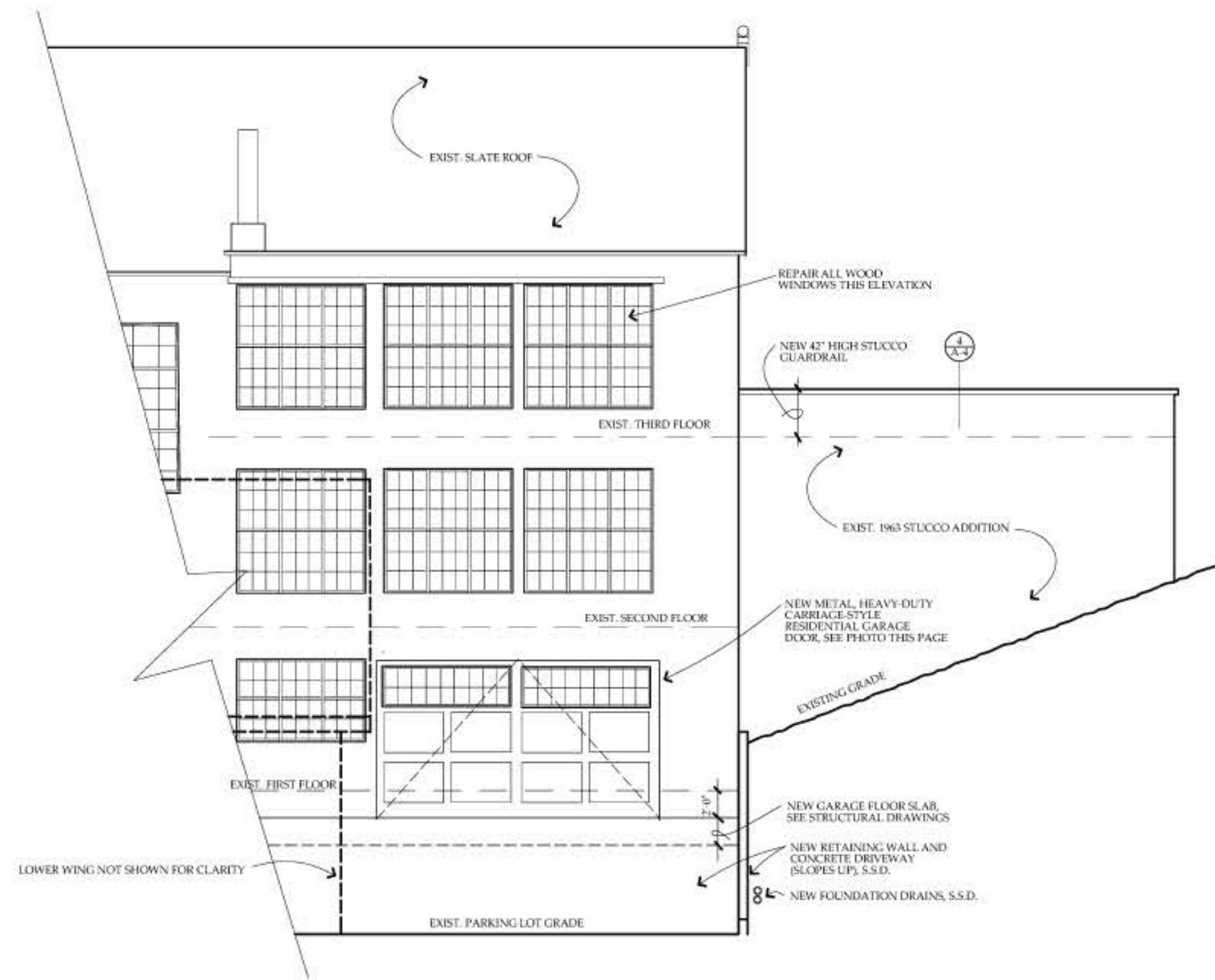




SOUTH ELEVATION PHOTO



PROPOSED GARAGE DOORS



1 SOUTH ELEVATION DETAIL
A-4

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

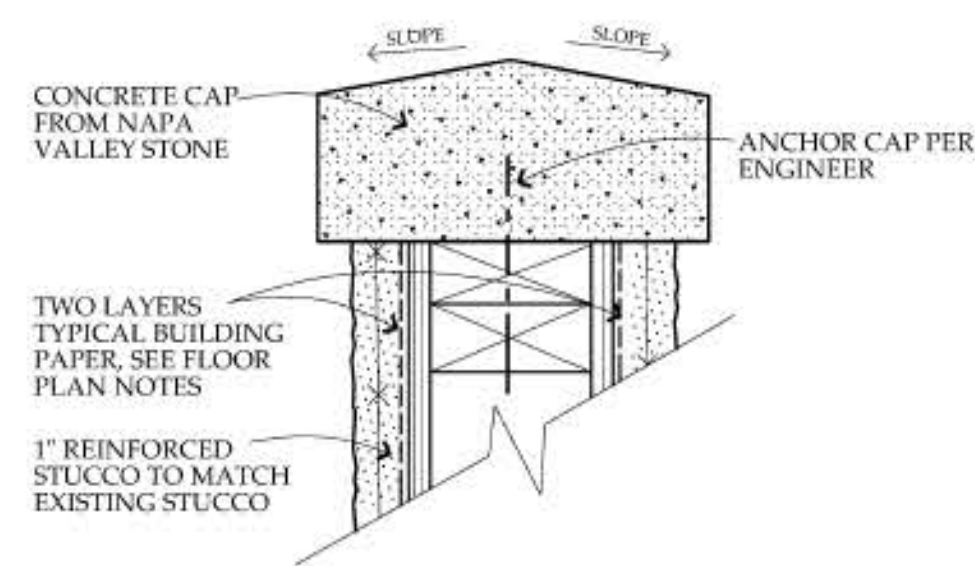


EAST ELEVATION PHOTO



2 EAST ELEVATION DETAIL
A-4

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

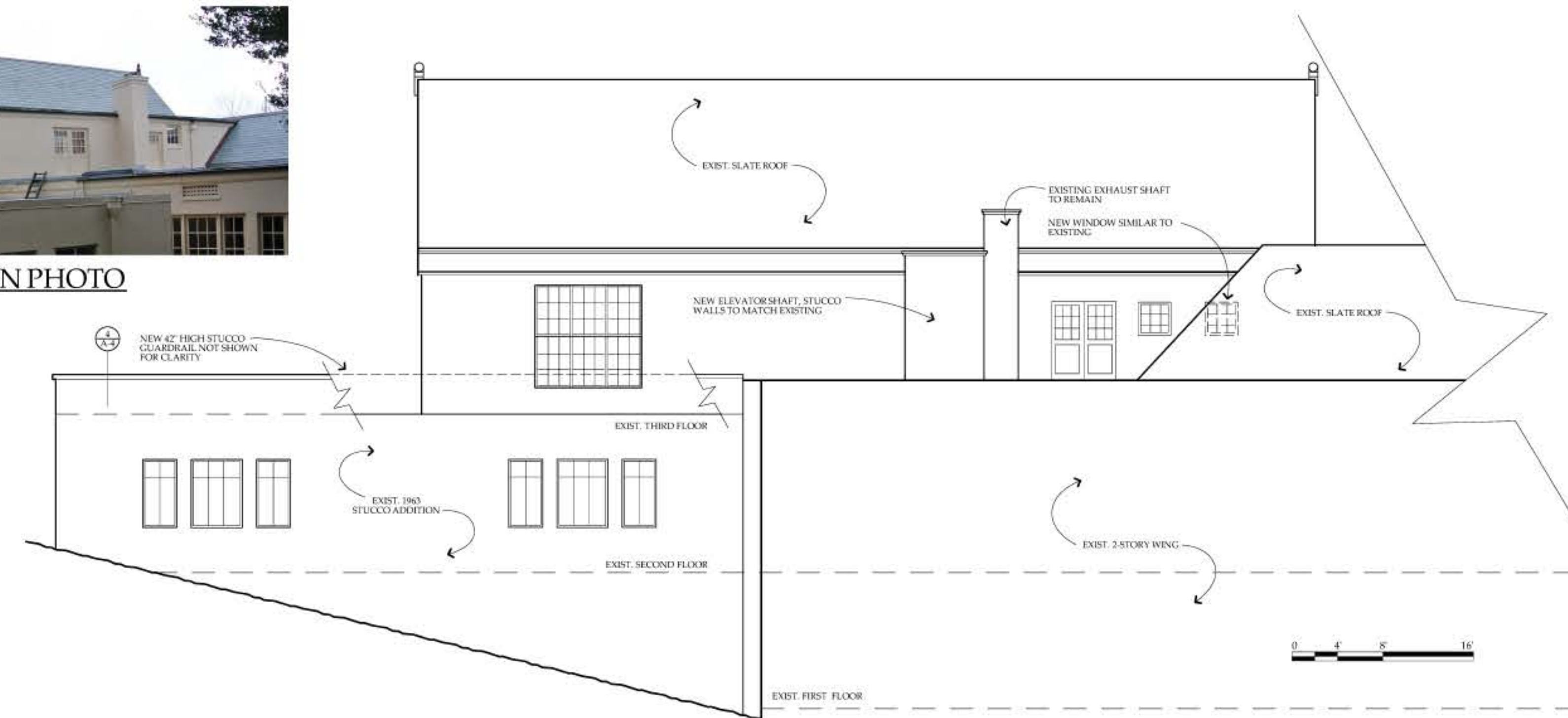


4 STUCCO GUARDRAIL DETAIL
A-4

SCALE: 3" = 1'-0"

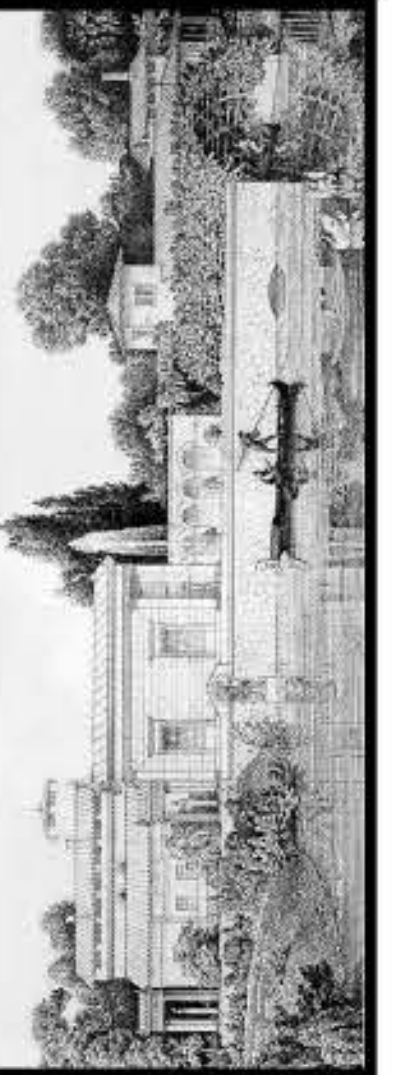


NORTH ELEVATION PHOTO



3 NORTH ELEVATION DETAIL
A-4

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



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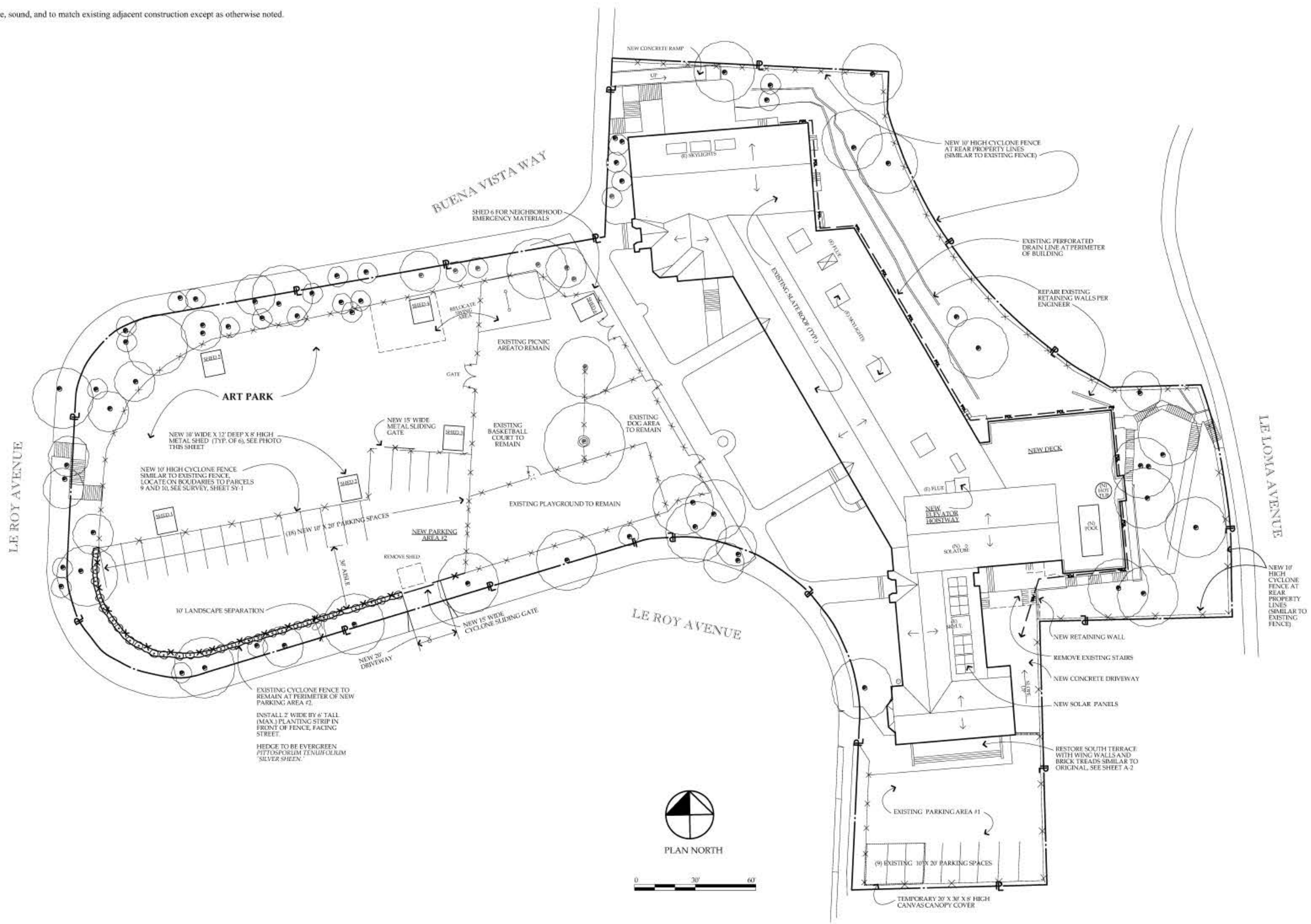
PARTIAL ELEVATIONS & DETAILS

SHEET
A-4



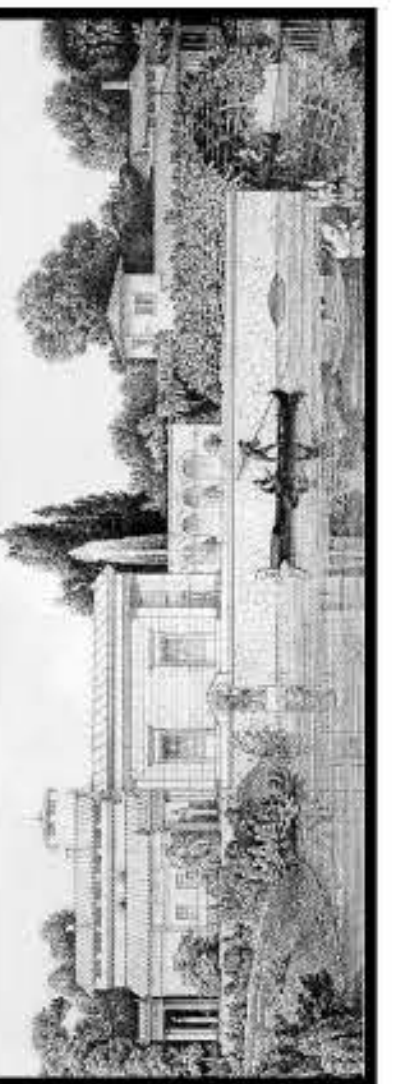
GENERAL AND SITE PLAN NOTES:

1. These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
2. Use of these drawings constitutes acceptance.
3. Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
4. The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
5. The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
6. All work shall conform to the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Historical Building Code (CHBC), The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.
7. By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawings and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
8. The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
9. The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
10. The site shall be kept clean at all times. Materials indicated to be reinstalled shall be stored and protected onsite unless otherwise noted. THE BASEMENT AREA WILL BE AVAILABLE FOR STORAGE OF NEW WINDOW UNITS DURING CONSTRUCTION. Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
11. Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
12. All items not noted as new (N) are existing.
13. All existing walls, floors, and ceilings at removed, new or modified construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.



PROPOSED NEW SHED

1 SITE & ROOF PLAN
A-1



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SITE & ROOF PLAN
SHEET
A-1
of 6



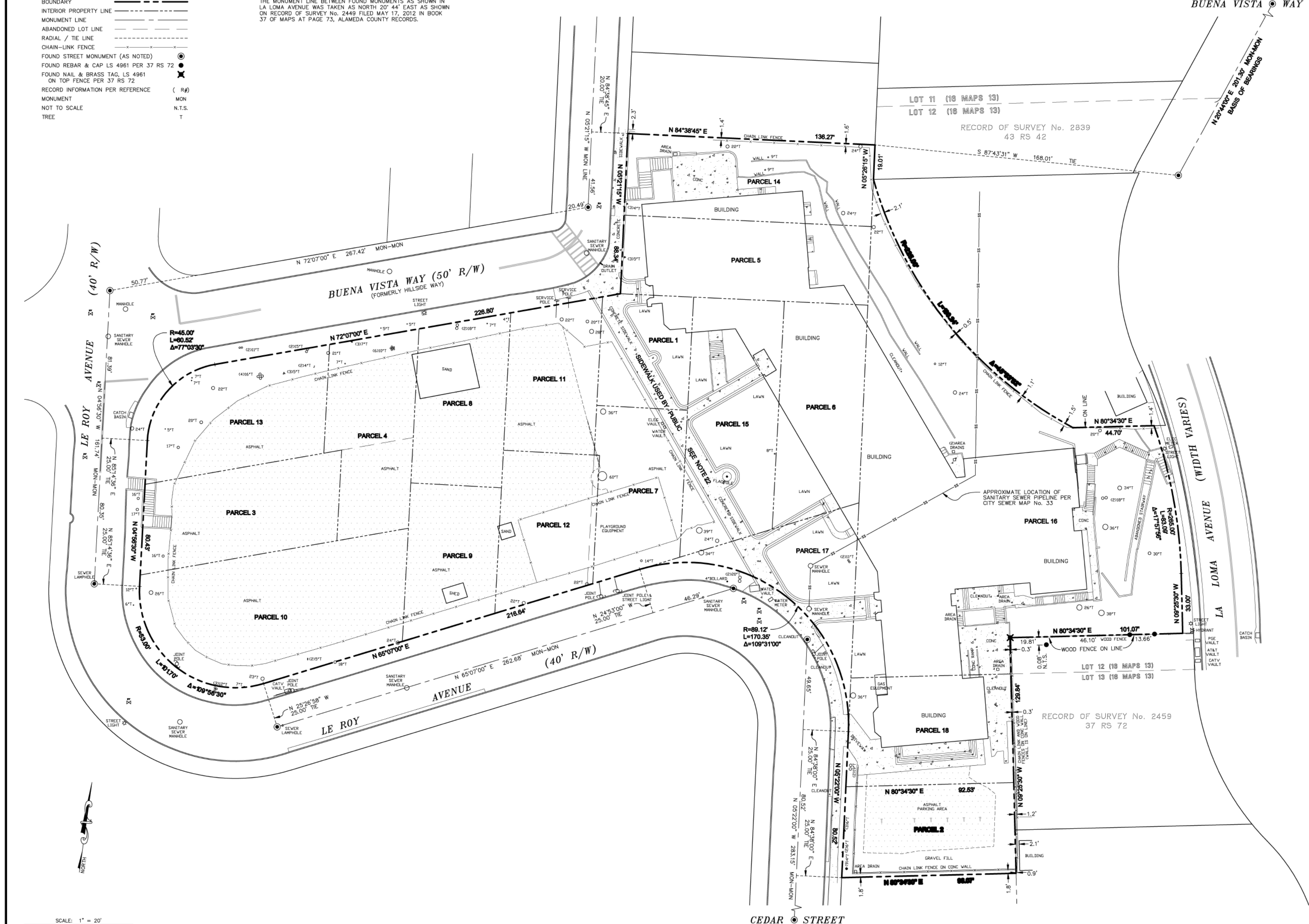
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LEGEND

- BOUNDARY
- INTERIOR PROPERTY LINE
- MONUMENT LINE
- ABANDONED LOT LINE
- RADIAL / TIE LINE
- CHAIN-LINK FENCE
- FOUND STREET MONUMENT (AS NOTED)
- FOUND REBAR & CAP LS 4961 PER 37 RS 72
- FOUND NAIL & BRASS TAG, LS 4961 ON TOP FENCE PER 37 RS 72
- RECORD INFORMATION PER REFERENCE (R#)
- MONUMENT
- NOT TO SCALE
- TREE

BASIS OF BEARINGS

THE MONUMENT LINE BETWEEN FOUND MONUMENTS AS SHOWN IN LA LOMA AVENUE WAS TAKEN AS NORTH 207°44' EAST AS SHOWN ON RECORD OF SURVEY No. 2449 FILED MAY 17, 2012 IN BOOK 37 OF MAPS AT PAGE 73, ALAMEDA COUNTY RECORDS.



BUENA VISTA WAY

(WIDTH VARIES)

CEDAR STREET

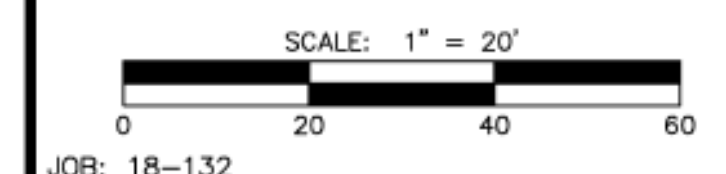
DMG ENGINEERING, Inc.
30 OAKVUE COURT
PLEASANT HILL, CA 94523
PHONE: (925) 787-0463
FAX: (925) 287-8503

RESTRICTED ENGINEERING DRAWINGS
The information, plans, designs, notes and arrangements shown on this drawing are confidential and may not be reproduced in whole or in part without the expressed written consent of DMG Engineering, Inc. This information is not to be used for any other project without the written consent of DMG Engineering, Inc. and/or change. The engineer makes no claim for original information or of information supplied by others.

NO.	DATE	REVISIONS	BY

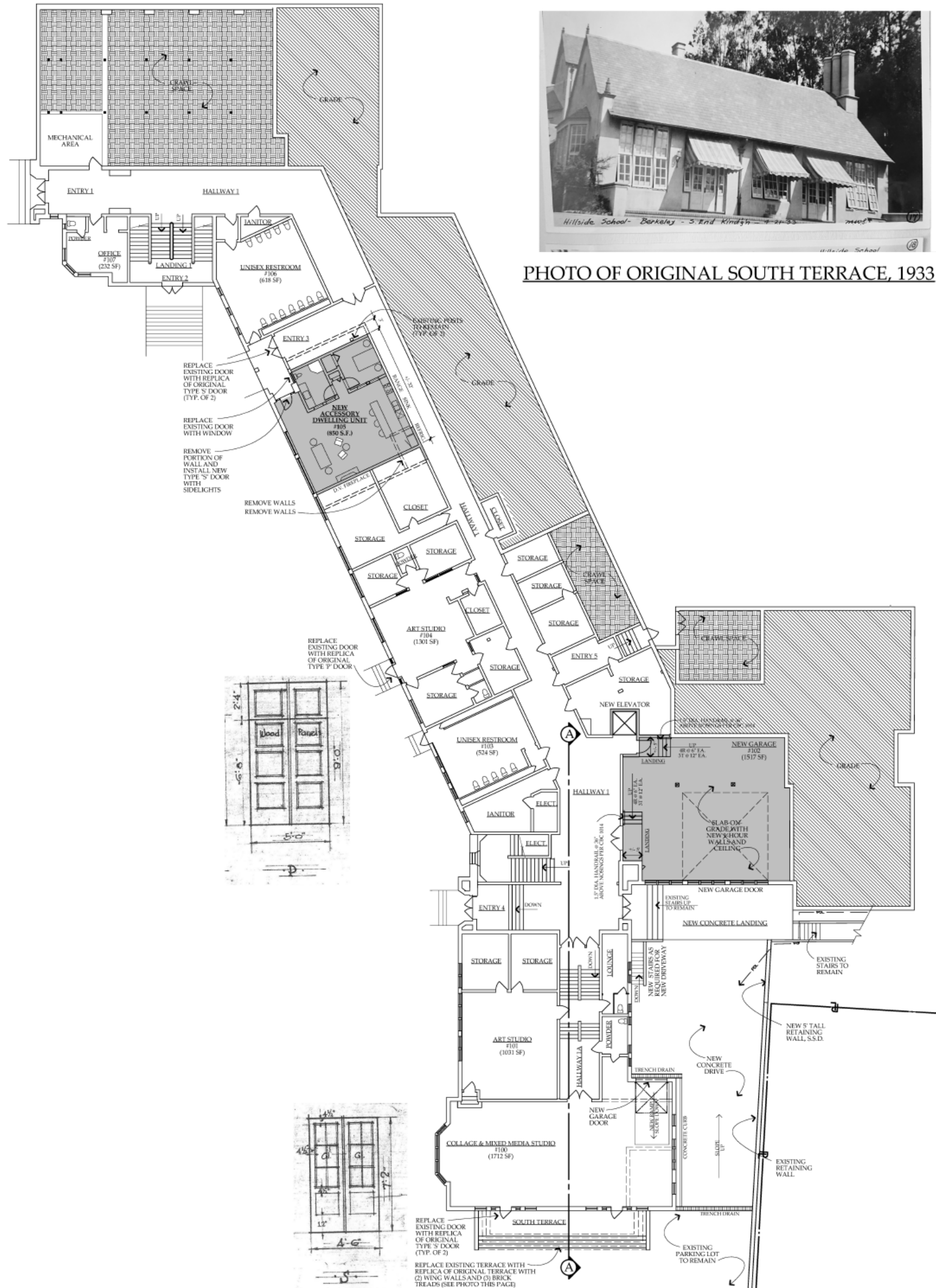
ALTA / NSPS LAND TITLE SURVEY
ALAMEDA COUNTY A.P.N. 58-2245-9-3
1581 LE ROY AVENUE
CITY OF BERKELEY - CALIFORNIA
SCALE: 1 INCH = 20 FEET
OCTOBER 2018

SHEET 2
OF 2 SHEETS
ORIG.DWG: 10-12-2018
REV.DWG:
JOB: 18-132



JOB: 18-132

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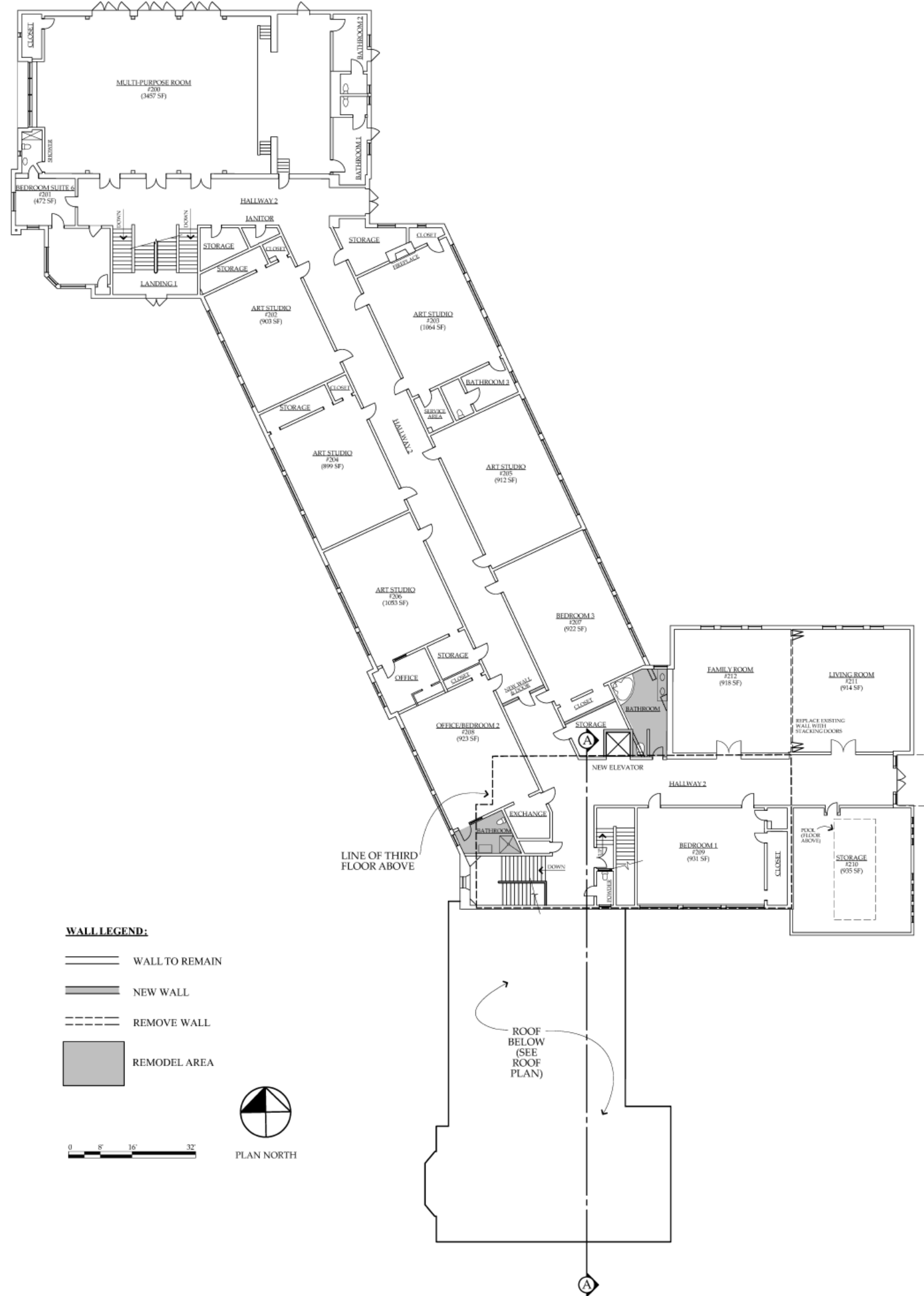


1
A-2
FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"



PHOTO OF ORIGINAL SOUTH TERRACE, 1933

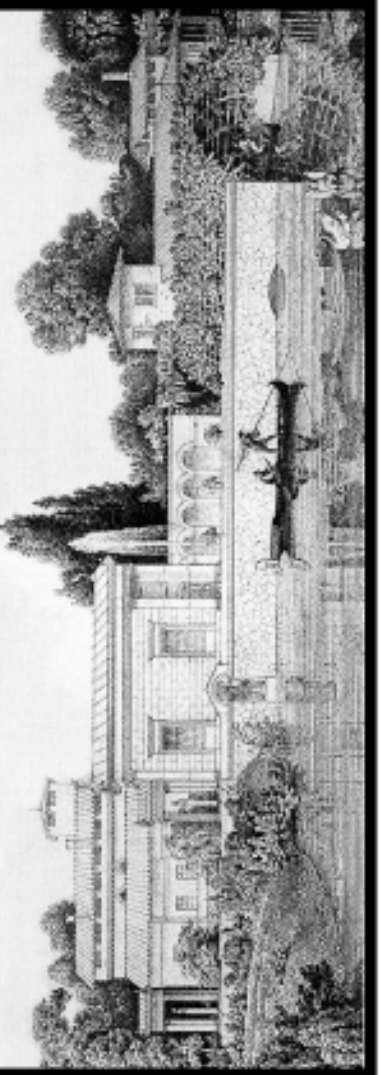


2
A-2
SECOND FLOOR PLAN

MARCH 15, 2019 - PROGRESS SET FOR NEIGHBORS

FEB. 25, 2019 - PROGRESS SET FOR NEIGHBORS

SCALE: 1/16" = 1'-0"



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**FIRST & SECOND
FLOOR PLANS**

**SHEET
A-2**

of 6



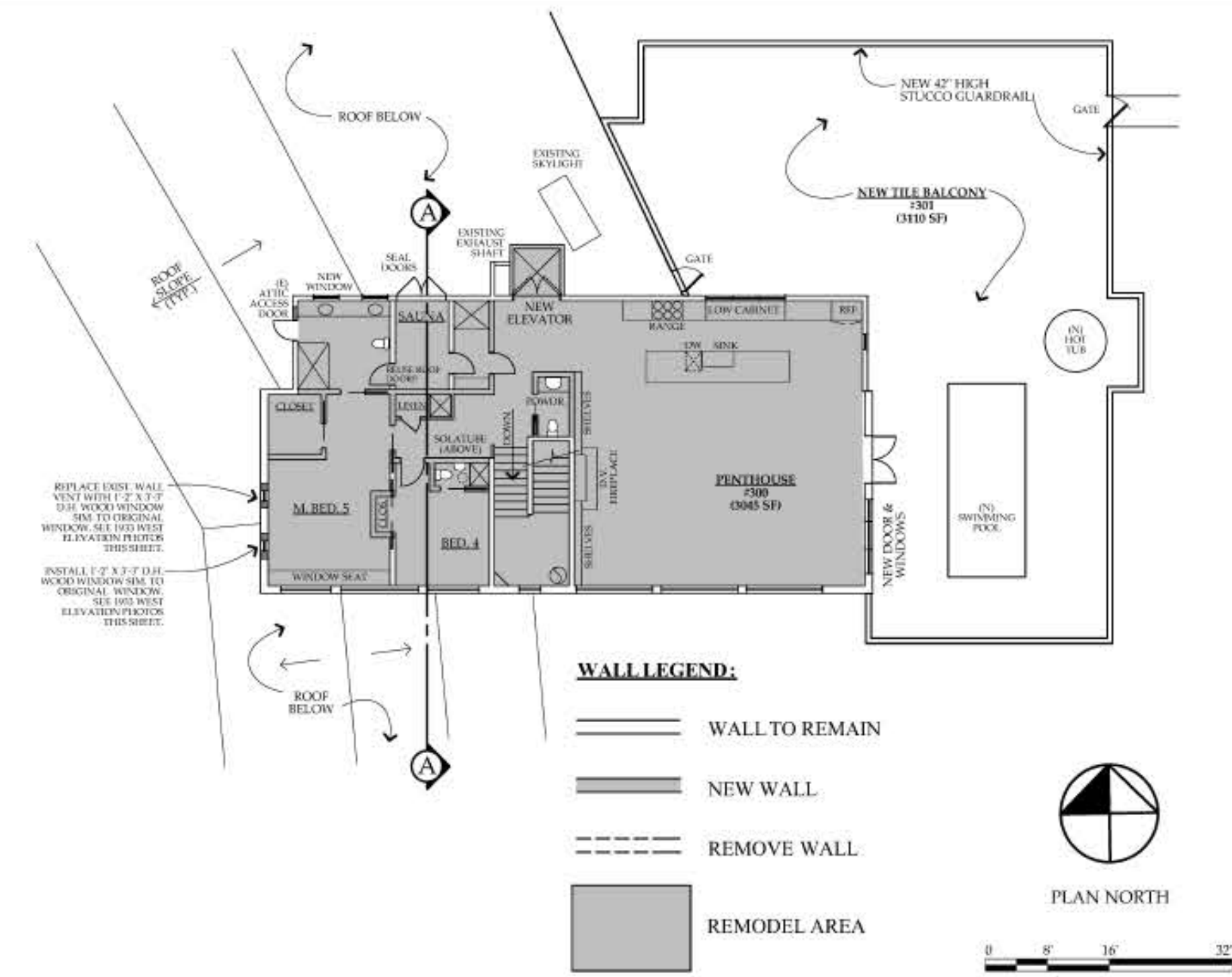
2019 WEST ELEVATION



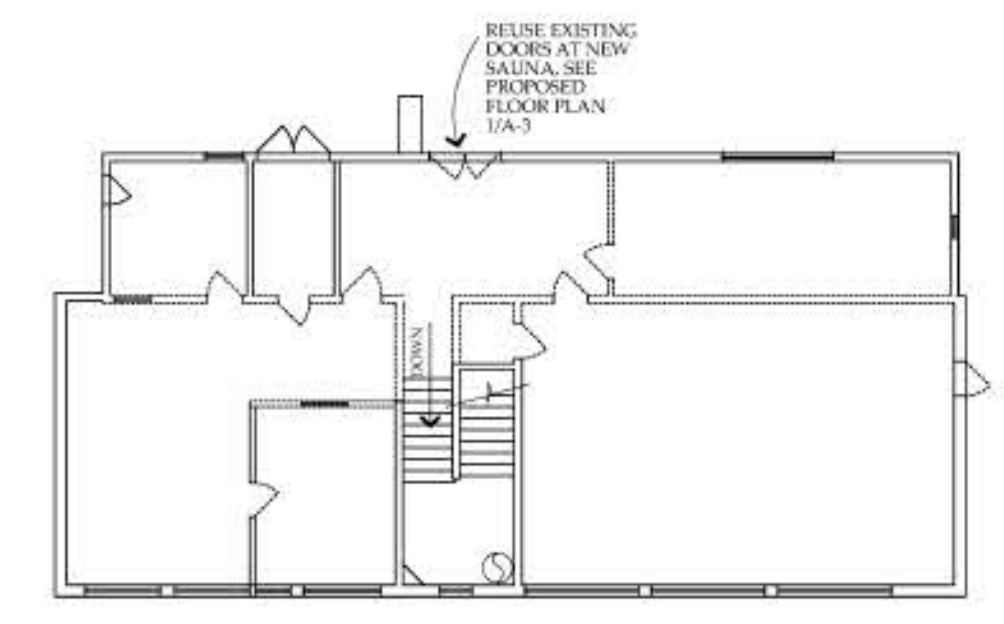
1933 WEST ELEVATIONS



West Elevation - Hillside School
Berkeley
4-21-33
mws. 12

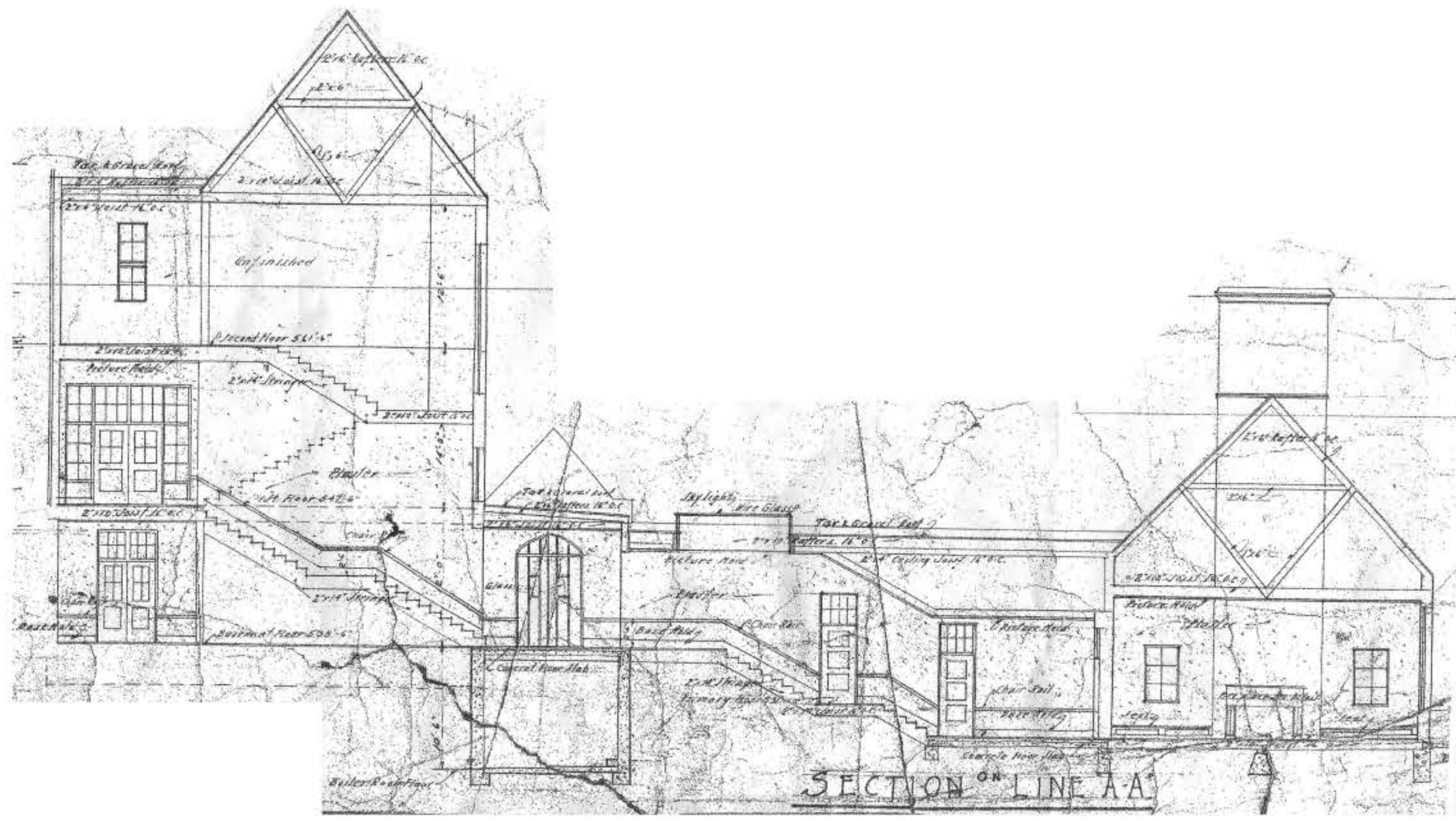


1 THIRD FLOOR PLAN
A-3

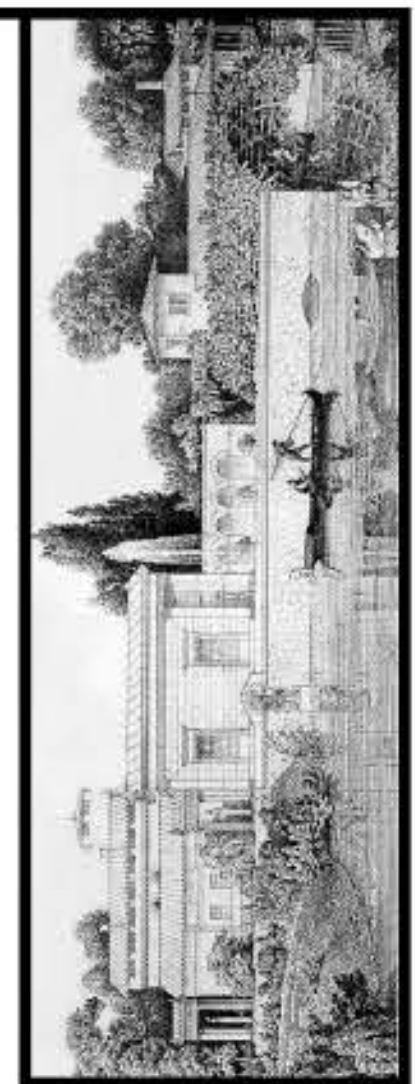


2 THIRD FLOOR DEMOLITION PLAN
A-3

- FACADE RESTORATION & WOOD TREATMENT NOTES:**
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3 NORTH/SOUTH BUILDING SECTION A-A LOOKING EAST, 1925
A-3



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THIRD FLOOR
PLANS AND BLDG.
SECTION
SHEET
A-3
of 6



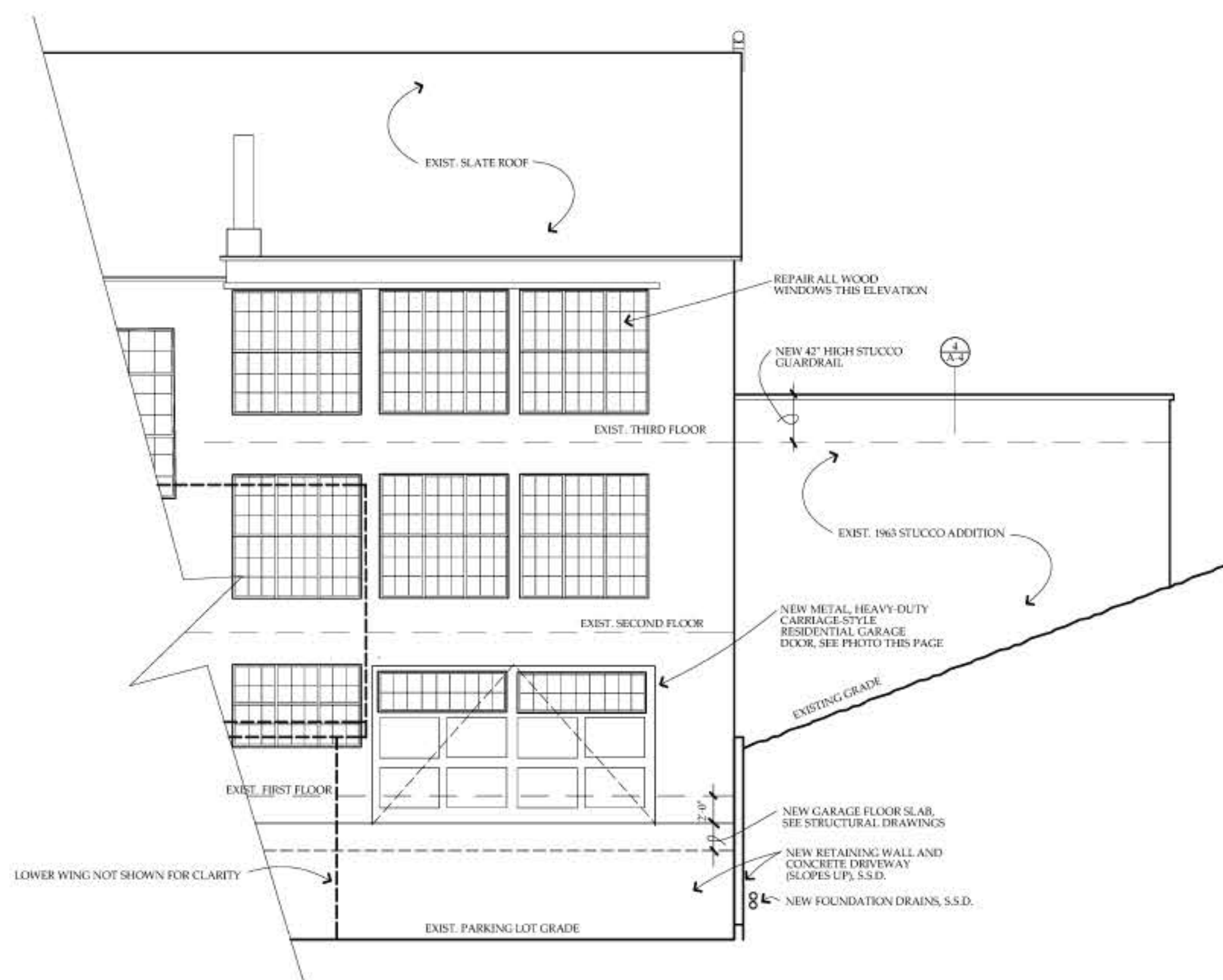
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SOUTH ELEVATION PHOTO



PROPOSED GARAGE DOORS



1 SOUTH ELEVATION DETAIL

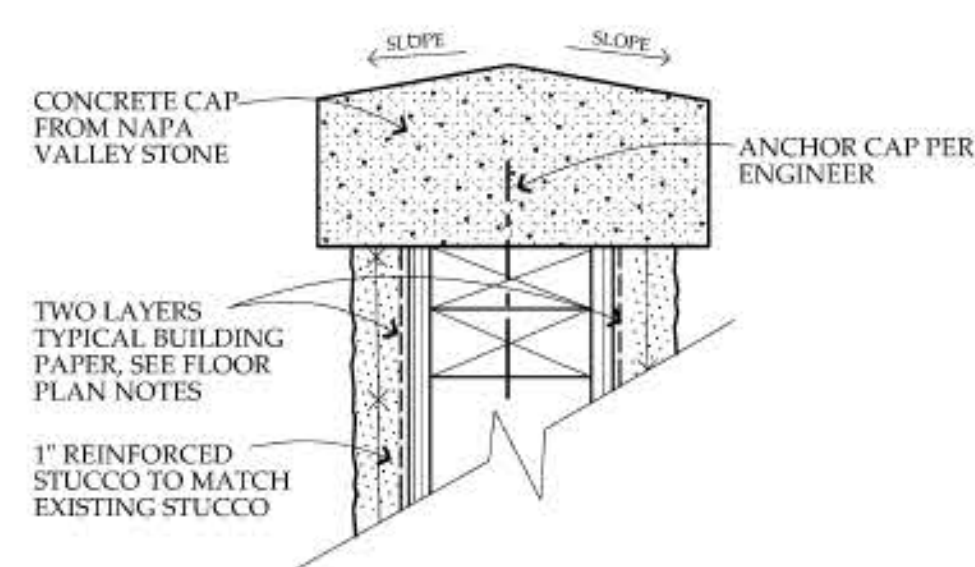
SCALE: 1/8" = 1'-0"



EAST ELEVATION PHOTO

2 EAST ELEVATION DETAIL

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

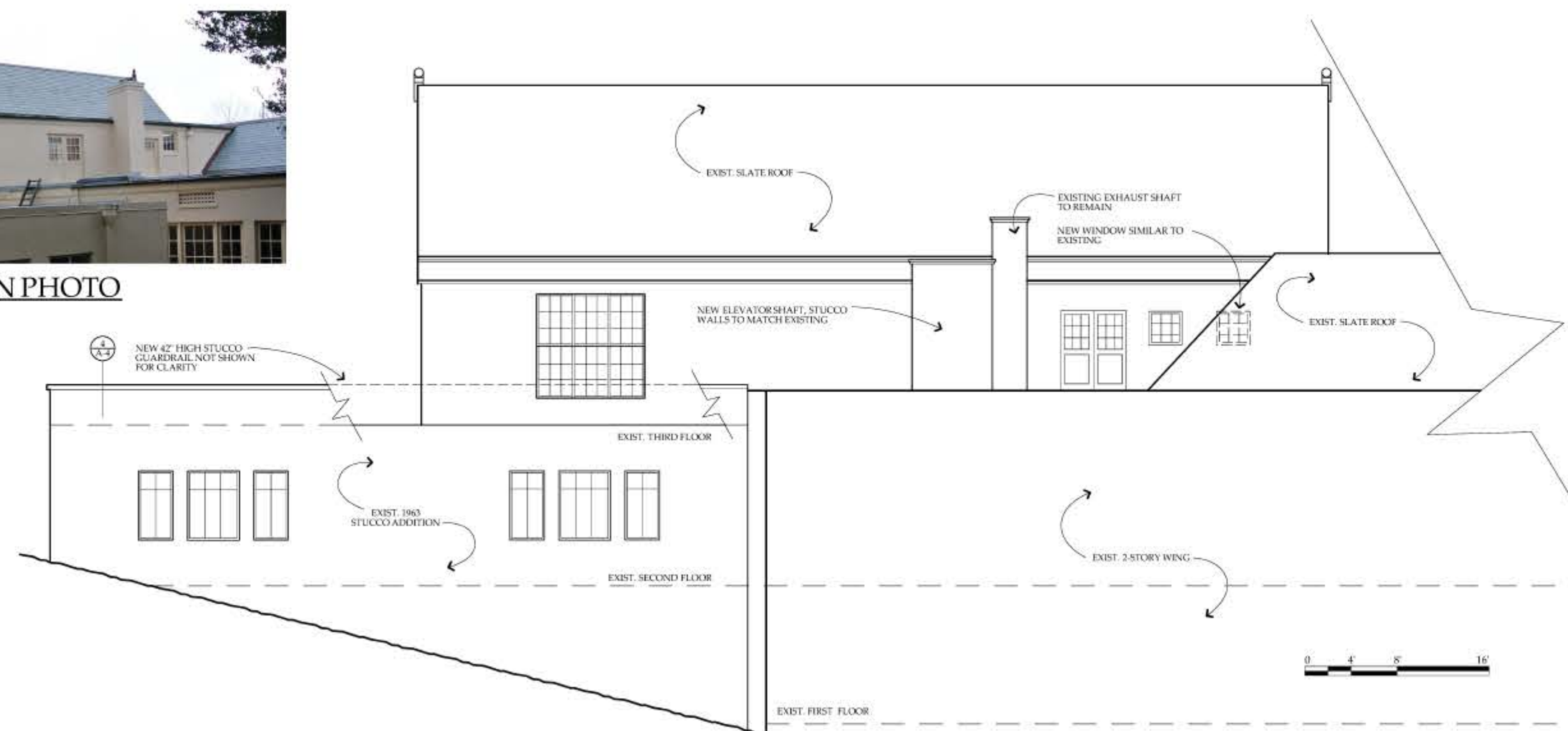


4 STUCCO GUARDRAIL DETAIL

SCALE: 3" = 1'-0"

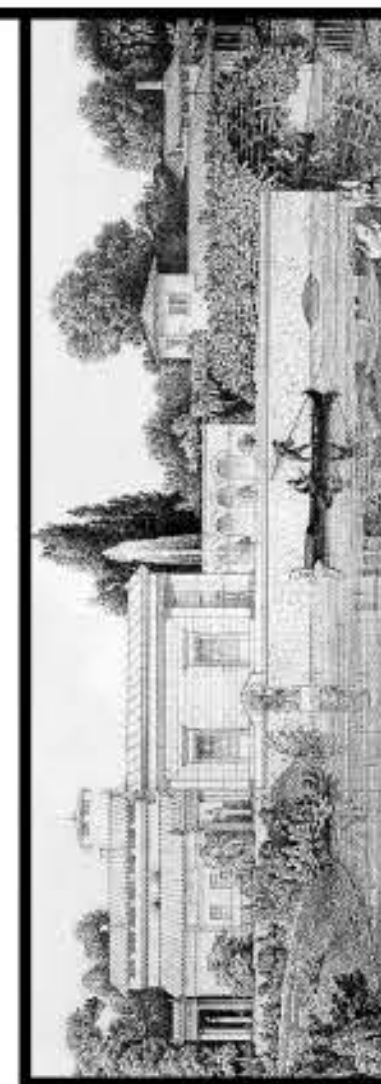


NORTH ELEVATION PHOTO



3 NORTH ELEVATION DETAIL

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



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PARTIAL ELEVATIONS & DETAILS

SHEET
A-4

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2016 Low-Rise Residential Mandatory Measures Summary

NOTE: Low-rise residential buildings subject to the Energy Standards must comply with all applicable mandatory measures, regardless of the compliance approach used. Review the respective section for more information. *Exceptions may apply. (Revised 04/02/17)

Table with 2 columns: Measure ID and Measure Description. Includes sections for Building Envelope Measures, Fireplaces, Space Conditioning, and Water Heating.

2016 Low-Rise Residential Mandatory Measures Summary

Table with 2 columns: Measure ID and Measure Description. Includes sections for Ducts and Fans, and Lighting.

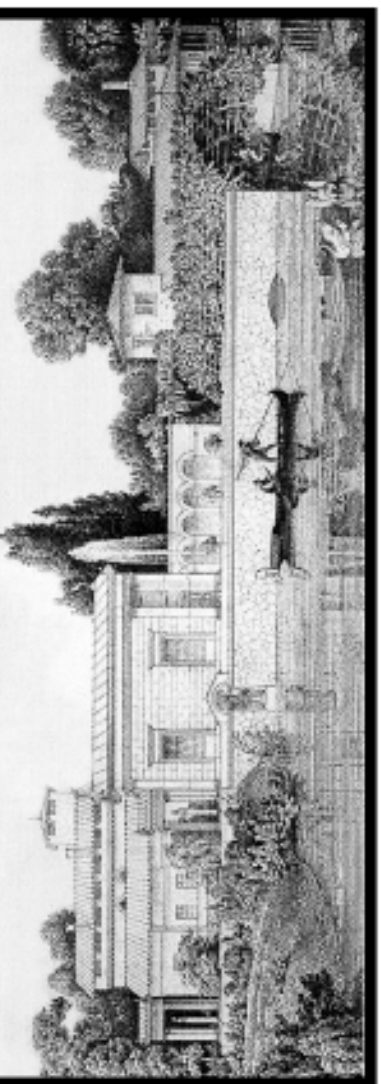
2016 Low-Rise Residential Mandatory Measures Summary

Table with 2 columns: Measure ID and Measure Description. Includes sections for Duct System Sizing and Air Filter, Pool and Spa Systems, and Lighting.

2016 Low-Rise Residential Mandatory Measures Summary

Table with 2 columns: Measure ID and Measure Description. Includes sections for Interior Switches and Controls, Residential Outdoor Lighting, and Solar Ready Buildings.

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Rehabilitation & Remodel of Hillside School for SAMULI SEPPALA 1581 Le Roy Avenue Berkeley, CA

Reviewers: May 26, 2019 - Supplemental Submissions for Use Permit July 25, 2019 - Supplemental Submissions for Use Permit Issue Date: April 1, 2019 - Submitted for Use Permit April 1, 2019 - Submitted for Use Permit - Alterations Permit & Design Review

ENERGY FORMS SHEET A-5 of 6

Crane, Fatema

From: jerri holan <jerri@holanarchitects.com>
Sent: Thursday, August 15, 2019 4:42 PM
To: Crane, Fatema
Cc: Samuli Seppälä
Subject: Integral Color Asphalt
Attachments: CSI-Asphalt-Color-Chart.1.jpg; CSI-Asphalt-Color-Chart.2.jpg

Fatema-

Per our conversation, attached is specification and cut sheet for the integral-coloring we would like to use for the proposed Art Park at Hillside. We are proposing the "Lava Color with a 2 lb." mix to match the brick trim on the original sidewalks and steps of Hillside.

Sam will bring a sample for you next Tuesday to take to Sept. 3 LPC.

Thank you,

Jerri Holan, FAIA

510.528.1079

www.holanarchitects.com



JERRI HOLAN & ASSOCIATES, AIA
Architects ♦ Engineers ♦ Planners



*“Asphalt Color –
When Black Asphalt Just Won’t Do”*

Asphalt Color Selection Guide



Color Additives that are Mixed with Traditional Black Hot Mix Asphalt or Asphalt Emulsion Sealer to Permanently Change the Color

inPHusion HX™ - Color Additive for Hot Mix Asphalt

- Available in a variety of standard colors.
- Beautifies the pavement to harmonious earth tone colors.
- Free of toxic, organic solvents and carcinogenic agents.
- No hazardous gases or fumes given off as the final product cures.

inPhusion ES™ - Color Additive for Asphalt Emulsion Sealer

- Beautifies the pavement to harmonious earth tone colors.
- Eco-friendly, contains no toxic, organic solvents or carcinogenic agents and does not produce hazardous gases or fumes.
- Minimizes the harmful effects of sunlight and oxidation.

This selection guide represents the colors available for Asphalt Emulsion Sealer and for Hot Mix Asphalt. Asphalt Color provides the widest variety of coloring options for the asphalt paving industry. Two asphalt coloring systems, each with multiple color options, guarantee the Asphalt Color can meet your color requirements for your next asphalt paving project.



**CHEMSYSTEMS
INC**



*“Asphalt Color –
When Black Asphalt Just Won’t Do”*

Asphalt Color Selection Guide

inPHusion HX™ - Color Additive for Hot Mix Asphalt

inPHusion HX is a concentrated powder additive that permanently changes the color of Hot Mix Asphalt. It is added to the Hot Mix Asphalt at the asphalt batch plant and the colored asphalt is delivered to the project site fully colored. Conventional asphalt paving procedures are utilized in laying integrally colored asphalt. When mixed with a commercial grade Hot Mix Asphalt it turns the asphalt from black to a beautiful uniform earth tone color. inPHusion HX prolongs asphalt pavement life, reduces the solar reflective index (SRI) and heat island effect, and beautifies the pavement. There are no toxic, carcinogenic agents or organic solvents in inPHusion HX.

	Sienna	Eco-Red	Rust Red	Bronze	Basalt
50 lb Loading					
80 lb Loading					
100 lb Loading					

NOTE: Dry color concentrate loaded per ton of asphalt

inPHusion ES™ - Color Additive for Asphalt Emulsion Sealer

inPHusion ES is an innovative cost effective concentrated liquid color additive for asphalt emulsion seal coatings. When mixed with a commercial grade asphalt emulsion seal coat, it turns the coating from black to a beautiful uniform earth tone color. It prolongs asphalt pavement life, reduces the solar reflective index (SRI) and heat island effect, and beautifies the pavement. There are no toxic, carcinogenic agents or organic solvents in inPHusion ES.

	Bark	Lava	Khaki	Granite
0.5 lb Loading				
1.0 lb Loading				
1.5 lb Loading				
2.0 lb Loading				

NOTE: Liquid color concentrate loaded per gallon of asphalt emulsion sealer

• The colors on this color card approximate, as closely as possible, the appearance obtained in natural light. Variables, including job conditions and finishing techniques, affect the final color. If color accuracy is critical, a pre-construction sample utilizing actual job site materials and construction methods is required. Information contained in this brochure is, to the best of our knowledge, true and accurate. However all recommendations or suggestions are made without guarantee. Since the use of the products is beyond our control, ChemSystems, Inc. disclaims any liability incurred in connection with the use of our products and any information contained herein.



Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

ZONING ADJUSTMENTS BOARD NOTICE OF PUBLIC HEARING

SUBJECT: 1581 Le Roy Avenue
Use Permit #ZP2019-0061


WHEN: Thursday, October 24, 2019.
Meeting starts at 7:00 pm.

WHERE: Berkeley Unified School District Board Room
1231 Addison Street
Wheelchair accessible.

«NAME1»

«NAME2»

«ADDRESS1», «ADDRESS2»

 <p>CITY OF BERKELEY</p>	<p>SUBJECT: 1581 Le Roy Avenue, Use Permit #ZP2019-0061, to convert the vacant, elementary school property to residential use: to establish the approximately 50,000-sq. ft., main building as a single-family residence and accessory dwelling unit, incorporating several former classrooms as private (non-commercial) art studio space; to install an unenclosed swimming pool and hot tub within a new roof deck; to construct an approximately 36-sq. ft., elevator penthouse above the second story (but below the third story); to convert a former multi-purpose room to a garage; to create a new, surface parking lot and to locate up to five, new storage sheds within portions of the former playground to be partially re-purposed as an outdoor (non-commercial) art practice space; and to complete landscape improvements along the public interface.</p> <p>CEQA STATUS: Categorically exempt pursuant to Section 15331 for "Historical Resource Restoration/Rehabilitation" of the CEQA Guidelines.</p>
<p>NOTICE CONCERNING YOUR LEGAL RIGHTS: If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence delivered to the Board at, or prior to, the public hearing.</p> <p>Post and Mail Date: October 9, 2019</p>	<p>All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.</p> <p>Send written comments to the Land Use Planning Division (Attn: ZAB Secretary), 1947 Center Street, Second Floor, Berkeley, CA 94704 or via e-mail to: zab@cityofberkeley.info. To ensure inclusion in the agenda materials to be published the week prior to this hearing, please submit correspondence by 8:00 AM Thursday. For any correspondence submitted after Thursday, submit 15 copies for staff to deliver to the Board at its meeting. For more information, call the Land Use Planning division (510) 981-7410.</p> <p>This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-8418(V) or 981-6347(TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.</p> <p>PLEASE NOTE: If your contact information is included in any communication to the Board, it will become part of the public record, and will be accessible on the City Website.</p>
	<p>All application materials are available at the Land Use Planning Division, during normal office hours or online at: http://www.cityofberkeley.info/zoningapplications.</p> <p>The Zoning Adjustments Board agenda and all agenda materials regarding this project will be available online 6 days prior to this meeting at: http://www.cityofberkeley.info/zoningadjustmentsboard.</p>

NAME1	NAME2	ADDRESS1	ADDRESS2
Berkeley Hills Progressive Neighbors	861 REGAL RD	BERKELEY CA	94708
Daley's Scenic Park Neighborhood Group	2708 VIRGINIA ST	BERKELEY CA	94709
Maybeck Twin Association	2733 BUENA VISTA WAY	BERKELEY CA	94708
North East Berkeley Association	P.O. BOX 7477,	BERKELEY CA	94707
Northgate Association	1799 EUCLID AVE APT 1	BERKELEY CA	94709
Scenic Avenue (1400 Block) Neighborhood	1418 SPRING WAY	BERKELEY CA	94708
University of California, Facilities Services	A&E Building, Room 300 University of California Berkeley	BERKELEY CA	94720-1382
Bananas Inc.	5232 CLAREMONT AVE	OAKLAND CA	94618
Berkeley Central Library	2090 KITTREDGE STREET	BERKELEY CA	94704
Adams Broadwell Joseph & Cardoza	601 GATEWAY BLVD. Su 1000	SO SAN FRANCISCO CA	94080
Public Notice Journal	PO Box 330356	SAN FRANCISCO CA	94133
COMMON AREA OF PARCEL MAP 10141	1212 GLEN AVE	BERKELEY CA	94708
JOHNSON A D & BARBARA L TRS	13003 NEPTUNE DR	SAN LEANDRO CA	94577
SKINNER MATTHEW B & SKINNER CHARLOTTE E TR	1427 NORTHSIDE AVE	BERKELEY CA	94702
GEE PAUL S & MAZELGEE LEAH TRS	1442A WALNUT ST, #430	BERKELEY CA	94709
KOMOROSKE JOHN A & MCDONALD DANIEL T TRS	1495 EUCLID AVE	BERKELEY CA	94708
SAEZ EMMANUEL & GARDNERSAEZ CASEY	1497 LE ROY AVE	BERKELEY CA	94708
SINGH HOLLY M & SATINDER TRS	1501 LE ROY AVE	BERKELEY CA	94708
HALD OLE H TR BYPASS TRUST & HALD OLE H TR SU ETAL	1504 LEROY AVE	BERKELEY CA	94708
SHANNON CHRISTINA M	1505 LE ROY AVE	BERKELEY CA	94708
DUNLAP KATHERINE B TR	1508 LA LOMA AVE	BERKELEY CA	94708
HAGOPIAN JOANNE E & EKNOIAN JOHN C TRS	1508 LE ROY AVE	BERKELEY CA	94708
ASTON MARTIN & KRYSTAL SHEILA TRS	1509 EUCLID AVE	BERKELEY CA	94708
MEYERSON IVAN D & MARIS T TRS	1509 LA LOMA AVE	BERKELEY CA	94708
BANK MICHAEL S & ADRIANNE TRS	1509 LE ROY AVE	BERKELEY CA	94708
BONABEAU ERIC TR & SHELL JULIE D TR	1512 LA LOMA AVE	BERKELEY CA	94708
CHRISTENSEN HELEN	1514 LA LOMA AVE	BERKELEY CA	94708
MARTINIAK CHRIS & SARAH M TRS	1514 LE ROY AVE	BERKELEY CA	94708
GENN NANCY T TR	1515 LA LOMA AVE	BERKELEY CA	94708
JOHNSON CYNTHIA B TR	1516 LE ROY AVE	BERKELEY CA	94708
LEVENTHAL JANET B	1517 EUCLID AVE	BERKELEY CA	94708
METAXAS VAN TR	1517 LE ROY AVE	BERKELEY CA	94708
CRUTCHFIELD LILA S TR	1518 NOE ST	SAN FRANCISCO CA	94131
LEAP DAVID & KAZDANLEAP CYNTHIA TRS	1521 EUCLID AVE	BERKELEY CA	94708
SIMMONS BETH & JACKAN BRUCE	1521 LA LOMA AVE	BERKELEY CA	94708
ZEIGER RONALD D & HELANE G	1521 LE ROY AVE	BERKELEY CA	94708
KING KENTON J & KUNIKO K	1525 LA LOMA AVE	BERKELEY CA	94708
HALL JOHN S & MARYGRACIA S TRS	1526 LEROY AVE	BERKELEY CA	94708
MURPHY GREGORY S & MEDAK SUSAN L TRS	1530 LA LOMA AVE	BERKELEY CA	94708
LOVE RICHARD B & HEIDI T TRS	1536 LE ROY AVE	BERKELEY CA	94708
EASTMAN JAMES J & ANN K TRS	1537 EUCLID AVE	BERKELEY CA	94708
CUZZILLO SHAWNEE L TR	1540 LE ROY AVE	BERKELEY CA	94708
ARENDTSON HOWARD J & BIGHAM DAVID J TRS	1542 LA LOMA AVE	BERKELEY CA	94708
JOHNSON ANDREW P & ANN R	1542 LE ROY AVE	BERKELEY CA	94708
BUSTAMANTE CARLOS J & SILVIA M TRS	1544 LE ROY AVE	BERKELEY CA	94708
COLELLA PHILLIP & LONDERVILLE SUSAN	1546 LA LOMA AVE	BERKELEY CA	94708
HORTON JOHN S & COLLACO IRENE L ETAL	1546 LE ROY AVE	BERKELEY CA	94708
HASSE LIZBETH TR	155 SANSOME ST, #500	SAN FRANCISCO CA	94104
WHITE MARK N & MCGINNIS SUSAN K	1550 LA VEREDA RD	BERKELEY CA	94708
BECKER PAULA S TR	1550 LE ROY AVE	BERKELEY CA	94708
TRIPPE THOMAS G & BERG KIRSTEN M TRS	1551 LA VEREDA RD	BERKELEY CA	94708
CURTIS JULIA	1553 LA VEREDA RD	BERKELEY CA	94708
LAETSCH WATSON M & SITA P TRS	1554 LEROY AVE	BERKELEY CA	94708
MEIER FIONA B TR	1561 EUCLID AVE	BERKELEY CA	94708
OREGAN MARIAN C TR	1562 LE ROY AVE	BERKELEY CA	94708
DONG HISUK & SANJU	1565 LA VEREDA RD	BERKELEY CA	94708
CASIDA JOHN E & KATHERINE F TRS	1570 LA VEREDA RD	BERKELEY CA	94708
PIOVIA VICKI & SCOTT MICHAEL F TRS	1570 LE ROY AVE	BERKELEY CA	94708
YAMPOLSKY ARYEH & SOICHET EMMANUELLE	1575 LA VEREDA RD	BERKELEY CA	94708
FUKUYA GLENN S	1578 LE ROY AVE	BERKELEY CA	94708
KIMBALL HELGA R TRS	1580 LE ROY AVE	BERKELEY CA	94708
LYDON PETER J & NORMA F TRS	1584 LE ROY AVE	BERKELEY CA	94708
DELIBERTY TIFFANIE & RICHARD A	1590 LE ROY AVE	BERKELEY CA	94708
OREILLEY MICHAEL D & FELDMAN LINDA S TR	1594 LE ROY AVE	BERKELEY CA	94708
ALWARD EUGENE R & NANCY L	1595 LE ROY AVE	BERKELEY CA	94708
LORBER JOANN R TR	1596 LE ROY AVE	BERKELEY CA	94708
JACKSON ROBERT D & BARSCHI EDITH B TRS	1597 LE ROY AVE	BERKELEY CA	94708
OWENS JAMES M TR & YOKOI STEPHEN H TR	1600 LA LOMA AVE	BERKELEY CA	94709
SCHLESINGER VICTORIA A & JOHNSON DAVID V ETAL	1619 LE ROY AVE	BERKELEY CA	94709
HESS WINIFRED L TR	1620 LE ROY AVE	BERKELEY CA	94709
WONG MARILYN P & KOON WANG S TRS	1628 LA LOMA AVE	BERKELEY CA	94709

HUME JUSTINE TR	1630 WALNUT ST	BERKELEY CA	94709
WALLENBERG JOHAN J & JENNIFER E TRS	17806 SE 1ST ST	VANCOUVER WA	98684
YEN KELVIN & HOTZU	196 TUSCALOOSA AVE	ATHERTON CA	94027
ARON KENNETH & FELICIA ETAL	201 FAIR OAKS ST	SAN FRANCISCO CA	94110
SEPPALA SAMULI	2121 DWIGHT WAY, #213	BERKELEY CA	94704
GEOFFROY ERIC G & ARCHER HEATHER S	2500 BUENA VISTA WAY	BERKELEY CA	94708
SID WAH J & YUET K TRS	2501 HILL CT	BERKELEY CA	94708
MORINIERE LEILA TR	2504 HILL CT	BERKELEY CA	94708
ULP GRACE L TR	2506 BUENA VISTA WAY	BERKELEY CA	94708
RUSSELL RICHARD L & JOAN E TRS	2509 HILL CT	BERKELEY CA	94708
VIRANI NURUDDIN & ALIYA M TRS	2510 HILL CT	BERKELEY CA	94708
DARAABRAMS JOSEPH A & BENAY P	2511 HILL CT	BERKELEY CA	94708
WALLACE RICHARD J & KAISER KATHARINA U	2512 HILL CT	BERKELEY CA	94708
ALTIERI LAURA TR	2514 BUENA VISTA WAY	BERKELEY CA	94708
REGAN TERRENCE M TR	2514 HILL CT	BERKELEY CA	94708
GATZKE ALLAN E & KELLY KATHLEEN E	2515 HILL CT	BERKELEY CA	94708
CARPIAUX ELEANOR	2518 BUENA VISTA WAY	BERKELEY CA	94708
KROOTH RICHARD & ANN	2518 HILL CT	BERKELEY CA	94708
GIRLING ROBERT & KEITH SHERRY TRS	2519 HILL CT	BERKELEY CA	94708
SAIDNIA FARROKH	2521 HILL CT	BERKELEY CA	94708
GETZ WAYNE M & JENNIFER B TRS	2522 HILL CT	BERKELEY CA	94708
WEINSTEIN HERTA TR	2525 BUENA VISTA WAY	BERKELEY CA	94708
STANDLEY ANDREW P & JUDITH I TRS	2525 HILL CT	BERKELEY CA	94708
ODERMATT THOMAS & NAKAO YUMI TRS	2530 BUENA VISTA WAY	BERKELEY CA	94708
CULLEN MICHAEL & MARGARET TRS	2535 BUENA VISTA WAY	BERKELEY CA	94708
ARMITAGE JOHN	2545 BUENA VISTA WAY	BERKELEY CA	94708
GALVIN KEVIN & BARBARA TRS	2545 CEDAR ST	BERKELEY CA	94708
MAINS RICHARD C & SLATER PATRICIA TRS	2548 CEDAR ST	BERKELEY CA	94708
POROPAT BRUCE & COWGILLPOROPAT CYNTHIA TRS	2555 BUENA VISTA WAY	BERKELEY CA	94708
NICHOLS HENRY Y IRR. CEDAR ST TR & NICHOLS NI ETAL	2560 CEDAR ST	BERKELEY CA	94708
HAUTEFEUILLE LAURENT & CRONEMBOLD DANIELA	2564 BUENA VISTA WAY	BERKELEY CA	94708
SCHEFFY CLARK W & ZOEHATEEHC D	2565 BUENA VISTA WAY	BERKELEY CA	94708
JEWETT ROBERT E	2573 BUENA VISTA WAY	BERKELEY CA	94708
GRAHAM BRYAN S & MURPHY ERIN E TRS	2574 BUENA VISTA WAY	BERKELEY CA	94708
DODGE ANDREA C TR	2575 CEDAR ST	BERKELEY CA	94708
LIE JOHN	2580 BUENA VISTA WAY	BERKELEY CA	94708
DRESCHER TIMOTHY W & JO TRS	2583 BUENA VISTA WAY	BERKELEY CA	94708
KERIEVSKY JOSHUA L	2583 CEDAR ST	BERKELEY CA	94708
CHEN CYNTHIA TR	2587 BUENA VISTA WAY	BERKELEY CA	94708
SCHREIBSTEIN JEROME & TANCOR MARIANNE F	2590 CEDAR ST	BERKELEY CA	94708
YAN POSU	2596 CEDAR ST	BERKELEY CA	94708
SHALILEH FEREYDOON	2598 SACRAMENTO ST	BERKELEY CA	94702
NOONAN MARY L TR	2599 BUENA VISTA WAY	BERKELEY CA	94708
NELSON ALAN H & JUDITH M TRS	2600 BUENA VISTA WAY	BERKELEY CA	94708
MOMTCHEV STANISLAV P & KALOYANOVA ELENA K TRS	2630 CEDAR ST	BERKELEY CA	94708
ORMSBY CHARLES L & SACHIKO T	2639 CEDAR ST	BERKELEY CA	94708
HILL MARY F TR	2644 CEDAR ST	BERKELEY CA	94708
LANDRY DERIK & WEAVER R N & KULLBERG CONSTANCE A	2647 CEDAR ST	BERKELEY CA	94708
BARTKO JOHN J & PAMELA A TRS	2655 BUENA VISTA WAY	BERKELEY CA	94708
HELFANT DAVID B & MARX DEBORAH J TR	2660 BUENA VISTA WAY	BERKELEY CA	94708
GROSSMAN SEYMOUR & ROBERTA S TRS	2661 CEDAR ST	BERKELEY CA	94708
SAMBOR DANA HEIRS OF EST	2678 BUENA VISTA WAY	BERKELEY CA	94708
BISHOP JAMES K & FUNG INEZ Y	2683 BUENA VISTA WAY	BERKELEY CA	94708
GILLESPIE MICHAEL B & NICOLA J TRS	2696 CEDAR ST	BERKELEY CA	94708
LAKE STEVEN & NANCY	2718 BUENA VISTA WAY	BERKELEY CA	94708
BERGER ANNA TR & BERGER ANNA TR	2750 BUENA VISTA WAY	BERKELEY CA	94708
LANGER JONAS & MARILYN TRS	2780 BUENA VISTA WAY	BERKELEY CA	94708
RUPPERT CHARLES E	2790 BUENA VISTA WAY	BERKELEY CA	94708
SMITH THOMAS TR	2828 E 9TH ST	TUCSON AZ	85716
SID GEORGE & KATY TRS	316 SHERWOOD WAY	MENLO PARK CA	94025
CHU MICHAEL H & JESSICA H	40919 DURILLO DR	FREMONT CA	94539
LIU CHUN C & TANG LI L TRS	511 W WISTERIA AVE	ARCADIA CA	91007
LATIMER CAROLE B	610 MYRTLE AVE	PLACERVILLE CA	95667
PENNELL ROBERT H TR	7 MAYBECK TWIN DR	BERKELEY CA	94708
STREIFF LAUREN D	8 CAVESWOOD LN	OWINGS MILLS MD	21117
NIEWOEHNER FRANZ	GEMUNDER STR. 4	D-50937 COLOGNE GERM/ FORGN	
PERKINS SHEL ETAL	PO BOX 410356	SAN FRANCISCO CA	94141
OCCUPANT	1480 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1512 LA LOMA AVE 1	BERKELEY CA	94708
OCCUPANT	1512 LA LOMA AVE 2	BERKELEY CA	94708
OCCUPANT	1516 LE ROY AVE A	BERKELEY CA	94708
OCCUPANT	1520 LE ROY AVE	BERKELEY CA	94708

1581 Le Roy Ave

197 notices

mailed out 07-22-19

OCCUPANT	1526 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1528 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1544 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1554 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1555 LA VEREDA RD	BERKELEY CA	94708
OCCUPANT	1555 LA VEREDA RD 1	BERKELEY CA	94708
OCCUPANT	1555 LA VEREDA RD 2	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 1	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 2	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 3	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE 4	BERKELEY CA	94708
OCCUPANT	1561 EUCLID AVE COM	BERKELEY CA	94708
Samuli Seppala	1581 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1586 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1587 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1589 LE ROY AVE	BERKELEY CA	94708
OCCUPANT	1590 LA VEREDA RD	BERKELEY CA	94708
OCCUPANT	1601 LA LOMA AVE	BERKELEY CA	94708
OCCUPANT	1620 LE ROY AVE A	BERKELEY CA	94709
OCCUPANT	1621 LE ROY AVE	BERKELEY CA	94709
OCCUPANT	2501 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2502 HILL CT	BERKELEY CA	94708
OCCUPANT	2505 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2510 HILL CT COM	BERKELEY CA	94708
OCCUPANT	2513 HILL CT	BERKELEY CA	94708
OCCUPANT	2515 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2517 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2519 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2520 HILL CT	BERKELEY CA	94708
OCCUPANT	2525 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2526 HAWTHORNE TER	BERKELEY CA	94708
OCCUPANT	2533 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2535 BUENA VISTA WAY 1	BERKELEY CA	94708
OCCUPANT	2535 BUENA VISTA WAY 2	BERKELEY CA	94708
OCCUPANT	2557 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2559 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2570 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2577 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2592 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2593 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2595 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2597 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2626 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2641 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2642 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2649 CEDAR ST	BERKELEY CA	94708
OCCUPANT	2704 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2720 BUENA VISTA WAY	BERKELEY CA	94708
OCCUPANT	2730 BUENA VISTA WAY	BERKELEY CA	94708
Jerri Holan and Associates	1323 Solano Avenue, #204	Albany CA	94706
Interested Party	2717 Buena Vista Way	Berkeley CA	94708
Trippe & Berg	1551 La Vereda Road	Berkeley CA	94708
Beverly Cheney	1459 Greenwood Terrace	Berkeley CA	94708
Frank Saulsbury	2946 Shasta Road	Berkeley, CA	94708



EXISTING WEST ELEVATIONS, 2019

PARCEL CONDITIONS:

- 1) Building is on the National Register of Historic Places and is a City Landmark;
- 2) Building is in the Fault Zone;
- 3) Building is in the Landslide Zone;
- 4) Building is not in a Creek Zone.

SCOPE OF ALTERATION WORK (NO SQUARE FOOTAGE BEING ADDED):

- 1) CHANGE OF OCCUPANCY FROM EDUCATIONAL TO SINGLE-FAMILY RESIDENTIAL WITH ADU;
- 2) REPLACE & RESTORE MISCELLANEOUS DOORS, WINDOWS & SIDELIGHTS;
- 3) RESTORE DAMAGED 3-STORY SOUTH WALL & REPLACE FOUNDATION;
- 4) RESTORE SOUTH TERRACE, ADD WING WALLS AND BRICK STAIRS SIMILAR TO ORIGINAL TERRACE.
- 5) CONVERT KITCHEN TO GARAGE AND ADD NEW CONCRETE DRIVEWAY AND RETAINING WALLS;
- 6) ADD ELEVATOR;
- 7) ADD BATHROOMS TO SECOND FLOOR;
- 8) REMODEL THIRD FLOOR AND ADD REAR DECK WITH STUCCO GUARD RAILS, POOL AND HOT TUB;
- 9) REPLACE ELECTRICAL AND MECHANICAL SYSTEMS;
- 10) ADD SOLAR PANELS;
- 11) ADD NEW FENCING WITH HEDGE SCREENS;
- 12) ADD NEW PARKING AREA 2;
- 13) REPAVE ART PARK AREA WITH INTEGRAL COLOR ASPHALT.

SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATING HISTORIC BUILDINGS:

As a property on the National Register of Historic Properties, the following Standards shall be followed:

- Standard 1** - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Standard 2** - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Standard 3** - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
- Standard 4** - Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Standard 5** - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Standard 6** - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Standard 7** - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Standard 8** - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Standard 9** - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
- Standard 10** - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2016 CALIFORNIA HISTORICAL BUILDING CODE (CHBC) NOTES:

As a qualified historic building, the application of the following provisions of the CHBC apply:

SECTION 8-102.1.6 - Qualified buildings shall not be subject to additional work required by the regular code beyond that required to complete the work undertaken.

SECTION 8-901.5 - Qualified buildings are exempted from compliance with energy conservation standards.

PLANNING, ZONING, & BUILDING INFORMATION:

APN: 058-2245-009-03 Fire Zone 2

Zoning: R-1H Existing Educational Building Occupancy (E) is converting to Single-family Residential Occupancy (R-3)

Three-story, Type VB Construction, Fully Sprinklered

Lot Size: 117,546 sf Footprint Size: 25,695 sf

First Floor Size: 25,695 sf
Second Floor Size: 21,562 sf
Third Floor Size: 3,045 sf

TOTAL SIZE 50,302 SF



TABULATION FORM

Project Address: 1581 Le Roy Avenue Date: Feb. 20, 2019

Applicant's Name: Jerri Holan & Associates

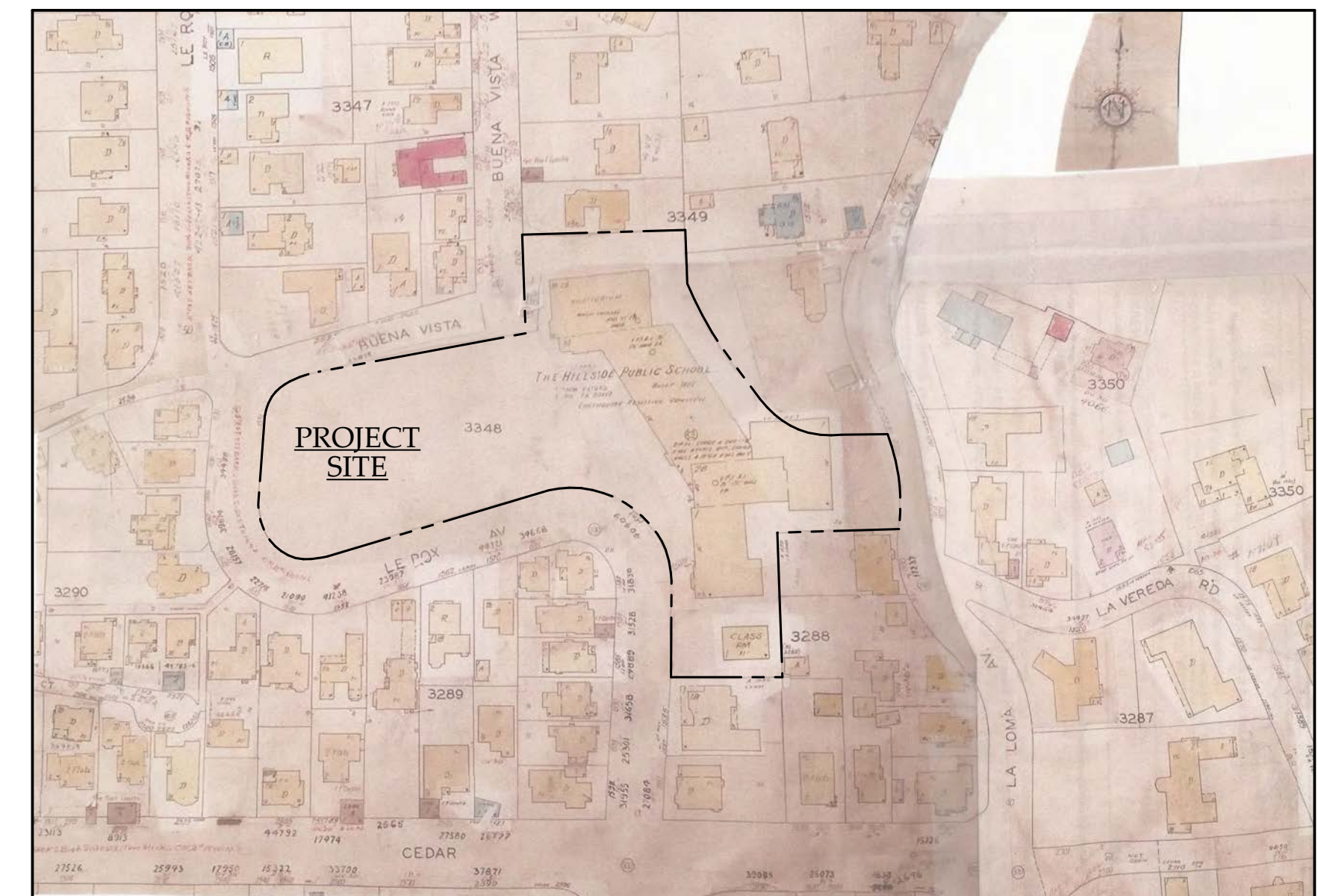
Zoning District: R-1H

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/Required
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	0	2	2
Number of Parking Spaces (#)	9	27	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	0	5	0
Yards and Height			
From Yard Setback (Feet)	10-20	10-20	20
Side Yard Setbacks (facing property):			
Left: (Feet)	25	25	4
Right: (Feet)	25	25	4
Rear Yard Setback (Feet)	15-40	15-40	20
Building Height* (# Stories)	3	3	3
Average* (Feet)	35	35	35
Maximum* (Feet)	50	50	35
Areas			
Lot Area (Square-Feet)	117,546	117,546	5,000
Gross Floor Area* (Square-Feet)	50,302	50,302	N/A
Total Area Covered by All Floors (Square-Feet)	25,695	25,695	N/A
Building Footprint* (Square-Feet)	25,695	25,695	N/A
Lot Coverage* (Footprint/Lot Area) (%)	22	22	40
Useable Open Space* (Square-Feet)	91,851	91,851	800
Floor Area Ratio* Non-Residential only (Except ES-R)			

*See Definitions - Zoning Ordinance Title 23F. Revised: 05/15

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VICINITY MAP

APPROX. SCALE: 1" = 100'

DRAWING INDEX

- T-1 TITLE SHEET
- T-2 SUPPLEMENTAL TITLE SHEET
- A-1 SITE & ROOF PLAN
- SY-1 LEGAL DESCRIPTIONS & CONDITIONS
- SY-2 SURVEY
- A-2 FIRST & SECOND FLOOR PLANS
- A-3 THIRD FLOOR PLANS & BUILDING SECTION
- A-4 PARTIAL ELEVATIONS & DETAILS

JERRI HOLAN & ASSOCIATES
ARCHITECT * ENGINEERS * PLANNERS
1323 Solano Avenue, Suite 204, Albany, CA 94706
510.528.1079
jerri.holanarchitects.com

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPALA
1581 Le Roy Avenue
Berkeley, CA

Revisions:
May 26, 2019 - Supplemental Submissions for Use Permit
July 23, 2019 - Supplemental Submissions for Use Permit
8/19/19 - Planning Revisions
8/19/19 - LPC Revisions
10/19/19 - ZAB Submittal
Issue Date:
April 1, 2019 - Submitted for Use Permit
April 1, 2019 - Submitted for Structural Alteration Permit & Design Review

TITLE SHEET

SHEET
T-1
of 6



GENERAL AND SITE PLAN NOTES:

1. These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
2. Use of these drawings constitutes acceptance.
3. Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
4. The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
5. The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
6. All work shall conform to the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Historical Building Code (CHBC), The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.
7. By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawings and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
8. The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
9. The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
10. The site shall be kept clean at all times. Materials indicated to be reinstalled shall be stored and protected onsite unless otherwise noted. THE BASEMENT AREA WILL BE AVAILABLE FOR STORAGE OF NEW WINDOW UNITS DURING CONSTRUCTION. Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
11. Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
12. All items not noted as new (N) are existing.
13. All existing walls, floors, and ceilings at removed, new or modified construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.



SMALL P. SILVER SHEEN HEDGE



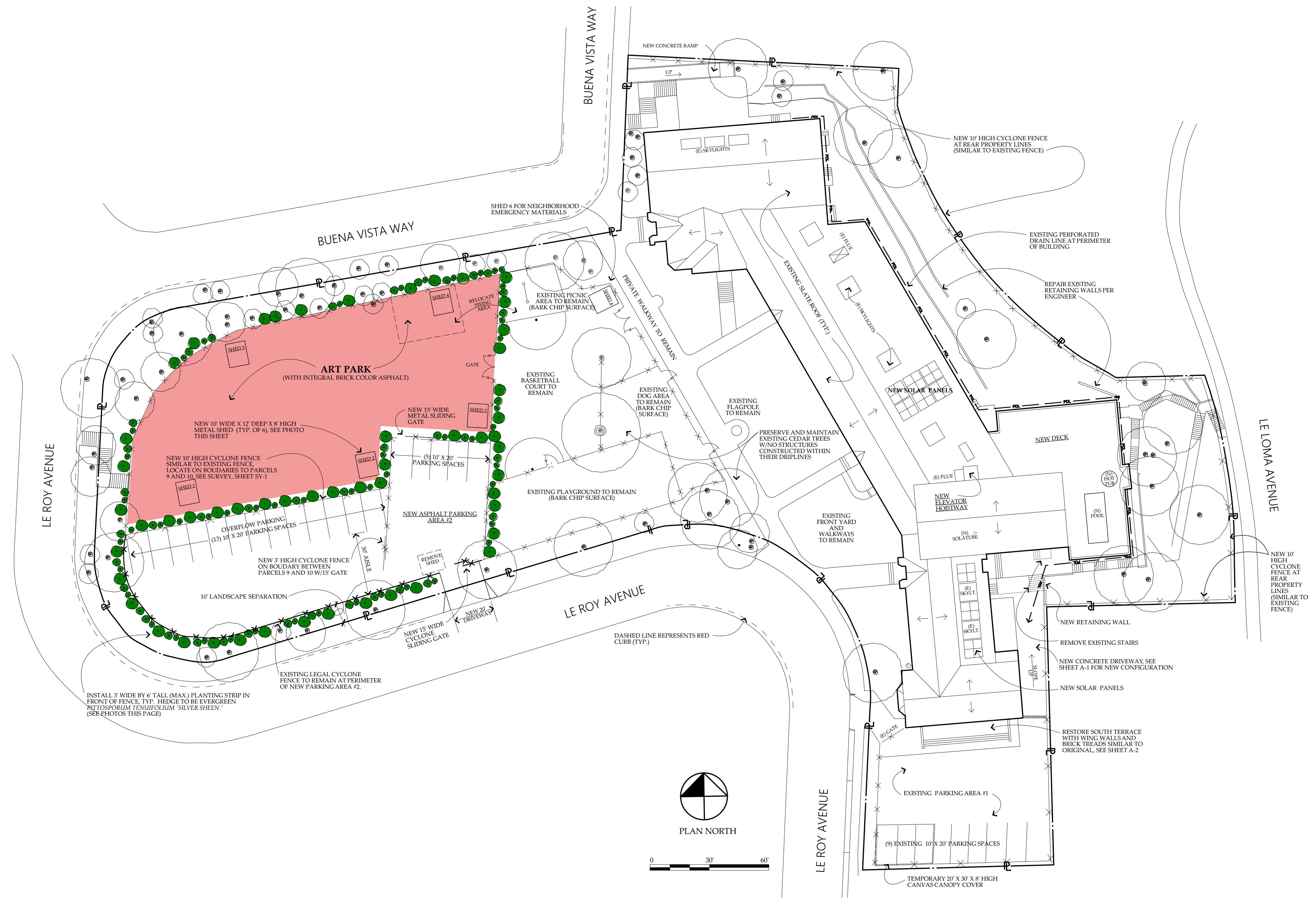
MEDIUM P. SILVER SHEEN HEDGE



LARGE P. SILVER SHEEN HEDGE



PROPOSED NEW SHED



1 SITE & ROOF PLAN

A-1

JERRI HOLAN & ASSOCIATES
ARCHITECT * ENGINEERS * PLANNERS
1323 Solano Avenue, Suite 204, Albany, CA 94706
510.528.1079
www.holanarchitects.com

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPALA
1581 Le Roy Avenue
Berkeley, CA

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SITE & ROOF PLAN

SHEET
A-1
of 6



C:\Users\jerriholan\Documents\jerriholanandassociates\drawings\HILL SIDE SCHOOL\PLANNING DRWG\HILL SIDE\PLANNING.101019.pln

LEGAL DESCRIPTION

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF HILLSIDE WAY WITH THE WESTERN LINE OF LOT NO. 6, IN BLOCK NO. 5, AS SAID WAY, LOT AND BLOCK ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO...

BEING A PORTION OF LOT 6 IN BLOCK 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 2:

BEGINNING AT A POINT ON THE EASTERN LINE OF LE ROY AVENUE FORMERLY LOOKOUT PLACE, DISTANT THEREON SOUTHERLY ONE HUNDRED AND TEN AND 12/100 (100.12) FEET FROM THE NORTHWESTERN CORNER OF LOT NO. 13, AS SAID STREET AND LOT ARE SHOWN ON THE MAP...

BEING A PORTION OF LOT NO. 13, AS SAID LOT IS DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "LA LOMA PARK, BERKELEY, ALAMEDA COUNTY, CALIFORNIA, C.L. ENGGINS, TOWN ENGINEER, OCTOBER 1900", FILED NOVEMBER 12, 1900, IN LIBER 16 OF MAPS, PAGE 13 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 3:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF LOT NO. 2, HEREINAFTER REFERRED TO, WITH THE EASTERN LINE OF LE ROY AVENUE, AS SAID LOT AND AVENUE ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO...

BEING A PORTION OF LOT NO. 2, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT", FILED OCTOBER 15, 1902 IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 4:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF HILLSIDE WAY WHERE THE SAME IS INTERSECTED BY THE EASTERN LINE OF LOT NOS. 2 AND 3, IN BLOCK NO. 5, AS SAID WAY AND LOTS AND BLOCK ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO...

BEING THE EASTERN 40 FEET OF LOT NO. 2, AND THE EASTERN 50 FEET OF LOT NO. 3, IN BLOCK NO. 5, A SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT", FILED OCTOBER 15, 1902, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 5:

BEING LOT NO. 9, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK, AND THE WHEELER TRACT", FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 6:

LOT NO. 8 IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK, AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA, FILED OCTOBER 15, 1902 IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF THE SAID COUNTY OF ALAMEDA.

PARCEL 7:

BEGINNING AT THE INTERSECTION OF THE NORTHERN LINE OF LE ROY AVENUE, WITH THE EASTERN LINE OF LOT NO. 6, HEREINAFTER REFERRED TO, RUNNING THENCE NORTHERLY ALONG SAID LINE OF LOT NO. 6, 61.70 FEET; THENCE AT RIGHT ANGLE WESTERLY 50 FEET, MORE OR LESS TO THE WESTERN LINE OF SAID LOT 6; THENCE SOUTHERLY ALONG SAID LINE OF LOT NO. 6, 27.40 FEET, MORE OR LESS, TO A POINT DISTANT THEREON NORTHERLY, 71.81 FEET FROM THE POINT NORTHERN LINE OF SAID LE ROY AVENUE; THENCE AT RIGHT ANGLES EASTERLY 3 FEET; THENCE SOUTHERLY PARALLEL WITH SAID WESTERN LINE OF SAID LOT NO. 6, 71 FEET, MORE OR LESS, TO THE NORTHERN LINE OF SAID LE ROY AVENUE; THENCE EASTERLY ALONG SAID LAST MENTIONED LINE, 50 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 6, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902 IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 8:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, AT THE INTERSECTION THEREOF WITH THE WESTERN LINE OF LOT NO. 4, IN BLOCK NO. 5, AS SHOWN ON THE MAP HEREINAFTER REFERRED TO; RUNNING THENCE SOUTHERLY ALONG SAID LAST NAMED LINE, 85 FEET; THENCE AT RIGHT ANGLES EASTERLY, 50 FEET, MORE OR LESS, TO THE EASTERN LINE OF SAID LOT NO. 4; THENCE NORTHERLY ALONG SAID LAST NAMED LINE TO THE SAID LINE OF BUENA VISTA WAY; THENCE WESTERLY ALONG SAID LINE OF BUENA VISTA WAY TO THE POINT OF BEGINNING.

PARCEL 8 CONTINUED:

BEING A PORTION OF LOT NO. 4, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA", FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 9:

BEGINNING AT A POINT ON THE NORTHERN LINE OF LE ROY AVENUE, THE SAID POINT OF BEGINNING BEING THE SOUTHWESTERN CORNER OF LOT 4 IN BLOCK 5, AS PER MAP HEREINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG THE WESTERN LINE OF SAID LOT 4, 87.46 FEET; THENCE AT A RIGHT ANGLE EASTERLY TO THE EASTERN LINE OF SAID LOT 4; THENCE SOUTHERLY ALONG THE SAID EASTERN LINE OF LOT 4, TO THE SAID NORTHERN LINE OF LE ROY AVENUE; THENCE WESTERLY ALONG SAID LAST NAMED LINE, 53.21 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 4, IN BLOCK 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY," ETC., FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 10:

LOT NO. 1 IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE SHOWN ON THE MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 11:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, SAID POINT BEING THE NORTHWESTERN CORNER OF LOT NO.5, BLOCK 5, AS SAID WAY, LOT AND BLOCK ARE SHOWN ON THE MAP HEREINAFTER DESCRIBED; RUNNING THENCE SOUTHERLY ALONG THE WESTERN LINE OF SAID LOT NO. 5, SEVENTY-FIVE AND 83/100 (75.83) FEET; THENCE AT RIGHT ANGLES EASTERLY FIFTY (50) FEET MORE OR LESS TO THE EASTERN LINE OF SAID LOT NO. 5; THENCE NORTHERLY ALONG SAID LINE OF LAST MENTIONED LINE EIGHTY-SEVEN AND 40/100 (87.40) FEET MORE OR LESS TO THE SAID LINE OF BUENA VISTA WAY; THENCE WESTERLY ALONG SAID LINE FIFTY-ONE AND 32/100 (51.32) FEET TO THE PLACE OF BEGINNING.

BEING THE NORTHERLY PORTION OF LOT NO. 5, IN BLOCK NO.5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON A CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY ALAMEDA COUNTY, CALIFORNIA", FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 12:

BEGINNING AT A POINT ON THE LINE DIVIDING LOTS NOS. 4 AND 5 IN BLOCK NO. 5, AS PER MAP HEREINAFTER REFERRED TO, WHERE THE SAME IS INTERSECTED BY THE NORTHERN LINE OF LE ROY AVENUE, RUNNING THENCE NORTHERLY ALONG SAID DIVIDING LINE, 90 FEET; THENCE AT RIGHT ANGLES EASTERLY, 55 FEET; THENCE SOUTHERLY PARALLEL WITH THE LINE DIVIDING LOTS NOS.5 AND 6 AS PER SAID MAP, 71 FEET, MORE OR LESS, TO THE NORTHERN LINE OF LE ROY AVENUE; THENCE WESTERLY ALONG SAID LAST NAMED LINE 56.21 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING PORTION OF LOTS NOS. 5 AND 6 IN BLOCK NO. 5, AS SAID LOTS AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY ALAMEDA COUNTY, CALIFORNIA", FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 13:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, DISTANT THEREON 50 FEET WESTERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE DIVIDING LOTS NOS. 3 & 4 IN BLOCK NO. 6, AS SAID WAY, LOTS AND BLOCK ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO; RUNNING THENCE WESTERLY ALONG SAID LINE OF BUENA VISTA WAY, 64.23 FEET; THENCE CONTINUING ALONG SAID SOUTHERN LINE OF BUENA VISTA WAY AND THE EASTERN LINE OF LE ROY AVENUE, AS SHOWN ON SAID MAP ON THE ARC OF A CIRCLE TO THE LEFT OF THE RADIUS OF WHICH IS 45 FEET, A DISTANT OF 60.45 FEET; THENCE CONTINUING ALONG SAID EASTERN LINE OF LE ROY AVENUE, SOUTHERLY 24.23 FEET; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT NO. 3, 100 FEET; THENCE NORTHERLY PARALLEL WITH THE AFORESAID LINE DIVIDING LOTS NOS. 3 AND 4 IN BLOCK NO. 5, 60 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO.3, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA", FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 14:

LOT 10 IN BLOCK 5, AS SAID LOT AND BLOCK ARE SHOWN ON MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA", FILED OCTOBER 15, 1902 IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 15:

ALL OF LOT NUMBERED 7 IN BLOCK NUMBERED 6, AS SAID LOT AND BLOCK ARE LAID DOWN AND DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT", FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL16:

BEGINNING AT THE INTERSECTION OF THE WESTERN LINE OF LA LOMA AVENUE WITH A LINE DRAWN PARALLEL WITH THE NORTHERN LINE OF LOT 12 AND DISTANT THEREFROM SOUTHERLY 40 FEET, AS SAID AVENUE AND LOT ARE SHOWN ON MAP HEREINAFTER REFERRED TO; RUNNING THENCE WESTERLY ALONG SAID PARALLEL LINE SO DRAWN 146.46 FEET MORE OR LESS TO THE WESTERN LINE OF SAID LOT 12; THENCE SOUTHERLY ALONG SAID LINE OF SAID LOT 12, 275 FEET TO THE SOUTHERN LINE OF SAID LOT 12; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT 12, 108.55 FEET; THENCE AT RIGHT ANGLES NORTHERLY 20 FEET; THENCE EASTERLY PARALLEL WITH SAID SOUTHERN LINE OF SAID LOT 12, 103.03 FEET, MORE OR LESS TO SAID WESTERN LINE OF SAID LA LOMA AVENUE; THENCE NORTHERLY ALONG SAID LINE OF LA LOMA AVENUE TO THE POINT OF BEGINNING.

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT ON THE WESTERN LINE OF LOT 12, AS SAID LOT IS SHOWN ON MAP HEREINAFTER REFERRED TO, DISTANT THEREON FORTY (40) FEET SOUTHERLY FROM THE NORTHWESTERN CORNER OF SAID LOT, AND RUNNING THENCE NORTHERLY ALONG THE WESTERN LINE OF SAID LOT, ONE HUNDRED FORTY-SIX AND 46/100 (146.46) FEET TO THE WESTERN LINE OF LA LOMA AVENUE; THENCE SOUTHERLY ALONG THE WESTERN LINE OF LA LOMA AVENUE ONE HUNDRED FORTY-FIVE AND 36/100 (145.36) FEET; THENCE SOUTH 80°39' WEST FIFTY-FIVE AND 0/100 (51.0) FEET; THENCE NORTHWESTERLY CURVING TO THE RIGHT ON AN ARC WITH A RADIUS OF TWO HUNDRED AND TWENTY-FIVE (225) FEET AND ALONG CHORD WHICH BEARS NORTH 46° 53' WEST ONE HUNDRED EIGHTY AND 55/100 (180.55) FEET TO THE POINT OF BEGINNING.

PARCEL 16 CONTINUED:

BEING A PORTION OF LOT 12, AS SAID LOT IS DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED "LA LOMA PARK, ALAMEDA COUNTY, CALIFORNIA, FILED NOVEMBER 12, 1900 IN LIBER 16 OF MAPS, PAGE 13, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

EXCEPTING THEREFROM, ALL THAT PORTION OF LAND DESCRIBED IN THE DEED TO THE CITY OF BERKELEY, A MUNICIPAL CORPORATION, RECORDED APRIL 24, 1962, REEL 610, IMAGE 300, ALAMEDA COUNTY RECORDS.

PARCEL 17:

THAT PORTION OF LE ROY AVENUE COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, BLOCK 5, AS SAID LOT AND BLOCK ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA, "FILED IN THE OFFICE OF THE RECORDER OF ALAMEDA COUNTY, OCTOBER 15, 1902, AND RUNNING THENCE SOUTHWESTERLY ALONG THE NORTHERN LINE OF LE ROY AVENUE ONE HUNDRED TWENTY-SIX AND FORTY-ONE HUNDREDTHS (126.41) FEET; THENCE LEAVING SAID NORTH LINE AND RUNNING NORTHEASTERLY AND SOUTHERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO THE LAST SAID COURSE, THE RADIUS OF WHICH ARC IS EIGHTY-NINE AND TWELVE HUNDREDTHS (89.12) FEET, A DISTANCE ON SAID ARC OF ONE HUNDRED SEVENTY AND FIFTY-TWO HUNDREDTHS (170.52) FEET TO THE EASTERN LINE OF LE ROY AVENUE; THENCE NORTHERLY TANGENT TO THE LAST SAID COURSE ALONG SAID EASTERN LINE OF LE ROY AVENUE ONE HUNDRED TWENTY-SIX AND FORTY-ONE HUNDREDTHS (126.41) FEET TO THE POINT OF BEGINNING.

PARCEL 18:

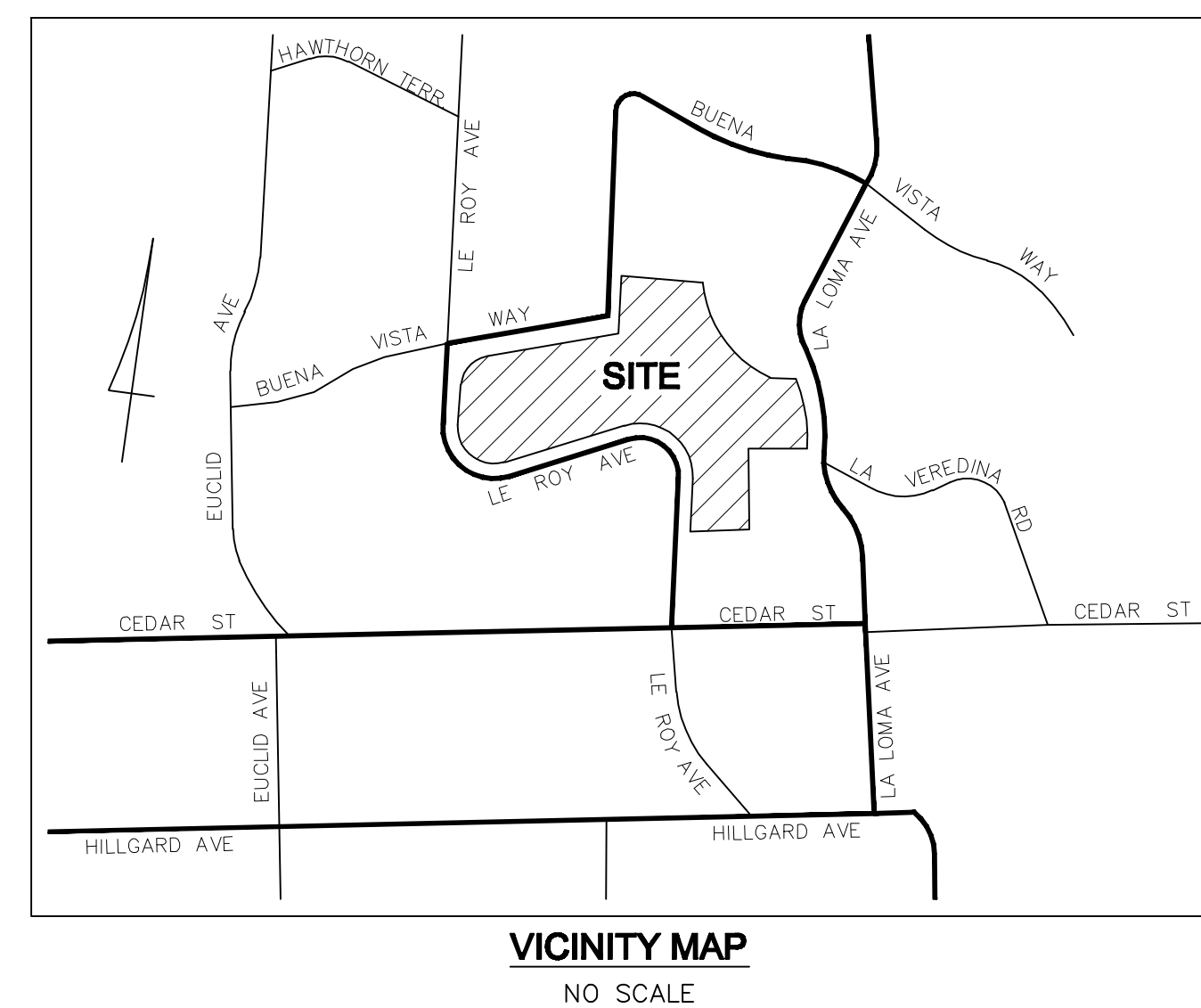
BEGINNING AT A POINT ON THE EASTERN LINE OF LE ROY AVENUE DISTANT THEREON ONE HUNDRED SEVENTY SIX AND 24/100 (176.24) FEET NORTHERLY FROM THE NORTHERN LINE OF CEDAR STREET AND RUNNING THENCE NORTHERLY ALONG THE EASTERN LINE OF LE ROY AVENUE SIXTY (60) FEET; THENCE EASTERLY PARALLEL WITH THE NORTHERN LINE OF CEDAR STREET EIGHT-EIGHT AND 55/100 (88.55) FEET; THENCE AT A RIGHT ANGLE SOUTHERLY FIFTY NINE AND 85/100 (59.85) FEET; THENCE WESTERLY PARALLEL WITH THE NORTHERN LINE OF CEDAR STREET NINETY TWO AND 740/100 (92.74) FEET TO THE POINT OF BEGINNING.

BEING THE NORTHERN FIFTY NINE AND 85/100 (59.85) FEET OF LOT THIRTEEN AS SAID LOT IS SHOWN ON THE MAP ENTITLED "LA LOMA PARK" FILED IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, CALIFORNIA, NOVEMBER 12, 1900 IN LIBER 16 OF MAPS, AT PAGE 13.

TITLE REPORT

PRELIMINARY REPORT ORDER NO. 1171091517-JS, DATED JULY 26, 2018, ISSUED BY OLD REPUBLIC TITLE COMPANY; 555 12TH STREET, SUITE 2000 OAKLAND, CALIF. 94607 TEL (510) 272-1121 CONTACT: JENNIFER SENHAJI

NO EASEMENTS WERE DISCLOSED BY SAID PRELIMINARY REPORT.



GENERAL NOTES

- 1. DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. GROUND CONDITIONS SHOWN HEREON REFLECT CONDITIONS ON THE DATE OF THE SURVEY.
3. FIELD SURVEY PERFORMED IN OCTOBER 2018.
4. NO RESPONSIBILITY OF CONTENT, COMPLETENESS OR ACCURACY OF THE CLIENT PROVIDED TITLE REPORT IS ASSUMED BY THIS PLAT OR THE SURVEYOR; ONLY SURVEY RELATED ITEMS ARE SHOWN HEREON.
5. DETAILS DRAWN NEAR PROPERTY LINE(S) ARE NOT NECESSARILY TO SCALE.
6. ENCROACHMENTS AND OR CLEARANCES ARE SHOWN AT OR NEAR GROUND LEVEL UNLESS OTHERWISE NOTED.
7. ENCROACHMENTS UPON AND BY THE ADJOINING PROPERTIES ARE HEREBY NOTED AND IT SHALL BE THE RESPONSIBILITY SOLELY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ANY ISSUE WHICH MAY ARISE THEREFROM.
8. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL THE UTILITIES MARKED BY THE RESPECTIVE UTILITY COMPANY PRIOR TO CONSTRUCTION.
9. PRIOR TO ANY DIGGING, CALL U.S.A. (1-800-642-2444) AT LEAST 48 HOURS IN ADVANCE TO HAVE EXISTING UNDERGROUND UTILITIES MARKED.
10. ONLY ACCESSIBLE SURFACE UTILITIES VISIBLE ON THE DATE OF THIS SURVEY WERE LOCATED AND ARE SHOWN.
11. THE LOCATIONS OF UNDERGROUND UTILITIES, WHERE SHOWN, ARE NOT DEFINITIVE NOR COMPLETE, AND ARE PER RECORD DRAWINGS PROVIDED BY THE CITY, AND NO RESPONSIBILITY OF CONTENT, COMPLETENESS OR ACCURACY OF THE UNDERGROUND UTILITIES IS ASSUMED BY THIS PLAT OR THE SURVEYOR. ALL USERS ARE ADVISED TO CONTRACT SEPARATELY WITH AN UNDERGROUND UTILITY LOCATION COMPANY AND TO REVIEW PUBLIC, QUASI-PUBLIC AND GIS UTILITY DATA SOURCES IF THEY WANT MORE INFORMATION.

ASSESSOR PARCEL NUMBER:

073-232-32

LOT AREA:

2.64 ± ACRES

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF:

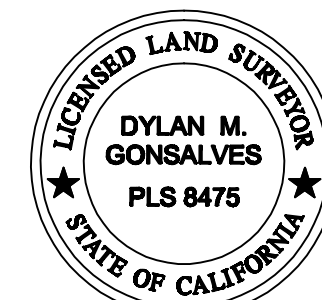
SAMULI SEPPALA IN: OCTOBER 2018

I HEREBY STATE THAT THE TOPOGRAPHY AND BOUNDARIES SHOWN ON THIS MAP IS BASED UPON A FIELD SURVEY MADE BY ME, DYLAN M. GONSALVES, PLS 8475

DURING THE MONTH OF OCTOBER, 2018

I FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

Dylan M. Gonsalves DATE P.L.S. 8475



DMG ENGINEERING, Inc. 30 OAKVILLE COURT PLEASANT HILL, CA 94523 PHONE: (925) 787-0463 FAX: (925) 287-8503

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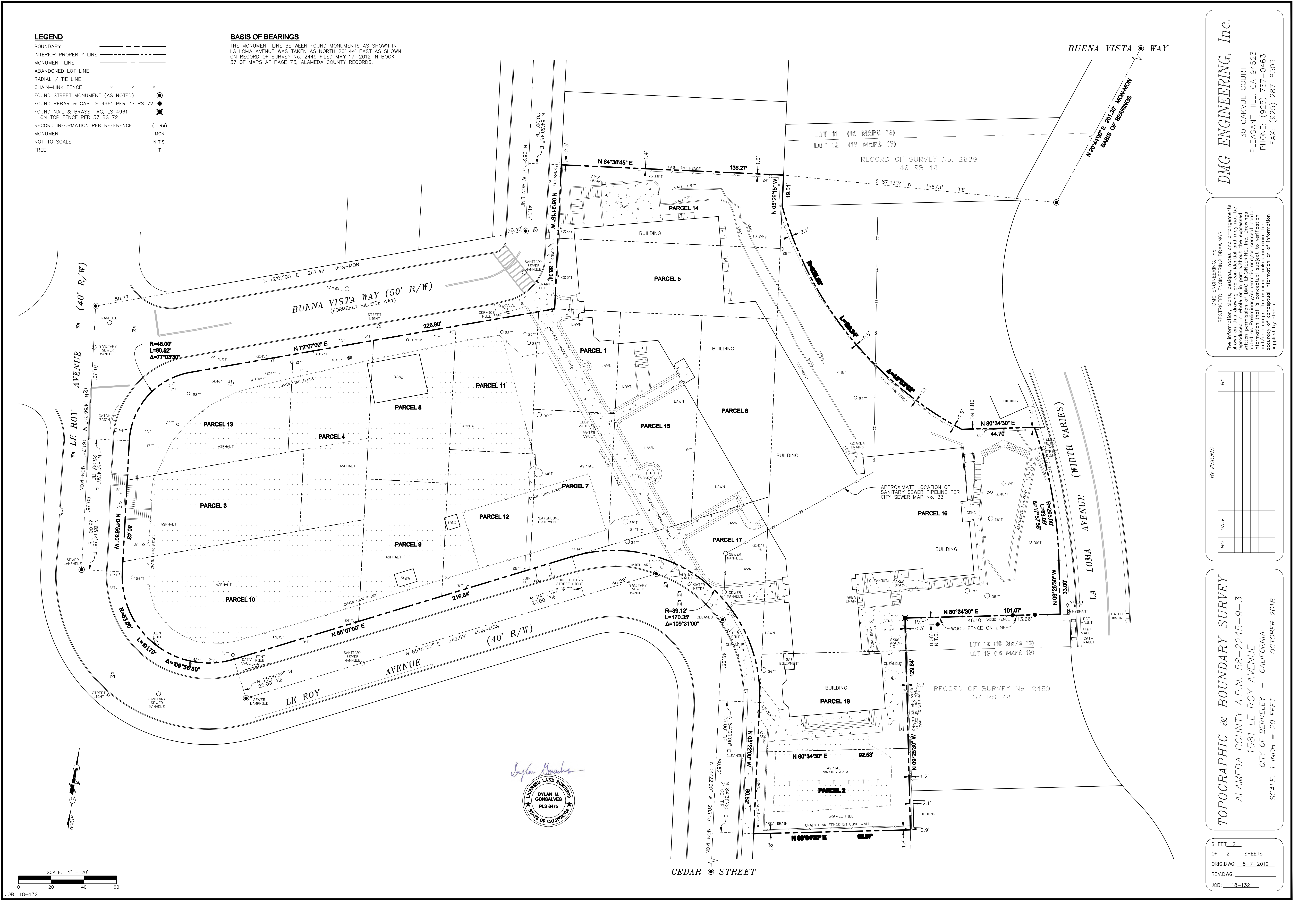
Table with columns NO., DATE, BY, REVISIONS

TOPOGRAPHIC & BOUNDARY SURVEY ALAMEDA COUNTY A.P.N. 58-2245-9-3 1581 LE ROY AVENUE CITY OF BERKELEY - CALIFORNIA SCALE: 1 INCH = 20 FEET AUGUST 2019

SHEET 1 OF 2 SHEETS ORIG.DWG: 8-7-2019 REV.DWG: JOB: 18-132

- LEGEND**
- BOUNDARY
 - INTERIOR PROPERTY LINE
 - MONUMENT LINE
 - ABANDONED LOT LINE
 - RADIAL / TIE LINE
 - CHAIN-LINK FENCE
 - FOUND STREET MONUMENT (AS NOTED)
 - FOUND REBAR & CAP LS 4961 PER 37 RS 72
 - FOUND NAIL & BRASS TAG, LS 4961 ON TOP FENCE PER 37 RS 72
 - RECORD INFORMATION PER REFERENCE
 - MONUMENT
 - NOT TO SCALE
 - TREE

BASIS OF BEARINGS
THE MONUMENT LINE BETWEEN FOUND MONUMENTS AS SHOWN IN LA LOMA AVENUE WAS TAKEN AS NORTH 20° 44' EAST AS SHOWN ON RECORD OF SURVEY No. 2449 FILED MAY 17, 2012 IN BOOK 37 OF MAPS AT PAGE 73, ALAMEDA COUNTY RECORDS.



Dylan M. Gonzales
DYLAN M. GONZALES
 LICENSED LAND SURVEYOR
 STATE OF CALIFORNIA
 PLS 8475

DMG ENGINEERING, Inc.
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REVISIONS

NO.	DATE	BY

TOPOGRAPHIC & BOUNDARY SURVEY
 ALAMEDA COUNTY A.P.N. 58-2245-9-3
 1581 LE ROY AVENUE
 CITY OF BERKELEY - CALIFORNIA
 SCALE: 1 INCH = 20 FEET
 OCTOBER 2018

SHEET 2
 OF 2 SHEETS
 ORIG.DWG: 8-7-2019
 REV.DWG:
 JOB: 18-132

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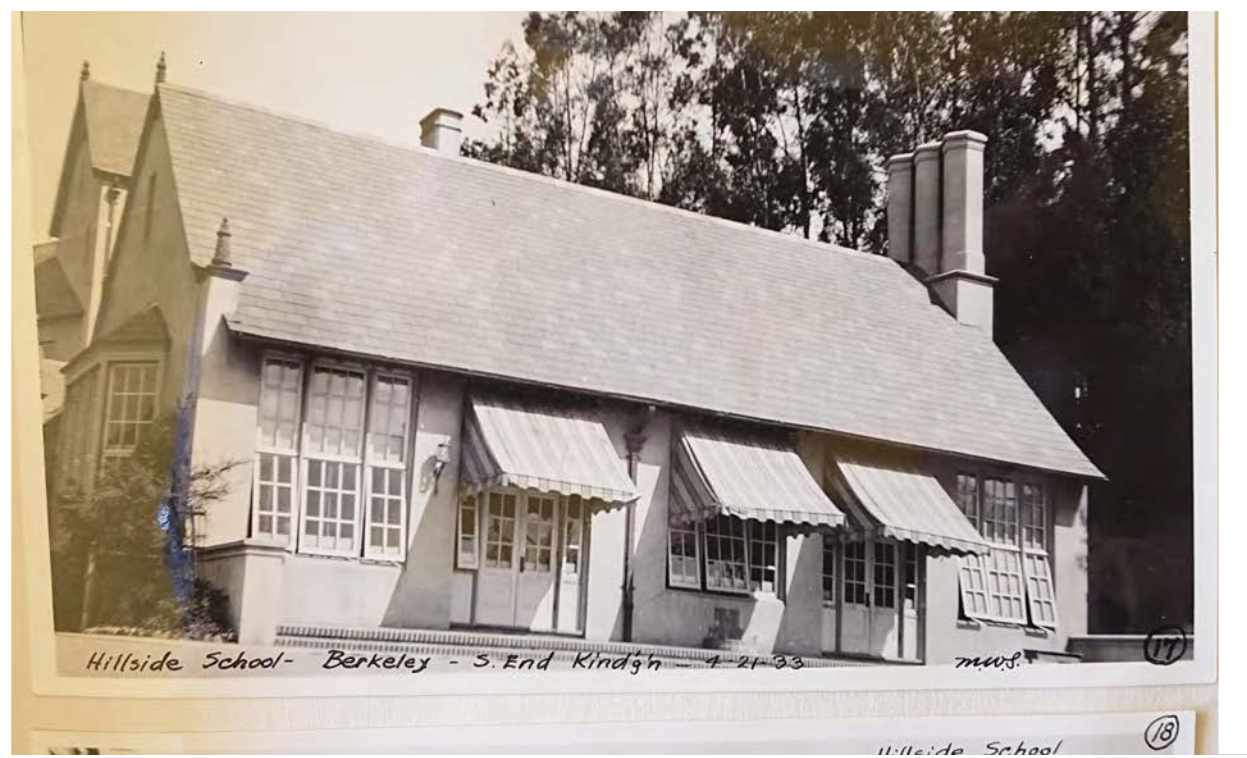
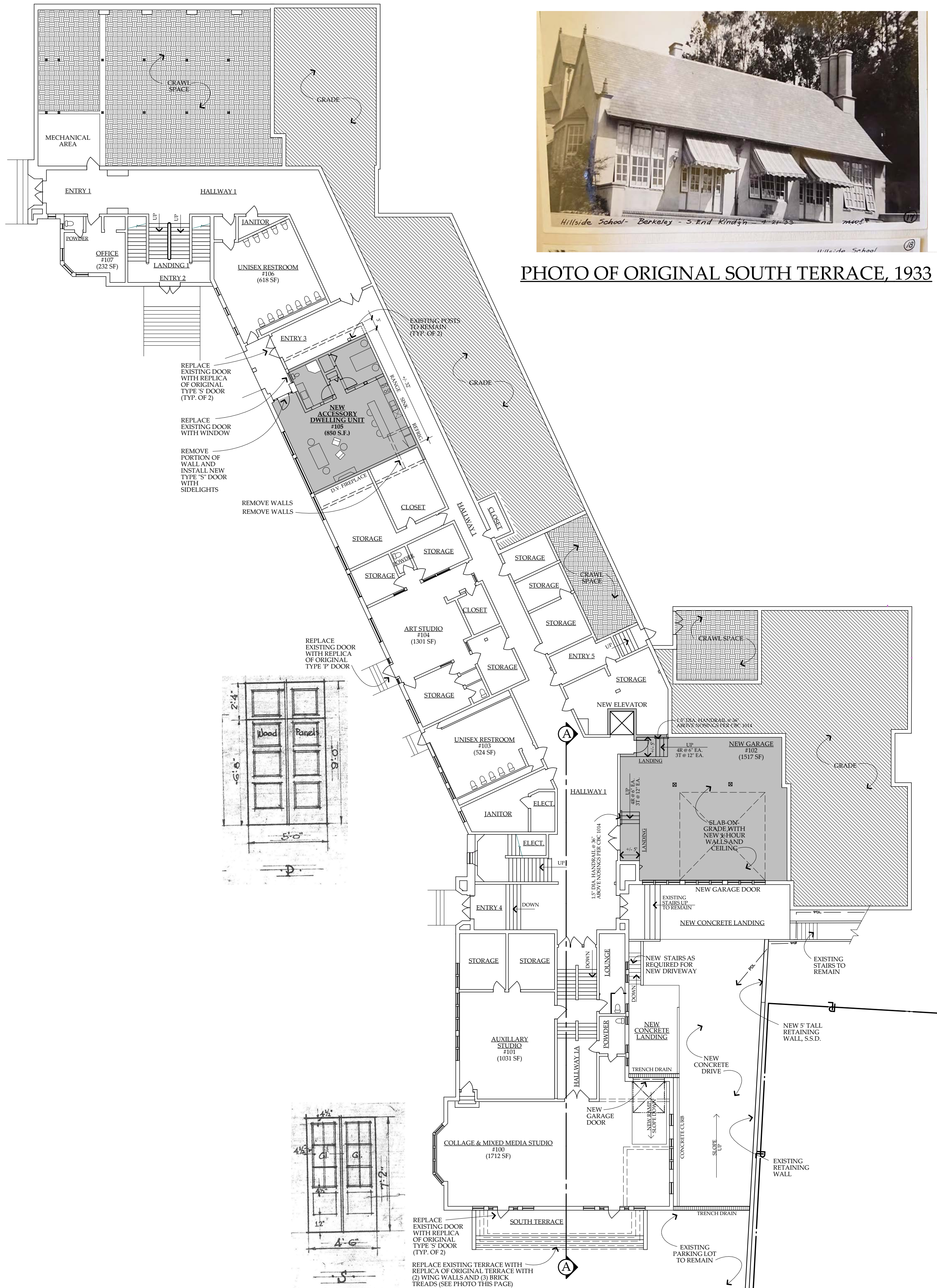
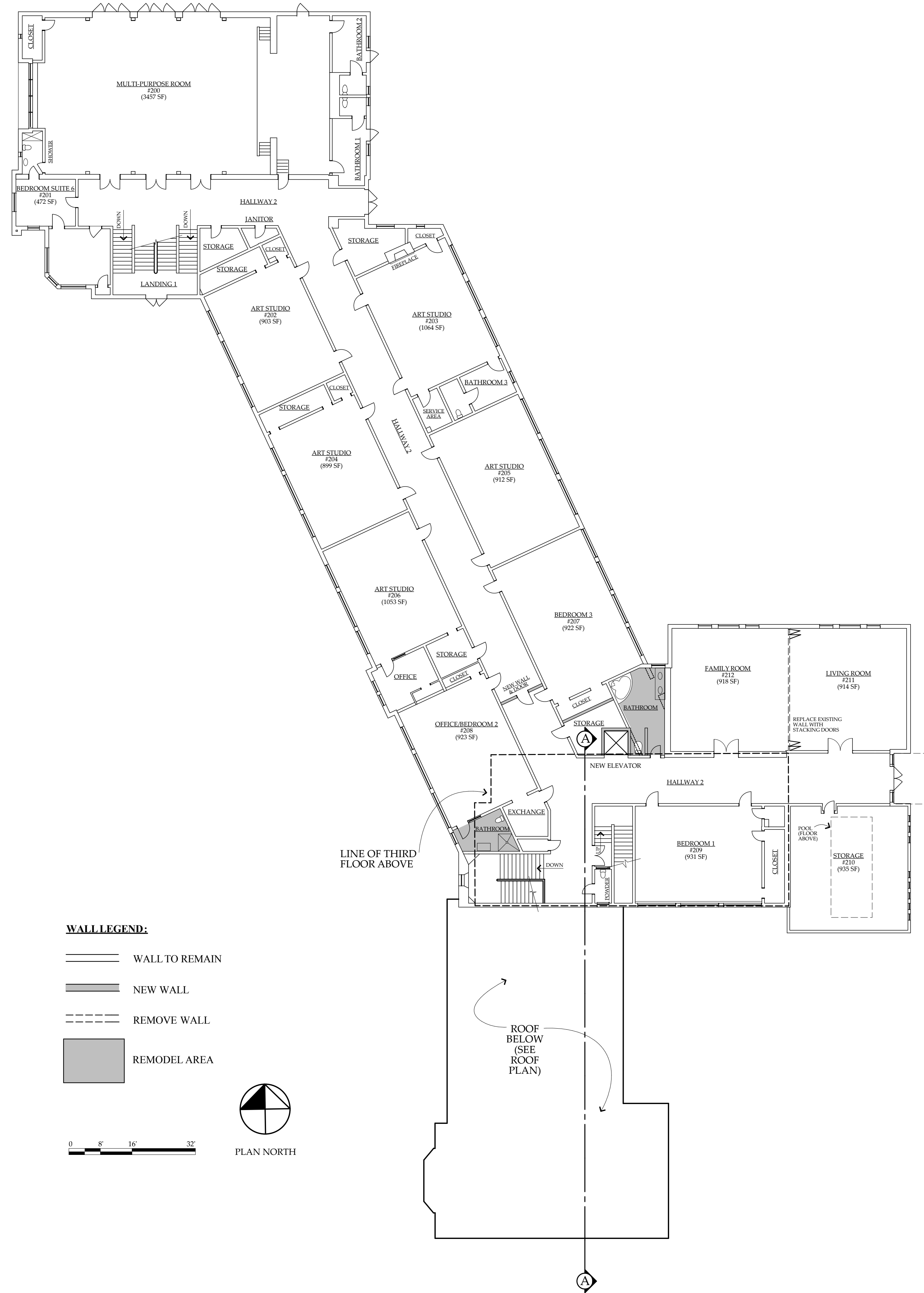


PHOTO OF ORIGINAL SOUTH TERRACE, 1933



1 FIRST FLOOR PLAN
A-2

2 SECOND FLOOR PLAN
A-2

SCALE: 1/16" = 1'-0"

SCALE: 1/16" = 1'-0"

MARCH 15, 2019 - PROGRESS SET FOR NEIGHBORS

FEB. 25, 2019 - PROGRESS SET FOR NEIGHBORS



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Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPALA
1581 Le Roy Avenue
Berkeley, CA

Revisions:

May 20, 2019 - Supplemental Submissions for Use Permit
July 23, 2019 - Supplemental Submissions for Use Permit
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10/19/19 - ZAB Submittal

Issue Date:
April 1, 2019 - Submitted for Use Permit
April 1, 2019 - Submitted for Structural Alteration Permit & Design Review

FIRST & SECOND FLOOR PLANS
SHEET

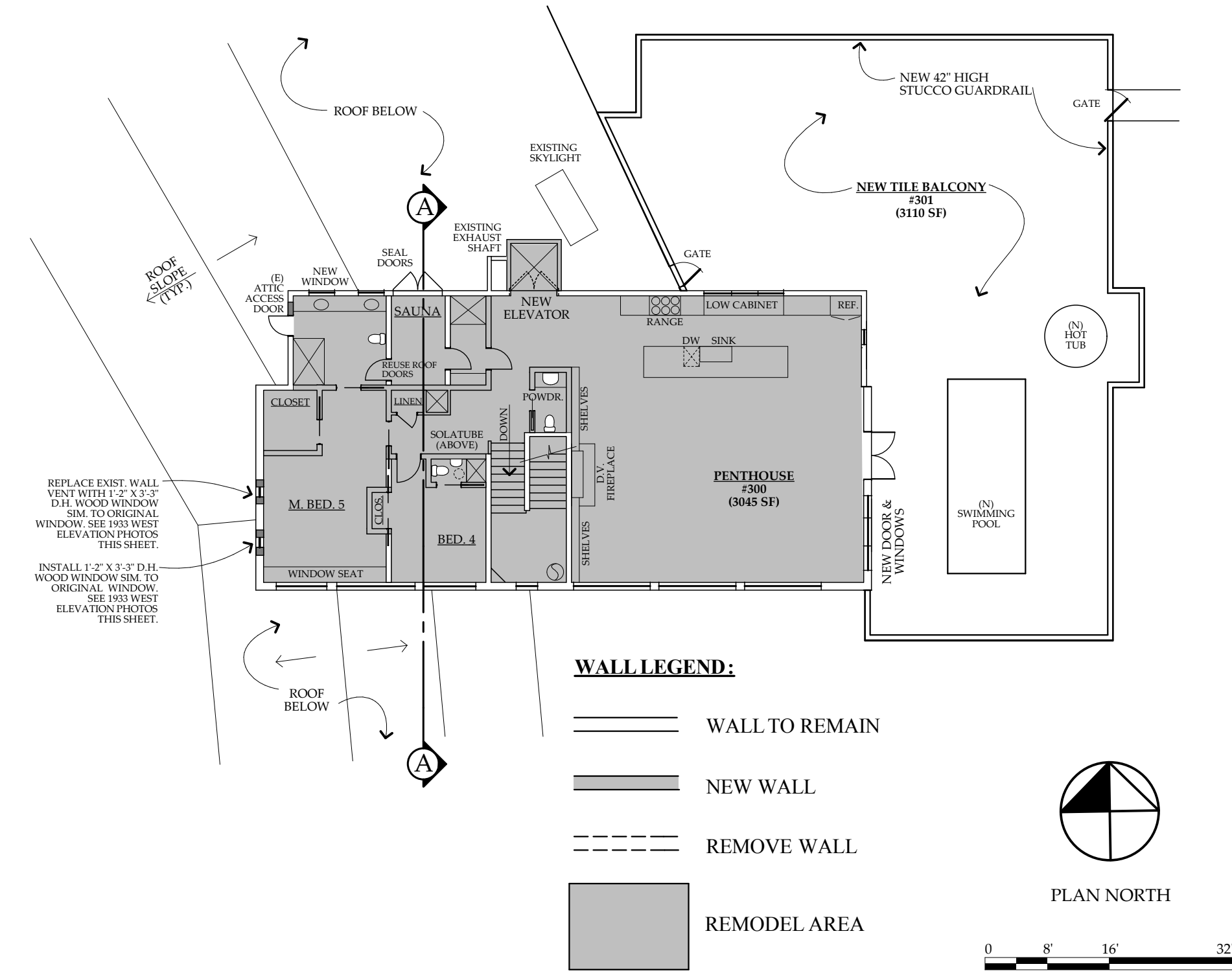
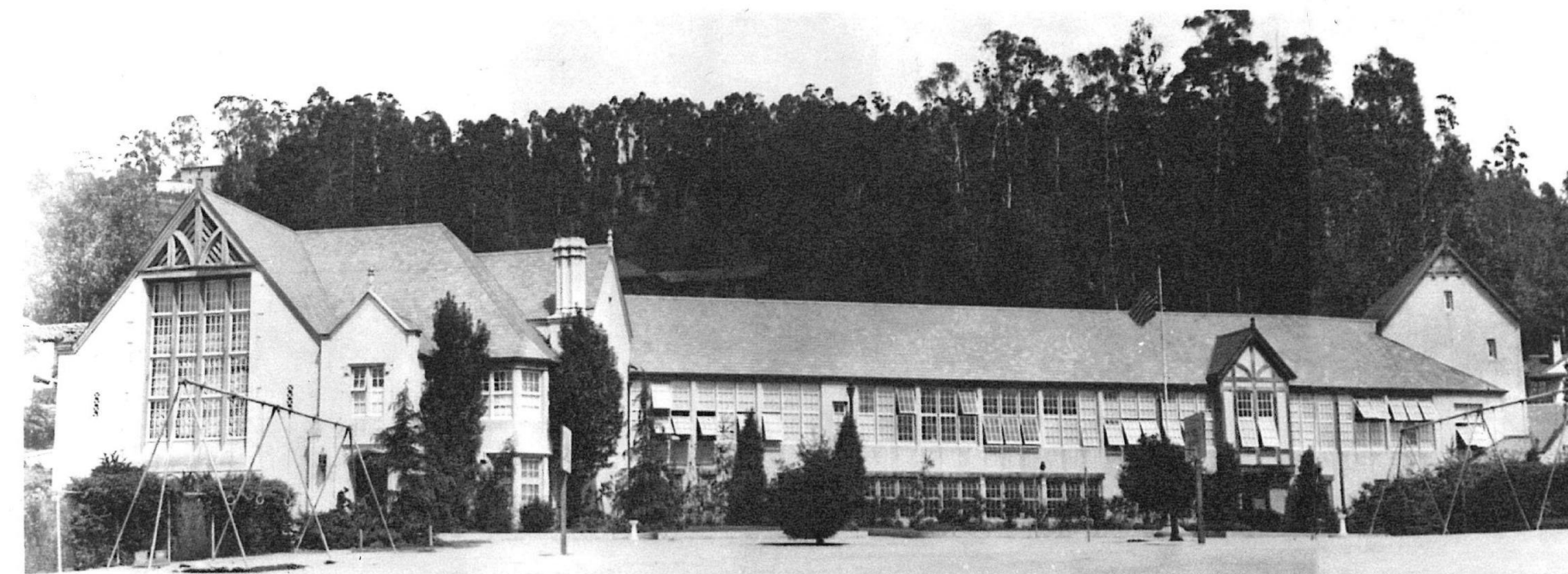
A-2
of 6



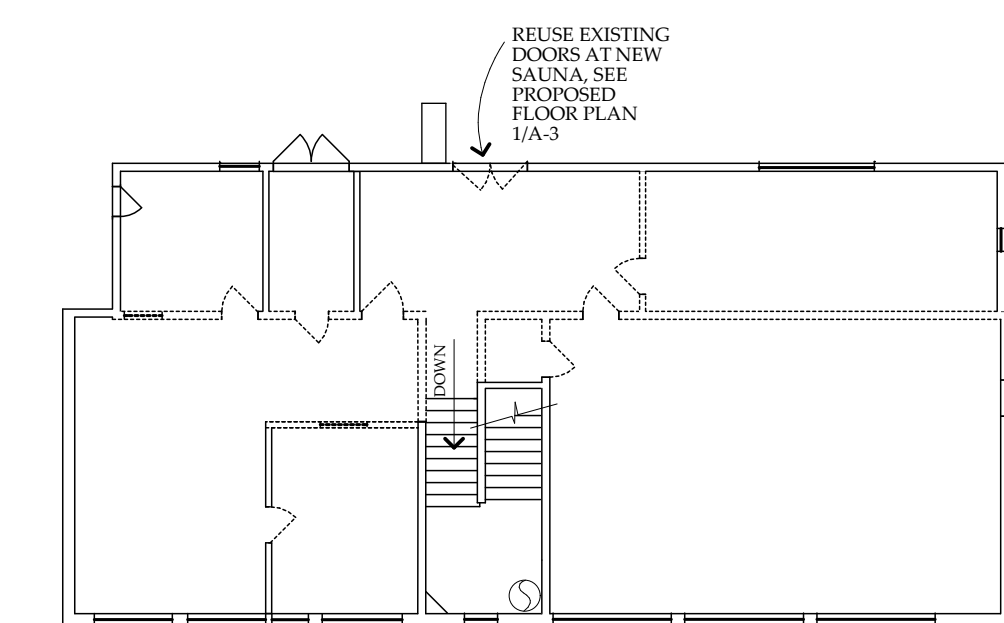
2019 WEST ELEVATION



1933 WEST ELEVATIONS



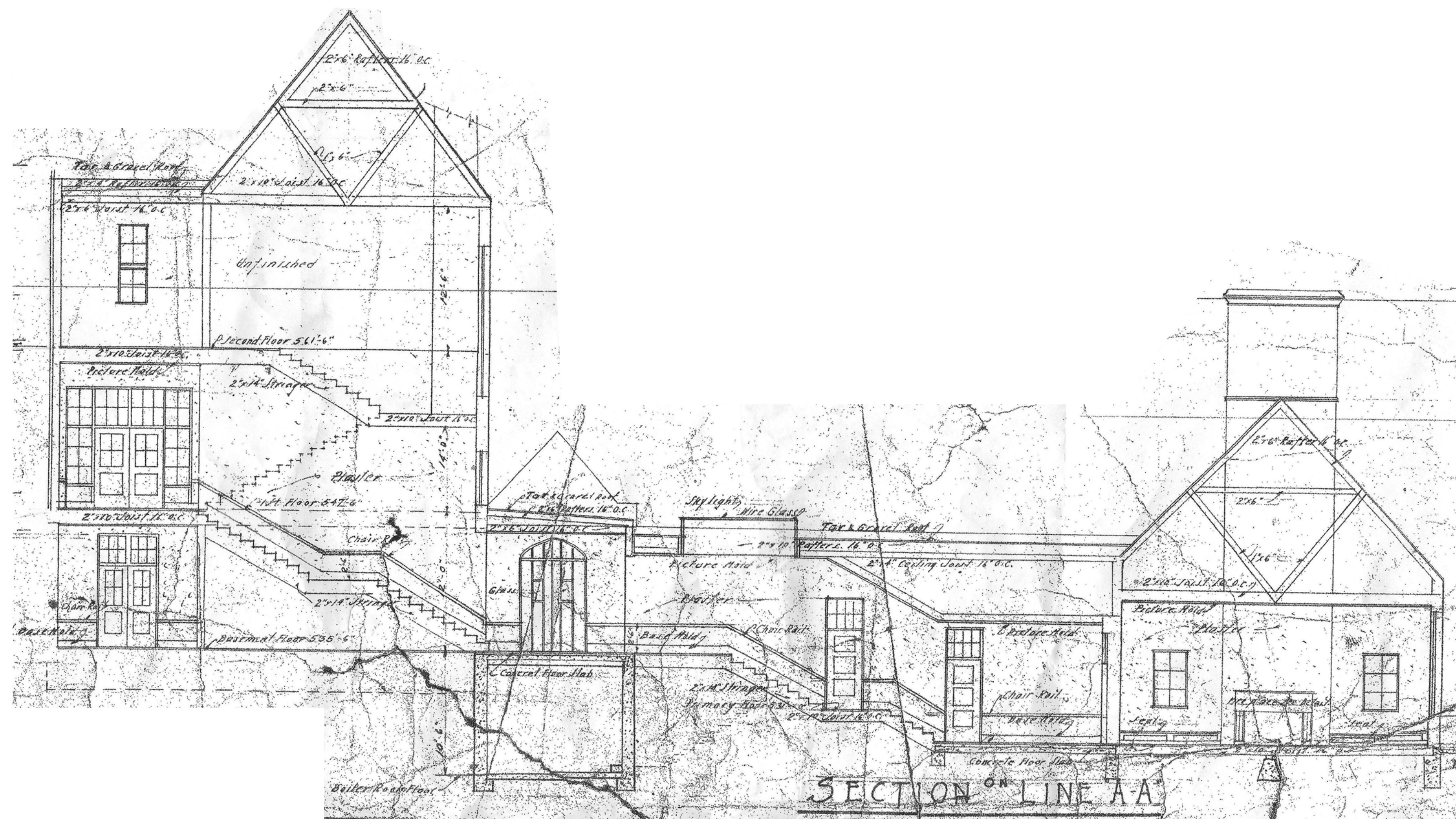
1 THIRD FLOOR PLAN



2 THIRD FLOOR DEMOLITION PLAN

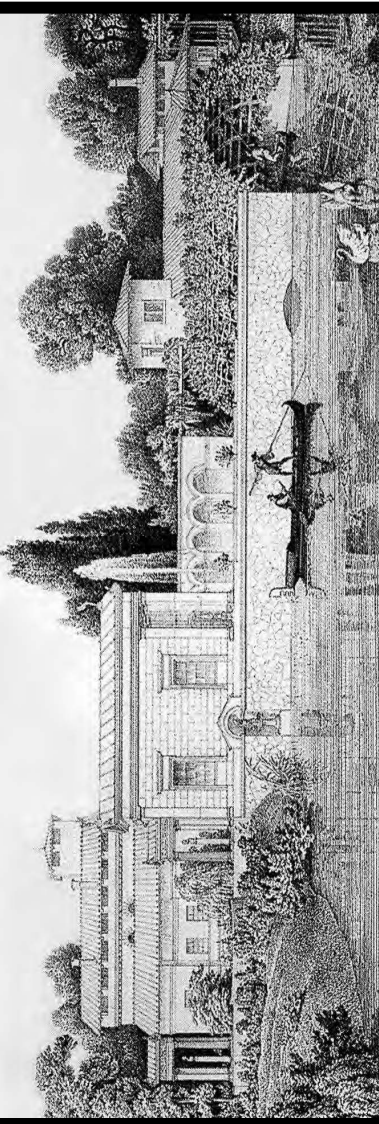
FACADE RESTORATION & WOOD TREATMENT NOTES:

- 1) ALL WORK SHALL CONFORM TO THE 1995 SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATION OF HISTORIC BUILDINGS.
- 2) PRIOR TO DEMOLITION, THE CONTRACTOR WILL MEET WITH THE PRESERVATION ARCHITECT ON SITE TO REVIEW HISTORIC MATERIALS AND TREATMENTS.
- 3) RETAIN ALL ORIGINAL WOOD MEMBERS ON THE FRONT AND SIDES. MEMBERS SHALL BE PROTECTED AND PRESERVED DURING CONSTRUCTION.
- 4) SURFACE PREPARATION: REMOVE DAMAGED AND DETERIORATED PAINT FROM ALL WOOD SURFACES TO THE NEXT SOUND LAYER USING THE GENTLEST MEANS POSSIBLE (HANDSCRAPING AND HANDSANDING). USE CHEMICAL STRIPPERS PRIMARILY TO SUPPLEMENT HAND METHODS. IF APPROPRIATE, DETACHABLE WOOD ELEMENTS MAY BE CHEMICALLY DIP-STRIPPED. USE ELECTRIC HOT-AIR GUNS WITH CARE ON DECORATIVE WOOD FEATURES.
- 5) INSPECT WOOD MEMBERS FOR DAMAGE. ORIGINAL WOOD MEMBERS THAT ARE DAMAGED OR DETERIORATED, SHALL BE REPAIRED OR STABILIZED. IF REPLACEMENT IS NECESSARY, APPROVAL FROM PRESERVATION ARCHITECT IS REQUIRED. REPLACEMENT MATERIALS SHALL MATCH ORIGINALS IN MATERIAL, DESIGN, AND TEXTURE.
- 6) REPAIR, STABILIZE, AND CONSERVE FRAGILE WOOD USING WELL-TESTED CONSOLIDANTS WHEN APPROPRIATE. REPAIR WOOD FEATURES BY PATCHING, PIECING, OR REINFORCING THE WOOD USING RECOGNIZED PRESERVATION METHODS. THE NEW WORK SHALL BE PHYSICALLY AND VISUALLY COMPATIBLE AND BE IDENTIFIABLE UPON CLOSE INSPECTION.
- 7) PROTECT WOOD MEMBERS BY PROVIDING PROPER DRAINAGE AND AVOID WATER ACCUMULATION ON FLAT OR HORIZONTAL SURFACES.
- 8) NO HARSH TREATMENT OR CHEMICALS SHALL BE USED ON ORIGINAL WOOD MEMBERS. TREATMENTS THAT CAUSE DAMAGE TO ORIGINAL WOOD MEMBERS SHALL NOT BE USED.
- 9) PATCH AND REPAIR ANY DAMAGED STUCCO AND MATCH EXISTING STUCCO TEXTURE.
- 10) APPLY COMPATIBLE PAINT OR FINISH COAT SYSTEM FOLLOWING PROPER SURFACE PREPARATION ON STUCCO AND WOOD SURFACES. MATCH EXISTING INTERIOR AND EXTERIOR COLORS.
- 11) IF ANY SIGNIFICANT ARCHEOLOGICAL RESOURCES ARE FOUND, CONTACT THE CITY OF BERKELEY FOR APPROPRIATE MEASURES.



3 NORTH/SOUTH BUILDING SECTION A-A LOOKING EAST, 1925

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



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THIRD FLOOR
PLANS AND BLDG.
SECTION

SHEET
A-3

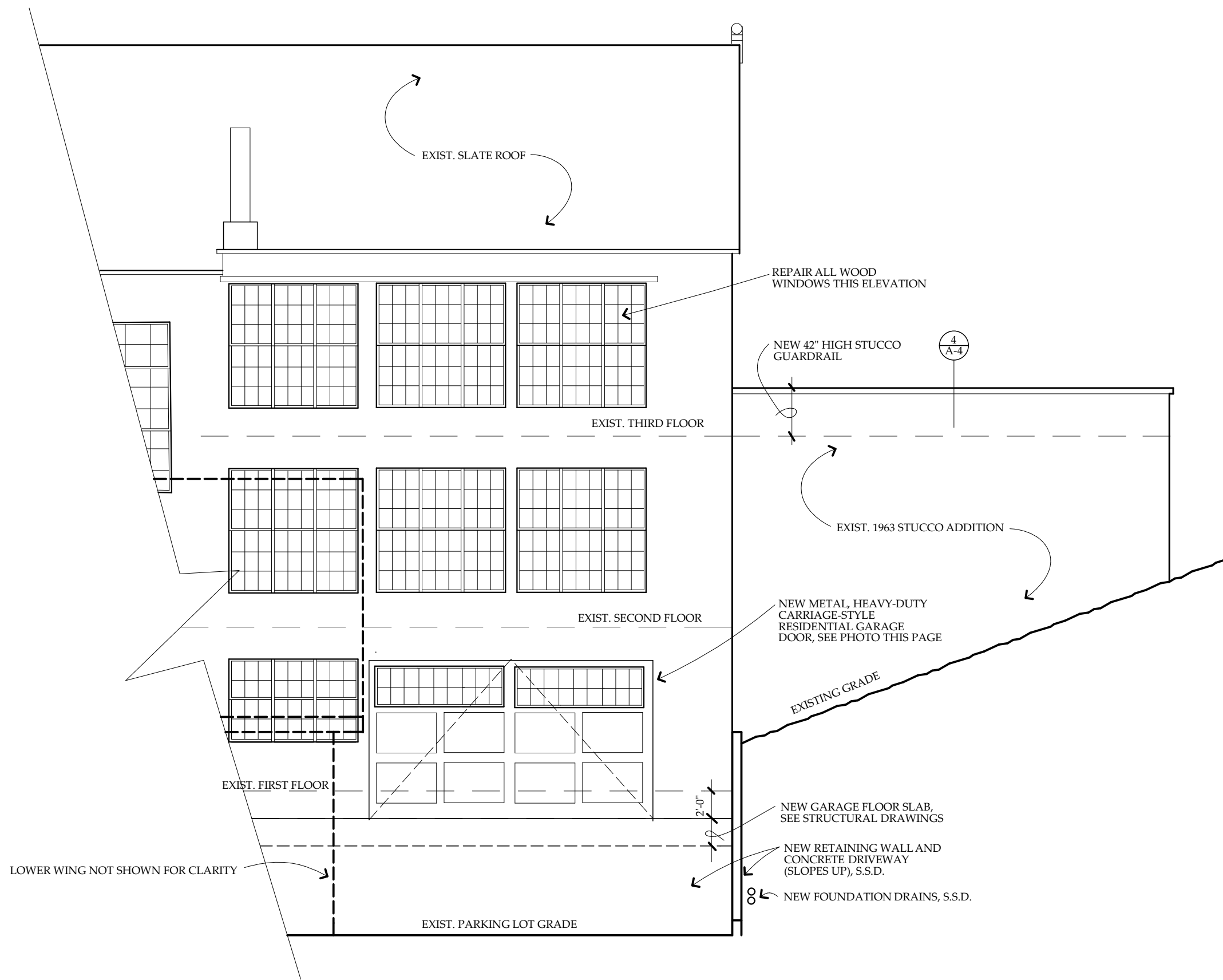




SOUTH ELEVATION PHOTO



PROPOSED GARAGE DOORS

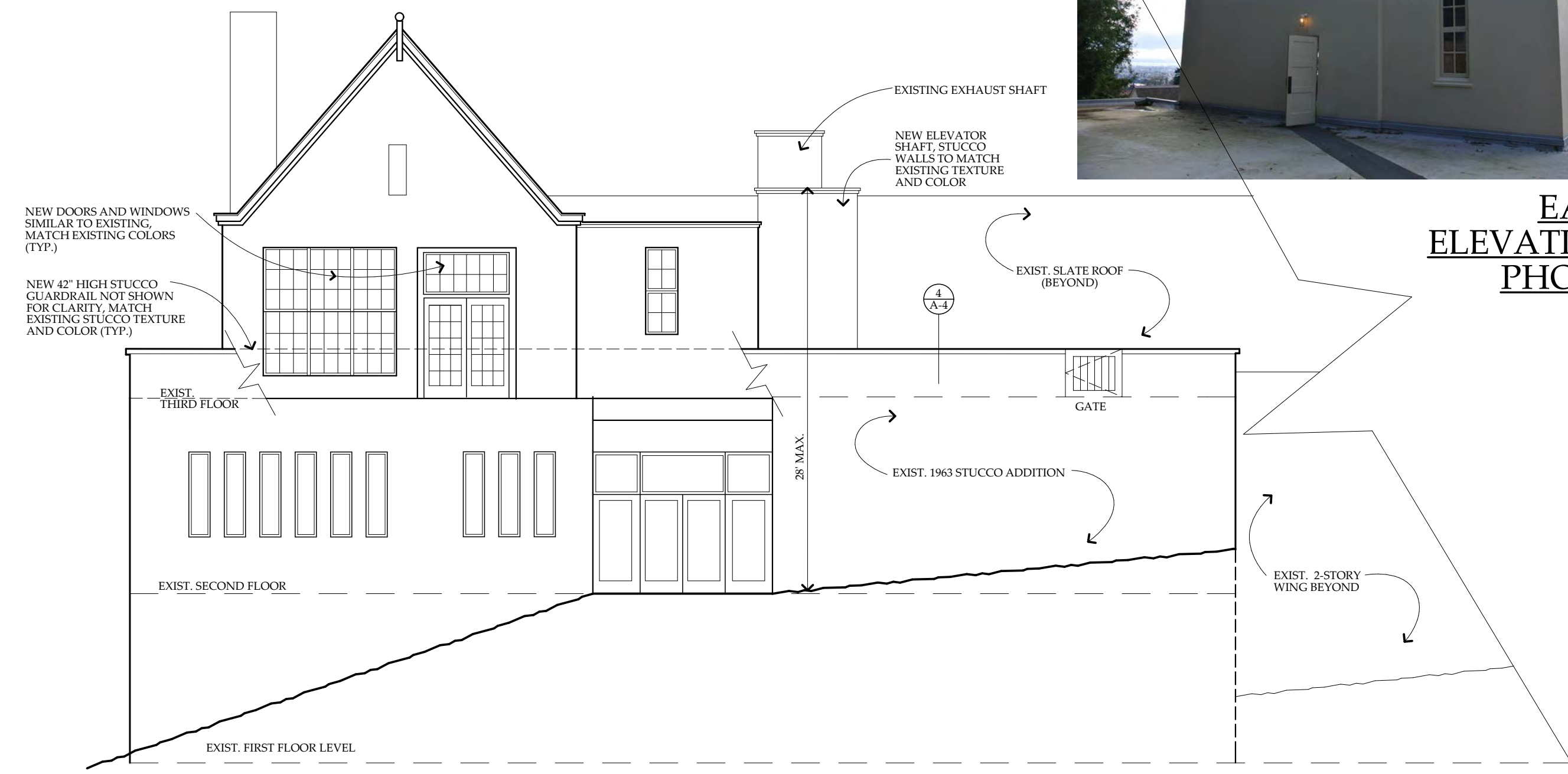


1 SOUTH ELEVATION DETAIL
A-4

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

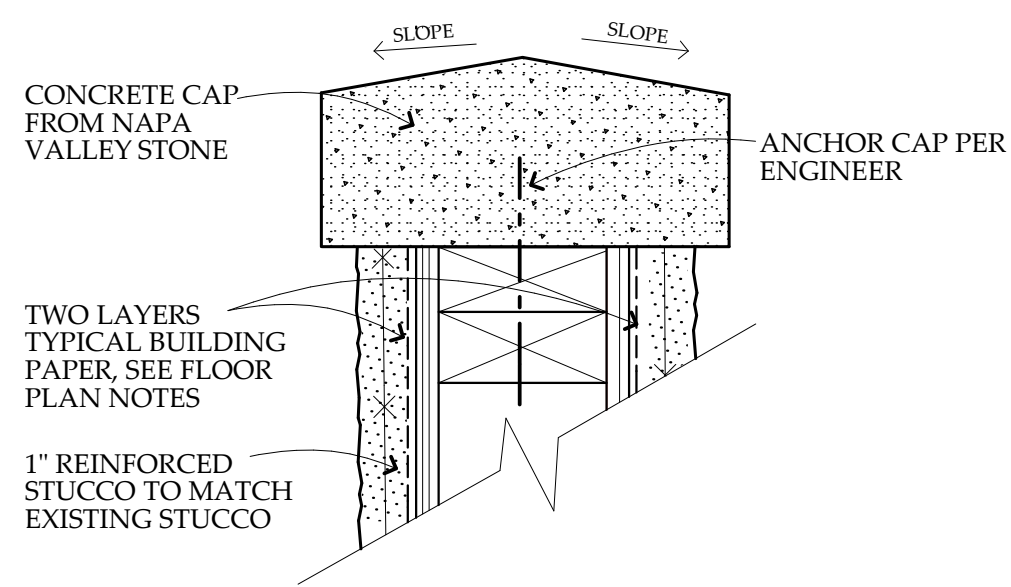


EAST ELEVATION PHOTO



2 EAST ELEVATION DETAIL
A-4

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

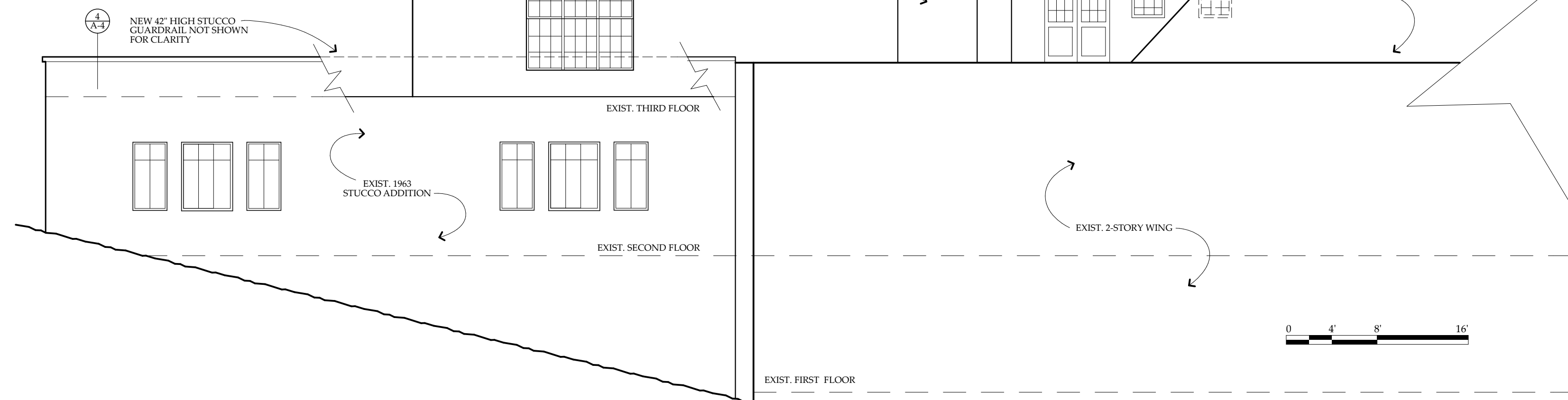


4 STUCCO GUARDRAIL DETAIL
A-4

SCALE: 3" = 1'-0"



NORTH ELEVATION PHOTO



3 NORTH ELEVATION DETAIL
A-4

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

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PARTIAL ELEVATIONS & DETAILS

SHEET

A-4

of 6



October 7, 2019

To: The Commissioners on the City of Berkeley Zoning Adjustment Board

I am a longtime resident of Berkeley and am currently living at 1596 LeRoy Avenue, where I have been for the past 23 years. I am writing to support the plans submitted to the City of Berkeley by Sam Seppala, 1581 LeRoy Avenue. He is requesting approval of the zoning change at Hillside School from educational status to that of a single family residence. This request has been tentatively placed on the October 24th agenda for ZAB consideration.

I am the President of the Hillside Association of Berkeley (HAB), a non-profit organization formed in 1994 for the sole purpose of informing any interested neighbors of accurate news regarding the affairs of the Hillside School site. We send out e-mails to over 200 requesting households concerning all events, dating back to its ownership under BUSD, through the short ownership of the German International School of Silicon Valley (GISSV) and most recently under the new ownership of Sam Seppala.

During the years that the property was managed by the Berkeley Unified School District, our neighborhood witnessed a gradual deterioration of the majestic landmarked building and its playground area. Under recent GIISV ownership many improvements were completed, but maintenance of the grounds and building were random at best. When that school left, we feared a potential sale of the property to developers of condominiums or some other form of commercial usage. The building's sale to an individual was met by most of us as good news.

Since assuming ownership, Mr. Seppala, assisted by his preservationist architect Jerri Holan, has invested much time and monies to address multiple on-going issues of gardening, playground upkeep, deferred building maintenance, including fire safety, termite damage, drainage challenges affecting mudslides, exterior painting, and so much more.

Mr. Seppala and Ms. Holan have participated in five well-attended neighbor HAB meetings, during which they described their plans to use the larger portion of the 50,000 sq. ft interior as rent-free artist studio spaces (supplemented by a modest outdoor art park), and reserving a smaller interior space as his own private residence and personal art studio. In response to some residents voicing concerns over some alterations of the open space, such as parking for the daytime artists and the number and size of outdoor artist storage sheds, they willingly made amendments to their original plans. These amendments included the use of a private parking area adjacent to the building to lessen the number of vehicles on the open space, planted barriers to soften or hide the view of the cars and adjusting the location and appearances of artist storage sheds. In short, they have tried to comply with the neighborhood concerns about curb appeal.

On September 30th, during a City of Berkeley recommended mediation meeting facilitated by the non-profit SEEDS organization, an open discussion identified additional neighborhood concerns. These included the method for selection of invited artists who will be allowed to

participate in the art studios, a description of the strict limits and types of non-toxic materials permitted, a verification of the daytime-only hours of operation and the absolute restriction of any artist maintaining an overnight residential status. In addition, an important extended discussion did confirm Mr. Seppala's commitment to the continuation of full 24 hours/day public access through the cement pathway from Buena Vista and LeRoy Avenue, as well as the maintaining of liability insurance coverage, voluntarily provided by Mr. Seppala for the pathway and playground areas.

A fulltime building manager, experienced in active art communities, was also introduced at the meeting and questioned regarding her credentials. Whether Mr. Seppala is in Berkeley or away from the property, it will be professionally managed.

It is my belief that Mr. Seppala has acted in good faith with our neighborhood, demonstrating a willingness to listen and respond to valid concerns. It is my opinion that these plans enjoy a wide support of the neighborhood. Additionally, he has offered to permit citizen gatherings of various groups in his auditorium, as well as allow a neighborhood disaster cache to be placed on his open space.

The creation of an artist studio and art park, at no cost to its daytime users, would be a novel addition to our City, expanding its unique image in the Bay area. Combined with the beautiful restorative work of this magnificent structure, the site will be a welcome addition to our neighborhood and to the City of Berkeley. I encourage you to approve his plans.

Thank you for your time and attention.

Sincerely,

Marty Lorber
1596 LeRoy Avenue
Berkeley 94708
510-848-0702
berkeleylions@yahoo.com

RENA RICKLES
ATTORNEY AT LAW

1970 BROADWAY, SUITE 1200
OAKLAND, CA 94612
TEL: (510) 452-1600 • FAX: (510) 451-4115

October 22, 2019

Chairperson Shoshana O'Keefe
Members, Zoning Adjustments Board ("ZAB")
1947 Center Street, 3rd Floor
Berkeley, CA 94704

Via email: zab@cityofberkeley.info; cjensen@cityofberkeley.info

Re: Hillside School Project, 1581 Le Roy Avenue; Response to issues raised in October 17, 2019 letter from Rebecca L. Davis, Lozeau Drury LLP

Dear Chairperson O'Keefe and Zoning Adjustments Board Members:

This office represents Sam Seppala who in 2018 purchased 1581 Le Roy Avenue, known to the City and this neighborhood as "Hillside School", a nationally recognized City of Berkeley Landmark, designed by Master Architect Walter Ratcliff.

This letter will focus on the environmental challenge raised by Ms. Davis' opinion under the California Environmental Quality Act ("CEQA") and accompanying expert opinion by Noah Brownlow. It is this office's conclusion that, under the facts of this case, Ms. Davis' opinion and conclusions are without merit.

STATEMENT OF FACTS

HISTORY OF THE SITE: ACCESS BY PUBLIC TO PLAYGROUND AND PATH

The Hillside school property has had two prior owners: Berkeley Unified School District ("BUSD") and the German International School ("GIS"). Both the public and private school owners of the Hillside Property, allowed public access-- subject to time, place and manner conditions-- to a north to south pathway intersecting the school property as well as to portions of the school playground.¹ For example, the public could not enter onto school grounds (which included the playground and path, during school and after school activity hours, after sunset and during school evening meetings, weekend festivals, or during the summer months when the facilities were leased to other institutions.

¹ Some of the signs limiting access to the playground and the school are attached as Exhibit A.

CONDITION OF HILLSITE SCHOOL SITE AT TIME OF SAM SEPPALA'S PURCHASE.

From 2014 when the GIS vacated the property until 2018 when Sam Seppala purchased the property, the school building and grounds were essentially abandoned. When Sam first looked at the school, he saw an exquisitely designed structure that was, sadly, in serious risk of succumbing to a Wildland fire due to the combined effect of an inoperable fire prevention system and rooms full of junk, dust and debris.

The playground area had benches/tables with exposed nails. The rest of the exterior was covered with dry leaves and debris all providing fuel to a wildland fire. The neighborhood, he said, " had done very little in terms of keeping path or playground clean, safe or free from debris; the western part of playground was unusable." Metal bollards blocked fire truck access through the path and the property suffered regular break-ins and was covered with graffiti.

SAM'S VISION FOR THE SITE; INTERACTION WITH NEIGHBORS

Sam saw what the school and grounds could be; he fell in love with the "bones" of the Walter Ratcliff masterpiece, the majestic setting, the spectacular views—a perfect place to make his home in America and to create his dream of an incubator space for struggling artists to enhance their skills and create their work. What a find: a new home in a city known for politics, ideas and principles so close to those of his home country—Finland.

Sam, also a savvy investor, knew that the cost of restoring Hillside to its original beauty would be significant, well into the seven figures and, Sam had the resources to do that work. The fact that the surrounding neighborhood would want to know everything about Sam and his plans was also no surprise. Even before purchasing Hillside, Sam met with, talked with and shared his vision with the surrounding neighbors and offered tours of the school and the grounds. The neighbors were unanimously highly appreciative of the work Sam had done and would do to restore what they saw as a crumbling resource. Some neighbors wanted to continue their prior use of the playground and path. Sam agreed to allow that access. What Sam did not agree to was the demand from a small group of those neighbors' (now calling themselves the "Hillside Path and Playground Preservation Association" "HPPPA"), that in trade for their support of his project, Sam give them a permanent easement over his property for the path and playground, essentially an easement that would grant them unlimited use of the path and playground—an ownership right that they had not had before. Sam could not grant that² request.

² Sam stated that , ""I'm totally committed to preserving the path and keeping it accessible to the public. But because I'm the one responsible for the liability and property tax, I need to be able to control the time and manner of its use.""

The Comment Letter filed on behalf of a nom de plume: Hillside Path & Playground Preservation Association “HPPPA”) while well-written and reasoned contains a fatal flaw: the challenge is based upon a non-existent issue, then analyzes the environmental impacts of these alternative facts, and, as a result, arrives at erroneous factual and legal conclusions based upon the erroneous alternative facts; and, as a such, their California Environmental Quality Act (“CEQA”) challenge fails.

This challenge is based upon this “fact”: This project reverses a 93-year continuous history of unlimited public access to the Hillside School’s playground and path, because Sam is now denying access to both areas. The facts show something else entirely: 1) that Sam is allowing access, and 2) that during those 93 continuous years, the public’s access to the playground and path, was limited by the then owner’s limitations on time, places and hours of said use.

From the first meetings through the present, Sam Seppala has assured the neighbors that he would continue the access permitted by the prior owners to the path and playground. As did the previous owners, Sam wanted to be able to restrict the public use to times when his uses and that of the public would not be in conflict. Sam, as did both prior owners, has responsibility for the safety of all who come onto the premises, thus he, too, wanted to limit the hours of access and assure that the premises were safe. He also, as did the prior owners, wanted the ability to limit access if persons were using his property in an unsafe way. In fact, by removing the metal bollards that blocked the path, Sam increased the path’s availability to the public. Therefore, the allegation that the public’s access to the path and playground are changed by this application are patently false, and, any legal conclusions based on those allegations, including those based on CEQA, must fail.

HPPPA’s claims that the path and playground cannot be altered under the dictates of the National, State and Local landmark designation are a misreading of landmark designations generally, and the specifics of the Hillside School Landmark designation.

While the Hillside School and its property were mentioned in the City Landmark Application and Approval, the playground and the path are NOT mentioned in City Landmark Application Approval (dated 6/29/82) as historical features; nor are those areas checked on final approved National Register Inventory Nomination Form (Section 8, p.4); and are NOT described or mentioned at all in Statement of Significance (Section 8, pp. 4-5). Because the path and the playground are not listed as features to be preserved, they may be altered (physically and by use), repaired or removed so long as by so doing these

alterations do not negatively impact the features to be preserved or the landmark itself.

This is especially true where, as here, the City of Berkeley Landmarks Preservation Commission (“LPC”) approved this application, including the alterations now before the ZAB, and found them consistent with the Secretary of Interior Guidelines .

Staff’s CEQA Staff Analysis and Conclusions are correct both as a matter of fact and law; HPPPA’s claims to the contrary, because they are based on misstatements of case and statutory law and/or rely upon non-existent conditions or created, hypothetical information, must be disregarded.

The City correctly applied the Historic Resource Restoration/Rehabilitation, Class 31, CEQA exemption to this Application; the proposed project does not defeat this Exemption.

First, HPPPA focuses on only one of the three exemptions relied upon by Staff. The City applied three Categorical Exemptions to the project before the ZAB, only one of which is the Class 31 Exemption. The City [Staff] found that work related directly to the Landmark itself and the alterations thereto fell completely within the scope of the specific language of Class 31 (14 CCR Sec.15331); that finding is correct.

Second, the other work, called out by HPPPA (altering the existing roof deck³, installation of an outdoor swimming pool and hot tub, adding an elevator, and adding artists sheds and repurposing the playground) that are part of this application, satisfies both the criteria of Class 31 because of the findings by the LPC, and also because said work falls under other exemptions cited by Staff: Sec. 15301, “Existing Facilities”, and 15303, New Construction or Conversions of Small Structures.”

The CEQA exemptions are correctly applied to this project and cannot be defeated by the Unusual Circumstances exception.

The HPPPA incorrectly applies the language and holding in the *Berkeley Hillside Preservation v. City of Berkeley* (2015)60 Cal.4th 1086) to defeat this project. In that case another nom de plume, “Berkeley Hillside Preservation”, under the Unusual Circumstances exception, unsuccessfully challenged the City Council’s decision to grant, based upon a CEQA exemption, the construction of a 10,000 sq. ‘ project (6,000 sq.’ house; 4,000 sq.’ garage and accessory building). There the “Association” claimed that size of house was unusual, and therefore required a full

³ HPPPA incorrectly labels the roof deck as new; it exists and is merely being altered and expanded)

CEQA analysis. The California Supreme Court dismissed that claim as a misreading of the exception. Without a direct nexus (that the activity itself will have a significant effect due to the unusual circumstances) between the alleged unusual circumstances and a specific adverse environmental effect, the unusual circumstances exception cannot defeat the CEQA exemption. *Berkeley Hillside*, p.1097).

The circumstances, under the facts of this case, are not unusual (*Berkeley Hillside*, 1105)

Here, HPPPA, claims, without factual support, that Hillside School Historic Landmark is unusual (unlike) others in its class because it is located in a wildfire area. First, there is no evidence that it is unusual for historic structures to be located in a designated wildfire area. "Every landmarked building in Berkeley east of Shattuck, approximately 500 structures, are in the California fire zone," Jerri Holan, FAIA, certified with the State of California as a Historic Resource Consultant. Second, in *Berkeley Hillside*, the determination of "unusual" is to be determined based on the conditions in the immediate vicinity. The entire immediate vicinity is also in the wildfire area. HPPPA has the burden of proof to show both that the circumstances themselves are unusual and that the significant impact are due to the unusual circumstances. (*Berkeley Hillside*, p.1098). HPPPA has failed to meet their burden of proof and the allegation of "unusual circumstances" exception as applied to the facts in this case, cannot defeat the exemption. (*Berkeley Hillside*, p. 1105)

THERE ARE NO FACTS THAT SUPPORT THAT THIS PROJECT WILL HAVE A SIGNIFICANT IMPACT ON PUBLIC SAFETY; THIS PROJECT WILL NOT DENY PUBLIC ACCESS TO THE PLAYGROUND OR THE PATH; THE ASSOCIATION'S CLAIMS TO THE CONTRARY ARE BASED ON SPECULATION, UNSUBSTANTIATED OPINION OR EVIDENCE WHICH IS CLEARLY ERRONEOUS

Since the uncontroverted evidence is that Sam Seppala assured the neighborhood that he will not prevent public access to the path or playground.⁴ HPPPA's claim to the contrary is based their unsubstantiated mistrust of Sam or their fear regarding a hypothetical new owner.

Acceptable evidence to support a finding is evidence that provides the logical step between the ultimate decision and the facts in the record. (Public Resources Code, Section 21082.2 (c)). This includes facts, reasonable assumptions predicated on those facts, and expert opinion supported by facts. (*Ibid.*) Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous is clearly **not** acceptable evidence. (Cal. Pub. Resources Code Sec. 15384 (a)).

⁴ In every written communication to the neighbors as well as in formal and informal meetings with the neighbors, Sam has said that he won't block public access to the path and playground.

Here, as stated in every representation of Sam's position, except that in the HPPPA attorney letter, Sam has assured the neighbors that he will not deny access to the path or playground. He does, as did both prior owners, want to control the time place and manner of that access. The continuation of previously allowed public access cannot have a significant impact on public safety.

HPPPA's Wildfire Expert's analysis is not based on the facts, it is based on a possible hypothetical situation.

If this project presents no change in the public access to the path and playground, what is the issue? The issue as articulated by [presumably] the members of HPPPA, is that some unknown future owner may decide to block public access to the path and playground. The "reasonable assumption" based on the investment that Sam has put and will put into the Hillside Property, and that that it will be Sam's permanent home, are that there will not be a future owner at any time in the foreseeable future. It is only some neighbors' "speculation" on an unknown future event or unsubstantiated hypothetical situation that supports their loss of access claim.

HPPPA's wildfire expert's opinion that this project will expose "people and property to risk" fails because it applies to a "fact" that is not part of the application.

HPPPA's counsel takes the same unsuccessful route to their CEQA challenge as did the appellants in the *Hillside case*, cited above. There, appellant's geotechnical expert, who had misread the drawings, asserted that because of the amount of excavated fill and other geotechnical issues, the project would have to in way that a CEQA EIR would be required. The problem: the project before the City Council was not going to be built as described by appellant's expert. The California Supreme Court held that neither the "fair argument" nor "unusual circumstances" exceptions may be used to challenge an exemption when the challenge is based upon a project that is not before the decision maker. (*Berkeley Hillside at p. 1119*). Here, too, HPPPA's expert relies on a situation that is not present in this project.

Even if public access to this path and this playground were denied as a result of this project's approval, which it is not, the facts here show that people's lives may be endangered by using them during wildfires, earthquakes and landslides.

- The Le Roy/Buena vista path runs north to south. The path to safety in a wildfire in this area is east to west. Lateral travel would be dangerous. There are at least two paths in this immediate area which run east to west. These are the paths that will save lives (Exhibit B);
- Congregating in this schoolyard/playground in the case of wildfire and for that matter earthquake and landslide endangers lives: with a hillside wildfire, speed at getting to a safe place, not congregating, saves lives.

Since the playground is on an earthquake fault and in the center of a landslide path, it is common knowledge that the playground would not be a safe place to congregate in either situation ;

- Should emergency personnel determine that it needs the playground for staging emergency personnel, nothing would prevent their access to the playground. Property owners with gated properties are required to have a lockbox for firefighter access;
- That won't have to happen in this case as the art park is designed to preserve the large open space in front of the school and thus preserves access to emergency vehicles if needed;
- **Based on the above**, both Public Works and Public safety staff confirmed that this site has not been identified as a possible location for City-sponsored public safety response, activities or services. (Staff Report, p. 13)

HPPA's attorney letter asserts the Conditions imposed by the LPC Alteration Permit Approval constitutes "mitigations" defeating the Categorical Exemptions. This, too, is incorrect: Although the Project Includes Standard Conditions of Approval, the Project Retains its Categorical Exemption because Standard Conditions are not Mitigations for Significant Environmental Impacts.

This project contains standard conditions of approval, which are not "mitigations" for significant environmental impacts under the California Environmental Quality Act. A "project" is "the whole of an action" and the focus is upon the "activity which is being approved" as a whole. CEQA Guidelines § 15378(a); Association for Protection of Community Values v. City of Ukiah (1991) 2 Cal.App.4th 720. In Ukiah, the Court of Appeal upheld a construction of a single-family home which included conditions of approval pertaining to the construction.

Cases where an incorporated action will cause significant environmental impacts and precludes an exemption include when there are adverse impacts on habitat of threatened or endangered species. Salmon Protection and Watershed Network v. County of Marin (2004) 125 Cal.App.4th 1098. In Salmon Protection, the County of Marin had previously designated the area proposed for a categorical exemption as an area of "critical concern" for habitat of endangered species.

In the instant case, the conditions imposed here are required of almost every project in the City of Berkeley, and their inclusion has not precluded the proper use of a categorical exemption under CEQA nor should they be.

THIS PROJECT, AS PROPOSED, SOLVES PROBLEMS; IT DOES NOT CREATE THEM

Sam Seppala has already undertaken steps and invested in Hillside School to reduce existing fire hazards, eliminate blight, and to make it more attractive for the community.

From the date that Sam Seppala purchased Hillside School, he invested heavily in rectifying the ravages of years of neglect, and in beautifying the premises, including:

- Serviced the entire fire sprinkler system;
- Fire extinguishers and hoses: Serviced/ brought up to current code requirements, and added fire extinguishers and hoses;
- Installed wireless smoke detectors w/remote monitoring;
- Ongoing repair of extensive dry rot and termite damage
- The path: Replaced fixed metal bollards with flowerpots; flowerpots, unlike metal bollards can be easily moved / pushed away by firetruck;
- School interior: Cleaned, removed dust, wooden furniture significantly reducing fire load;
- Repaired major window damage in over 30% of the building;
- Exterior yards: Started bi-monthly trimming/cutting of the grass;
- Yards: Removed thick layer of leaves and debris which had accumulated for years;
- Launch bi-annual trimming of the trees, bushes and other landscaping; and
- Replaced all fluorescent lights with LEDS.

This proposed project and elements thereof further reduce the inherent fire danger in this area and further enhances the aesthetics of the community;

Many elements of Sam's proposal make this area safer in the event of a wildfire:

- The proposed open-air pool will also act as an emergency cistern to provide additional water to fire hoses / sprinklers;
- The design of the art park will retain the large open space in front of the playground thereby maintaining spaced needed for emergency personnel;
- Sam has agreed to allow the neighborhood to locate a shed to store their emergency supplies;
- The on-site parking spaces reduce impacted street parking allowing for a greater street width to accommodate emergency vehicles. The streets surrounding Hillside Schools are heavily impacted by outside vehicles during Cal's sports and other major events. (Exhibit C)

The investment in the restoration of the Hillside School Building and the creation of the art park enhance the neighborhood.

- In the four years since GIS vacated the premises, the Hillside School building fell into crumbling disrepair; the fire safety features were no longer serviceable. In the case of fire, the structure would contribute to and add fuel to the maelstrom.
- By expanding and bringing the building's fire safety system into total compliance, the school can serve as a barrier in case of a wildfire;
- The investment in refurbishing, restoring the school re-establishes the aesthetic centerpiece to the community and the city;
- The art park brings art to the community reversing the dynamic of a passive empty space in the center of the community.

CONCLUSION

The HPPPA letter is simply wrong. Its linchpin complaint, that Sam has denied access to the LeRoy/Buena Vista north south path and playground, is patently false. Access to both of those resources will continue as before. Thus, there is no impact, let alone a significant impact on the environment by this proposal. The August 1, 2019 LPC findings and decision on the Alteration permit, evidence that historical resource exemption is correctly applied to this project.

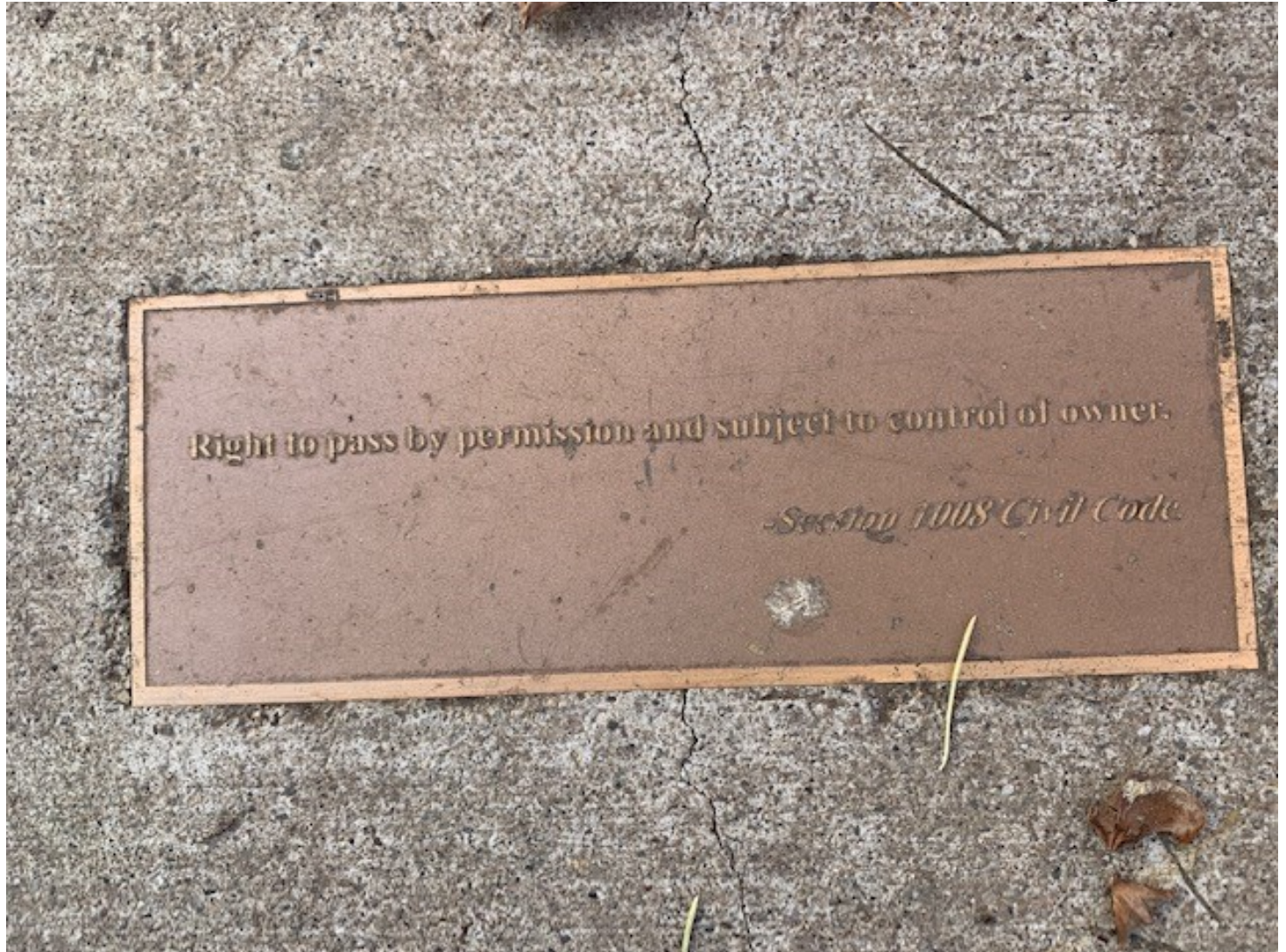
The Hillside School is located on a sensitive, beautiful, and dangerous site. This project reduces the dangers and brings life to the entire area. Rather than creating environmental impacts, this project solves existing problems.

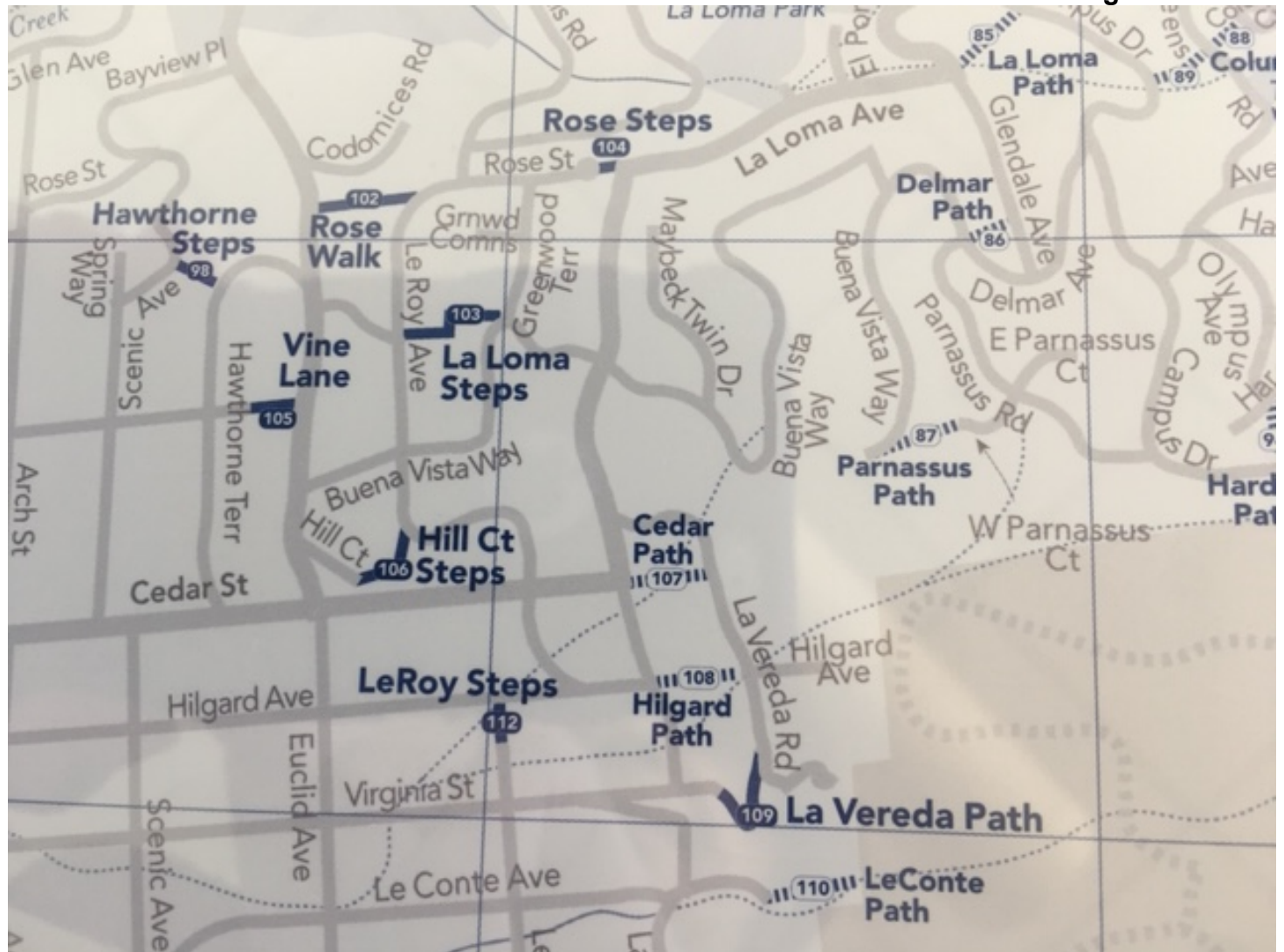
The HPPPA members are asking the ZAB to stop this project or put it through a lengthy environmental review because Sam Seppala won't give them what they are not entitled to have—an ownership interest across and over his property. They didn't have those rights before; they are trying to get them now by holding this project hostage to their demands .

On behalf of Sam Seppala, the Hillside School Landmark and those who will benefit from it, I ask you to affirm the Staff Report and vote yes on the application.

Very truly yours,

Rena Bickler









SCHOOL GROUNDS

NO LOITERING
NO TRESPASSING

CLOSED BETWEEN SUNSET AND 6 A.M.
PRIOR VISITOR APPROVAL REQUIRED
FROM THE PRINCIPAL

TO ENTER SCHOOL WHILE IN SESSION

C.E.C. 32210 B.M.C. 13.36.040

C.E.C. 32211 B.M.C. 13.52.010

C.E.C. 32212 P.C. 627-627.11

BERKELEY UNIFIED SCHOOL DISTRICT








Department of Fire and Emergency Services
Office of the Fire Chief
David Brannigan, Fire Chief

Land Use Planning
Received
October 23, 2019

To: Land Use Planning Division, 1947 Center Street, Second Floor, Berkeley, CA 94704

From: Dave Brannigan,  Fire Chief, City of Berkeley Fire Department

Subject: Hillside School, 1581 Le Roy Avenue, Berkeley CA 94708, Use Permit # ZP2019-0061

The property at 1581 Le Roy Avenue lies within Berkeley's Fire Zone 2 and as such is subject to applicable codes related to vegetation management, building construction, and inspections. All properties in this area are required to maintain defensible space and comply with building code requirements to harden structures against the threat of wildfire.

The Berkeley Fire Department coordinates city-wide planning, training, and exercises for public evacuation and multi-department response for a wildland urban interface fire. These plans and exercises focus on evacuation through public rights of way in existing transportation networks. The neighborhood surrounding 1581 Le Roy Avenue is representative of the hills with winding, irregular streets and public paths and stairs that connect streets such as the Hill Court Steps. Within one to two blocks west and south of site, the roadway network is a grid. A less typical feature that this neighborhood has are sidewalks on many of the streets.

1581 Le Roy is not public property nor does it contain a public right of way and therefore we do not consider it an official option for evacuation routes or a temporary area of refuge such as our public schools and parks in the area. While the property is well suited to be a temporary area of refuge for firefighters and possibly the public, it is private property, and we do not plan to count on it regardless of the use of the property. The need and availability will be considered in the event of a wildland urban interface fire.

The Fire Department is leading the new Safe Passages program which identifies narrow rights of way and improves access and egress to them through parking restrictions, dedicated fire lanes, and vegetation management throughout Fire Zones 2 and 3. This work will also include public paths and stairs. Limited staff resources mean that areas to be treated will be prioritized by risk and other factors including neighborhood input. Concerns about evacuation in and around this neighborhood will be factored in to prioritize it for assessment and treatment through the Safe Passages program.

The structure itself at 1581 Le Roy is protected by a slate roof which is ideal to resist wildfire. The building also has fire sprinklers which are being reviewed in the permitting process and may need to be upgraded for a residential property. As of October 23, 2019 the property's vegetation is fairly well maintained in regards to defensible space and reduction of ladder fuels that can carry a grass fire into the tree canopy.

HILLSIDE SCHOOL 2019

**1581 Le Roy Avenue
Berkeley, CA**



West Elev'n - Hillside School
Berkeley
4-21-33 mws.

(12)

REHABILITATION STANDARD 1

A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.





















T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
rebecca@lozeaudrury.com

Via Email

October 25, 2019

Greg Powell
Zoning Adjustments Board Secretary
Land Use Planning Division
City of Berkeley
1947 Center Street, Second Floor
Berkeley, CA 94704
zab@cityofberkeley.info

Fatema Crane, Secretary
Landmarks Preservation Commission
Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704
FCrane@CityofBerkeley.info

City Clerk
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704
clerk@cityofberkeley.info

**Re: CEQA and Land Use Notice Request for 1581 Le Roy Avenue Use Permit
#ZP2019-0061**

Dear Mr. Powell and Ms. Crane:

I am writing regarding 1581 Le Roy Avenue, the Hillside School in the City of Berkeley ("City"), including all actions related or referring to Use Permit #ZP2019-0061 and Structural Alternation Permit #LMSAP2019-0004 (collectively, the "Project").

I hereby request that City send by electronic mail, if possible or U.S. Mail to me at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.

October 25, 2019
CEQA and Land Use Notice Request for 1581 Le Roy Avenue
Page 2 of 3

- Notice of decision or determination in connection with the Project as required by California Planning and Zoning Law.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”), including, but not limited to:
 - Notices of any public hearing held pursuant to CEQA.
 - Notices of determination that an Environmental Impact Report (“EIR”) is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
 - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
 - Notices of preparation of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21092.
 - Notices of availability of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
 - Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
 - Notices of determination that a project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
 - Notice of any Final EIR prepared pursuant to CEQA.
 - Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that I am requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

Please send notice by electronic mail, if possible or U.S. Mail to:

Rebecca Davis
Lozeau Drury LLP
1939 Harrison St., Suite 150
Oakland, CA 94612
510 836-4200
rebecca@lozeaudrury.com

October 25, 2019
CEQA and Land Use Notice Request for 1581 Le Roy Avenue
Page 2 of 3

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a long horizontal flourish.

Rebecca L. Davis

1597 Le Roy Avenue
Berkeley, CA 94708
robert@sophocles.com
November 12, 2019

Received
NOV 18 2019
Land Use Planning

Greg Powell, Secretary
Berkeley Zoning Adjustments Board
1947 Center Street, 2nd floor
Berkeley, CA 94704

Dear Mr. Powell:

Regarding: 1581 Le Roy Avenue, Use Permit #ZP2019-0061

I hereby request that you inform me of all actions and hearings related or referring to the referenced matter. I am particularly interested in being promptly informed of the issuance of **any notice of decision or determination** regarding the referenced matter.

Thank you.

Yours sincerely,



Robert D. Jackson



Planning and Development Department
Land Use Planning Division

PROOF OF SERVICE

DATE: November 18, 2019
TO: Whom It May Concern
FROM: K.Tiana Alnas-Benson, OSII
SUBJECT: **DECISION OF LANDMARKS PRESERVATION COMMISSION**

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over eighteen years of age and not a party to the within action, that my business address is 1947 Center Street, 2nd Floor, Berkeley, California 94704. On this date, I served the following documents:

**DECISION OF LANDMARKS PRESERVATION COMMISSION FOR
ALTERATION OF A LANDMARK AT
1581 LE ROY AVENUE
THE HILLSIDE SCHOOL**

On the parties stated below by placing true copies thereof in sealed envelope(s) addressed as shown below by the following means of service:

Jerri Holan, AIA Holan & Associates 1323 Solano Avenue #204 Albany, CA 94706	Samuli Seppälä 1581 Le Roy Avenue Berkeley, CA 94708	Rebecca L. Davis Lozeau Drury LLP 1939 Harrison Street, Suite 150 Oakland, CA 94612
---	--	--

 X By First Class Mail - I am readily familiar with the City's practice for collecting and processing of correspondence for mailing. Under the 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 addressee following ordinary business practices.
 By Personal Service - I caused each such envelope to be given to the City of Berkeley mail service person to personally deliver to the office of the addressee.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 10, 2019 at Berkeley, California.


K.Tiana Alnas-Benson, OSII



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

N O T I C E O F D E C I S I O N

DATE OF BOARD DECISION: August 1, 2019
DATE NOTICE MAILED: November 18, 2019
APPEAL PERIOD EXPIRATION: December 3, 2019
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): December 4, 2019¹

1581 Le Roy Avenue The Hillside School

Structural Alteration Permit #LMSAP2019-0004 to make exterior alterations to a City Landmark school building and site in order to convert the property to residential use; changes include installation of a vehicle door, new windows, a rooftop swimming pool and hot tub, a surface parking lot, five new storage sheds, perimeter fences and landscape improvements.

The Landmarks Preservation Commission of the City of Berkeley, **APPROVED** the Structural Alteration Permit for this project.

APPLICANT: Jerri Holan, AIA, Holan & Associates
1323 Solano Avenue #204, Albany, CA 94706

ZONING DISTRICT: C-DMU Core, Downtown Mixed-Use Core

ENVIRONMENTAL REVIEW STATUS: Categorically exempt from environmental review pursuant to Section 15331 of the CEQA Guidelines for Historical Resource Rehabilitation.

The Application materials for this project are available online at:
<http://www.cityofberkeley.info/zoningapplications>

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

¹ Pursuant to BMC Section 1.04.070, if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day. Pursuant to BMC Section 3.24.190, the City Council may "certify" any decision of the LPC for review, within fifteen days from the mailing of the NOD. Such certification shall stay all proceedings in the same manner as the filing of a notice of appeal.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
LMSAP2019-0004
1581 Le Roy Avenue
November 18, 2019
Page 2 of 4

COMMISSION VOTE: 5-3-0-0 (one vacancy)

YES: ABRANCHES DA SILVA, ALLEN, CHAGNON, CRANDALL, OLSON

NO: FINACOM, O'MALLEY, SCHWARTZ

ABSTAIN: NONE

ABSENT: NONE

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
 - a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
 - a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.
 - b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
 - c. The fee for all appeals by Applicants is \$2500.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the landmark designation will be final on the first business day following expiration of the appeal period.

STRUCTURAL ALTERATION PERMIT ISSUANCE:

If no appeal is received, the Structural Alteration permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time. Information about the Building Permit process can be found at the following link:

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
LMSAP2019-0004
1581 Le Roy Avenue
November 18, 2019
Page 3 of 4
<http://www.ci.berkeley.ca.us/permitservicecenter/>.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

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

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
LMSAP2019-0004
1581 Le Roy Avenue
November 18, 2019
Page 4 of 4

PUBLIC COMMENT:

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 relevant board, commission or committee. 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 to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7410 or fcrane@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, between 8 a.m. and 4 p.m., Monday through Friday.

ATTACHMENTS:

1. Approved Findings and Conditions
2. Project Plans, received **JULY 24, 2019**

ATTEST: 
Fatema Crane, Secretary
Landmarks Preservation Commission

cc: City Clerk
Applicant: Jerri Holan, AIA
Holan & Associates
1323 Solano Avenue, #204
Albany, CA 94706

Owner: Samuli Seppälä
1581 Le Roy Avenue
Berkeley, CA 94708

Interested Party: Rebecca L. Davis
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

ATTACHMENT 1, PART 2

FINDINGS AND CONDITIONS

1581 Le Roy Avenue – The Hillside School

Structural Alteration Permit #LMSAP2019-0004

To make exterior alterations to a City Landmark school building and site in order to convert them to residential use; changes include installation of a vehicle door, new windows, a rooftop swimming pool and hot tub, a surface parking lot, five storage sheds, perimeter fences and landscape improvements.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 153331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

SECRETARY OF THE INTERIOR’S STANDARDS FINDINGS

Regarding the Secretary of the Interior’s Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The property and subject portion of the building be given a new residential use and proposed exterior changes will result in limited alterations to the historic building and overall site.
2. Because the proposed exterior changes to this site are limited and expected to have a limited overall effect on the character of the site, as described above, this property will retain its historic character as perceived through its building and site design.
3. The Hillside School will continue to be recognized as a physical record of Berkeley’s primary school and neighborhood development, where this site is the focal point of the immediate area. The building will retain its appearance, Tudor Revival style, location and relation to its surroundings.
4. No changes to a property that have acquired historic significance in their own right are the subject of this request.

5. The distinctive materials and features of this Tudor Revival building – such as its half-timber details and decorative architectural details – will not be affected by this request for exterior alterations and, therefore, will be preserved.
6. As conditioned herein, all repair and replacement work related to character-defining features of this building and site shall be designed to match the historic style, color, texture and, where possible, materials.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials are prohibited by the Conditions herein.
8. Because limited excavation will be required for the proposed alterations of this building and site, any existing archeological resources at this site will be unaffected by this proposal. Subsequent Use Permit approval of this project would include the City's standards conditions upon the discovery of any subsurface resources.
9. The proposed project is not expected to result in the destruction of historic fabric, materials, features or spatial relationships at this Landmark site. Certain new work – such as installation of a roof deck, swimming pool and hot tub – would occur on a portion of the building that is not historically significant, in and of itself. All other new work is limited in size and scale and, the thereby, will be compatible with the current conditions of this Landmark site.
10. The work proposed with this project will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment will be unimpaired.

LANDMARK PRESERVATION ORDINANCE FINDINGS

1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve and enhance the characteristics and features specified in the designation for this property. Specifically:
 - The proposed building alterations are designed to either restore character-defining features, such as windows and doors, or replicate and compliment these details with new windows and doors, including a new garage door on the rear of the building. The Art Park and parking lot will be effectively screened by the existing chain link fence as well as with new, organic vegetative plantings to ensure continuity with the residential surroundings and the maintenance of the open character of the former school playground.
 - The proposal to legalize installation of the existing chain link fence is reasonable because the approximate height of 10 feet is effective for securing the site, and the design and materials maintain a visually open interface with the public-of-way. As conditioned herein, new plantings will screen the fence as well as the proposed parking lot and Art Park activities.
 - The new elevator penthouse will be located at the rear of the building, not readily visible from the right-of-way, and could be removed without significant impact to the historic

1581 LE ROY AVENUE
Page 3 of 6

STRUCTURAL ALTERATION PERMIT - Findings and Conditions
#LMSAP2019-0004

building and its character-defining features.

- The new, sloped driveway will be located on the rear of the building, the historic service area, and will not be readily visible from the public right-of-way.
- The new swimming pool and hot tub will be installed on the roof of the 1963 building addition, thereby avoiding impacts to the historically significant portions of the building.
- The proposed storage sheds will be limited by Condition #14 herein to a total of five and, therefore, will not result in the proliferations of accessory structures of inferior quality and design in the front yard area.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Plans and Representations Become Conditions

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

3. Subject to All Applicable Laws and Regulations

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

4. Exercise and Lapse of Permits (Section 23B.56.100)

B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

A. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

5. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS

The following additional conditions are attached to this Permit:

6. **Use Permit approval.** This Structural Alteration Permit is contingent upon Use Permit approval for this project.
7. **Repair and replacement of character-defining features.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
8. **Chemical Treatments.** Any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.
9. **Roof equipment.** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and design review may be required.
10. **Clear glass.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass shall be indicated on all drawings, and shall be reviewed for approval by historic preservation staff, prior to approval of any building permit for this project.
11. **Exterior Lighting.** Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
12. **Landscape Plan.** Prior to approval of any building permit for this project, the proposed landscape improvements shall be revised to include new plantings to screen – or to supplement existing plantings – on both the north *and* south sides of the former playground area. Further, the landscape plan may be modified as needed to ensure compliance with zoning criterion for open space pavement.
13. **Irrigated, water efficient landscape.** New areas of landscape shall provide irrigation. This shall be called out on Landscape building permit drawings. The property owner shall maintain automatic irrigation and drainage facilities adequate to assure healthy growing conditions for all required planting and landscape. The landscape shall be drought-tolerant and achieve maximum water efficiency.
14. **Storage sheds within the front yard area.** The storage sheds shall be limited to not more than five total and to their proposed height, floor area and locations. Prior to issuance of any building permit for this project, the Commission shall appoint a Subcommittee to approval the final design of the storage sheds.
15. **Curb cuts.** All curbs and curb cuts shall be constructed per the standards and specifications of the Public Works Department. Curb cuts no longer utilized shall be restored per the Public Works Department specifications.

1581 LE ROY AVENUE
Page 6 of 6

STRUCTURAL ALTERATION PERMIT - Findings and Conditions
#LMSAP2019-0004

- 16. Woodland maintenance.** The property owner shall establish and maintain a plan for maintenance and enhancement of the rustic woodland, which shall include a dripline protection zone wherein no structures has been place or items shall be stored.
- 17. New surface parking lot.** Prior to issuance of any building permit for this project, the applicant shall re-design new parking area to further reduce visual impact to the playground area.
- 18. Woodland maintenance.** The property owner shall establish and maintain a plan for maintenance and enhancement of the rustic woodland, which shall include a dripline protection zone wherein no structures has been place or items shall be stored.
- 19.** At all times, the property owner shall preserve the existing pathways.



EXISTING WEST ELEVATIONS, 2019

PARCEL CONDITIONS:

- 1) Building is on the National Register of Historic Places and is a City Landmark;
- 2) Building is in the Fault Zone;
- 3) Building is in the Landslide Zone;
- 4) Building is not in a Creek Zone.

SCOPE OF ALTERATION WORK (NO SQUARE FOOTAGE BEING ADDED):

- 1) CHANGE OF OCCUPANCY FROM EDUCATIONAL TO SINGLE-FAMILY RESIDENTIAL WITH ADU;
- 2) REPLACE & RESTORE MISCELLANEOUS DOORS, WINDOWS & SIDELIGHTS;
- 3) RESTORE DAMAGED 3-STORY SOUTH WALL & REPLACE FOUNDATION;
- 4) RESTORE SOUTH TERRACE, ADD WING WALLS AND BRICK STAIRS SIMILAR TO ORIGINAL TERRACE.
- 5) CONVERT KITCHEN TO GARAGE AND ADD NEW CONCRETE DRIVEWAY AND RETAINING WALLS;
- 6) ADD ELEVATOR;
- 7) ADD BATHROOMS TO SECOND FLOOR;
- 8) REMODEL THIRD FLOOR AND ADD REAR DECK WITH STUCCO GUARD RAILS, POOL AND HOT TUB;
- 9) REPLACE ELECTRICAL AND MECHANICAL SYSTEMS;
- 10) ADD SOLAR PANELS;
- 11) ADD NEW FENCING;
- 12) ADD NEW PARKING AREA 2.

SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATING HISTORIC BUILDINGS:

As a property on the National Register of Historic Properties, the following Standards shall be followed:

- Standard 1** - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Standard 2** - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Standard 3** - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
- Standard 4** - Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Standard 5** - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Standard 6** - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Standard 7** - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Standard 8** - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Standard 9** - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
- Standard 10** - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2016 CALIFORNIA HISTORICAL BUILDING CODE (CHBC) NOTES:

As a qualified historic building, the application of the following provisions of the CHBC apply:

SECTION 8-102.1.6 - Qualified buildings shall not be subject to additional work required by the regular code beyond that required to complete the work undertaken.

SECTION 8-901.5 - Qualified buildings are exempted from compliance with energy conservation standards.

PLANNING, ZONING, & BUILDING INFORMATION:

APN: 058-2245-009-03 Fire Zone 2

Zoning: R-1H Existing Educational Building Occupancy (E) is converting to Single-family Residential Occupancy (R-3)

Three-story, Type VB Construction, Fully Sprinklered

Lot Size: 117,546 sf Footprint Size: 25,695 sf

First Floor Size: 25,695 sf
Second Floor Size: 21,562 sf
Third Floor Size: 3,045 sf

TOTAL SIZE 50,302 SF



TABULATION FORM

Project Address: 1581 Le Roy Avenue Date: Feb. 20, 2019
Applicant's Name: Jerri Holan & Associates
Zoning District: R-1H
Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

	Existing	Proposed	Permitted/Required
Units, Parking Spaces & Bedrooms			
Number of Dwelling Units (#)	0	2	2
Number of Parking Spaces (#)	9	27	1
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	0	5	0
Yards and Height			
Front Yard Setback (Feet)	10-20	10-20	20
Side Yard Setbacks (Facing property)			
Left: (Feet)	25	25	4
Right: (Feet)	25	25	4
Rear Yard Setback (Feet)	15-40	15-40	20
Building Height* (# Stories)	3	3	3
Average* (Feet)	35	35	35
Maximum* (Feet)	50	50	35
Areas			
Lot Area (Square-Foot)	117,546	117,546	5,000
Gross Floor Area* (Square-Foot)	50,302	50,302	N/A
Total Area Covered by All Floors (Square-Foot)	25,695	25,695	N/A
Building Footprint* (Footprint/Lot Area) (%)	22	22	40
Useable Open Space* (Square-Foot)	91,851	91,851	800
Floor Area Ratio* Non-Residential only (Except ES-R)			

*See Definitions - Zoning Ordinance Title 22F. Revised: 05/15



VICINITY MAP

APPROX. SCALE: 1" = 100'

DRAWING INDEX

- T-1 TITLE SHEET
- A-1 SITE & ROOF PLAN
- SY-1 SURVEY
- A-2 FIRST & SECOND FLOOR PLANS
- A-3 THIRD FLOOR PLANS & BUILDING SECTION
- A-4 PARTIAL ELEVATIONS & DETAILS
- A-5 ENERGY FORMS & FLASHING DETAILS

JERRI HOLAN & ASSOCIATES
ARCHITECT • ENGINEERS • PLANNERS
1323 Solano Avenue, Suite 204, Albany, CA 94706
www.holanarchitects.com 510.528.1079

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPÄLÄ
1581 Le Roy Avenue
Berkeley, CA

Revision:
May 28, 2019 - Supplemental Submissions for Use Permit
May 25, 2019 - Supplemental Submissions for Use Permit
Issue Date:
April 2, 2019 - Submitted for Use Permit
April 1, 2019 - Submitted for Structural Alterations Permit & Design Review

TITLE SHEET

SHEET

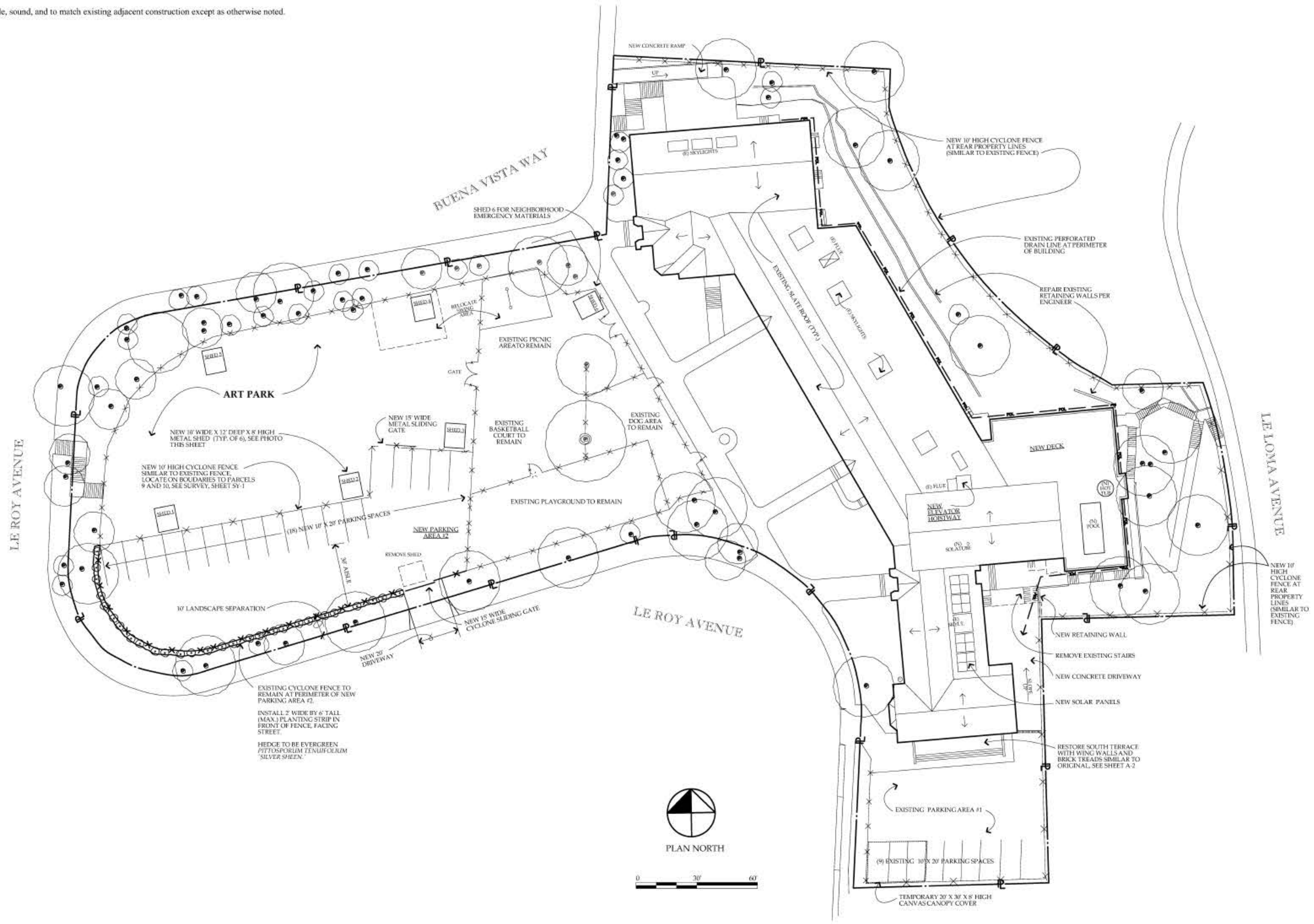
T-1

of 6



GENERAL AND SITE PLAN NOTES:

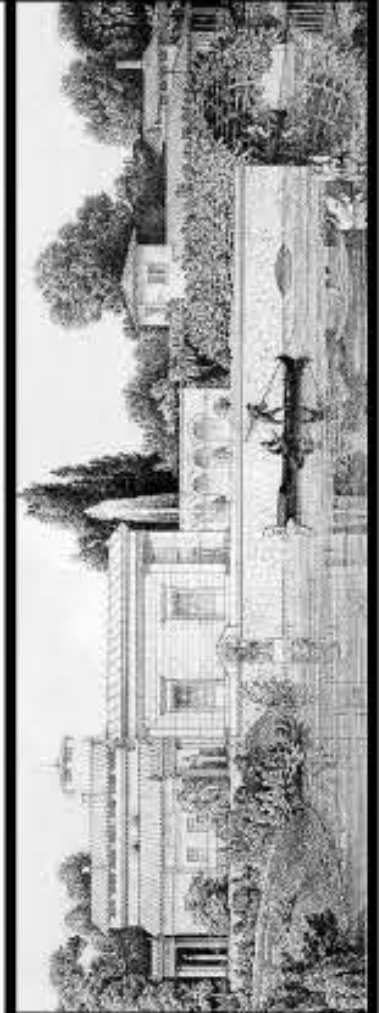
1. These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
2. Use of these drawings constitutes acceptance.
3. Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
4. The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
5. The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
6. All work shall conform to the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Historical Building Code (CHBC), The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.
7. By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawings and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
8. The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
9. The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
10. The site shall be kept clean at all times. Materials indicated to be reinstalled shall be stored and protected onsite unless otherwise noted. THE BASEMENT AREA WILL BE AVAILABLE FOR STORAGE OF NEW WINDOW UNITS DURING CONSTRUCTION. Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
11. Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
12. All items not noted as new (N) are existing.
13. All existing walls, floors, and ceilings at removed, new or modified construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.



PROPOSED NEW SHED

1 SITE & ROOF PLAN

A-1



JERRI HOLAN & ASSOCIATES
ARCHITECT • ENGINEERS • PLANNERS
1323 Solano Avenue, Suite 204, Albany, CA 94706
www.holanarchitects.com 510.528.1079

Rehabilitation & Remodel of
Hillside School
for
SAMULI SEPPÄLÄ
1581 Le Roy Avenue
Berkeley, CA

Revisions:
May 28, 2019 - Supplemental Submittance for Use Permit
May 21, 2019 - Supplemental Submittance for Use Permit

Issue Date:
April 2, 2019 - Submitted for Use Permit
April 1, 2019 - Submitted for Structural Alternatives Permit & Design Review

SITE & ROOF PLAN

SHEET

A-1

of 6



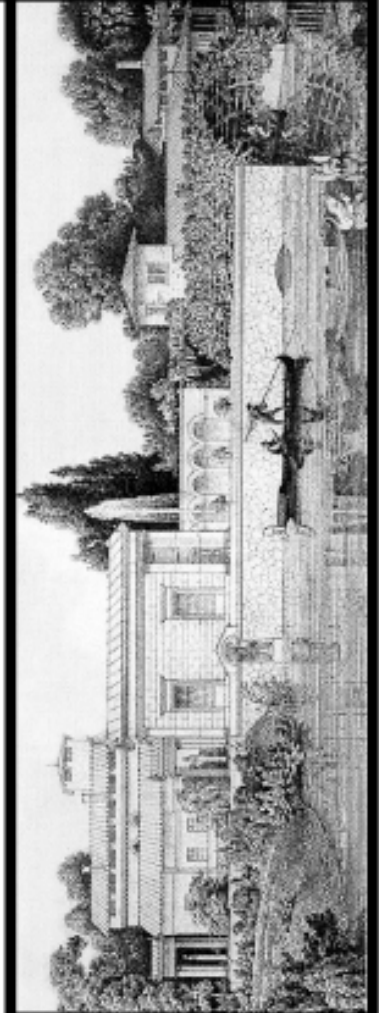
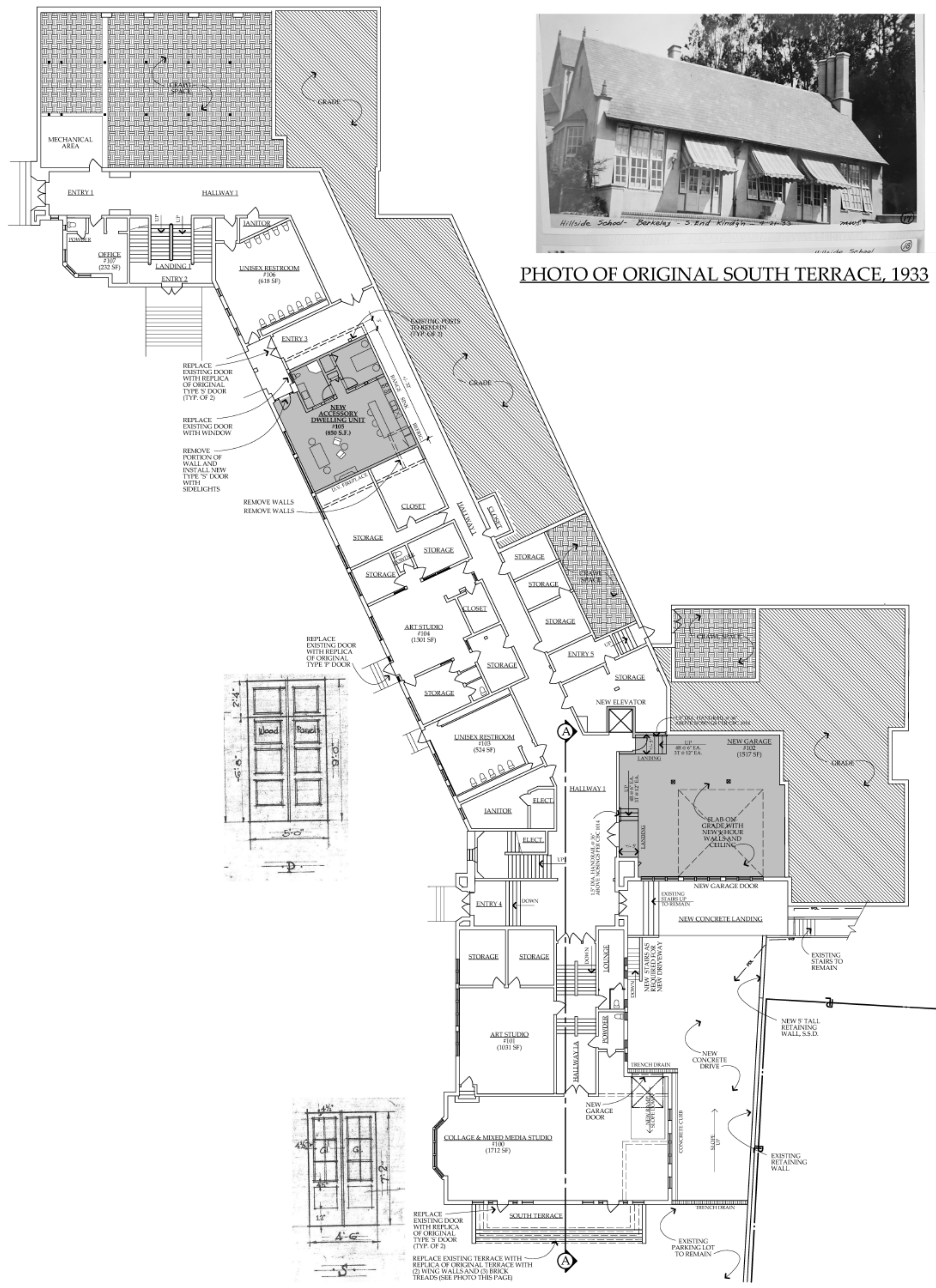
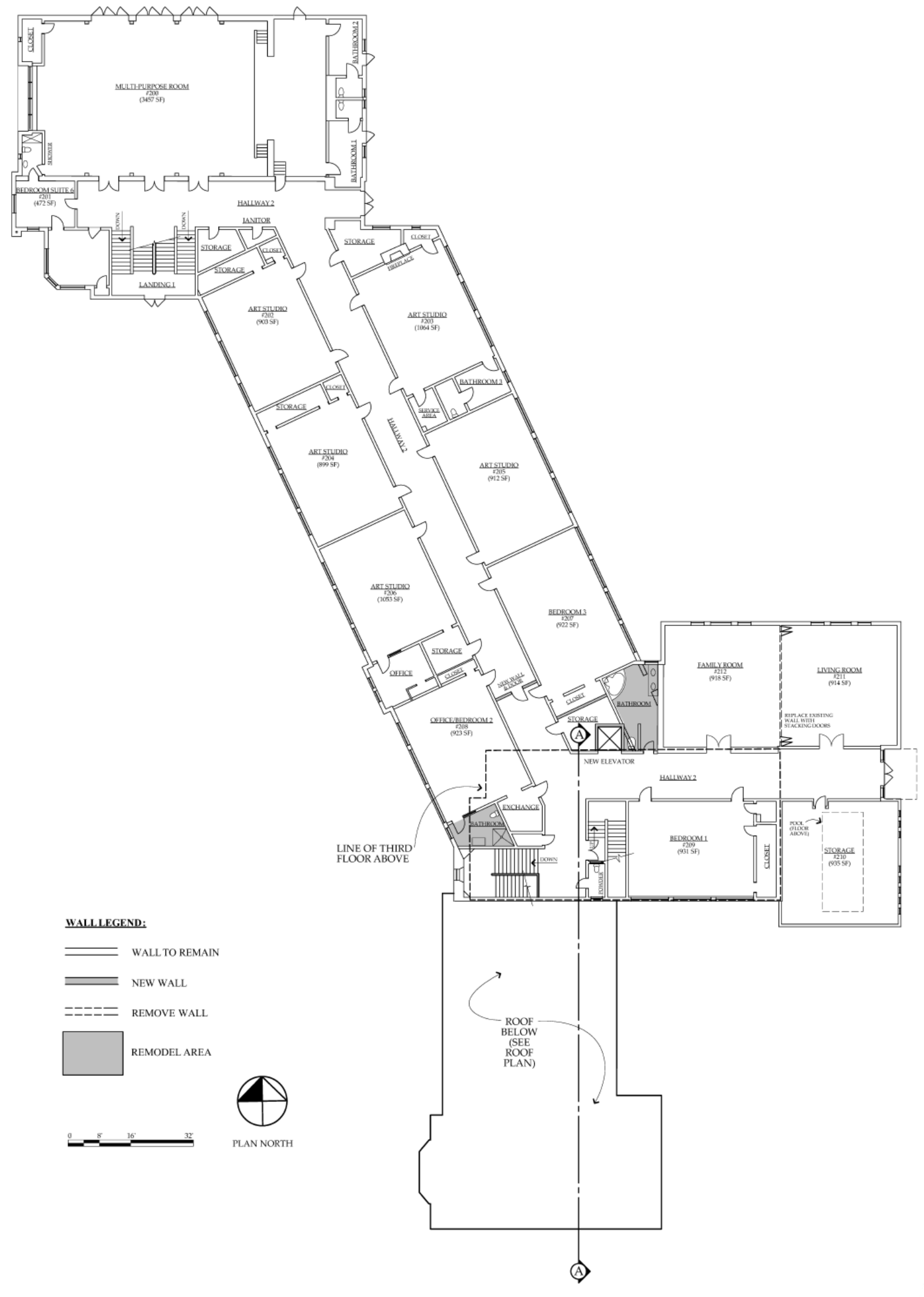


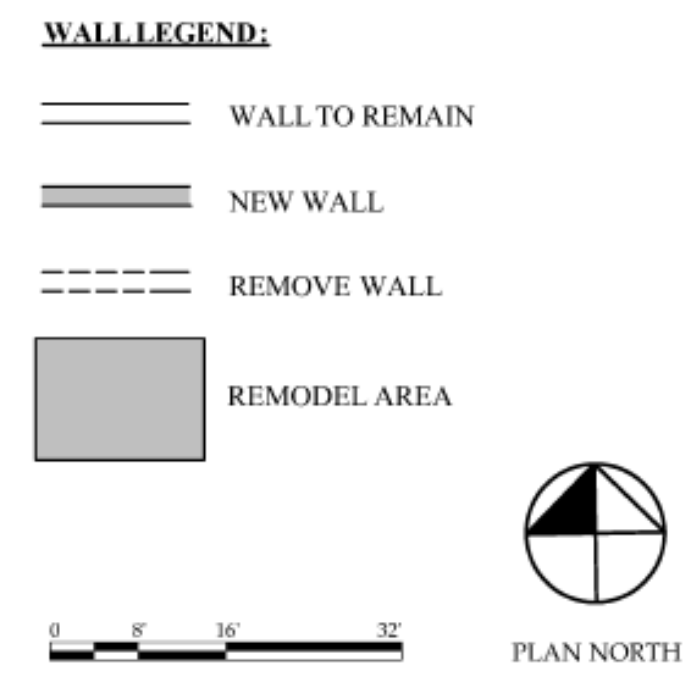
PHOTO OF ORIGINAL SOUTH TERRACE, 1933



1 FIRST FLOOR PLAN



2 SECOND FLOOR PLAN



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Rehabilitation & Remodel of
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Revision	Date
May 28, 2019 - Supplemental Submissions for Use Permit	
July 23, 2019 - Supplemental Submissions for Use Permit	
Issue Date:	
April 1, 2019 - Submitted for Use Permit	
April 1, 2019 - Submitted for Structural Alteration Permit & Design Review	

FIRST & SECOND FLOOR PLANS
 SHEET
A-2
 of 6



Planning and Development Department
Land Use Planning Division

PROOF OF SERVICE

DATE: November 19, 2019
TO: Whom It May Concern
FROM: Melinda Jacob, OSII
SUBJECT: USE PERMIT #ZP2019-0061 – 1581 LE ROY AVENUE

I, the undersigned, certify that I am employed in the City of Berkeley, County of Alameda, California; that I am over eighteen years of age; that I am not a party to the within action; and that my business address is 1947 Center Street, Berkeley, California 94704. On this date, I served the following documents:

ZONING ADJUSTMENTS BOARD NOTICE OF DECISION

On the parties stated below by placing true copies thereof in sealed envelope(s) addressed as shown below by the following means of service:

Jerri Holan, AIA Holan & Associates 1323 Solano Avenue Albany, CA 94706	Samuli Seppälä 1581 Le Roy Avenue Berkeley, CA 94708	Rebecca L. Davis Lozeau Drury LLP 1939 Harrison St., #150 Oakland CA 94612
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- By First Class Mail - I am readily familiar with the City's practice for collecting and processing of correspondence for mailing. Under the 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 addressee following ordinary business practices.
- By Personal Service - I caused each such envelope to be given to the City of Berkeley mail service person to personally deliver to the office of the addressee.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 19, 2019 at Berkeley, California.

Melinda A. Jacob

Melinda Jacob, OSII



Z O N I N G
A D J U S T M E N T S
B O A R D
NOTICE OF DECISION

DATE OF BOARD DECISION: October 24, 2019
DATE NOTICE MAILED: November 19, 2019
APPEAL PERIOD EXPIRATION: December 3, 2019
EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification)¹: December 4, 2019

1581 Le Roy Avenue

Use Permit #ZP2019-0061 convert the vacant, elementary school property to residential use: to establish the approximately 50,000-sq. ft., main building as a single-family residence and accessory dwelling unit, incorporating several former classrooms as private (non-commercial) art studio space; to install an unenclosed swimming pool and hot tub within a new roof deck; to construct an approximately 36-sq. ft., elevator penthouse above the second story (but below the third story roof ridge); to convert a former multi-purpose room to a garage; to create a new, surface parking lot and to locate up to five, new storage sheds within portions of the former playground to be partially re-purposed as an outdoor (non-commercial) art practice space; and to complete landscape improvements along the public interface.

The Zoning Adjustments Board of the City of Berkeley, after conducting a public hearing, **APPROVED** the following permits:

- Use Permit, under BMC (Berkeley Municipal Code) Section 23D.16.030, to create a dwelling unit in the R-1 district;
- Administrative Use Permit, under BMC Section 23D.12.080, to locate parking spaces with the required front yard setback of a residential property;
- Administrative Use Permit, under BMC Section 23D.16.030, to install an unenclosed hot tub on a residential property; and
- Administrative Use Permit, under BMC Section 23D.16.070.C, to construct a residential building addition greater than 14 ft. in average height.

APPLICANT: Jerri Holan, AIA, Holan & Associates, 1323 Solano Ave., Albany, CA

ZONING DISTRICT: Single-Family Residential/Hillside Overlay (R-1/H)

ENVIRONMENTAL REVIEW STATUS: Categorically exempt pursuant to the following

¹ Pursuant to BMC Section 23B.32.090, the City Council may certify any ZAB decision for review during the 14-day appeal period after the notice of the ZAB's decision is issued. Certification has the same effect as an appeal. However, BMC Section 1.04.070 suspends or "tolls" the Council's deadline to certify when the Council is on recess. Thus, in cases where the 14-day appeal period is scheduled to *end* during a Council recess, the certification deadline is extended past the end of the recess for the remainder of the appeal period. In cases where the appeal period *begins* during a Council recess, the certification deadline is extended until 14 days after the first Council meeting after the recess. *Extension of the certification deadline has no effect on the appeal deadline.*

ZONING ADJUSTMENTS BOARD - NOTICE OF DECISION
November 5, 2019

2422 FIFTH STREET
USE PERMIT #ZP2018-0108

Sections of the CEQA Guidelines: Section 15301 for "Existing Facilities," 15303 for "New Construction or Conversion of Small Structures," and 15331 for "Historical Resources Restoration/Restoration."

The Zoning Application and application materials for this project are available online at: <http://www.cityofberkeley.info/zoningapplications>

FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

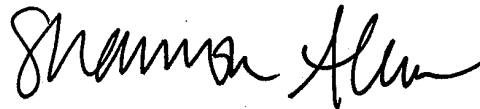
BOARD VOTE: 8-0-1-0

YES: CLARKE, CHING, MATTHEWS, O'KEEFE, SELAWSKY, SHARENKO, SIMON-WEISBERG, TREGUB

NO: NONE

ABSTAIN: KIM

ABSENT: NONE



ATTEST:

Shannon Allen, Zoning Adjustments Board
Secretary

ATTACHMENTS:

1. Findings and Conditions
2. Project Plans, received **OCTOBER 10, 2019**

cc: City Clerk
Building and Safety Division
Central Library - Reference Desk
Public Works Engineering Division
ZAB Members
First Source
Applicant:

Jerri Holan, AIA
Holan & Associates
1323 Solano Avenue
Albany, CA 94706

Property Owner:

Samuli Seppälä
1581 Le Roy Avenue
Berkeley, CA 94708

Interested Party:

Rebecca L. Davis
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612

TO APPEAL THIS DECISION (see Section 23B.32.050 of the Berkeley Municipal Code):

To appeal a decision of the Zoning Adjustments Board to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
2. Submit the required appeal fee (checks and money orders payable to "City of Berkeley"):
 - a. The fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
 - b. The fee for all appeals by Applicants is \$2,500.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown on page 1 (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Adjustments Board at, or prior to, the public hearing.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable

economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must including the following information:

- A. That this belief is a basis of your appeal.
- B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
- C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

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

ATTACHMENT 1

FINDINGS AND CONDITIONS

OCTOBER 24, 2019

1581 Le Roy Avenue

Use Permit #ZP2019-0061 convert the vacant, elementary school property to residential use: to establish the approximately 50,000-sq. ft., main building as a single-family residence and accessory dwelling unit, incorporating several former classrooms as private (non-commercial) art studio space; to install an unenclosed swimming pool and hot tub within a new roof deck; to construct an approximately 36-sq. ft., elevator penthouse above the second story (but below the third story roof ridge); to convert a former multi-purpose room to a garage; to create a new, surface parking lot and to locate up to five, new storage sheds within portions of the former playground to be partially re-purposed as an outdoor (non-commercial) art practice space; and to complete landscape improvements along the public interface.

PERMITS REQUIRED

- Use Permit, under BMC (Berkeley Municipal Code) Section 23D.16.030, to create a dwelling unit in the R-1 district;
- Administrative Use Permit, under BMC Section 23D.12.080, to locate parking spaces with the required front yard setback of a residential property;
- Administrative Use Permit, under BMC Section 23D.16.030, to install an unenclosed hot tub on a residential property; and
- Administrative Use Permit, under BMC Section 23D.16.070.C, to construct a residential building addition greater than 14 ft. in average height.

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to CEQA Guidelines Section 15301 ("Existing Facilities"), Section 15303 (New Construction or Conversion of Small Structures), and Section 15331 (Historical Resources Restoration/Restoration).
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) will not cause a substantial adverse change in the significance of a historical resources as evident in the August 1, 2019 Landmarks Preservation Commission findings of compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

II. ZONING ORDINANCE FINDINGS FOR APPROVAL

1. As required by Section 23B.32.040.A of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental

to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

- A. The proposal to convert and re-purpose the existing, vacant school site to residential use is consistent with the Purposes of the R-1 district (BMC Section 23D.16.020) related to maintaining and protecting the area's existing, low-density development pattern, making housing available to persons who desire relatively large amounts of open space, and protecting adjacent properties from potential sunlight or building mass impacts typically associated with new development.
 - B. The proposal to establish dwelling uses that incorporate a private art practice is consistent with the residential use and character of an R-district, where residents are expected to engage in such private activities and to host visitors. The site conditions are found to sufficiently accommodate the anticipated number of guests and frequency of activities because: (1) the subject site and main building are especially large at approximately 50,000 sq. ft. where residences in the area average 2,700 sq. ft.; and (2) the proposal includes the provision of surplus, off-street parking.
 - C. The proposed art practice and related activities are exclusive to the residential occupants of this property and their invited guest. The proposed art studios and art outdoor "art park" space are permitted for, and shall be limited to, the creation of original works of art and craft products. These spaces and activities are not commercial enterprises. Given these circumstances, the Board finds that the proposed activities are consistent with the private residential use of the subject property.
 - D. The outdoor art practice activities will be limited to the hours between sunrise and sunset, year-round, and will be subject to the Community Noise ordinance (BMC Section 13.42), in order to minimize potential impacts to adjacent residences and the neighborhood, and to ensure compliance with the City's applicable peace and welfare provisions.
2. In accordance with BMC Section 23D.16.070.B and F (*Development Standards*) and 23D.16.080.A (Parking), the Board finds that the proposal to create two new dwelling units at the subject property is permissible because proposed property conditions will adhere to the R-1 district standards for maximum residential density and will surpass the standards for minimum usable open space and off-street parking.
 3. In accordance with BMC Section 23D.16.070.C (*Development Standards* – main building height) and 23D.16.090.B (*Findings*), the Board finds that the proposal to construct an elevator penthouse to a height of 28 ft. above grade is permissible because the new construction is not expected to result in view or sunlight impacts for adjacent residences owing to its proposed location below the existing roof ridge and within the building's existing profile.
 4. In accordance with BMC Section 23D.12.170 (Site, Location and Screening of Uncovered Parking Spaces), the Board finds that the proposal to locate parking spaces within the required 20-ft. front yard setback at the subject property is permissible because the new spaces will be effectively screened by the existing and newly proposed vegetation and plantings, thereby minimizing the potential for parked vehicles to create significant visual impacts.
 5. In accordance with BMC Section 23D.08.020.B (Height Limits for Accessory Buildings or Structures), the proposal to locate as many as five storage sheds of not more than 10 ft. in average height within the front depth of this property is found to be permissible because these

1581 LE ROY AVENUE- USE PERMIT #ZP2019-0061
October 24, 2019

FINDINGS & CONDITIONS
Page 3 of 12

structures will not result in detrimental impacts to light, air (or building-to-building separation), privacy or views of the adjacent properties. The structures are of minimal height, thereby avoiding light and view impacts. They will not include windows or create sightlines, thereby avoiding privacy impacts. They will not be located within protected view corridors, as defined in BMC Section 23C.04 (*Definitions, views*), thereby avoiding view impacts.

6. In accordance with BMC Section 23D.08.060.C (Fences and Other Accessory Structures), Board finds that the proposal to install a new, unenclosed hot tub on the roof of the subject building is permissible because, as conditioned herein, any pump shall be mounted and/or enclosed so that it is not audible beyond the nearest, shared property.

III. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions and Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with Section 23B.56.030.D. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)

- 12. Construction and Demolition.** Applicant shall submit a Waste Diversion Form and Waste Diversion Plan that meet the diversion requirements of BMC Chapters 19.24 and 19.37.
- 13. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at:
 - http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
 - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project.

Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Issuance of Any Building (Construction) Permit

14. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
15. Public Works. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

During Construction:

16. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
17. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
 - Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

18. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
19. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
20. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
21. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by

a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

22. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
 - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).

- H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
 - I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 23. Public Works - Construction.** Construction must comply with the State-wide general permit requiring owner to (1) notify the State; (2) prepare and implement a Stormwater Pollution Prevention Plan (SWPPP); and (3) monitor the effectiveness of the plan. Additional information may be found online at <http://www.swrcb.ca.gov>. As part of the permit submittal, the Public Works Department will need a) a copy of the “Notice of Intent” filed with the State Water Resources Control Board (SWRCB)/Division of Water Quality; b) the Waste Discharger Identification (WDID) number issued by the SWRCB for the project; c) a copy of the SWWPP prepared for each phase of the project; and d) the name of the individual who will be responsible for monitoring the site for compliance to the approved SWPPP.
- 24. Public Works - Implement BAAQMD-Recommended Measures during Construction.** For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.
- 25. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

26. Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
27. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
28. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
29. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
30. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

31. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
32. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 10, 2019, except as modified by conditions of approval.
33. Construction and Demolition Diversion. A Waste Diversion Report, with receipts or weigh slips documenting debris disposal or recycling during all phases of the project, must be completed and submitted for approval to the City's Building and Safety Division. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement. A copy of the Waste Diversion Plan shall be available at all times at the construction site for review by City Staff.

At All Times:

34. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
35. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.

1581 LE ROY AVENUE- USE PERMIT #ZP2019-0061
October 24, 2019

FINDINGS & CONDITIONS
Page 12 of 12

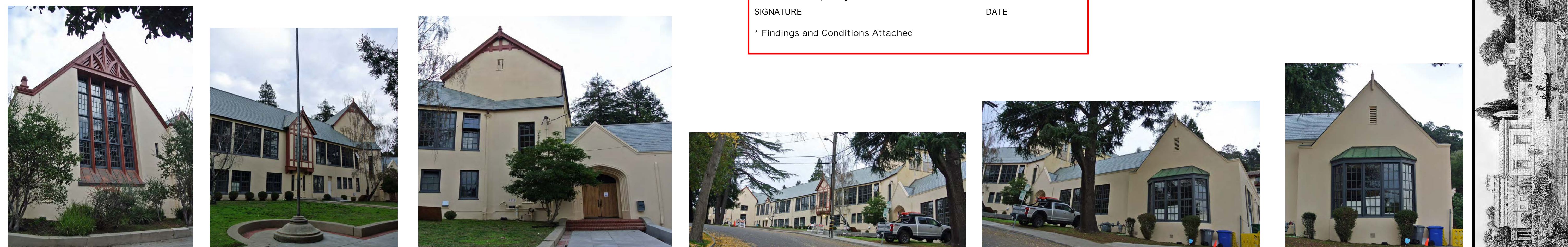
36. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
 37. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
 38. Limited hours of outdoor art activities. The outdoor activities related to the private, residential art practice shall be limited to the hours between sunrise and sunset, year-round.
 39. Subject to Review. This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the private, residential art practice has violated any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
 40. Limitation on Use of Property. The subject property shall be maintained exclusively as a single-family residence and accessory dwelling unit. Any changes or additions to the use of this property shall be fully subject to the provisions and requirements of the Berkeley Municipal Code.
 41. Public Safety review required prior to improvements for the pathway between Buena Vista Avenue and Le Roy Avenue. Prior to installation of any improvements or features that will affect access to the pedestrian pathway connecting Buena Vista Avenue and Le Roy Avenue, the property owner shall confer with and obtain sign-off from Public Safety staff.
 42. The pump for the unenclosed hot tub shall be mounted, enclosed and maintained to prevent noise from disturbing the occupants of neighboring properties.
 43. The unenclosed hot tub shall be equipped with safety features in accordance with the California Building Code.
 44. Mechanical operation and use of the unenclosed hot tub must adhere to the exterior noise standards of BMC Section 13.40.050.
-

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Shanna Alu **October 24, 2019**

SIGNATURE DATE

* Findings and Conditions Attached



EXISTING WEST ELEVATIONS, 2019

PARCEL CONDITIONS:

- 1) Building is on the National Register of Historic Places and is a City Landmark;
- 2) Building is in the Fault Zone;
- 3) Building is in the Landslide Zone;
- 4) Building is not in a Creek Zone.

PLANNING, ZONING, & BUILDING INFORMATION:

APN: 058-2245-009-03 Fire Zone 2

Zoning: R-1H Existing Educational Building Occupancy (E) is converting to Single-family Residential Occupancy (R-3)

SCOPE OF ALTERATION WORK (NO SQUARE FOOTAGE BEING ADDED):

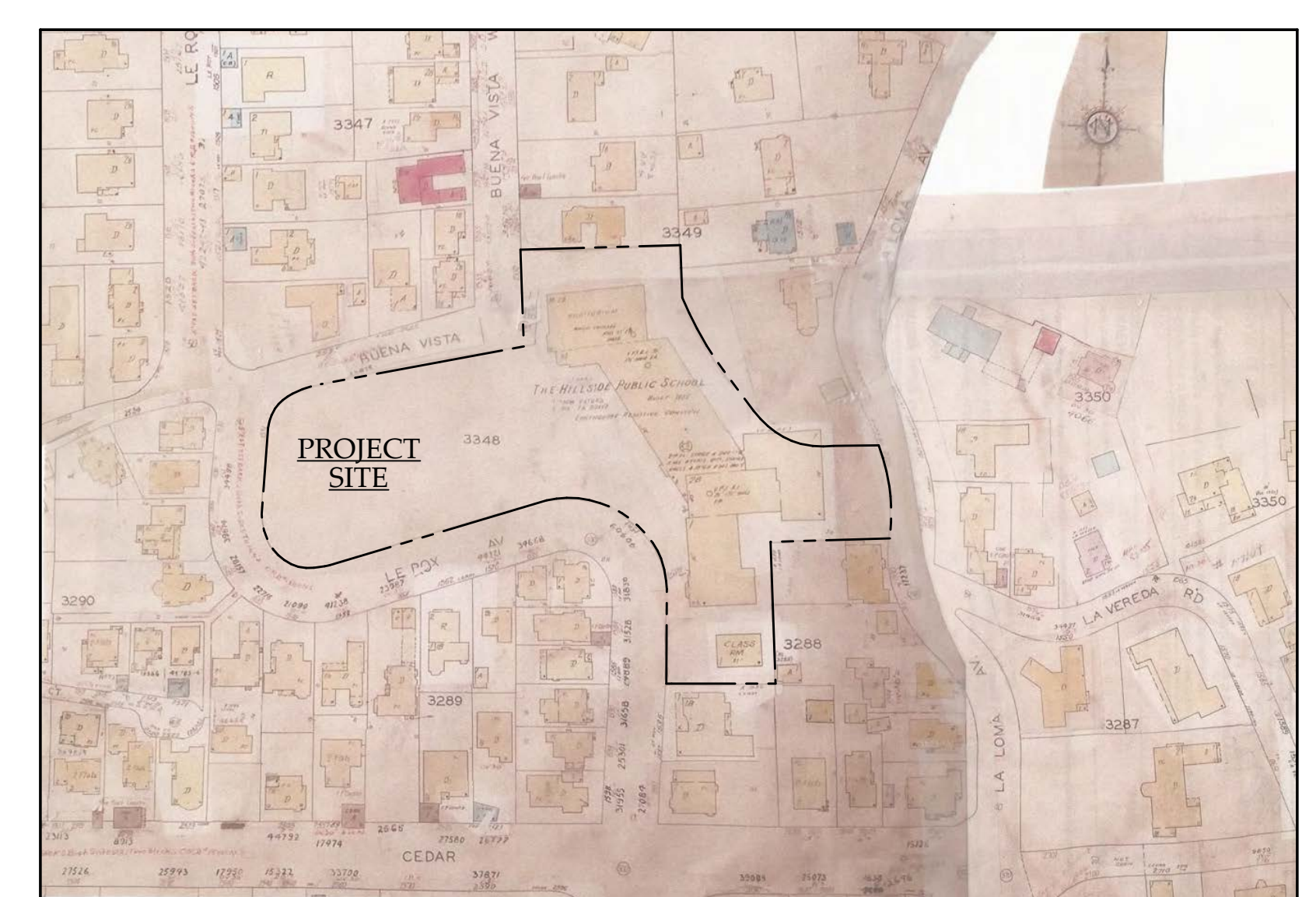
- 1) CHANGE OF OCCUPANCY FROM EDUCATIONAL TO SINGLE-FAMILY RESIDENTIAL WITH ADU;
- 2) REPLACE & RESTORE MISCELLANEOUS DOORS, WINDOWS & SIDELIGHTS;
- 3) RESTORE DAMAGED 3-STORY SOUTH WALL & REPLACE FOUNDATION;
- 4) RESTORE SOUTH TERRACE, ADD WING WALLS AND BRICK STAIRS SIMILAR TO ORIGINAL TERRACE.
- 5) CONVERT KITCHEN TO GARAGE AND ADD NEW CONCRETE DRIVEWAY AND RETAINING WALLS;
- 6) ADD ELEVATOR;
- 7) ADD BATHROOMS TO SECOND FLOOR;
- 8) REMODEL THIRD FLOOR AND ADD REAR DECK WITH STUCCO GUARD RAILS, POOL AND HOT TUB;
- 9) REPLACE ELECTRICAL AND MECHANICAL SYSTEMS;
- 10) ADD SOLAR PANELS;
- 11) ADD NEW FENCING WITH HEDGE SCREENS;
- 12) ADD NEW PARKING AREA 2;
- 13) REPAVE ART PARK AREA WITH INTEGRAL COLOR ASPHALT.

Three-story, Type VB Construction, Fully Sprinklered

Lot Size: 117,546 sf Footprint Size: 25,695 sf

First Floor Size: 25,695 sf
 Second Floor Size: 21,562 sf
 Third Floor Size: 3,045 sf

TOTAL SIZE 50,302 SF



1
T-1 VICINITY MAP

SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATING HISTORIC BUILDINGS:

As a property on the National Register of Historic Properties, the following Standards shall be followed:

- Standard 1** - A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- Standard 2** - The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Standard 3** - Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties will not be undertaken.
- Standard 4** - Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Standard 5** - Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Standard 6** - Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Standard 7** - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Standard 8** - Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- Standard 9** - New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.
- Standard 10** - New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2016 CALIFORNIA HISTORICAL BUILDING CODE (CHBC) NOTES:

As a qualified historic building, the application of the following provisions of the CHBC apply:

SECTION 8-102.1.6 - Qualified buildings shall not be subject to additional work required by the regular code beyond that required to complete the work undertaken.

SECTION 8-901.5 - Qualified buildings are exempted from compliance with energy conservation standards.

PLANNING & DEVELOPMENT				
Light Use Planning, 1247 Center Street, Berkeley, CA 94704				
Tel: 910.961.7410 TDD: 910.961.6903 Fax: 910.961.7420 Email: Planning@CdnofBerkeley.info				
TABULATION FORM				
Project Address:	1581 Le Roy Avenue		Date: Feb. 20, 2019	
Applicant's Name:	Jerrri Holan & Associates			
Zoning District:	R-1H			
Please print in ink the following numerical information for your Administrative Use Permit. Use Permit, or Variance application:				
	Existing	Proposed	Permitted/ Required	
Units, Parking Spaces & Bedrooms				
Number of Dwelling Units (#)	0	2	2	
Number of Parking Spaces (#)	9	27	1	
Number of Bedrooms (#) (R-1, R-1A, R-2, R-2A, and R-3 only)	0	5	0	
Yards and Height				
Front Yard Setback (Feet)	10-20	10-20	20	
Side Yard Setbacks (facing property)	Left: (Feet) 25	25	4	
	Right: (Feet) 25	25	4	
Rear Yard Setback (Feet)	15-40	15-40	20	
Building Height* (# Stories)	3	3	3	
Average* (Feet)	35	35	35	
Maximum* (Feet)	50	50	35	
Areas				
Lot Area (Square-Feet)	117,546	117,546	5,000	
Gross Floor Area* (Square-Feet)	50,302	50,302	N/A	
Total Area Covered by All Floors	50,302	50,302	N/A	
Building Footprint* (Square-Feet)	25,695	25,695	N/A	
Total of All Structures	25,695	25,695	N/A	
Lot Coverage* (Footprint/Lot Area) (%)	22	22	40	
Useable Open Space* (Square-Feet)	91,851	91,851	800	
Floor Area Ratio* Non-Residential only (Except ES-R)				
*See Definitions - Zoning Ordinance Title 23F. Revised: 05/15				

DRAWING INDEX

- T-1 TITLE SHEET
- T-2 SUPPLEMENTAL TITLE SHEET
- A-1 SITE & ROOF PLAN
- SY-1 LEGAL DESCRIPTIONS & CONDITIONS
- SY-2 SURVEY
- A-2 FIRST & SECOND FLOOR PLANS
- A-3 THIRD FLOOR PLANS & BUILDING SECTION
- A-4 PARTIAL ELEVATIONS & DETAILS

JERRI HOLAN & ASSOCIATES
 ARCHITECT * ENGINEERS * PLANNERS
 1323 Solano Avenue, Suite 204, Albany, CA 94706
www.holanarchitects.com 510.528.1079

Rehabilitation & Remodel of
 Hillside School
 for
SAMULI SEPPALA
 1581 Le Roy Avenue
 Berkeley, CA

Revisions:

May 20, 2019 - Supplemental Submissions for Use Permit
July 23, 2019 - Supplemental Submissions for Use Permit
9/10/19 - LPC Revisions
9/10/19 - LPC Revisions
10/10/19 - ZAB Submittal

Issue Date:

April 1, 2019 - Submitted for Use Permit
April 1, 2019 - Submitted for Structural Alteration Permit & Design Review

TITLE SHEET

T-1

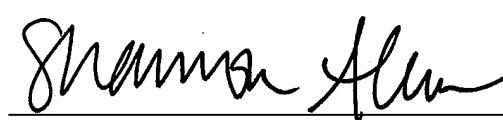
of 6



C:\Users\Jerrri Holan\Documents\jerrriholan&associates\drawings\HILLSIDE SCHOOL\PLANNING\DRWG\HILLSIDE.PLANNING.101019.pln

GENERAL AND SITE PLAN NOTES:

1. These Drawings and Specifications may not be used for construction unless corresponding Drawings signed by the Architect and approved by the building department, with appropriate permits, are in the possession of the General Contractor or Owner.
2. Use of these drawings constitutes acceptance.
3. Drawings and Specifications, as instruments of service, are and shall remain the property of the architect whether the project is executed or not. The owner may be permitted to retain copies for information and reference in connection with the use and occupancy of the project. The Drawings and Specifications shall not be used by the owner or anyone else without permission from the architect.
4. The architect will not be responsible for any changes in, or divergence from, the plans, specifications, or details unless such are specifically allowed in writing by the architect.
5. The architect does not accept responsibility for any changes made necessary by building codes, laws, or ordinances. All contractors, subcontractors, fabricators, and other persons utilizing these plans are advised to verify any and all aspects of these plans and any inconsistencies between them and actual conditions or requirements of equipment, materials, local codes or ordinances. Any such inconsistencies shall be brought to the attention of the architect in a timely fashion so that they may be resolved or clarified.
6. All work shall conform to the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Historical Building Code (CHBC), The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 and any other applicable local codes, regulations, and ordinances.
7. By executing the Work, the contractor represents that he has visited the site, familiarized himself with the local conditions under which the work is to be performed, and correlated his observations with the requirements of the Drawings and Specifications. The Site Plan does not constitute a survey and its accuracy should be verified in the field.
8. The Contractor shall be responsible for coordinating the work of all trades. All subcontractors shall coordinate work with each other.
9. The contractor shall be responsible for protection of all trees and other conditions to remain with the construction area.
10. The site shall be kept clean at all times. Materials indicated to be reinstalled shall be stored and protected onsite unless otherwise noted. THE BASEMENT AREA WILL BE AVAILABLE FOR STORAGE OF NEW WINDOW UNITS DURING CONSTRUCTION. Upon completion of the work and prior to acceptance by Owner, contractor shall conduct a final, thorough cleanup of site and building.
11. Any work not shown or specified which can reasonably be inferred or defined as belonging to the work and necessary to complete any system shall be the responsibility of the contractor.
12. All items not noted as new (N) are existing.
13. All existing walls, floors, and ceilings at removed, new or modified construction shall be patched as required to make surfaces whole, sound, and to match existing adjacent construction except as otherwise noted.

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

October 24, 2019
 SIGNATURE DATE
 * Findings and Conditions Attached



SMALL P. SILVER SHEEN HEDGE



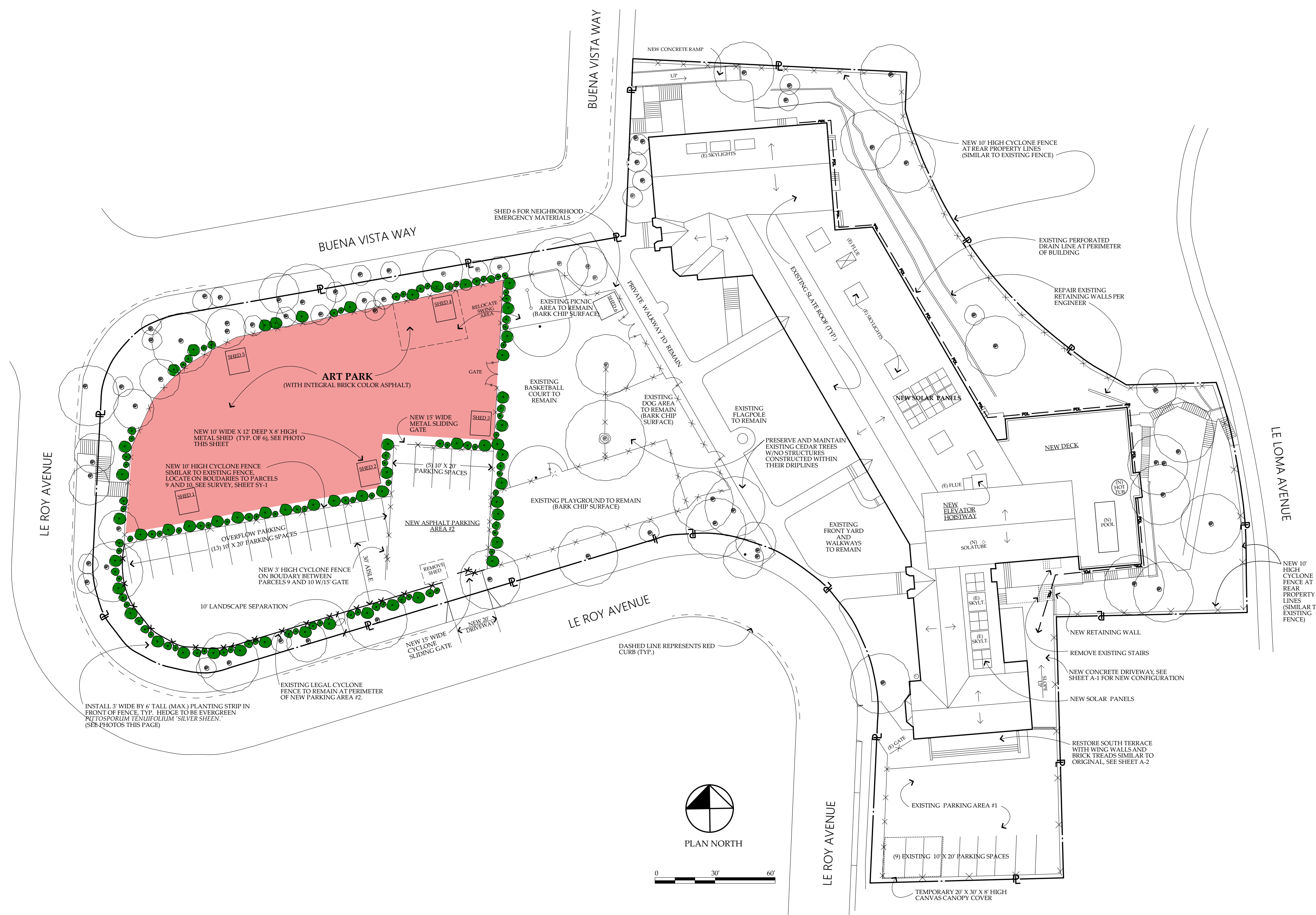
MEDIUM P. SILVER SHEEN HEDGE



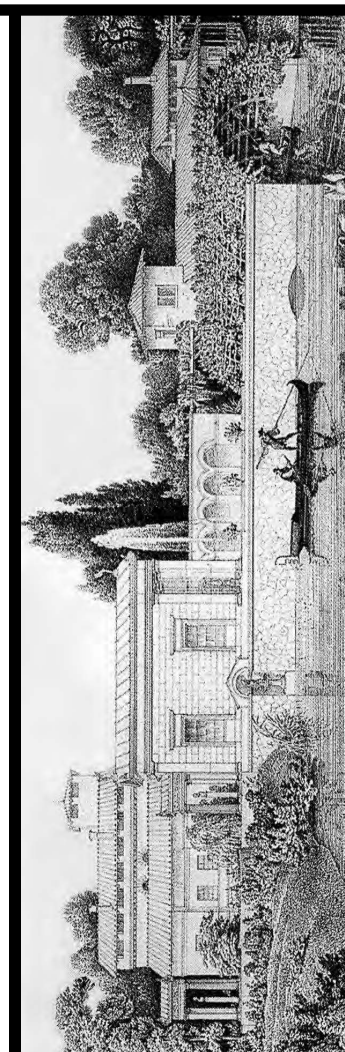
LARGE P. SILVER SHEEN HEDGE



PROPOSED NEW SHED



1 SITE & ROOF PLAN
A-1



JERRI HOLAN & ASSOCIATES
 ARCHITECT * ENGINEERS * PLANNERS
 1323 Solano Avenue, Suite 204, Albany, CA 94706
 www.holanarchitects.com 510.528.1079

Rehabilitation & Remodel of
 Hillside School
 for
SAMULI SEPPÄLÄ
 1581 Le Roy Avenue
 Berkeley, CA

Revisions:
May 20, 2019 - Supplemental Submissions for Use Permit
July 23, 2019 - Supplemental Submissions for Use Permit
8/10/19 - Planning Revisions
9/10/19 - LPC Revisions
10/10/19 - ZAB Submittal
Issue Date:
April 1, 2019 - Submitted for Use Permit
April 1, 2019 - Submitted for Structural Alteration Permit & Design Review

SITE & ROOF PLAN

SHEET

A-1



LEGAL DESCRIPTION

THE LAND REFERRED TO IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF HILLSIDE WAY WITH THE WESTERN LINE OF LOT NO. 6, IN BLOCK NO. 5, AS SAID WAY, LOT AND BLOCK ARE SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE EASTERLY ALONG SAID LINE OF SAID WAY, 9.78 FEET TO THE WESTERN LINE OF LOT NO. 9, IN SAID BLOCK NO. 5, AS SHOWN ON SAID MAP; THENCE SOUTHERLY ALONG SAID LINE OF SAID LOT NO. 9, 1.66 FEET TO THE SOUTHWESTERN CORNER THEREOF; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT 9, 40.35 FEET TO THE NORTHEASTERN CORNER OF SAID LOT 6; THENCE SOUTHERLY ALONG THE EASTERN LINE OF SAID LOT 6, 60 FEET; THENCE AT RIGHT ANGLES WESTERLY, 50 FEET, MORE OR LESS, TO THE WESTERN LINE OF SAID LOT 6; THENCE NORTHERLY ALONG SAID LAST MENTIONED LINE, 60 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 6 IN BLOCK 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 2:

BEGINNING AT A POINT ON THE EASTERN LINE OF LE ROY AVENUE FORMERLY LOOKOUT PLACE, DISTANT THEREON SOUTHERLY ONE HUNDRED AND TEN AND 12/100 (100.12) FEET FROM THE NORTHWESTERN CORNER OF LOT NO. 13, AS SAID STREET AND LOT ARE SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG SAID EASTERN LINE OF LE ROY AVENUE FIFTY AND 12/100 (50.12) FEET TO THE SOUTHWESTERN CORNER OF THE LOT OF LAND HERETOFORE CONVEYED BY GEORGE P. W. JENSEN AND HATTIE L. JENSEN, HIS WIFE, TO ROSA A. COREN, SINGLE, BY DEED DATED DECEMBER 26, 1906 AND RECORDED JANUARY 17, 1907, IN LIBER 1268 OF DEEDS, PAGE 336; RUNNING THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LAND SO CONVEYED TO ROSA A. COREN, THREE (03) FEET, MORE OR LESS, TO THE EASTERN LINE OF LOT NO. 13, AS PER SAID MAP, AND DISTANT THEREON SIXTY (60) FEET SOUTHERLY FROM THE NORTHEASTERN CORNER OF SAID LOT NO. 13, THENCE SOUTHERLY ALONG SAID EASTERN LINE OF SAID LOT NO. 13, FIFTY (50) FEET; THENCE WESTERLY IN A STRAIGHT LINE TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 13, AS SAID LOT IS DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "LA LOMA PARK, BERKELEY, ALAMEDA COUNTY, CALIFORNIA, C.L. ENGINNS, TOWN ENGINEER, OCTOBER 1900", FILED NOVEMBER 12, 1900, IN LIBER 16 OF MAPS, PAGE 13 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 3:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF LOT NO. 2, HERINAFTER REFERRED TO, WITH THE EASTERN LINE OF LE ROY AVENUE, AS SAID LOT AND AVENUE ARE SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG SAID LINE OF LE ROY AVENUE, 50 FEET; THENCE NORTH 71° 50' EAST 110 FEET; THENCE SOUTHERLY PARALLEL WITH THE SAID LINE OF LEROY AVENUE, 50 FEET TO THE SAID SOUTHERN LINE OF LOT NO. 2; THENCE SOUTH 71° 50' WEST ALONG SAID LAST NAMED LINE 110 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 2, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION LA LOMA PARK AND THE WHEELER TRACT," FILED OCTOBER 15, 1902 IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 4:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF HILLSIDE WAY WHERE THE SAME IS INTERSECTED BY THE EASTERN LINE OF LOT NOS. 2 AND 3, IN BLOCK NO. 5, AS SAID WAY AND LOTS AND BLOCK ARE SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG SAID EASTERN BOUNDARY LINE 110 FEET; THENCE SOUTH 71° 50' WEST ALONG THE SOUTHERN BOUNDARY LINE OF SAID LOT NO. 2, 40 FEET; THENCE NORTHERLY PARALLEL WITH SAID EASTERN BOUNDARY LINE OF SAID LOT NO. 2, 21.50 FEET; THENCE SOUTH 71° 50' WEST ALONG THE SOUTHERN BOUNDARY LINE OF SAID LOT NO. 3, 10 FEET; THENCE NORTHERLY PARALLEL WITH SAID EASTERN BOUNDARY LINE OF SAID LOT NO. 3, 60 FEET; MORE OR LESS TO SAID LINE OF HILLSIDE WAY; THENCE EASTERLY ALONG SAID LINE OF HILLSIDE WAY, 50 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING THE EASTERN 40 FEET OF LOT NO. 2, AND THE EASTERN 50 FEET OF LOT NO. 3, IN BLOCK NO. 5, A SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT," FILED OCTOBER 15, 1902, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 5:

BEING LOT NO. 9, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK, AND THE WHEELER TRACT," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 6:

LOT NO. 8 IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK, AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF THE SAID COUNTY OF ALAMEDA.

PARCEL 7:

BEGINNING AT THE INTERSECTION OF THE NORTHERN LINE OF LE ROY AVENUE, WITH THE EASTERN LINE OF LOT NO. 6, HERINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG SAID LINE OF LOT NO. 6, 61.70 FEET; THENCE AT RIGHT ANGLE WESTERLY 50 FEET, MORE OR LESS TO THE WESTERN LINE OF SAID LOT 6; THENCE SOUTHERLY ALONG SAID LINE OF LOT NO. 6, 27.40 FEET, MORE OR LESS, TO A POINT DISTANT THEREON NORTHERLY, 71.81 FEET FROM THE POINT NORTHERN LINE OF SAID LE ROY AVENUE; THENCE AT RIGHT ANGLES EASTERLY 3 FEET; THENCE SOUTHERLY PARALLEL WITH SAID WESTERN LINE OF SAID LOT NO. 6, 103.03 FEET, MORE OR LESS, TO THE NORTHERN LINE OF SAID LE ROY AVENUE; THENCE EASTERLY ALONG SAID LAST MENTIONED LINE, 50 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO. 6, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA," FILED OCTOBER 15, 1902 IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 8:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, AT THE INTERSECTION THEREOF WITH THE WESTERN LINE OF LOT NO. 4, IN BLOCK NO. 6, AS SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE SOUTHERLY ALONG SAID LAST NAMED LINE 45 FEET; THENCE AT RIGHT ANGLES EASTERLY, 50 FEET, MORE OR LESS, TO THE EASTERN LINE OF SAID LOT NO. 4; THENCE NORTHERLY ALONG SAID LAST NAMED LINE TO THE SAID LINE OF BUENA VISTA WAY; THENCE WESTERLY ALONG SAID LINE OF BUENA VISTA WAY TO THE POINT OF BEGINNING.

PARCEL 8 CONTINUED:

BEING A PORTION OF LOT NO. 4, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 9:

BEGINNING AT A POINT ON THE NORTHERN LINE OF LE ROY AVENUE, THE SAID POINT OF BEGINNING BEING THE SOUTHWESTERN CORNER OF LOT 4 IN BLOCK 5, AS PER MAP HERINAFTER REFERRED TO; RUNNING THENCE NORTHERLY ALONG THE WESTERN LINE OF SAID LOT 4, 87.46 FEET; THENCE AT A RIGHT ANGLES EASTERLY TO THE EASTERN LINE OF SAID LOT 4; THENCE SOUTHERLY ALONG THE SAID EASTERN LINE OF SAID LOT 4, TO THE SAID NORTHERN LINE OF LE ROY AVENUE; THENCE WESTERLY ALONG SAID LAST NAMED LINE, 53.21 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 4, IN BLOCK 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY," ETC., FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 10:

LOT NO. 1 IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE SHOWN ON THE MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 11:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, DISTANT THEREON 50 FEET WESTERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE LINE DIVIDING LOTS NOS. 5 AND 6 AS PER SAID MAP, 71 FEET, MORE OR LESS, TO THE EASTERN LINE OF SAID LOT NO. 5; THENCE NORTHERLY ALONG SAID LINE OF SAID LOT NO. 5, SEVENTY-FIVE AND 83/100 (75.83) FEET; THENCE AT RIGHT ANGLES EASTERLY FIFTY (50) FEET MORE OR LESS TO THE EASTERN LINE OF SAID LOT NO. 5; THENCE NORTHERLY ALONG SAID LINE OF SAID LOT NO. 5, SEVENTY AND 40/100 (70.40) FEET MORE OR LESS TO THE SAID LINE OF BUENA VISTA WAY; THENCE WESTERLY ALONG SAID LINE FIFTY-ONE AND 32/100 (51.32) FEET TO THE PLACE OF BEGINNING.

BEING THE NORTHERLY PORTION OF LOT NO. 5, IN BLOCK NO.5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY ALAMEDA COUNTY, CALIFORNIA," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA.

PARCEL 12:

BEGINNING AT A POINT ON THE LINE DIVIDING LOTS NOS. 4 AND 5 IN BLOCK NO. 5, AS PER MAP HERINAFTER REFERRED TO; WHERE THE SAME IS INTERSECTED BY THE NORTHERN LINE OF LE ROY AVENUE, RUNNING THENCE NORTHERLY ALONG SAID DIVIDING LINE, 90 FEET; THENCE AT RIGHT ANGLES EASTERLY, 55 FEET; THENCE SOUTHERLY PARALLEL WITH THE LINE DIVIDING LOTS NOS 5 AND 6 AS PER SAID MAP, 71 FEET, MORE OR LESS, TO THE NORTHERN LINE OF LE ROY AVENUE; AND THENCE WESTERLY ALONG SAID LAST NAMED LINE 56.21 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

BEING PORTION OF LOTS NOS. 5 AND 6 IN BLOCK NO. 5, AS SAID LOTS AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY ALAMEDA COUNTY, CALIFORNIA," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 13:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BUENA VISTA WAY, FORMERLY HILLSIDE WAY, DISTANT THEREON 50 FEET WESTERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE LINE DIVIDING LOTS NOS. 3 & 4 IN BLOCK NO. 6, AS SAID WAY, LOTS AND BLOCK ARE SHOWN ON THE MAP HERINAFTER REFERRED TO; RUNNING THENCE WESTERLY ALONG SAID LINE OF BUENA VISTA WAY, 64.23 FEET; THENCE CONTINUING ALONG SAID SOUTHERN LINE OF BUENA VISTA WAY AND THE EASTERN LINE OF LE ROY AVENUE, AS SHOWN ON SAID MAP ON THE ARC OF A CIRCLE TO THE LEFT OF THE RADIUS OF WHICH IS 45 FEET, A DISTANT OF 60.45 FEET; THENCE CONTINUING ALONG SAID EASTERN LINE OF LE ROY AVENUE, SOUTHERLY 24.23 FEET; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT NO. 3, 100 FEET; THENCE NORTHERLY PARALLEL WITH THE AFORESAID LINE DIVIDING LOTS NOS. 3 AND 4 IN BLOCK NO. 5, 60 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT NO.3, IN BLOCK NO. 5, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 14:

LOT 10 IN BLOCK 5, AS SAID LOT AND BLOCK ARE SHOWN ON MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA CO., CALIFORNIA," FILED OCTOBER 15, 1902 IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 15:

ALL OF LOT NUMBERED 7 IN BLOCK NUMBERED 6, AS SAID LOT AND BLOCK ARE LAID DOWN AND DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF LA LOMA PARK AND THE WHEELER TRACT," FILED OCTOBER 15, 1902, IN LIBER 19 OF MAPS, PAGE 45, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL 16:

BEGINNING AT THE INTERSECTION OF THE WESTERN LINE OF LA LOMA AVENUE WITH SAID WESTERN LINE OF SAID LOT NO. 6, 71 FEET, MORE OR LESS TO THE WESTERN LINE OF SAID LOT 12; THENCE SOUTHERLY ALONG SAID LINE OF SAID LOT 12, 275 FEET TO THE SOUTHERN LINE OF SAID LOT 12; THENCE EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT 12, 108.55 FEET; THENCE AT RIGHT ANGLES NORTHERLY 20 FEET; THENCE EASTERLY PARALLEL WITH SAID SOUTHERN LINE OF SAID LOT 12, 103.03 FEET, MORE OR LESS TO SAID WESTERN LINE OF SAID LA LOMA AVENUE; THENCE NORTHERLY ALONG SAID LINE OF LA LOMA AVENUE TO THE POINT OF BEGINNING.

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT ON THE WESTERN LINE OF LOT 12, AS SAID LOT IS SHOWN ON MAP HERINAFTER REFERRED TO, DISTANT THEREON FORTY (40) FEET SOUTHERLY FROM THE NORTHWESTERN CORNER OF SAID LOT AND RUNNING THENCE NO. 80° 39' EAST, PARALLEL WITH THE NORTHERLY LINE OF SAID LOT ONE HUNDRED FORTY-SIX AND 46/100 (146.46) FEET TO THE WESTERN LINE OF LA LOMA AVENUE; THENCE SOUTHERLY ALONG THE WESTERN LINE OF LA LOMA AVENUE ONE HUNDRED FORTY-FIVE AND 38/100 (145.36) FEET; THENCE SOUTH 80°39' WEST FIFTY-ONE AND 0/100 (51.0) FEET; THENCE NORTHWESTERLY CURVING TO THE RIGHT ON AN ARC WITH A RADIUS OF TWO HUNDRED AND TWENTY-FIVE (225) FEET AND ALONG CHORD WHICH BEARS NORTH 46° 53' WEST ONE HUNDRED EIGHTY AND 55/100 (180.55) FEET TO THE POINT OF BEGINNING.

PARCEL 16 CONTINUED:

BEING A PORTION OF LOT 12, AS SAID LOT IS DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "LA LOMA PARK, ALAMEDA COUNTY, CALIFORNIA," FILED NOVEMBER 12, 1900 IN LIBER 16 OF MAPS, PAGE 13, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

EXCEPTING THEREFROM, ALL THAT PORTION OF LAND DESCRIBED IN THE DEED TO THE CITY OF BERKELEY, A MUNICIPAL CORPORATION, RECORDED APRIL 24, 1962, REEL 610, IMAGE 300, ALAMEDA COUNTY RECORDS.

PARCEL 17:

THAT PORTION OF LE ROY AVENUE COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, BLOCK 5, AS SAID LOT AND BLOCK ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "AMENDED MAP OF A PORTION OF A LA LOMA PARK AND THE WHEELER TRACT, BERKELEY, ALAMEDA COUNTY, CALIFORNIA," FILED IN THE OFFICE OF THE RECORDER OF ALAMEDA COUNTY, OCTOBER 15, 1902, AND RUNNING THENCE SOUTHWESTERLY ALONG THE NORTHERN LINE OF LE ROY AVENUE ONE HUNDRED TWENTY-SIX AND FORTY-ONE HUNDREDTHS (126.41) FEET; THENCE LEAVING SAID NORTH LINE AND RUNNING NORTHEASTERLY AND SOUTHERLY ON THE ARC OF A CURVE TO THE RIGHT TANGENT TO THE LAST SAID COURSE, THE RADIUS OF WHICH ARC IS EIGHTY-NINE AND TWELVE HUNDREDTHS (89.12) FEET, A DISTANCE ON SAID ARC OF ONE HUNDRED SEVENTY AND FIFTY-TWO HUNDREDTHS (170.52) FEET TO THE EASTERN LINE OF LE ROY AVENUE; THENCE NORTHERLY TANGENT TO THE LAST SAID COURSE ALONG SAID EASTERN LINE OF LE ROY AVENUE ONE HUNDRED TWENTY-SIX AND FORTY-ONE HUNDREDTHS (126.41) FEET TO THE POINT OF BEGINNING.

PARCEL 18:

BEGINNING AT A POINT ON THE EASTERN LINE OF LE ROY AVENUE DISTANT THEREON ONE HUNDRED SEVENTY SIX AND 24/100 (176.24) FEET NORTHERLY FROM THE NORTHERN LINE OF CEDAR STREET AND RUNNING THENCE NORTHERLY ALONG THE EASTERN LINE OF LE ROY AVENUE SIXTY (60) FEET; THENCE EASTERLY PARALLEL WITH THE NORTHERN LINE OF CEDAR STREET EIGHT-EIGHT AND 55/100 (88.55) FEET; THENCE AT A RIGHT ANGLE SOUTHERLY FIFTY NINE AND 85/100 (59.85) FEET; THENCE WESTERLY PARALLEL WITH THE NORTHERN LINE OF CEDAR STREET NINETY TWO AND 740/100 (92.74) FEET TO THE POINT OF BEGINNING.

BEING THE NORTHERN FIFTY NINE AND 85/100 (59.85) FEET OF LOT THIRTEEN AS SAID LOT IS SHOWN ON THE MAP ENTITLED "LA LOMA PARK" FILED IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, CALIFORNIA, NOVEMBER 12, 1900 IN LIBER 16 OF MAPS, AT PAGE 13.

TITLE REPORT

PRELIMINARY REPORT ORDER No. 1117019517-JS, DATED JULY 26, 2018, ISSUED BY OLD REPUBLIC TITLE COMPANY: 555 12TH STREET, SUITE 2000 OAKLAND, CALIF. 94607 TEL (510) 272-1121 CONTACT: JENNIFER SENHAJI

NO EASEMENTS WERE DISCLOSED BY SAID PRELIMINARY REPORT.

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Shanna Alva **October 24, 2019**

SIGNATURE DATE

* Findings and Conditions Attached

ASSESSOR PARCEL NUMBER:

073-232-32

LOT AREA:

2.64 ± ACRES

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF:

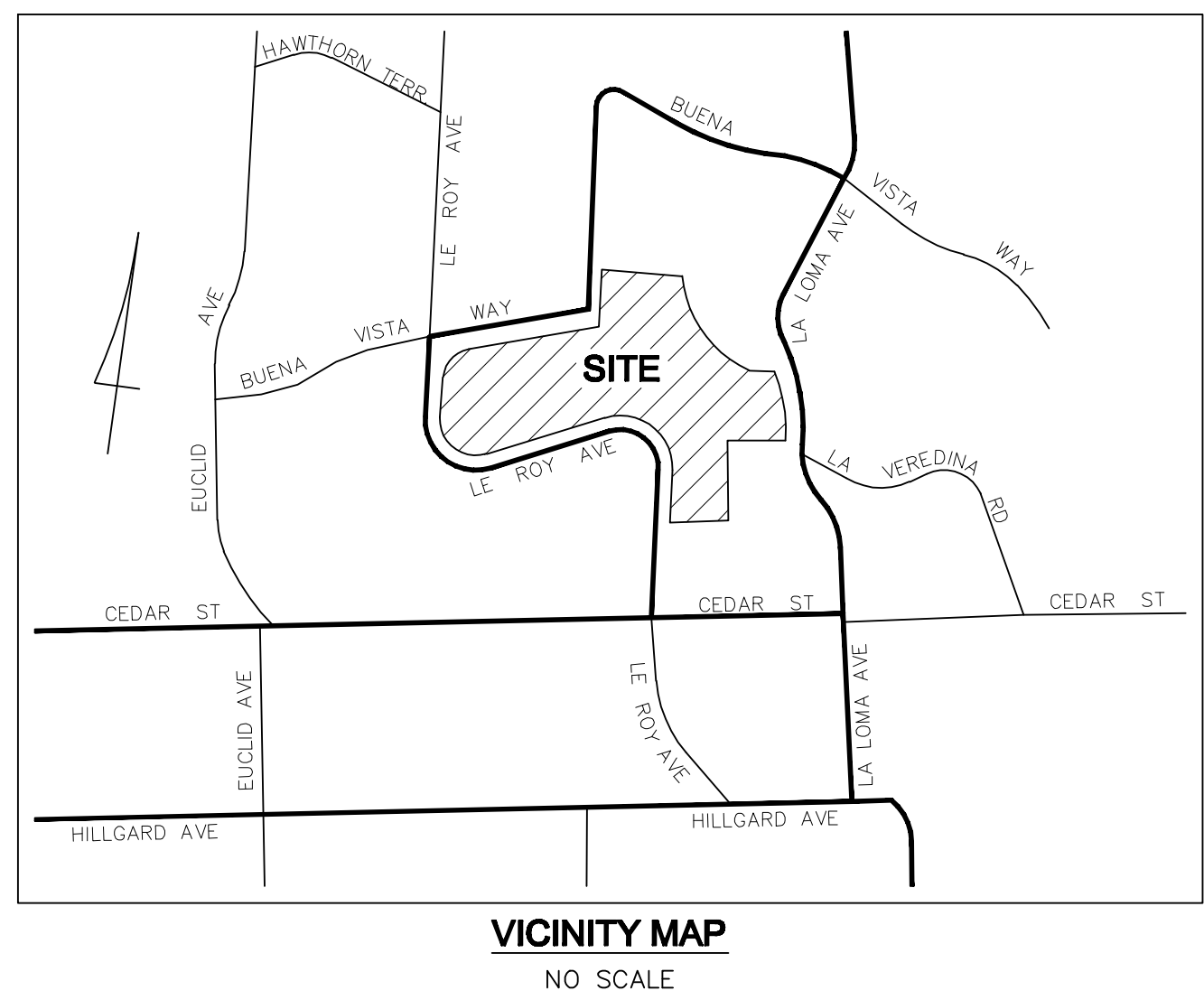
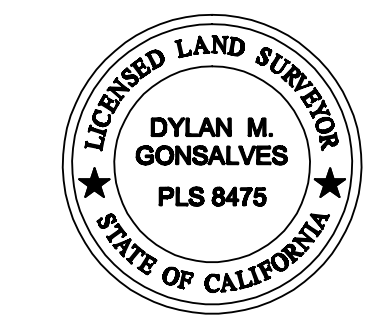
SAMULI SEPPALA IN: OCTOBER 2018

I HEREBY STATE THAT THE TOPOGRAPHY AND BOUNDARIES SHOWN ON THIS MAP IS BASED UPON A FIELD SURVEY MADE BY ME, DYLAN M. GONSALVES, PLS 8475

DURING THE MONTH OF OCTOBER, 2018

I FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

Dylan M. Gonsalves
 DYLAN M. GONSALVES DATE _____
 P.L.S. 8475



GENERAL NOTES

- DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
- GROUND CONDITIONS SHOWN HEREON REFLECT CONDITIONS ON THE DATE OF THE SURVEY.
- FIELD SURVEY PERFORMED IN OCTOBER 2018.
- NO RESPONSIBILITY OF CONTENT, COMPLETENESS OR ACCURACY OF THE CLIENT PROVIDED TITLE REPORT IS ASSUMED BY THIS PLAT OR THE SURVEYOR; ONLY SURVEY RELATED ITEMS ARE SHOWN HEREON.
- DETAILS DRAWN NEAR PROPERTY LINE(S) ARE NOT NECESSARILY TO SCALE.
- ENCROACHMENTS AND OR CLEARANCES ARE SHOWN AT OR NEAR GROUND LEVEL UNLESS OTHERWISE NOTED.
- ENCROACHMENTS UPON AND BY THE ADJOINING PROPERTIES ARE HEREBY NOTED AND IT SHALL BE THE RESPONSIBILITY SOLELY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ANY ISSUE, WHICH MAY ARISE THEREFROM.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL THE UTILITIES MARKED BY THE RESPECTIVE UTILITY COMPANY PRIOR TO CONSTRUCTION.
- PRIOR TO ANY DIGGING, CALL U.S.A. (1-800-642-2444) AT LEAST 48 HOURS IN ADVANCE TO HAVE EXISTING UNDERGROUND UTILITIES MARKED.
- ONLY ACCESSIBLE SURFACE UTILITIES VISIBLE ON THE DATE OF THIS SURVEY WERE LOCATED AND ARE SHOWN.
- THE LOCATIONS OF UNDERGROUND UTILITIES, WHERE SHOWN, ARE NOT DEFINITIVE NOR COMPLETE, AND ARE PER RECORD DRAWINGS PROVIDED BY THE CITY, AND NO RESPONSIBILITY OF CONTENT, COMPLETENESS OR ACCURACY OF THE UNDERGROUND UTILITIES IS ASSUMED BY THIS PLAT OR THE SURVEYOR. ALL USERS ARE ADVISED TO CONTRACT SEPARATELY WITH AN UNDERGROUND UTILITY LOCATION COMPANY AND TO REVIEW PUBLIC, QUASI-PUBLIC AND GIS UTILITY DATA SOURCES IF THEY WANT MORE INFORMATION.

DMG ENGINEERING, Inc.
 30 OAKVUE COURT
 PLEASANT HILL, CA 94523
 PHONE: (925) 787-0463
 FAX: (925) 287-8503

DMG ENGINEERING, Inc.
 RESTRICTED ENGINEERING DRAWINGS
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REVISIONS		BY:
NO.	DATE	

TOPOGRAPHIC & BOUNDARY SURVEY
 ALAMEDA COUNTY A.P.N. 58-2245-9-3
 1581 LE ROY AVENUE
 CITY OF BERKELEY - CALIFORNIA
 SCALE: 1 INCH = 20 FEET
 AUGUST 2019

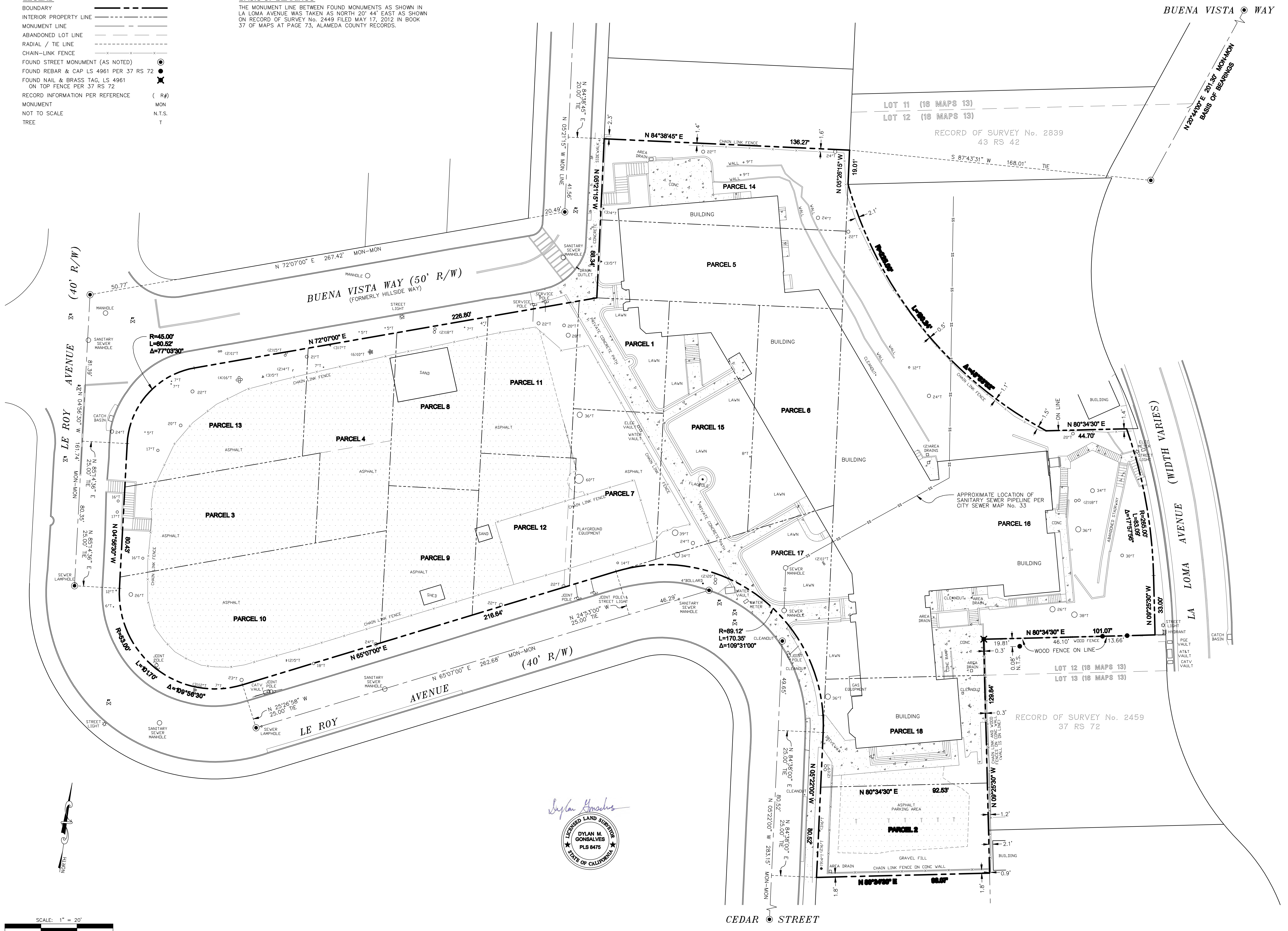
SHEET 1
 OF 2 SHEETS
 ORIG.DWG: 8-7-2019
 REV.DWG: _____
 JOB: 18-132

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

Shanna Abu **October 24, 2019**
 SIGNATURE DATE
 * Findings and Conditions Attached

- LEGEND**
- BOUNDARY ————
 - INTERIOR PROPERTY LINE - - - - -
 - MONUMENT LINE ————
 - ABANDONED LOT LINE - - - - -
 - RADIAL / TIE LINE ————
 - CHAIN-LINK FENCE ————
 - FOUND STREET MONUMENT (AS NOTED) ○
 - FOUND REBAR & CAP LS 4961 PER 37 RS 72 ●
 - FOUND NAIL & BRASS TAG, LS 4961 ON TOP FENCE PER 37 RS 72 ✕
 - RECORD INFORMATION PER REFERENCE (R#)
 - MONUMENT MON
 - NOT TO SCALE N.T.S.
 - TREE T

BASIS OF BEARINGS
 THE MONUMENT LINE BETWEEN FOUND MONUMENTS AS SHOWN IN LA LOMA AVENUE WAS TAKEN AS NORTH 20° 44' EAST AS SHOWN ON RECORD OF SURVEY No. 2449 FILED MAY 17, 2012 IN BOOK 37 OF MAPS AT PAGE 73, ALAMEDA COUNTY RECORDS.



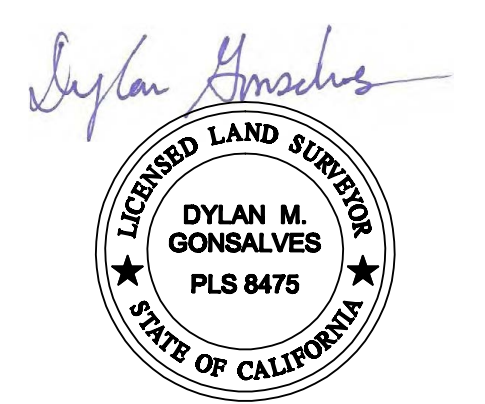
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 FAX: (925) 287-8503

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NO.	DATE	BY	REVISIONS

TOPOGRAPHIC & BOUNDARY SURVEY
 ALAMEDA COUNTY A.P.N. 58-2245-9-3
 1581 LE ROY AVENUE
 CITY OF BERKELEY - CALIFORNIA
 SCALE: 1 INCH = 20 FEET
 OCTOBER 2018

SHEET 2
 OF 2 SHEETS
 ORIG.DWG: 8-7-2019
 REV.DWG:
 JOB: 18-132





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CITY OF BERKELEY
CITY CLERK DEPT

2019 DEC 3 PM 3:47

December 2, 2019

Mark Numainville, City Clerk
City of Berkeley
2180 Milvia Ave., First Floor
Berkeley, CA 94704

**Re: Appeal of Zoning Adjustments Board Decision Re: Structural Alteration Permit
#LMSAP2019-0004; 1581 Le Roy Avenue - Hillside School Project**

Dear Mr. Numainville:

On behalf of Hillside Path & Playground Preservation Association, an unincorporated association composed of residents of Berkeley living near the Hillside School located at 1581 Le Roy Avenue in Berkeley (the "Hillside School Property"), along with those persons listed on the signature pages attached hereto as Exhibit 1 (collectively, "Appellants") concerning the application of the current owner of the Hillside School Property to make exterior alterations to a City Landmark school building and site in order to convert the property to residential use (Structural Alteration Permit #LMSAP2019-0004) (the "Project").

This letter constitutes an appeal of the Landmark Preservation Commission's ("LPC") decision of August 1, 2019 approving 1581 Le Roy Avenue, Structural Alteration Permit #LMSAP2019-0004 and LPC's related CEQA findings that the Project is exempt from environmental review under the California Environmental Quality Act ("CEQA"). By this appeal, Appellants request that the Berkeley City Council: 1) hold a public hearing to hear the concerns of Appellants and other members of the public; 2) deny Structural Alteration Permit #LMSAP2019-0004; 3) find that the Project is not exempt from CEQA; and 4) send the Project back to staff for further review under CEQA.

The reasons for this appeal are detailed in the attached two letters. Appellants reserve their right to add additional information prior to or at a hearing on this appeal by the City Council.

Respectfully submitted,

Hillside Path & Playground Preservation Association, and all persons listed on the attached signature list.

Encl.

- Exh. 1 - Names and Signatures of Appellants
- Exh. 2 - Hillside Path & Playground Preservation Association Oct. 17, 2019 Letter to ZAB
- Exh. 3 - Hillside Path & Playground Preservation Association Oct. 24, 2019 Supp. Letter to ZAB

80 total

1 of 7

Signature Page Landmarks:

My signature below indicates my support of the Hillside Path & Playground Preservation Association appeal of Berkeley Landmarks Preservation Commission
Thursday, August 1, 2019, 1581 LeRoy Avenue, Structural Alteration Permit LMSAP2019-0004

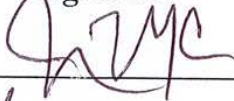

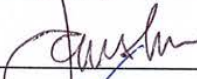

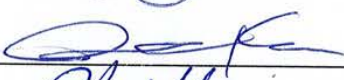

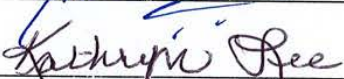
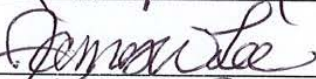
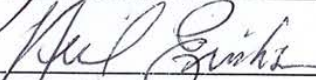
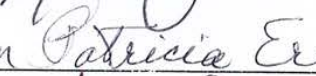

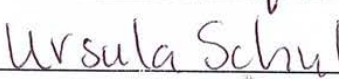


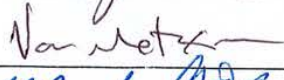

Please Print Name	Signature	Address
1)	John Armistage	2545 Buena Vista
700 Feet	2) CAROLINE ARMISTAGE	2545 Buena Vista
"	3) AKAL KHALSA	2577 BUENA VISTA
"	4) DR. BENJAMIN HELFAW	2660 Buena Vista Way
"	5) Vicki Piovra	1576 LeRoy Ave.
"	6) PHILLIP COLELLA	1546 LA LOMA AVE.
"	7) HERTA WEINSTEIN	Herta Weinstein 2525 Buena Vista Way
8)		
9)		
10)		
11)		
12)		
13)		
14)		
15)		

6 = 700 feet

2 of 7

Signature Page Landmarks (Berkeley Residents Only):

My signature below indicates my support of the Hillside Path & Playground Preservation Association appeal of Berkeley Landmarks Preservation Commission Thursday, August 1, 2019, 1581 LeRoy Avenue, Structural Alteration Permit LMSAP2019-0004

Please Print Name	Signature	Address
1) James McCathy		1216 Blake St Berkeley
2) GINNY ANDERSON		2748 Adelme St. Berkeley CA
3) JAMES MORAN JAMES MORAN		1030 SPARTANUS AVE BERK
4) NANCY PARK		1614 Capistrano Ave Berk
5) Robin Kaer		1614 Capistrano Ave Berk
6) JANAKI BAKHLE		670 Sanduis Rd, Berk
7) Kathryn Lee		595 Santa Barbara Rd Berk.
8) JAMES W LEE		595 SANTA BARBARA ROAD BERK
9) NEIL ERICKSEN		381 VERMONT AVE, BERK
10) Patricia Ericksen		381 Vermont Ave. BERK.
300 feet 11) HELENE ZEIGER		1521 Le Roy Ave.
" 12) Ursula Schulz		1520 Le Roy Ave
" 13) Mike Apte		1520 Le Roy Ave.
" 14) DOUG FONTANE		1516 Le Roy Ave
" 15) Van Metaxas		1517 Le Roy Ave.
" 16) Michael D. O'Reilly		1594 Le Roy Ave.

300 feet

3 of 7

Signature Page Landmarks:

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Thursday, August 1, 2019, 1581 LeRoy Avenue, Structural Alteration Permit LMSAP2019-0004

(Further details attached)

	Please Print Name	Signature	Address
3006	1) E Barschi	E Barschi	1597 Le Roy Ave.
"	2) ROBERT J JACKSON	Robert Jackson	1597 Le Roy Ave.
"	3) MICHAEL F. SCOTT	Michael Scott	1570 LE ROY AVE.
"	4) Marian C. O'Regan	Marian O'Regan	1562 Le Roy Ave.
	5) Henry Simons	Henry Simons	1507 Park Ave, Emeryville
"	6) G.M. Caetsch	G.M. Caetsch	1554 Le Roy Ave
"	7) CARLOS BUSTAMANTE	Carlos Bustamante	1544 Le Roy Ave.
"	8) Silvia Bustamante	Silvia Bustamante	1544 Le Roy Ave.
"	9) Caterina Migone	Caterina Migone	1544 Le Roy Ave.
X	10) S.B. Mister	S.B. Mister	4 Greenwood Cmn
ok X	11) THOMAS TRIPPE	Thomas Trippe	1551 LA VEREDA RD.
ok X	12) Kirsten Berg	Kirsten Berg	1551 La Vereda Rd,
"	13) Sue Londerville	Sue Londerville	1546 La Loma Ave
"	14) Potter C W	Potter C W	2540 BUENA VISTA WAY
"	15) John Armitage	John Armitage	2545 Buena Vista Way

November 21, 2019

13 ~~13~~ = 300 feet

4 of 7

Plot 300 feet except for one

Signature Page Landmarks:

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Thursday, August 1, 2019, 1581 LeRoy Avenue, Structural Alteration Permit LMSAP2019-0004

(Further details attached)

Please Print Name	Signature	Address
1) Beverly A. Cheney	Beverly A. Cheney	1459 Greenwood Terr.
2) Avrum V Gratch	avgratch	"
3) Guy BENVENISTE	Guy Benveniste	150 Montrose Rd
4) Karen Nelson	Karen Nelson Benveniste	150 Montrose Rd
5) Nadia Le Bon	Nadia Le Bon	190 Montrose Rd.
6) Charlotte Harrington	Charlotte Harrington	51 Bonnie LN
7) Mary Reed Johnson	Mary Reed Johnson	1401 Greenwood Terrace
8) Caddy Loay	Caddy Loay	1409 GREENWOOD TERRACE
9) Lois Brandwynne	Lois Brandwynne	2621 Rose St.
10) Ernst Valtor	Ernst Valtor	" "
11) Kathie Hardy	Kathie Hardy	1633 Addison
12) Ponnig Rasmussen	Ponnie Rasmussen	1440 Walnut #6
13) Korraine L. Sykes	Korraine Sykes	(510) 549-3321
14) Jacqueline Beth	Jacqueline Beth	1240 MLK Way
15) ALAN SPINKS	Alan Spinks	570-529-0310
16) MICHAEL S. BANK	Michael S. Bank	1517 Grant Ave. (510) 375-9130

300 feet

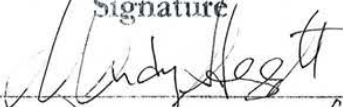

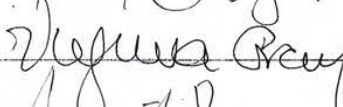
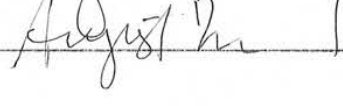
1 = 300 feet

Not 300 Feet 5 of 7

Signature Page Landmarks:

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Thursday, August 1, 2019, 1581 LeRoy Avenue, Structural Alteration Permit LMSAP2019-0004

(Further details attached)

Please Print Name	Signature	Address
1) Wendy Swiggett		865 The Alameda, Berkeley
2) Ben Swiggett		865 The Alameda, Berkeley
3) Virginia Bray		560 Colusa Ave
4) August Fern		2839 Ellsworth ^{Berkeley} Berkeley
5)		
6)		
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15)		

Not 300 free 6 of 7

Signature Page Landmarks (Berkeley Residents Only):

My signature below indicates my support of the Hillside Path & Playground Preservation Association appeal of Berkeley Landmarks Preservation Commission Thursday, August 1, 2019, 1581 LeRoy Avenue, Structural Alteration Permit LMSAP2019-0004

Please Print Name	Signature	Address
1) Victoria Schoenwald	<i>[Signature]</i>	6 Vallejo St. Berkeley CA 94707
2) GRACE SCHOENWALD	<i>[Signature]</i>	6 Vallejo St. Berkeley CA 94707
3) Benjamin BENJAMIN SCHOENWALD	<i>[Signature]</i>	6 VALLEJO ST BERKELEY CA 94707
4) Antoinette O. Conrad	<i>[Signature]</i>	2817 Piedmont Berkeley, CA 94707
5) Noah Mizrahi	<i>[Signature]</i>	101 Parkside Drive Berkeley CA 94705
6) CARD BENIOPF	<i>[Signature]</i>	709 Jones St. Berkeley CA 94710
7) LINDA HESS	<i>[Signature]</i>	1520 Blake St 94703
8) Shari Ser	<i>[Signature]</i>	1930 Russell St 94708
9) _____		
10) _____		
11) _____		
12) _____		
13) _____		
14) _____		
15) _____		

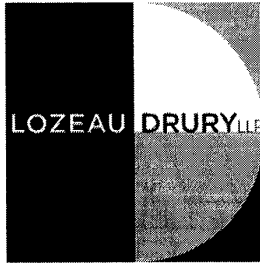
Not 300 Feet

7 of 7

Signature Page Landmarks (Berkeley Residents Only):

My signature below indicates my support of the Hillside Path & Playground Preservation Association appeal of Berkeley Landmarks Preservation Commission Thursday, August 1, 2019, 1581 LeRoy Avenue, Structural Alteration Permit LMSAP2019-0004

Please Print Name	Signature	Address
1) Monica Hayward	[Signature]	1239 Glen Ave Berkeley 94708
2) Raymond L. Hayward	[Signature]	1239 Glen Ave Berkeley CA 94708
3) Barry Fike	[Signature]	1223 Allston Way Berkeley, CA 94703
4) Andrea Campos	[Signature]	1149 High Ct. Berkeley CA
5) Eli Waldman	Eli Waldman	2528 Milvia St Berkeley CA 94704 94708
6) JOHN FIKE	John Fike	1149 HIGH CT. 94708
7) Malina Fike	[Signature]	1149 High Ct.
8) Mark Thuesen	Mark Thuesen	1287 Campus Drive Berkeley CA 94709
9) Kathryn McCarthy	[Signature]	111 Southside Berkeley, CA 94707
10) Kevin McCarthy	[Signature]	U
11) Spencer McCarthy	[Signature]	I
12) Matilde Merello	Matilde Merello	1210 Blake St Berk 94702
13) Mark Simmons	[Signature]	1316 Orinway St. BERK 94702
14) Anne Marie Praetzel	[Signature]	1097 Creston rd Berkeley CA
15) Francisco Di Domenico	[Signature]	11 11 Berkeley CA



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October 17, 2019

Via Email

Shoshana O'Keefe, Chairperson
Denise Pinkston, Vice Chairperson
Igor Tregub, Board Member
Teresa Clarke, Board Member
Patrick Sheahan, Board Member
John Selawsky, Board Member
Carrie Olson, Board Member
Charles Kahn, Board Member
Dohee Kim, Board Member
Zoning Adjustments Board
Land Use Planning Division
City of Berkeley
1947 Center Street, Second Floor
Berkeley, CA 94704
zab@cityofberkeley.info

Greg Powell
Zoning Adjustments Board Secretary
Land Use Planning Division
City of Berkeley
1947 Center Street, Second Floor
Berkeley, CA 94704
zab@cityofberkeley.info

Re: Hillside School Project, 1581 Le Roy Avenue; Use Permit #ZP2019-0061

Dear Chairperson O'Keefe, Vice Chairperson Pinkston, ZAB Members, and ZAB Secretary:

I am writing on behalf of Hillside Path & Playground Preservation Association, an unincorporated association composed of residents of Berkeley living near the Hillside School located at 1581 Le Roy Avenue, concerning the application of the current owner of the Hillside School to convert is from its previous use as a school, to residential use (Use Permit #ZP2019-0061) (the "Project"). Hillside Path & Playground Preservation Association asks the Zoning Adjustment Board ("ZAB") to reject the Project because it fails to comply with the California Environmental Quality Act ("CEQA").

This comment was prepared with the assistance of fire expert Noah Brownlow. Mr. Brownlow's expert comments and CV are attached hereto as Exhibit A.

As discussed below, there is substantial evidence that the Project will adversely impact public safety, and will adversely impact the historic significance of the Hillside School property. Because of these significant impacts, the City cannot exempt the Project from CEQA. CEQA review is needed to analyze the Project's impacts and implement feasible mitigation measures and alternatives to reduce adverse impacts to public safety and historic resources.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 2 of 13

I. FACTUAL BACKGROUND

A. Hillside School

The Hillside School was built at 1581 Le Roy Avenue in 1925, following the 1923 Berkeley Hills Fire, which destroyed a number of houses previously located on the property. Once opened, the Hillside School operated as a public school until 1983, when Hillside School closed. Berkeley Unified School District (“BUSD”) then leased the space to various educational institutions for approximately 30 years. In 2008 BUSD approved the sale of Hillside School to the German International School, which in turn sold it in September 2018 to Samuli Seppala, the current owner and Project proponent.

Designed by Master Architect Walter Ratcliff, the Hillside School serves as an important historic resource for Berkeley, and was designated City Landmark #61 in 1980. In 1982 it was recognized nationally and placed on the National Register of Historic Places. The local and national historic designations were made for the entire Hillside School property, including the path that runs in front of the school building that connects Le Roy Avenue and Buena Vista Way (the “Path”), as well as the playground in front of the school building (the “Playground”).

B. Proposed Project

The new owner of the Hillside School, Mr. Seppala, now seeks a use permit to convert the Hillside School into a single family residence with an accessory dwelling unit. He will convert the south wing of the building into living quarters, which he will use as his primary residence. Mr. Seppala also plans to create an Accessory Dwelling Unit for an artist-in-residence, and to repurpose the existing classrooms into art studios to be used by Mr. Seppala and guest artists. The Project also proposes to build a pool and hot tub on a new rooftop deck, and an elevator to serve the Mr. Seppala’s new main residence.

Mr. Seppala is also seeking a Moderate Home Occupation Permit for artistic activities he plans on hosting at the Project site, including private art classes, seminars, workshops, and retreats at the property. Specifically, he plans to host up to 25 artists at the property, twice per month, for “art-related projects.” To accommodate all of these new uses, Mr. Seppala plans to transform two-thirds of the Playground into a parking lot for 18 cars or trailers and an art display area. In addition, the Project seeks to install up to five massive sheds on the current Playground for storage purposes.

Mr. Seppala has allowed access on the Path and Playground “for the time being.” While this is appreciated, nothing in the Project requires him to do so. Under CEQA, a lead agency must analyze the impacts of all activity allowed under a permit, not just what is currently proposed. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398. Here, if the Project is approved, there is nothing preventing Mr. Seppala from cutting off public access to the Path or Playground. In doing so, he would limit potentially life-saving strategies that contribute to

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 3 of 13

public safety during an emergency. The impact of this action must be analyzed under CEQA.

C. Fire History

The possibility of catastrophic wildfire near the Project in the Berkeley Hills is very real. The Hillside School is located in a high-risk fire zone, a landslide zone, and a fault zone. There are a number of factors that make the neighborhood at a particularly high risk for fires, including its proximity to park land where the fuel load is high, narrow, curvy roads that hamper access by first responders and obstruct efficient evacuation routes, and steep topography, among others.

It is these conditions that have contributed to the East Bay Hills' long and tragic history of catastrophic fires. In 1923, a wildfire swept through north Berkeley, in the same spot the Project is located, destroying ~~more than~~ 600 584 homes and 100 structures. *Id.* In 1970, the Hills Fire burned more than 400 acres, destroying 37 homes. *Id.* The Wildcat Canyon Fire in 1980 destroyed five homes in just minutes. *Id.* More recently, the Tunnel Fire, in 1991, caused more than \$1 billion in damage, and took the lives of 25 people. *Id.*

As a result of climate change, since the 1991 Tunnel Fire, "wildfires have become larger, hotter, more destructive, and more difficult to control," Councilmember Wengraf Memo to City Council Supporting Resolution Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley (Oct. 15, 2019) ("Wengraf Memo"). We are beginning to better understand the importance of fire safety mitigation measures. This was demonstrated by the City's recent adoption of a resolution declaring wildfire prevention and safety a top priority in the City of Berkeley. *CITE.* Our increasing awareness of fire danger, particularly near Wildland Urban Interfaces in wooded areas with congested narrow streets, underscores the importance of public paths for use as evacuation routes, and open spaces for use as a staging area of emergency vehicles and a safe zone for people and pets.

D. The Path and Playground

For the past 93 years, the Playground and Path have been open to and used by the public for recreational and social activities. The Playground contains a number of metal play structures, basketball hoops, and a large open play space. See Photographs in Exhibit _____. Activities taking place at the Playground go beyond just playing on the metal structures and include basketball, baseball, Frisbee, bike riding, tag, capture the flag, and picnicking, just to name a few.

The Playground has been a defining part of the neighborhood for nearly a century. It has been used and enjoyed by residents of all ages, for multiple generations. Comments submitted to the Landmark Preservation Committee, and likely submitted to ZAB in this proceeding as well, recount dozens of stories of Berkeley residents who climbed on the playground structures as children, took their children to the playground, and now take their grandchildren to there. *CITE.* The Playground's central role in the neighborhood was by design. As Mr. Seppala's Applicant Statement for the Project acknowledges, "[t]he front yard of the school was designed as a playground for both the school and the neighborhood." Applicant's Statement, Hillside School,

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 4 of 13

1581 Le Roy Avenue, p. 1 (March 11, 2019) (emph. added).

As an open space, the Playground is vital to the Hillside community, which has very limited free space. The Playground is the only open space where families and community members could gather in case of an emergency due to fire, earthquake, or other tragic event. As discussed in detail below, loss of access to this open space would limit potentially life-saving strategies that contribute to public safety during an emergency.

The Path is a similarly vital asset to the neighborhood. Neighbors have walked the Path in front of the school to get from Le Roy Avenue to Buena Vista Way for nearly a century. It serves as a normal and often daily route for residents when accessing the UC Campus by foot or bike, as well as downtown Berkeley and BART. ~~Some neighbors have described walking the Path daily, as it is the best way to get to the UC campus.~~

As detailed below, the Project and its potential to cut off public access to the Path and Playground not only changes the character of the neighborhood and the historic nature of the property, but it also poses a serious public safety risk.

II. LEGAL BACKGROUND

A. California Environmental Quality Act

CEQA mandates that “the long-term protection of the environment ... shall be the guiding criterion in public decisions” throughout California. Public Resources Code (“PRC”) § 21001(d). CEQA applies to “discretionary projects” unless they are specifically exempted. PRC § 21080(a). A “project” is “the whole of an action” directly undertaken, supported, or authorized by a public agency “which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” PRC § 21065; CEQA Guidelines, 14 CCR § 15378(a). CEQA is concerned with an action’s ultimate “impact on the environment.” *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283. CEQA requires environmental factors to be considered at the “earliest possible stage . . . before [the project] gains irreversible momentum,” *id.* at 277, “at a point in the planning process where genuine flexibility remains.” *Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296, 307.

CEQA has a three-tiered structure for protecting the environment. 14 CCR § 15002(k); *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185-86 (“*Hollywoodland*”). First, if a project is exempt under CEQA or if it is certain that the project “will not have a significant effect on the environment,” there need be no further agency evaluation. *Id.* But “where there is a reasonable possibility that a project or activity may have a significant impact on the environment, an exemption is improper.” *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 206. Second, “if there is a possibility the project will have a significant effect on the environment, the agency must perform an initial threshold study.” *Hollywoodland*, 161 Cal.App.4th at 1185-86; 14 CCR § 15063(a). If the study indicates that there is no substantial evidence that the project or any of its aspects may cause a significant

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 5 of 13

effect on the environment, the agency may issue a negative declaration. *Hollywoodland*, 161 Cal.App.4th at 1185-86; 14 CCR §§ 15063(b)(2), 15070. Third, an environmental impact report (“EIR”) is required if “there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” PRC § 21080(d); *see also Communities for a Better Env’t v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.

“Significant environmental effect” as used in this three-tiered test is defined very broadly as “a substantial or potentially substantial adverse change in the environment.” PRC § 21068; *see also* 14 CCR § 15382. An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.” *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 83. “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Communities for a Better Env’t v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109.

Here, because City staff proposes to exempt the Project entirely from all CEQA review, the first step of the CEQA process is at issue.

B. Categorical Exemptions

CEQA identifies certain classes of projects that are exempt from the provisions of CEQA. These are called categorical exemptions. PRC § 21084(a); 14 CCR §§ 15300, 15354. Categorical exemptions are certain classes of activities that generally do not have a significant effect on the environment. *Id.* Public agencies utilizing such exemptions must support their determination with substantial evidence. PRC § 21168.5. CEQA exemptions are narrowly construed and “[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.” *Mountain Lion Found. v. Fish & Game Comm’n* (1997) 16 Cal.4th 105, 125; *McQueen v. Bd. of Dirs.* (1988) 202 Cal. App. 3d 1136, 1148. Erroneous reliance by an agency on a categorical exemption constitutes a prejudicial abuse of discretion and a violation of CEQA. *Azusa*, 52 Cal. App. 4th at 1192. “[I]f the court perceives there was substantial evidence that the project might have an adverse impact, but the agency failed to secure preparation of an EIR, the agency’s action must be set aside because the agency abused its discretion by failing to follow the law.” *Dunn-Edwards*, 9 Cal. App. 4th at 656.

C. Exceptions to Categorical Exemptions

CEQA contains several exceptions to categorical exemptions. 14 CCR § 15300.2. If an exception applies, the exemption cannot be used, and the agency must instead prepare an initial study and CEQA document. *McQueen*, 202 Cal. App. 3d at 1149; *Hollywoodland*, 161 Cal. App. 4th at 1187. “Even if a project falls within the description of one of the exempt classes, it may nonetheless have a significant effect on the environment based on factors such as location, cumulative impact, or unusual circumstances.” *Save Our Carmel River v. Monterey Peninsula Water Mgmt. Dist.* (2006) 141 Cal. App. 4th 677, 689. The “unusual circumstances” exception

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 6 of 13

provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to “unusual circumstances.” 14 CCR §15300.2(c).

In the context of the unusual circumstances exception, what is “unusual” is “judged relative to the *typical* circumstances related to an otherwise typical exempt project.” *Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal. App. 4th 786, 801 (emphasis added). An unusual circumstance is “some feature of the project that distinguishes it from others in the exempt class.” *San Lorenzo Valley*, 139 Cal. App. 4th at 1381. The *Azusa* Court held that the unusual circumstances test would be satisfied where the circumstances of a particular project: (i) differ from the general circumstances of the projects covered by a particular categorical exemption, and (ii) those circumstances create an environmental risk that does not exist for the general class of exempt projects. *Azusa*, 52 Cal. App. 4th at 1207; *Hollywoodland*, 161 Cal. App. 4th at 1187 (construction of new fence atop historic granite wall posed environmental risk that did not exist for “general class of exempt projects” under the Class 5 exemption due to differing historic nature of wall); *Fairbank v. City of Mill Valley* (1999) 75 Cal.App.4th 1243, 1260-1261 (court looked for “some feature of the project that distinguishes it from any other small, run-of-the-mill commercial building or use” covered by claimed exemption).

Here, the City’s determination that the Project is exempt under the “Historical Resource Restoration/Rehabilitation” exemption fails because the Project goes beyond the scope of the exemption on its face, and because the unusual circumstances exception applies, precluding reliance on an exemption.

III. ANALYSIS

A. **The Historical Resource Restoration/Rehabilitation exemption does not apply on its face.**

The City claims that the Historic Resource Restoration/Rehabilitation CEQA exemption¹ applies to the Project. 14 CCR § 15331. The City’s reliance on this exemption is misplaced.

The exemption is narrow in scope, and applies only to:

[P]rojects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

¹ The Historic Resource Restoration/Rehabilitation exemption is also known as a Class 31 exemption.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 7 of 13

14 CCR § 15331.

CEQA exemptions, such as the Historic Resource Restoration/Rehabilitation exemption, are narrowly construed, and limited to their terms. *Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257, 1268; *Mountain Lion Found. v. Fish & Game Comm'n* (1997) 16 Cal.4th 105, 125; *McQueen v. Bd. of Dirs.* (1988) 202 Cal. App. 3d 1136, 1148. Strict construction is required in order to interpret categorical exemptions in a manner that affords the greatest environmental protection within the reasonable scope of their statutory language. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 966. “Since a determination that a project falls within a categorical exemption excuses any further compliance with CEQA whatsoever, we must construe the exemptions narrowly in order to afford the fullest possible environmental protection.” *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 697.

In the case of *Castaic Lake Water Agency v. Santa Clarita* (1995) 41 Cal.App.4th 1257, 1268, the court held that CEQA’s earthquake exemption did not apply to a city project involving earthquake retrofitting because the project also included other elements only loosely related to earthquakes. Similarly here, while the Project includes some maintenance, repair, and restoration, it includes many other elements that go far beyond the limited terms of the exemption. Thus, the exemption does not apply.

In addition to “maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction,” the Project also includes many activities that go far beyond the language of the exemption, including:

- Construct a new roof deck;
- Install an unenclosed swimming pool and hot tub within the new roof deck;
- Construct a 36-square foot elevator penthouse above the second story;
- Create a new surface parking lot where the playground is now located
- Install up to five storage shed within portions of the former playground
- Repurpose part of the playground as an outdoor art space

Notice of Public Hearing (mailed Oct. 9, 2019).

With these elements, the proposed Project does not fit within the Class 31 exemption because is clearly not “limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction” of the Hillside School as a historic resource. The Project clearly does *include* restoration and rehabilitation activities. The problem is that the Project is not *limited* to those activities. The Project goes far beyond merely maintaining or repairing the Hillside School and Playground. Instead, the Applicant seeks to build new structures that never existed on the site before, and take away portions that are included as part of the Historic Landmark Designation. CITE. Among other things, the Applicant seeks to build a rooftop pool and hot tub, a new parking lot and five large storage sheds on what had previously

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 8 of 13

been a historic playground. Yet the Class 31 exemption does not exempt projects that seek to add a pool or a parking lot to a historic resource. Similarly, ~~paving over~~ converting two-thirds of the playground to ~~convert it into~~ a parking lot and building five sheds on the parking lot does not fit within the plain terms of the exemption. The Project goes far beyond just maintenance or repair of a historic resource – the Project changes the historic resource. Since the Project goes far beyond the scope CEQA Guidelines section 15331, the exemption does not apply to the Project. *See, Castaic Lake*, 41 Cal. App. 4th at 1268 (CEQA earthquake exemption did not apply to rebuilding of City center because rebuilding project included elements beyond mere earthquake repairs and reconstruction).

Since the Project goes far beyond the limited terms of the exemption, the exemption is legally precluded.

B. The Project cannot be exempt from CEQA because it will have significant environmental impacts due to unusual circumstances.

Even assuming *arguendo* that the Project did fall within the Class 31 exemption (which it does not), the Project is still not exempt from CEQA because it falls under the “unusual circumstances” exception to categorical exemptions. 14 CCR § 15300.2(c). A categorical exemption is inapplicable “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” *Id.* Here, Shuttle Project does not present the same general risk of environmental impact as other projects falling under the Class 31 exemption, and therefore the Class 31 exemption is inapplicable.

In *Berkeley Hillside*, the California Supreme Court explained that there are two ways a party may invoke the unusual circumstances exception. First, “a party may establish an unusual circumstance with evidence that the project *will* have a significant environmental effect. That evidence, if convincing, necessarily also establishes ‘a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.’” *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 (emph. added). Alternatively, “[a] party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.” *Id.*

Both of these alternatives are established here because there are unusual circumstances that distinguish this Project from other Class 31 exemption projects, and there is substantial evidence that the Project will have a significant effect on the environment.

1. They City cannot rely on a CEQA exemption because the Project will have a significant impact on public safety.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 9 of 13

Appendix G of the CEQA Guidelines provides that a Project will have a significant impact if it would “[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.” CEQA Guidelines, Appendix G. There is substantial evidence that the Project will expose people and structures to a significant risk of loss, injury or death involving wildfires in an area where residences are intermixed with wildlands.

Wildfire fighting expert Noah Brownlow submitted herewith a detailed analysis demonstrating that the Project will put people and property at risk. According to Mr. Brownlow, the Project “represents a threat to public safety by reducing access and egress to the Berkeley hills and by eliminating a potential safety zone or fire shelter deployment site for firefighters responding to [Wildland Urban Interface] fires.” Brownlow, p. 1. The increased danger stems, in part from the ability for the Project owner to cut off public access to the pathway that runs in front of the Hillside School, and connects Le Roy Avenue and Buena Vista Way. *Id.* Mr. Brownlow explains that cutting off this public access poses a threat to community members trying to evacuate, and impede emergency vehicle access. Brownlow, p. 1. The Project “would decrease both emergency vehicle access to the area, and civilian opportunities for egress. When a Northeast wind-driven fire is sweeping through the hills firefighters and residents need as many open pathways as possible, and restricting or eliminating these pathways ignores the unique threats posed to this neighborhood.” Brownlow, p. 1.

Mr. Brownlow concludes that:

If a fire does occur in the Berkeley Hills, this pathway could prove crucial to the safety of nearby residents in escaping a fire. By closing this pathway to the public, the public faces an increased risk of harm if a fire does occur.

Id.

The Project will also increase the risk to human life and property if a fire or other emergency occurs because firefighters and other emergency workers will face additional constraints in handling a fire or other emergency.

In both the 1991 Tunnel Fire and the 1923 Berkeley Hills Fire, “emergency personnel access and civilian egress were a limiting factor in incident stabilization and contributing factor to fatalities and property loss.” Brownlow, p. 1. In his comment letter, Mr. Brownlow describes the specific type of risks posed by Wildland Urban Interface (“WUI”) fires, and the importance of open spaces and egresses. “Due to their potential for extreme and unpredictable behavior, huge energy and potential for loss of life, firefighters have certain protocols that must be in place before they attempt to engage WUI fires.” Brownlow, p. 2. One such rule is that fire fighters must ensure that four conditions are in place at all times: 1) lookouts, 2) communications, 3) escape routes, and 4) safety zones. *Id.* The Project would impact fire fighters’ ability to safely tackle a fire at or near the Project because these conditions would not be met. *Id.* The Project “would eliminate a potential escape route and safety zone, denying firefighters a currently

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 10 of 13

existing space in which to deploy personal fire shelters if overrun or to escape a deadly fire altogether.” *Id.*

Mr. Brownlow’s comments constitute substantial evidence that loss of public access to the path between Le Roy Avenue and Buena Vista Way and loss of public access to the playground will “[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires.” This significant impact precludes the City from relying on an exemption to avoid CEQA review. The City must analyze the Project’s impact on public safety under CEQA, and implement all feasible mitigation measures.

This public safety issue should be analyzed and mitigated in the open and public process created by CEQA. A CEQA process would allow the City to consider and impose feasible mitigation measures to reduce public safety risks. This may include, for example, a condition requiring the pathway between Le Roy and Buena Vista and a portion of the playground be kept open to the public and unobstructed. Public Safety experts for the City should be consulted to determine impact the Project will have on neighbors, fire fighters, and other emergency service workers in the event of a fire or earthquake. This information must all be disclosed to the public for review and comment.

The City’s failure to include any analysis or mitigation of the Project’s public safety impacts must be cured before the Project is approved.

2. The Project involves an unusual circumstance, precluding reliance on a CEQA exemption.

Even if there were not evidence that the Project *will* have a significant environmental impact, the unusual circumstances exception would still apply because, unlike “usual” or “typical” Historical Resource Restoration/Rehabilitation projects, this Project creates a significant public safety risk.

At least two elements of the Project that distinguish it from other projects in the exempt class, and these characteristics create environmental risks not generally present for “Historical Resource Restoration/Rehabilitation” projects. The first unusual circumstance is the Project’s location. Unlike most restorations, the Project is located in a High Fire Zone, within the State-designated Alquist-Priolo Earthquake Fault Zone, and is also in an earthquake-induced landslide area mapped by the California Geologic Survey on its Seismic Hazard Mapping Act map. The location of the Project makes it and the surrounding area unusually susceptible to a natural disaster. The second unusual circumstance is that, unlike most restorations, the Project may cut off a previously public path and open space, both of which are vital to public safety in the event of a fire or earthquake.

Once it is determined that a project presents an unusual circumstance, an exemption is precluded if there is substantial evidence that a project *may* have significant environmental impacts. Here, such evidence exists. As discussed above, because of the high risk location of

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 11 of 13

the Project, and its potential to cut off public access to the Path and Playground open space, the Project may “decrease both emergency vehicle access to the area, and civilian opportunities for egress.” Brownlow, p. 1.

The Project’s unusual circumstances, together with Mr. Brownlow’s expert comments, preclude the City from relying on a CEQA exemption for the Project.

C. CEQA exemption is not allowed because the Project may have an adverse impact on a historic resource.

CEQA section 21084.1 prohibits the use of a CEQA exemption for projects that **may** cause a substantial adverse change in the significance of a historical resource. CEQA § 21084.1, CEQA Guidelines 15300.2(f). CEQA defines a “substantial adverse change” as the physical demolition, destruction, relocation or alteration of the historical resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. CEQA goes on to define “materially impaired” as work that materially alters, in an adverse manner, those physical characteristics that convey the resource’s historical significance and justify its inclusion in the California Register of Historic Places, a local register of historical resources, or an historical resource survey. CEQA Guidelines 15064.5(b).

As discussed above, the Hillside School, path, and playground *collectively* are listed on the National Register of Historic Places. The Project will adversely affect the Hillside School, pathway, and playground as a historic resource. As discussed above, the Project goes beyond merely restoring or rehabilitating the Hillside School.

As proposed, the school playground that has been used by community members for more than 90 years, will be ~~paved over, in part, and~~ made into a parking lot for up to 18 vehicles. ~~CITE.~~ The Project also permits the owner to install up to five massive, garage-like sheds on the newly paved parking lot. See Exhibit __. In addition, the Project would turn the remaining playground into a collection space for some type of sculptural art. ~~CITE.~~ None of this is consistent with the historic nature of the site. Instead, the action would transform the playground from a historically significant element of the property into a parking lot. Changing the Playground from its current aesthetic that is cohesive with the school, into a parking lot with five large storage sheds and random art pieces would change the character of the property as a whole. Because these changes may have an adverse impact on the Hillside school, Path, and Playground as a historic resource, the City may not exempt the Project from CEQA. Pub. Res. Code § 21084.1.

D. CEQA does not allow mitigated categorical exemptions.

A project that requires mitigation measures cannot be exempted from CEQA, nor can the agency rely on mitigation measures as a basis for determining that one of the significant effects exceptions does not apply. *Salmon Pro. & Watershed Network v. County of Marin* (2004) 125 Cal.App4th 1098, 1102. The City has imposed numerous mitigation measures on the Project.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 12 of 13

For example, the August 1, 2019 Landmarks Preservation Commission staff report includes the following conditions, among others:

- **Repair and replacement of character-defining features.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- **Chemical Treatments.** Any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.
- **Roof equipment.** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and design review may be required.
- **Clear glass.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass shall be indicated on all drawings, and shall be reviewed for approval by historic preservation staff, prior to approval of any building permit for this project.
- **Exterior Lighting.** Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
- **Landscape Plan.** Prior to approval of any building permit for this project, the proposed landscape improvements shall be revised to include new plantings to screen—or to supplement existing plantings – on both the north *and* south sides of the former playground area. Further, the landscape plan may be modified as needed to ensure compliance with zoning criterion for open space pavement.
- **Irrigated, water efficient landscape.** New areas of landscape shall provide irrigation. This shall be called out on Landscape building permit drawings. The property owner shall maintain automatic irrigation and drainage facilities adequate to assure healthy growing conditions for all required planting and landscape. The landscape shall be drought-tolerant and achieve maximum water efficiency.
- **Storage sheds within the front yard area.** The storage sheds shall be limited to not more than five total and to their proposed height, floor area and locations.
- **Curb cuts.** All curbs and curb cuts shall be constructed per the standards and specifications of the Public Works Department. Curb cuts no longer utilized shall be restored per the Public Works Department specifications.

Since the City has imposed numerous mitigation measures, a CEQA exemption is prohibited. An agency may not rely on a categorical exemption if to do so would require the imposition of mitigation measures to reduce potentially significant effects. *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1108 (“SPAWN”); *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1198-1201. If mitigation measures are necessary, then at a minimum, the agency must prepare a mitigated negative declaration to analyze the impacts, and to determine whether the mitigation measures are adequate to reduce the impacts to below significance. The public must be allowed

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 13 of 13

to analyze the proposed mitigation, comment on their adequacy, and suggest alternative measures.

CEQA requires the mitigation measures to be developed in a public process, with public review and comment, not in closed door negotiations between the city and the project proponent. Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency's decision makers and the public before certification of the EIR and approval of a project.

The formulation of mitigation measures may not be delegated to staff, because mitigation measures must be subjected to public review. The City may not delegate the formulation and approval of programs to address environmental impacts because an agency's legislative body must ultimately review and vouch for all environmental analysis mandated by CEQA. *Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308. "[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.

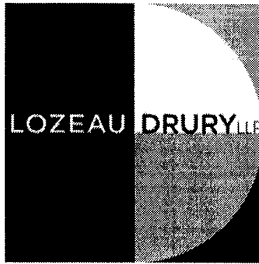
IV. CONCLUSION

In light of the above comments, the Hillside Path & Playground Preservation Association requests that the Zoning Adjustment Board deny Use Permit #ZP2019-0061, and send the Project back to staff with direction to review the Project's environmental impacts under CEQA.

Sincerely,



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October 23, 2019

Via Email

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Denise Pinkston, Vice Chairperson
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Re: Hillside School Project, 1581 Le Roy Avenue; Use Permit #ZP2019-0061

Dear Chairperson O’Keefe, Vice Chairperson Pinkston, ZAB Members, and ZAB Secretary:

I am writing on behalf of Hillside Path & Playground Preservation Association, an unincorporated association composed of residents of Berkeley living near the Hillside School located at 1581 Le Roy Avenue (the “Hillside School Property”), concerning the application of the current owner to convert the property from its previous use as a school, to residential use (Use Permit #ZP2019-0061) (the “Project”). This letter supplements Hillside Path & Playground Preservation Association’s October 17, 2019 letter (the “October 17 Letter”). As described in the October 17 Letter, and for the supplemented reasons stated below, Hillside Path & Playground Preservation Association asks the Zoning Adjustment Board (“ZAB”) to reject the Project because it fails to comply with the California Environmental Quality Act (“CEQA”), and conflicts with Berkeley’s General Plan and Municipal Code (“BMC”).

A. The Project violates the Berkeley Municipal Code.

The ZAB Staff Report for the Project admits that, “[a]s a private residence located in a residential district, the [Project] site is not permitted to establish an ‘arts/craft studio’ use (BMC Section 23F.04, ‘Definitions’), generally defined as an *establishment*, which staff interprets to be

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 2 of 11

a commercial or institutional, or otherwise non-residential, land use activity.” Staff Report, p. 10. The Municipal Code defines an arts/craft studio as:

An establishment engaged in the creation of art or crafts that requires artistic skill. Such an establishment may participate in periodic open studios, but otherwise is subject to the applicable district’s requirements for incidental sales of goods made on site. Art/Craft Studios also include rehearsal spaces not designed for public performances.

Examples of individuals typically engaged in this work include, but are not limited to, woodworkers, potters/ceramicists, costume makers, set designers, stained-glass makers, glassblowers, textile artists and weavers, jewelry makers, painters, fine art printmakers, photographers/filmmakers, leather workers, metal workers, musical instrument makers, model makers, papermakers, installation artists, sculptors, video artists, and other makers of art and crafts that the Zoning Officer determines to be consistent with the definition above.

Berkeley Municipal Code § 23F.04. This is precisely the type of use the Project is proposing – space for multiple people, including non-residents, to make and show art. But, as Staff recognizes, Berkeley’s zoning ordinance does not permit an arts/craft studio” use in a residential district. Because the Project proposed an arts/craft studio use in a zone that does not permit that use, ZAB must deny the permit.

After determining that an “arts/craft studio” use is not permitted, Staff goes on to note that “artist studio” is a similar use that is allowed in a residential district. The Municipal Code defines an artist studio as:

A detached accessory building, used by residents of a main dwelling Unit on the same lot, to create original works of art and crafts products, but not for living quarters or sleeping purposes.

Berkeley Municipal Code § 23F.04.

The Project’s proposed use does not meet the definition of an artist studio. First, the Project owner is not proposing to create art in a “detached accessory building.” Instead, he is proposing to create art in the main school building. This alone precludes the proposed use. Second, an artist studio is limited to being “used by residents of a main dwelling Unit.” Under this definition, not even the “artist in residence” proposed to reside in the accessory dwelling unit would be permitted to use the property for creating original works of art. Further, allowing up to 25 guests to come onto the Property to create art would be even more inconsistent with the “artist studio” land use.

In an attempt to justify permitting the Project owner’s proposed inconsistent use, the Staff Report says:

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 3 of 11

In this case, the applicant proposes such a use, though not located in a detached, accessory building and, instead, contained within a large main building and a confined outdoor area. Staff concludes, therefore, that the art activity is permissible on this residential property and, further, that the proposed location within the main building would be reasonable because the approximately 50,000-sq. ft. building could provide adequate space to sufficiently maintain both the dwelling uses and the art practice.

Staff Report, p. 10.

Staff's interpretation is directly at odds with the plain meaning of the Municipal Code, and cannot be upheld. The activities proposed by the Project are inconsistent with the Municipal code provisions in residential districts. The Project permit must therefore be denied.

B. ZAB cannot make the findings required for approval of a use permit for the Project.

In order to issue a use permit for the Project, ZAB must find:

that the establishment, maintenance or operation of the use, or the construction of a building, structure or addition thereto, under the circumstances of the particular case existing at the time at which the application is granted, *will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood* of such proposed use *or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood* or to the general welfare of the City.

BMC § 23B.32.040(A). If ZAB cannot make any of these findings, ZAB must deny the permit. BMC § 23B.32.040(C).

Here, ZAB must deny the permit because the Project will be detrimental to the safety, comfort, and general welfare of people living in the neighborhood, and would be detrimental or injurious to properties in the neighborhood. The ability of the Project owner to cut off the public's access to the Path and Playground is be detrimental to the safety of neighbors and their properties. As discussed in Noah Brownlow's expert comments¹:

If a fire does occur in the Berkeley Hills, this pathway could prove crucial to the safety of nearby residents in escaping a fire. By closing this pathway to the public, the public faces an increased risk of harm if a fire does occur.

. . . .

¹ Attached as Exhibit A to Hillside Path & Playground Preservation Association's October 17, 2019 letter to ZAB.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 4 of 11

The proposed development would decrease both emergency vehicle access to the area, and civilian opportunities for egress. When a Northeast wind-driven fire is sweeping through the hills firefighters and residents need as many open pathways as possible, and restricting or eliminating these pathways ignores the unique threats posed to this neighborhood.

Brownlow, p. 2.²

In addition to posing a danger to neighbors and their properties, the Project would also be detrimental to the peace and comfort of neighbors as a result of the Project owner's plans to throw monthly parties for up to 100 people, combined with a new roof deck, pool, and hot tub. No explanation has been given as to where the additional 80 guests will park, given the proposal for an 18-car parking lot. On top of this, there will be additional traffic and noise created by the Project every other week when the owner holds outdoor art events in the art park for 50-75 people.

Because ZAB cannot make the findings required by BMC § 23B.32.040(A), ZAB must deny the permit.

C. The Project is inconsistent with Berkeley's General Plan and Municipal Code.

The Project is inconsistent with a number of General Plan Policies and Actions, including the following:

- **Policy LU-7 (Neighborhood Quality of Life):** Preserve and protect the quality of life in Berkeley's residential areas through careful land use decisions.
- **Policy LU-7, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
- **Policy LU-9 (Non-Residential Traffic):** Minimize or eliminate traffic impacts on residential areas from institutional and commercial uses through careful land use decisions.
- **Policy LU-8 (Home Occupations):** Monitor and evaluate the present and future effects of home occupations, home offices, and other similar developments on residential areas.
- **Policy LU-11 (Pedestrian and Bicycle Friendly Neighborhoods):** Ensure that neighborhoods are pedestrian- and bicycle-friendly with well-maintained streets, street trees, sidewalks, and pathways.
- **Policy LU-11, Action A:** Ensure that any City-owned pathways or dedicated easements adjacent to, abutting, or through private property are preserved when reviewing new development proposals.

² See also, Berkeleyside article, "The Berkeley Hills are kindling: City takes steps to tackle wildfire danger, Oct. 17, 2019, attached hereto as Exhibit 1.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 5 of 11

Each of these General Plan policies and actions is meant to protect the character, safety, and enjoyment of Berkeley's residential neighborhoods. Yet the proposed Project would do the exact opposite. It would change the character of the neighborhood. The hosting of indoor and outdoor parties for up to 100 people several times per month would negatively impact the quality of life of nearby neighbors. In addition to the increased noise generated, the Project would potentially require an additional 100 cars to drive and park near the Project, in the residential neighborhood. The scale of the proposed use is simply incompatible with the surrounding neighborhood.

The Project is similarly inconsistent with the Municipal Code. The Berkeley Municipal Code specifies that one of the purposes of the Single Family Residential (R-1) Districts, including the R-1H district, is to: "Recognize and protect the existing pattern of development in the low density, single family residential areas of the City in accordance with the Master Plan." BMC § 23D.16.020(A).

Conversion of the Hillside School Property into a de facto event center that will host large parties would not protect the existing pattern of development in this single family residential neighborhood. Instead, the proposed Project will result in a dramatic increase in traffic, parking, and noise as a result of the proposed new use of the Property.

ZAB should deny the use permit because the Project is inconsistent with the General Plan and Municipal Code.

D. The Project is not exempt from CEQA.

The ZAB Notice of Public Hearing for the Project that was sent neighbors and other interested parties stated: "CEQA STATUS: Categorically exempt pursuant to Section 15331 for 'Historical Resource Restoration/Rehabilitation' of the CEQA Guidelines." A copy of this notice is attached hereto as Exhibit 2. In the ZAB Staff Report, posted only days before the ZAB meeting, the City claims for the first time that, in addition to the Class 31 Historical Resources Restoration/Rehabilitation exemption, the Project is also exempt under Class 1 and Class 3 CEQA exemptions. As detailed below, even the late addition of these exemptions are not sufficient to relieve the City of its obligation to conduct CEQA review for this Project. Neither of these two additional exemptions apply.

1. The Class 1 exemption does not apply on its face.

The City's exemption of the Project from CEQA now relies upon the Class 1 exemption for "operation, repair, maintenance, or minor alteration of existing structures or facilities." 14 CCR § 15301. This exemption does not apply on its face. The Class 1 exemption states:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 6 of 11

The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. ***The key consideration is whether the project involves negligible or no expansion of use.***

The key limitation on the face of the Class 1 exemption is that it applies only to activities involving “negligible” or “no expansion” of previous use beyond that existing at the time of the lead agency’s determination. In contrast to the plain meaning of the exemption, the proposed Project involves a major expansion of use beyond the property’s current use.

As the Applicant’s Statement notes, the Project owner proposes to hold large events at the Hillside School Property on a monthly basis, expecting up to 100 people to attend. Oct. 8, 2019 Applicant’s Statement, p. 3. Separately, twice per month, the owner plans for art showings at the property attracting 50-75 visitors. *Id.* On a daily and weekly basis, “use would accommodate 25-50 artists and visitors.” *Id.* This constitutes a major expansion beyond the current use, which involves very few visitors, if any. As a result, the Class 1 exemption does not apply on its face, and cannot be relied on by the City.

2. Exceptions preclude reliance on the Class 1 or Class 3 exemptions.

As with the Class 31 exemption,³ the Class 1 and 3 exemptions do not apply because the Project falls within two exceptions to CEQA exemptions: 1) the “unusual circumstances” exception, and 2) the “historical resources” exception to categorical exemptions. 14 CCR § 15300.2(c), (f).

i. The Project will have significant environmental impacts due to unusual circumstances, precluding reliance on a CEQA exemption.

A categorical exemption is inapplicable “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” *Id.* Here, the Project does not present the same general risk of environmental impact as other projects falling under the Class 1, 3, or 31 exemptions, and therefore the exemptions cannot apply.

In *Berkeley Hillside*, the California Supreme Court explained that there are two ways a party may invoke the unusual circumstances exception. First, “a party may establish an unusual circumstance with evidence that the project *will* have a significant environmental effect. That evidence, if convincing, necessarily also establishes ‘a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.’” *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 (emph. added). Alternatively, “[a] party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from

³ See discussion in Hillside Path & Playground Preservation Association’s October 17, 2019 letter to ZAB.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 7 of 11

others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.” *Id.*

Both of these alternatives are established here because there are unusual circumstances that distinguish this Project from other Class 31 exemption projects, and there is substantial evidence that the Project will have a significant effect on the environment.

a. They City cannot rely on a CEQA exemption because the Project will result in a significant land use and planning impact.

A project has a significant land use impact if it would:

Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

CEQA Guidelines, App. G § X(b).

As discussed above, the Project could conflict with a number of general plan policies and zoning ordinances. The general plan policies and zoning ordinances were designed to avoid or mitigate a variety of environmental effects including noise, traffic, parking, aesthetics, among other things. In addition to violating the General Plan and zoning ordinance, these land use conflicts constitute a significant impact under CEQA, and preclude reliance on an exemption.

b. They City cannot rely on a CEQA exemption because the Project will have a significant impact on public safety.

As discussed in Hillside Path & Playground Preservation Association’s October 17 Letter, the Project will have a significant impact on public safety because it will “[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.” CEQA Guidelines, Appendix G.

Fire expert Noah Brownlow’s expert comments constituted substantial evidence that the Project will expose people and structures to a significant risk of loss, injury or death involving wildfires in an area where residences are intermixed with wildlands.

c. They City cannot rely on a CEQA exemption because the Project will result in inadequate emergency access, precluding reliance on a CEQA exemption.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 8 of 11

CEQA Guidelines Appendix G provides that a project will have a significant impact if the project will “[r]esult in inadequate emergency access.” CEQA Guidelines, Appendix G § XVI(e). As explained in Mr. Brownlow’s expert comments, the Project will have a significant impact on emergency vehicle access. According to Mr. Brownlow’s expert opinion, the Project would decrease emergency vehicle access to the area. Brownlow, p. 1. He further explained that, by converting the Playground into a parking lot and art park, the Project is “eliminating a potential safety zone or fire shelter deployment site for firefighters responding to WUI fires.” *Id.*

This significant impact is an unusual circumstances, and precludes reliance on a categorical exemption.

d. They City cannot rely on a CEQA exemption because the Project will have significant traffic and parking impacts.

CEQA Guidelines Appendix G provides that a project will have a significant impact if it will;

Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

CEQA Guidelines, Appendix G § XVI(d).

The steep, narrow, meandering streets of the Berkeley Hills are difficult to navigate. This includes Le Roy Avenue and Buena Vista Way, and La Loma Avenue, the streets adjacent to the Project. In many locations, it is difficult – if not impossible - for two cars traveling opposite directions to drive by each other, particularly where cars are parked on the street. With events being held at the Hillside School Property for 50 to 100 people, and only 18 parking spots provided, the Project may result in up to 80 additional cars being parked on the streets surrounding the property. This will make an already dangerous driving environment even worse, substantially increasing the hazardous driving environment. This significant impact is an unusual circumstances, and precludes reliance on a categorical exemption.

e. The Project involves an unusual circumstance, precluding reliance on a CEQA exemption.

Even if there were not evidence that the Project *will* have a significant environmental impact, the unusual circumstances exception would still apply because, unlike “usual” or “typical” Class 1 and Class 3 exemptions,⁴ Historical Resource Restoration/Rehabilitation projects, this Project creates a significant public safety risk.

⁴ See October 17 Letter for discussion of the Project’s unusual circumstances compared to other Class 31 Historical Resources Restoration/Rehabilitation project.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 9 of 11

The Class 1 exemption consists of “Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” 14 CCR § 15301. Class 3 exemption consist of “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.” 14 CCR § 15303.

At least three elements of the Project distinguish it from other projects in the Class 1 and Class 3 exemption categories, and these characteristics create environmental risks not generally present for Class 1 and Class 3 projects. Once it is determined that a project presents an unusual circumstance, an exemption is precluded if there is substantial evidence that a project *may* have significant environmental impacts.

The first unusual circumstance is that the Hillside School Property is listed on the National Register of Historic Places and is listed as a local landmark. The impact of alterations, modifications, and construction that may ordinarily be exempt under Class 1 or 3 may have additional impacts when the existing facility is a historical resource. Here, the Project proposes to convert a large portion of the Playground to a parking lot and art park, which is inconsistent with the Project’s historic resource listing.

Second, unlike most Class 1 and 3 projects, the Project is located in a High Fire Zone, within the State-designated Alquist-Priolo Earthquake Fault Zone, and is also in an earthquake-induced landslide area mapped by the California Geologic Survey on its Seismic Hazard Mapping Act map. The location of the Project makes it and the surrounding area unusually susceptible to a natural disaster. The second unusual circumstance is that, unlike most Class 1 and 3 projects, the Project may cut off a previously public path and open space, both of which are vital to public safety in the event of a fire or earthquake. As discussed above, because of the high risk location of the Project, and its potential to cut off public access to the Path and Playground open space, the Project may “decrease both emergency vehicle access to the area, and civilian opportunities for egress.” Brownlow, p. 1.

Third, the scale of the changed use – from a vacant parcel to a pseudo-event center hosting parties for up to 100 people, is unusual. As a result of this unusual circumstance, the Project may have a significant noise impact.

CEQA Guidelines Appendix G provides that a project will have a significant impact if it will result in:

A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

CEQA Guidelines, Appendix G § XII(d).

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 10 of 11

The California courts have held that CEQA review is required for noise-producing events, just like those that will be held at the Property. In the case of *Keep Our Mountains Quiet v. City of Santa Clara* (2015) 236 Cal.App.4th 714, 722, the court of appeal has held that an EIR was required for a permit allowing weddings of 150 people at a private home. This Project is no different. The Project owner seeks the right to host parties once per month for up to 100 people, and events for between 50 and 75 people every other week. These events will take place both indoors and outdoors, and will result in a “substantial temporary or periodic increase in ambient noise levels.”

The Project’s unusual circumstances preclude the City from relying on a CEQA exemption for the Project.

ii. The Historical Resources exception precludes reliance on a categorical exemption.

The CEQA guidelines provide that a “categorical exemption shall not be used for a project which *may* cause a substantial adverse change in the significance of a historical resource.” 14 CCR § 15300.2 (emph. added). As discussed in the October 17 Letter, Hillside School, Path, and Playground *collectively* are listed on the National Register of Historic Places and as a Berkeley local landmark. The Project will adversely affect the Hillside School, Path, and Playground as a historic resource because the Project goes beyond merely restoring or rehabilitating the Hillside School. As a result, the Project must be analyzed under CEQA, and cannot be exempt.

As proposed, the school playground that has been used by community members for more than 90 years, will be made into a parking lot for up to 18 vehicles. The Project also permits the owner to install up to five unsightly, garage-like sheds on the new parking lot. In addition, the Project would turn the remaining playground into a collection space for undescribed “art.” None of this is consistent with the historic nature of the site. Instead, the action would transform the playground from a historically significant element of the property into a parking lot. Changing the Playground from its current aesthetic that is cohesive with the school, into a parking lot with five large storage sheds and random art pieces would change the character of the property as a whole. Because these changes may have an adverse impact on the Hillside School, Path, and Playground as a historic resource, the City may not exempt the Project from CEQA. 14 CCR § 15300.2; Pub. Res. Code § 21084.1.

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1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 11 of 11

I. CONCLUSION

Based on these comments, and those in the October 17 Letter, the Hillside Path & Playground Preservation Association requests that the Zoning Adjustment Board deny Use Permit #ZP2019-0061, and send the Project back to staff with direction to review the Project's environmental impacts under CEQA.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Davis', with a long horizontal flourish extending to the right.

Rebecca L. Davis
Lozeau Drury LLP



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December 2, 2019

Mark Numainville, City Clerk
City of Berkeley
2180 Milvia Ave., First Floor
Berkeley, CA 94704

Re: Appeal of Zoning Adjustments Board Decision Re: Use Permit #ZP2019-0061; 1581 Le Roy Avenue - Hillside School Project

Dear Mr. Numainville:

On behalf of Hillside Path & Playground Preservation Association, an unincorporated association composed of residents of Berkeley living near the Hillside School located at 1581 Le Roy Avenue in Berkeley (the "Hillside School Property"), along with those persons listed on the signature pages attached hereto as Exhibit 1 (collectively, "Appellants") concerning the application of the current owner of the Hillside School Property to convert it from its previous use as a school, to residential use (Use Permit #ZP2019-0061) (the "Project").

This letter constitutes an appeal of the Zoning Adjustments Board ("ZAB") decision of October 24, 2019 approving 1581 Le Roy Avenue, Use Permit #ZP2019-0061 and ZAB's related CEQA findings that the Project is exempt from environmental review under the California Environmental Quality Act ("CEQA"). By this appeal, Appellants request that the Berkeley City Council: 1) hold a public hearing to hear the concerns of Appellants and other members of the public; 2) deny Use Permit #ZP2019-0061; 3) find that the Project is not exempt from CEQA; and 4) send the Project back to staff for further review under CEQA.

The reasons for this appeal are detailed in the attached two letters. Appellants reserve their right to add additional information prior to or at a hearing on this appeal by the City Council.

Respectfully submitted,

Hillside Path & Playground Preservation Association, and all persons listed on the attached signature list.

Encl.

- Exh. 1 - Names and Signatures of Appellants
- Exh. 2 - Hillside Path & Playground Preservation Association Oct. 17, 2019 Letter to ZAB
- Exh. 3 - Hillside Path & Playground Preservation Association Oct. 24, 2019 Supp. Letter to ZAB

Total 35

Pg 1 of 5

Signature Page ZAB:

My signature below indicates my support of the Hillside Path & Playground Preservation Association appeal of ZAB's October 24, 2019 decision to approve Use Permit #ZP2019-0061

(Further details attached)

300 feet
~~LeRoy Ave~~

300 feet	Please Print Name	Signature	Address
" 1)	E Barschi	E Barschi	1597 Le Roy Ave.
" 2)	ROBERT A. JACKSON	Robert A. Jackson	1597 LeRoy Ave.
" 3)	MICHAEL F. SCOTT	Michael F. Scott	1570 LE ROY AVE
" 4)	Marian C. O'Regan	Marian C. O'Regan	1562 Le Roy Ave.
" 5)	W.M. Caetsch	W.M. Caetsch	1554 LeRoy Ave.
" 6)	CARLOS BUSTAMANTE	Carlos Bustamante	1544 LeRoy Ave.
" 7)	Silvia Bustamante	Silvia Bustamante	1544 Le Roy Ave.
" 8)	Caterina Migone	Caterina Migone	1544 LeRoy Ave.
" 9)	THOMAS TRIPPE	Thomas Trippa	1551 LA VEREDA RD.
" 10)	Kirsten Berg	Kirsten Berg	1551 LaVereda Rd.
" 11)	Sue Londerville	Sue Londerville	1546 La Loma Ave
" 12)	MARIS MEYERSON	Maris Meyerson	1509 LA LOMA AVE
" 13)	IVAN MEYERSON	Ivan Meyerson	1509 LA LOMA AVE.
" 14)	JOHN LIE	John Lie	2580 BUENA VISTA WAY
" 15)	Vicki Pirovia	Vicki Pirovia	1576 LeRoy Ave.

15 = 300 feet

Pg 2 of 5

Signature Page ZAB:

My signature below indicates my support of the Hillside Path & Playground Preservation Association appeal of ZAB's October 24, 2019 decision to approve Use Permit #ZP2019-0061. My signature also indicates that I own or lease property within 300 feet of the property located at 1581 Le Roy Avenue, Berkeley, California.

(Further details attached)

300 feet

Please Print Name	Signature	Address
300 Feet 1) HERTA WEINSTEIN	Herta Weinstein	2525 Buena Vista Way
" 2) PHILLIP COLELLA	P Colella	1546 LA LOMA AVE.
" 3) MICHAEL S. BANK	Michael S. Bank	1509 Le Roy Ave.
" 4) John Armitage	John Armitage	2545 Buena Vista
" 5) HELENE ZEIGER	Helene Zeiger	1521 Le Roy Ave.
" 6) URSULA SCHULZ	Ursula Schulz	1520 Le Roy Ave
" 7) Mike Apte	Mike Apte	1520 Le Roy Ave
" 8) DOUG FONTAINE	Doug Fontaine	1516 Le Roy Ave
" 9) Van Metaxas	Van Metaxas	1517 Le Roy Avenue
" 10) Michael O'Reilly	Michael O'Reilly	1594 Le Roy Ave.
11		
12		
13		
14		
15		

10 = 300 feet

Pg 3 of 5




Signature Page ZAB:

My signature below indicates my support of the Hillside Path & Playground Preservation Association appeal of ZAB's October 24, 2019 decision to approve Use Permit #ZP2019-0061

(Further details attached)

300 feet

Buena Vista Way

Please Print Name	Signature	Address
300 feet " 1) CAROLINE ARMITAGE		2545 Buena Vista
" 2) AKAL KHALSA		2577 BUENA VISTA
" 3) David Benavente Helmer		2060 Buena Vista Way
4) _____		
5) _____		
6) _____		
7) _____		
8) _____		
9) _____		
10) _____		
11) _____		
12) _____		
13) _____		
14) _____		
15) _____		

3 = 300 = Feet

November 21, 2019

Pg 4 of 5

Signature Page ZAB:

My signature below indicates my support of the Hillside Path & Playground Preservation Association appeal of ZAB's October 24, 2019 decision to approve Use Permit #ZP2019-0061. My signature also indicates that I own or lease property within 300 feet of the property located at 1581 Le Roy Avenue, Berkeley, California.

(Further details attached)

Not 300

~~Leroy Ave~~

Please Print Name	Signature	Address
1) Beverly A. Cheney	Beverly A. Cheney	1459 Greenwood Terr.
2) Arrum V Gratch	AV Gratch	1459 Greenwood Terr
3) Guy Benveniste		
4) Guy BENVENISTE	Guy Benveniste	150 Montrose Rd
5) Karen Nelson Benveniste	Karen Nelson Benveniste	150 Montrose Rd
6) Nadia Le Bon	Nadia Le Bon	190 Montrose Rd.
7) Charlese Harrington	Charlese Harrington	51 Bonnie Ln
8)		
9)		
10)		
11)		
12)		
13)		
14)		
15)		

November 21, 2019

Pg 5 of 5

Signature Page ZAB:

My signature below indicates my support of the Hillside Path & Playground Preservation Association appeal of ZAB's October 24, 2019 decision to approve Use Permit #ZP2019-0061

(Further details attached)

~~300 feet~~ Not 300 feet
Cedar Street

Please Print Name

Signature

Address

- | Please Print Name | Signature | Address |
|-------------------|------------|--------------------------------|
| 1) Debra Kaufman | Debra Kauf | 1300 Oxford St.
Berkeley CA |
| 2) | | |
| 3) | | |
| 4) | | |
| 5) | | |
| 6) | | |
| 7) | | |
| 8) | | |
| 9) | | |
| 10) | | |
| 11) | | |
| 12) | | |
| 13) | | |
| 14) | | |
| 15) | | |



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October 17, 2019

Via Email

Shoshana O’Keefe, Chairperson
Denise Pinkston, Vice Chairperson
Igor Tregub, Board Member
Teresa Clarke, Board Member
Patrick Sheahan, Board Member
John Selawsky, Board Member
Carrie Olson, Board Member
Charles Kahn, Board Member
Dohee Kim, Board Member
Zoning Adjustments Board
Land Use Planning Division
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Greg Powell
Zoning Adjustments Board Secretary
Land Use Planning Division
City of Berkeley
1947 Center Street, Second Floor
Berkeley, CA 94704
zab@cityofberkeley.info

Re: Hillside School Project, 1581 Le Roy Avenue; Use Permit #ZP2019-0061

Dear Chairperson O’Keefe, Vice Chairperson Pinkston, ZAB Members, and ZAB Secretary:

I am writing on behalf of Hillside Path & Playground Preservation Association, an unincorporated association composed of residents of Berkeley living near the Hillside School located at 1581 Le Roy Avenue, concerning the application of the current owner of the Hillside School to convert is from its previous use as a school, to residential use (Use Permit #ZP2019-0061) (the “Project”). Hillside Path & Playground Preservation Association asks the Zoning Adjustment Board (“ZAB”) to reject the Project because it fails to comply with the California Environmental Quality Act (“CEQA”).

This comment was prepared with the assistance of fire expert Noah Brownlow. Mr. Brownlow’s expert comments and CV are attached hereto as Exhibit A.

As discussed below, there is substantial evidence that the Project will adversely impact public safety, and will adversely impact the historic significance of the Hillside School property. Because of these significant impacts, the City cannot exempt the Project from CEQA. CEQA review is needed to analyze the Project’s impacts and implement feasible mitigation measures and alternatives to reduce adverse impacts to public safety and historic resources.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 2 of 13

I. FACTUAL BACKGROUND

A. Hillside School

The Hillside School was built at 1581 Le Roy Avenue in 1925, following the 1923 Berkeley Hills Fire, which destroyed a number of houses previously located on the property. Once opened, the Hillside School operated as a public school until 1983, when Hillside School closed. Berkeley Unified School District (“BUSD”) then leased the space to various educational institutions for approximately 30 years. In 2008 BUSD approved the sale of Hillside School to the German International School, which in turn sold it in September 2018 to Samuli Seppala, the current owner and Project proponent.

Designed by Master Architect Walter Ratcliff, the Hillside School serves as an important historic resource for Berkeley, and was designated City Landmark #61 in 1980. In 1982 it was recognized nationally and placed on the National Register of Historic Places. The local and national historic designations were made for the entire Hillside School property, including the path that runs in front of the school building that connects Le Roy Avenue and Buena Vista Way (the “Path”), as well as the playground in front of the school building (the “Playground”).

B. Proposed Project

The new owner of the Hillside School, Mr. Seppala, now seeks a use permit to convert the Hillside School into a single family residence with an accessory dwelling unit. He will convert the south wing of the building into living quarters, which he will use as his primary residence. Mr. Seppala also plans to create an Accessory Dwelling Unit for an artist-in-residence, and to repurpose the existing classrooms into art studios to be used by Mr. Seppala and guest artists. The Project also proposes to build a pool and hot tub on a new rooftop deck, and an elevator to serve the Mr. Seppala’s new main residence.

Mr. Seppala is also seeking a Moderate Home Occupation Permit for artistic activities he plans on hosting at the Project site, including private art classes, seminars, workshops, and retreats at the property. Specifically, he plans to host up to 25 artists at the property, twice per month, for “art-related projects.” To accommodate all of these new uses, Mr. Seppala plans to transform two-thirds of the Playground into a parking lot for 18 cars or trailers and an art display area. In addition, the Project seeks to install up to five massive sheds on the current Playground for storage purposes.

Mr. Seppala has allowed access on the Path and Playground “for the time being.” While this is appreciated, nothing in the Project requires him to do so. Under CEQA, a lead agency must analyze the impacts of all activity allowed under a permit, not just what is currently proposed. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398. Here, if the Project is approved, there is nothing preventing Mr. Seppala from cutting off public access to the Path or Playground. In doing so, he would limit potentially life-saving strategies that contribute to

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 3 of 13

public safety during an emergency. The impact of this action must be analyzed under CEQA.

C. Fire History

The possibility of catastrophic wildfire near the Project in the Berkeley Hills is very real. The Hillside School is located in a high-risk fire zone, a landslide zone, and a fault zone. There are a number of factors that make the neighborhood at a particularly high risk for fires, including its proximity to park land where the fuel load is high, narrow, curvy roads that hamper access by first responders and obstruct efficient evacuation routes, and steep topography, among others.

It is these conditions that have contributed to the East Bay Hills' long and tragic history of catastrophic fires. In 1923, a wildfire swept through north Berkeley, in the same spot the Project is located, destroying more than 600 584 homes and 100 structures. *Id.* In 1970, the Hills Fire burned more than 400 acres, destroying 37 homes. *Id.* The Wildcat Canyon Fire in 1980 destroyed five homes in just minutes. *Id.* More recently, the Tunnel Fire, in 1991, caused more than \$1 billion in damage, and took the lives of 25 people. *Id.*

As a result of climate change, since the 1991 Tunnel Fire, "wildfires have become larger, hotter, more destructive, and more difficult to control," Councilmember Wengraf Memo to City Council Supporting Resolution Declaring Wildfire Prevention and Safety a Top Priority in the City of Berkeley (Oct. 15, 2019) ("Wengraf Memo"). We are beginning to better understand the importance of fire safety mitigation measures. This was demonstrated by the City's recent adoption of a resolution declaring wildfire prevention and safety a top priority in the City of Berkeley. CITE. Our increasing awareness of fire danger, particularly near Wildland Urban Interfaces in wooded areas with congested narrow streets, underscores the importance of public paths for use as evacuation routes, and open spaces for use as a staging area of emergency vehicles and a safe zone for people and pets.

D. The Path and Playground

For the past 93 years, the Playground and Path have been open to and used by the public for recreational and social activities. The Playground contains a number of metal play structures, basketball hoops, and a large open play space. See Photographs in Exhibit . Activities taking place at the Playground go beyond just playing on the metal structures and include basketball, baseball, Frisbee, bike riding, tag, capture the flag, and picnicking, just to name a few.

The Playground has been a defining part of the neighborhood for nearly a century. It has been used and enjoyed by residents of all ages, for multiple generations. Comments submitted to the Landmark Preservation Committee, and likely submitted to ZAB in this proceeding as well, recount dozens of stories of Berkeley residents who climbed on the playground structures as children, took their children to the playground, and now take their grandchildren to there. CITE. The Playground's central role in the neighborhood was by design. As Mr. Seppala's Applicant Statement for the Project acknowledges, "[t]he front yard of the school was designed as a playground for both the school and the neighborhood." Applicant's Statement, Hillside School,

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 4 of 13

1581 Le Roy Avenue, p. 1 (March 11, 2019) (emph. added).

As an open space, the Playground is vital to the Hillside community, which has very limited free space. The Playground is the only open space where families and community members could gather in case of an emergency due to fire, earthquake, or other tragic event. As discussed in detail below, loss of access to this open space would limit potentially life-saving strategies that contribute to public safety during an emergency.

The Path is a similarly vital asset to the neighborhood. Neighbors have walked the Path in front of the school to get from Le Roy Avenue to Buena Vista Way for nearly a century. It serves as a normal and often daily route for residents when accessing the UC Campus by foot or bike, as well as downtown Berkeley and BART. ~~Some neighbors have described walking the Path daily, as it is the best way to get to the UC campus.~~

As detailed below, the Project and its potential to cut off public access to the Path and Playground not only changes the character of the neighborhood and the historic nature of the property, but it also poses a serious public safety risk.

II. LEGAL BACKGROUND

A. California Environmental Quality Act

CEQA mandates that “the long-term protection of the environment ... shall be the guiding criterion in public decisions” throughout California. Public Resources Code (“PRC”) § 21001(d). CEQA applies to “discretionary projects” unless they are specifically exempted. PRC § 21080(a). A “project” is “the whole of an action” directly undertaken, supported, or authorized by a public agency “which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” PRC § 21065; CEQA Guidelines, 14 CCR § 15378(a). CEQA is concerned with an action’s ultimate “impact on the environment.” *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283. CEQA requires environmental factors to be considered at the “earliest possible stage . . . before [the project] gains irreversible momentum,” *id.* at 277, “at a point in the planning process where genuine flexibility remains.” *Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296, 307.

CEQA has a three-tiered structure for protecting the environment. 14 CCR § 15002(k); *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App.4th 1168, 1185-86 (“*Hollywoodland*”). First, if a project is exempt under CEQA or if it is certain that the project “will not have a significant effect on the environment,” there need be no further agency evaluation. *Id.* But “where there is a reasonable possibility that a project or activity may have a significant impact on the environment, an exemption is improper.” *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 206. Second, “if there is a possibility the project will have a significant effect on the environment, the agency must perform an initial threshold study.” *Hollywoodland*, 161 Cal.App.4th at 1185-86; 14 CCR § 15063(a). If the study indicates that there is no substantial evidence that the project or any of its aspects may cause a significant

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 5 of 13

effect on the environment, the agency may issue a negative declaration. *Hollywoodland*, 161 Cal.App.4th at 1185-86; 14 CCR §§ 15063(b)(2), 15070. Third, an environmental impact report (“EIR”) is required if “there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” PRC § 21080(d); *see also Communities for a Better Env’t v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927.

“Significant environmental effect” as used in this three-tiered test is defined very broadly as “a substantial or potentially substantial adverse change in the environment.” PRC § 21068; *see also* 14 CCR § 15382. An effect on the environment need not be “momentous” to meet the CEQA test for significance; it is enough that the impacts are “not trivial.” *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 83. “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Communities for a Better Env’t v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109.

Here, because City staff proposes to exempt the Project entirely from all CEQA review, the first step of the CEQA process is at issue.

B. Categorical Exemptions

CEQA identifies certain classes of projects that are exempt from the provisions of CEQA. These are called categorical exemptions. PRC § 21084(a); 14 CCR §§ 15300, 15354. Categorical exemptions are certain classes of activities that generally do not have a significant effect on the environment. *Id.* Public agencies utilizing such exemptions must support their determination with substantial evidence. PRC § 21168.5. CEQA exemptions are narrowly construed and “[e]xemption categories are not to be expanded beyond the reasonable scope of their statutory language.” *Mountain Lion Found. v. Fish & Game Comm’n* (1997) 16 Cal.4th 105, 125; *McQueen v. Bd. of Dirs.* (1988) 202 Cal. App. 3d 1136, 1148. Erroneous reliance by an agency on a categorical exemption constitutes a prejudicial abuse of discretion and a violation of CEQA. *Azusa*, 52 Cal. App. 4th at 1192. “[I]f the court perceives there was substantial evidence that the project might have an adverse impact, but the agency failed to secure preparation of an EIR, the agency’s action must be set aside because the agency abused its discretion by failing to follow the law.” *Dunn-Edwards*, 9 Cal. App. 4th at 656.

C. Exceptions to Categorical Exemptions

CEQA contains several exceptions to categorical exemptions. 14 CCR § 15300.2. If an exception applies, the exemption cannot be used, and the agency must instead prepare an initial study and CEQA document. *McQueen*, 202 Cal. App. 3d at 1149; *Hollywoodland*, 161 Cal. App. 4th at 1187. “Even if a project falls within the description of one of the exempt classes, it may nonetheless have a significant effect on the environment based on factors such as location, cumulative impact, or unusual circumstances.” *Save Our Carmel River v. Monterey Peninsula Water Mgmt. Dist.* (2006) 141 Cal. App. 4th 677, 689. The “unusual circumstances” exception

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 6 of 13

provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to “unusual circumstances.” 14 CCR §15300.2(c).

In the context of the unusual circumstances exception, what is “unusual” is “judged relative to the *typical* circumstances related to an otherwise typical exempt project.” *Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal. App. 4th 786, 801 (emphasis added). An unusual circumstance is “some feature of the project that distinguishes it from others in the exempt class.” *San Lorenzo Valley*, 139 Cal. App. 4th at 1381. The *Azusa* Court held that the unusual circumstances test would be satisfied where the circumstances of a particular project: (i) differ from the general circumstances of the projects covered by a particular categorical exemption, and (ii) those circumstances create an environmental risk that does not exist for the general class of exempt projects. *Azusa*, 52 Cal. App. 4th at 1207; *Hollywoodland*, 161 Cal. App. 4th at 1187 (construction of new fence atop historic granite wall posed environmental risk that did not exist for “general class of exempt projects” under the Class 5 exemption due to differing historic nature of wall); *Fairbank v. City of Mill Valley* (1999) 75 Cal.App.4th 1243, 1260-1261 (court looked for “some feature of the project that distinguishes it from any other small, run-of-the-mill commercial building or use” covered by claimed exemption).

Here, the City’s determination that the Project is exempt under the “Historical Resource Restoration/Rehabilitation” exemption fails because the Project goes beyond the scope of the exemption on its face, and because the unusual circumstances exception applies, precluding reliance on an exemption.

III. ANALYSIS

A. **The Historical Resource Restoration/Rehabilitation exemption does not apply on its face.**

The City claims that the Historic Resource Restoration/Rehabilitation CEQA exemption¹ applies to the Project. 14 CCR § 15331. The City’s reliance on this exemption is misplaced.

The exemption is narrow in scope, and applies only to:

[P]rojects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

¹ The Historic Resource Restoration/Rehabilitation exemption is also known as a Class 31 exemption.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 7 of 13

14 CCR § 15331.

CEQA exemptions, such as the Historic Resource Restoration/Rehabilitation exemption, are narrowly construed, and limited to their terms. *Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257, 1268; *Mountain Lion Found. v. Fish & Game Comm'n* (1997) 16 Cal.4th 105, 125; *McQueen v. Bd. of Dirs.* (1988) 202 Cal. App. 3d 1136, 1148. Strict construction is required in order to interpret categorical exemptions in a manner that affords the greatest environmental protection within the reasonable scope of their statutory language. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 966. “Since a determination that a project falls within a categorical exemption excuses any further compliance with CEQA whatsoever, we must construe the exemptions narrowly in order to afford the fullest possible environmental protection.” *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 697.

In the case of *Castaic Lake Water Agency v. Santa Clarita* (1995) 41 Cal.App.4th 1257, 1268, the court held that CEQA’s earthquake exemption did not apply to a city project involving earthquake retrofitting because the project also included other elements only loosely related to earthquakes. Similarly here, while the Project includes some maintenance, repair, and restoration, it includes many other elements that go far beyond the limited terms of the exemption. Thus, the exemption does not apply.

In addition to “maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction,” the Project also includes many activities that go far beyond the language of the exemption, including:

- Construct a new roof deck;
- Install an unenclosed swimming pool and hot tub within the new roof deck;
- Construct a 36-square foot elevator penthouse above the second story;
- Create a new surface parking lot where the playground is now located
- Install up to five storage shed within portions of the former playground
- Repurpose part of the playground as an outdoor art space

Notice of Public Hearing (mailed Oct. 9, 2019).

With these elements, the proposed Project does not fit within the Class 31 exemption because is clearly not “limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction” of the Hillside School as a historic resource. The Project clearly does *include* restoration and rehabilitation activities. The problem is that the Project is not *limited* to those activities. The Project goes far beyond merely maintaining or repairing the Hillside School and Playground. Instead, the Applicant seeks to build new structures that never existed on the site before, and take away portions that are included as part of the Historic Landmark Designation. CITE. Among other things, the Applicant seeks to build a rooftop pool and hot tub, a new parking lot and five large storage sheds on what had previously

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 8 of 13

been a historic playground. Yet the Class 31 exemption does not exempt projects that seek to add a pool or a parking lot to a historic resource. Similarly, paving over converting two-thirds of the playground to convert it into a parking lot and building five sheds on the parking lot does not fit within the plain terms of the exemption. The Project goes far beyond just maintenance or repair of an historic resource – the Project changes the historic resource. Since the Project goes far beyond the scope CEQA Guidelines section 15331, the exemption does not apply to the Project. *See, Castaic Lake*, 41 Cal. App. 4th at 1268 (CEQA earthquake exemption did not apply to rebuilding of City center because rebuilding project included elements beyond mere earthquake repairs and reconstruction).

Since the Project goes far beyond the limited terms of the exemption, the exemption is legally precluded.

B. The Project cannot be exempt from CEQA because it will have significant environmental impacts due to unusual circumstances.

Even assuming *arguendo* that the Project did fall within the Class 31 exemption (which it does not), the Project is still not exempt from CEQA because it falls under the “unusual circumstances” exception to categorical exemptions. 14 CCR § 15300.2(c). A categorical exemption is inapplicable “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” *Id.* Here, Shuttle Project does not present the same general risk of environmental impact as other projects falling under the Class 31 exemption, and therefore the Class 31 exemption is inapplicable.

In *Berkeley Hillside*, the California Supreme Court explained that there are two ways a party may invoke the unusual circumstances exception. First, “a party may establish an unusual circumstance with evidence that the project *will* have a significant environmental effect. That evidence, if convincing, necessarily also establishes ‘a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.’” *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 (emph. added). Alternatively, “[a] party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.” *Id.*

Both of these alternatives are established here because there are unusual circumstances that distinguish this Project from other Class 31 exemption projects, and there is substantial evidence that the Project will have a significant effect on the environment.

1. They City cannot rely on a CEQA exemption because the Project will have a significant impact on public safety.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 9 of 13

Appendix G of the CEQA Guidelines provides that a Project will have a significant impact if it would “[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.” CEQA Guidelines, Appendix G. There is substantial evidence that the Project will expose people and structures to a significant risk of loss, injury or death involving wildfires in an area where residences are intermixed with wildlands.

Wildfire fighting expert Noah Brownlow submitted herewith a detailed analysis demonstrating that the Project will put people and property at risk. According to Mr. Brownlow, the Project “represents a threat to public safety by reducing access and egress to the Berkeley hills and by eliminating a potential safety zone or fire shelter deployment site for firefighters responding to [Wildland Urban Interface] fires.” Brownlow, p. 1. The increased danger stems, in part from the ability for the Project owner to cut off public access to the pathway that runs in front of the Hillside School, and connects Le Roy Avenue and Buena Vista Way. *Id.* Mr. Brownlow explains that cutting off this public access poses a threat to community members trying to evacuate, and impede emergency vehicle access. Brownlow, p. 1. The Project “would decrease both emergency vehicle access to the area, and civilian opportunities for egress. When a Northeast wind-driven fire is sweeping through the hills firefighters and residents need as many open pathways as possible, and restricting or eliminating these pathways ignores the unique threats posed to this neighborhood.” Brownlow, p. 1.

Mr. Brownlow concludes that:

If a fire does occur in the Berkeley Hills, this pathway could prove crucial to the safety of nearby residents in escaping a fire. By closing this pathway to the public, the public faces an increased risk of harm if a fire does occur.

Id.

The Project will also increase the risk to human life and property if a fire or other emergency occurs because firefighters and other emergency workers will face additional constraints in handling a fire or other emergency.

In both the 1991 Tunnel Fire and the 1923 Berkeley Hills Fire, “emergency personnel access and civilian egress were a limiting factor in incident stabilization and contributing factor to fatalities and property loss.” Brownlow, p. 1. In his comment letter, Mr. Brownlow describes the specific type of risks posed by Wildland Urban Interface (“WUI”) fires, and the importance of open spaces and egresses. “Due to their potential for extreme and unpredictable behavior, huge energy and potential for loss of life, firefighters have certain protocols that must be in place before they attempt to engage WUI fires.” Brownlow, p. 2. One such rule is that fire fighters must ensure that four conditions are in place at all times: 1) lookouts, 2) communications, 3) escape routes, and 4) safety zones. *Id.* The Project would impact fire fighters’ ability to safely tackle a fire at or near the Project because these conditions would not be met. *Id.* The Project “would eliminate a potential escape route and safety zone, denying firefighters a currently

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 10 of 13

existing space in which to deploy personal fire shelters if overrun or to escape a deadly fire altogether.” *Id.*

Mr. Brownlow’s comments constitute substantial evidence that loss of public access to the path between Le Roy Avenue and Buena Vista Way and loss of public access to the playground will “[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires.” This significant impact precludes the City from relying on an exemption to avoid CEQA review. The City must analyze the Project’s impact on public safety under CEQA, and implement all feasible mitigation measures.

This public safety issue should be analyzed and mitigated in the open and public process created by CEQA. A CEQA process would allow the City to consider and impose feasible mitigation measures to reduce public safety risks. This may include, for example, a condition requiring the pathway between Le Roy and Buena Vista and a portion of the playground be kept open to the public and unobstructed. Public Safety experts for the City should be consulted to determine impact the Project will have on neighbors, fire fighters, and other emergency service workers in the event of a fire or earthquake. This information must all be disclosed to the public for review and comment.

The City’s failure to include any analysis or mitigation of the Project’s public safety impacts must be cured before the Project is approved.

2. The Project involves an unusual circumstance, precluding reliance on a CEQA exemption.

Even if there were not evidence that the Project *will* have a significant environmental impact, the unusual circumstances exception would still apply because, unlike “usual” or “typical” Historical Resource Restoration/Rehabilitation projects, this Project creates a significant public safety risk.

At least two elements of the Project that distinguish it from other projects in the exempt class, and these characteristics create environmental risks not generally present for “Historical Resource Restoration/Rehabilitation” projects. The first unusual circumstance is the Project’s location. Unlike most restorations, the Project is located in a High Fire Zone, within the State-designated Alquist-Priolo Earthquake Fault Zone, and is also in an earthquake-induced landslide area mapped by the California Geologic Survey on its Seismic Hazard Mapping Act map. The location of the Project makes it and the surrounding area unusually susceptible to a natural disaster. The second unusual circumstance is that, unlike most restorations, the Project may cut off a previously public path and open space, both of which are vital to public safety in the event of a fire or earthquake.

Once it is determined that a project presents an unusual circumstance, an exemption is precluded if there is substantial evidence that a project *may* have significant environmental impacts. Here, such evidence exists. As discussed above, because of the high risk location of

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 11 of 13

the Project, and its potential to cut off public access to the Path and Playground open space, the Project may “decrease both emergency vehicle access to the area, and civilian opportunities for egress.” Brownlow, p. 1.

The Project’s unusual circumstances, together with Mr. Brownlow’s expert comments, preclude the City from relying on a CEQA exemption for the Project.

C. CEQA exemption is not allowed because the Project may have an adverse impact on a historic resource.

CEQA section 21084.1 prohibits the use of a CEQA exemption for projects that **may** cause a substantial adverse change in the significance of a historical resource. CEQA § 21084.1, CEQA Guidelines 15300.2(f). CEQA defines a “substantial adverse change” as the physical demolition, destruction, relocation or alteration of the historical resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. CEQA goes on to define “materially impaired” as work that materially alters, in an adverse manner, those physical characteristics that convey the resource’s historical significance and justify its inclusion in the California Register of Historic Places, a local register of historical resources, or an historical resource survey. CEQA Guidelines 15064.5(b).

As discussed above, the Hillside School, path, and playground *collectively* are listed on the National Register of Historic Places. The Project will adversely affect the Hillside School, pathway, and playground as a historic resource. As discussed above, the Project goes beyond merely restoring or rehabilitating the Hillside School.

As proposed, the school playground that has been used by community members for more than 90 years, will be ~~paved over, in part, and~~ made into a parking lot for up to 18 vehicles. ~~CITE.~~ The Project also permits the owner to install up to five ~~massive, garage-like sheds on the newly paved parking lot.~~ See Exhibit ___. In addition, the Project would turn the remaining ~~playground into a collection space for some type of sculptural art.~~ ~~CITE.~~ None of this is consistent with the historic nature of the site. Instead, the action would transform the playground from a historically significant element of the property into a parking lot. Changing the Playground from its current aesthetic that is cohesive with the school, into a parking lot with five large storage sheds and random art pieces would change the character of the property as a whole. Because these changes may have an adverse impact on the Hillside school, Path, and Playground as a historic resource, the City may not exempt the Project from CEQA. Pub. Res. Code § 21084.1.

D. CEQA does not allow mitigated categorical exemptions.

A project that requires mitigation measures cannot be exempted from CEQA, nor can the agency rely on mitigation measures as a basis for determining that one of the significant effects exceptions does not apply. *Salmon Pro. & Watershed Network v. County of Marin* (2004) 125 Cal.App4th 1098, 1102. The City has imposed numerous mitigation measures on the Project.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 12 of 13

For example, the August 1, 2019 Landmarks Preservation Commission staff report includes the following conditions, among others:

- **Repair and replacement of character-defining features.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- **Chemical Treatments.** Any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.
- **Roof equipment.** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and design review may be required.
- **Clear glass.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass shall be indicated on all drawings, and shall be reviewed for approval by historic preservation staff, prior to approval of any building permit for this project.
- **Exterior Lighting.** Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
- **Landscape Plan.** Prior to approval of any building permit for this project, the proposed landscape improvements shall be revised to include new plantings to screen—or to supplement existing plantings – on both the north *and* south sides of the former playground area. Further, the landscape plan may be modified as needed to ensure compliance with zoning criterion for open space pavement.
- **Irrigated, water efficient landscape.** New areas of landscape shall provide irrigation. This shall be called out on Landscape building permit drawings. The property owner shall maintain automatic irrigation and drainage facilities adequate to assure healthy growing conditions for all required planting and landscape. The landscape shall be drought-tolerant and achieve maximum water efficiency.
- **Storage sheds within the front yard area.** The storage sheds shall be limited to not more than five total and to their proposed height, floor area and locations.
- **Curb cuts.** All curbs and curb cuts shall be constructed per the standards and specifications of the Public Works Department. Curb cuts no longer utilized shall be restored per the Public Works Department specifications.

Since the City has imposed numerous mitigation measures, a CEQA exemption is prohibited. An agency may not rely on a categorical exemption if to do so would require the imposition of mitigation measures to reduce potentially significant effects. *Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1108 (“SPAWN”); *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1198-1201. If mitigation measures are necessary, then at a minimum, the agency must prepare a mitigated negative declaration to analyze the impacts, and to determine whether the mitigation measures are adequate to reduce the impacts to below significance. The public must be allowed

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 17, 2019
Page 13 of 13

to analyze the proposed mitigation, comment on their adequacy, and suggest alternative measures.

CEQA requires the mitigation measures to be developed in a public process, with public review and comment, not in closed door negotiations between the city and the project proponent. Feasible mitigation measures for significant environmental effects must be set forth in an EIR for consideration by the lead agency's decision makers and the public before certification of the EIR and approval of a project.

The formulation of mitigation measures may not be delegated to staff, because mitigation measures must be subjected to public review. The City may not delegate the formulation and approval of programs to address environmental impacts because an agency's legislative body must ultimately review and vouch for all environmental analysis mandated by CEQA. *Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308. "[R]eliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making; and[,] consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment." *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.

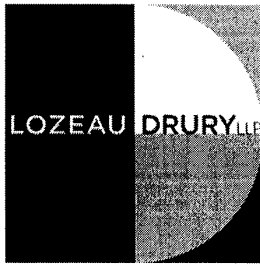
IV. CONCLUSION

In light of the above comments, the Hillside Path & Playground Preservation Association requests that the Zoning Adjustment Board deny Use Permit #ZP2019-0061, and send the Project back to staff with direction to review the Project's environmental impacts under CEQA.

Sincerely,



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October 23, 2019

Via Email

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Denise Pinkston, Vice Chairperson
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Re: Hillside School Project, 1581 Le Roy Avenue; Use Permit #ZP2019-0061

Dear Chairperson O’Keefe, Vice Chairperson Pinkston, ZAB Members, and ZAB Secretary:

I am writing on behalf of Hillside Path & Playground Preservation Association, an unincorporated association composed of residents of Berkeley living near the Hillside School located at 1581 Le Roy Avenue (the “Hillside School Property”), concerning the application of the current owner to convert the property from its previous use as a school, to residential use (Use Permit #ZP2019-0061) (the “Project”). This letter supplements Hillside Path & Playground Preservation Association’s October 17, 2019 letter (the “October 17 Letter”). As described in the October 17 Letter, and for the supplemented reasons stated below, Hillside Path & Playground Preservation Association asks the Zoning Adjustment Board (“ZAB”) to reject the Project because it fails to comply with the California Environmental Quality Act (“CEQA”), and conflicts with Berkeley’s General Plan and Municipal Code (“BMC”).

A. The Project violates the Berkeley Municipal Code.

The ZAB Staff Report for the Project admits that, “[a]s a private residence located in a residential district, the [Project] site is not permitted to establish an ‘arts/craft studio’ use (BMC Section 23F.04, ‘Definitions’), generally defined as an *establishment*, which staff interprets to be

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 2 of 11

a commercial or institutional, or otherwise non-residential, land use activity.” Staff Report, p. 10. The Municipal Code defines an arts/craft studio as:

An establishment engaged in the creation of art or crafts that requires artistic skill. Such an establishment may participate in periodic open studios, but otherwise is subject to the applicable district’s requirements for incidental sales of goods made on site. Art/Craft Studios also include rehearsal spaces not designed for public performances.

Examples of individuals typically engaged in this work include, but are not limited to, woodworkers, potters/ceramicists, costume makers, set designers, stained-glass makers, glassblowers, textile artists and weavers, jewelry makers, painters, fine art printmakers, photographers/filmmakers, leather workers, metal workers, musical instrument makers, model makers, papermakers, installation artists, sculptors, video artists, and other makers of art and crafts that the Zoning Officer determines to be consistent with the definition above.

Berkeley Municipal Code § 23F.04. This is precisely the type of use the Project is proposing – space for multiple people, including non-residents, to make and show art. But, as Staff recognizes, Berkeley’s zoning ordinance does not permit an arts/craft studio” use in a residential district. Because the Project proposed an arts/craft studio use in a zone that does not permit that use, ZAB must deny the permit.

After determining that an “arts/craft studio” use is not permitted, Staff goes on to note that “artist studio” is a similar use that is allowed in a residential district. The Municipal Code defines an artist studio as:

A detached accessory building, used by residents of a main dwelling Unit on the same lot, to create original works of art and crafts products, but not for living quarters or sleeping purposes.

Berkeley Municipal Code § 23F.04.

The Project’s proposed use does not meet the definition of an artist studio. First, the Project owner is not proposing to create art in a “detached accessory building.” Instead, he is proposing to create art in the main school building. This alone precludes the proposed use. Second, an artist studio is limited to being “used by residents of a main dwelling Unit.” Under this definition, not even the “artist in residence” proposed to reside in the accessory dwelling unit would be permitted to use the property for creating original works of art. Further, allowing up to 25 guests to come onto the Property to create art would be even more inconsistent with the “artist studio” land use.

In an attempt to justify permitting the Project owner’s proposed inconsistent use, the Staff Report says:

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 3 of 11

In this case, the applicant proposes such a use, though not located in a detached, accessory building and, instead, contained within a large main building and a confined outdoor area. Staff concludes, therefore, that the art activity is permissible on this residential property and, further, that the proposed location within the main building would be reasonable because the approximately 50,000-sq. ft. building could provide adequate space to sufficiently maintain both the dwelling uses and the art practice.

Staff Report, p. 10.

Staff's interpretation is directly at odds with the plain meaning of the Municipal Code, and cannot be upheld. The activities proposed by the Project are inconsistent with the Municipal code provisions in residential districts. The Project permit must therefore be denied.

B. ZAB cannot make the findings required for approval of a use permit for the Project.

In order to issue a use permit for the Project, ZAB must find:

that the establishment, maintenance or operation of the use, or the construction of a building, structure or addition thereto, under the circumstances of the particular case existing at the time at which the application is granted, ***will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood*** of such proposed use ***or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood*** or to the general welfare of the City.

BMC § 23B.32.040(A). If ZAB cannot make any of these findings, ZAB must deny the permit. BMC § 23B.32.040(C).

Here, ZAB must deny the permit because the Project will be detrimental to the safety, comfort, and general welfare of people living in the neighborhood, and would be detrimental or injurious to properties in the neighborhood. The ability of the Project owner to cut off the public's access to the Path and Playground is be detrimental to the safety of neighbors and their properties. As discussed in Noah Brownlow's expert comments¹:

If a fire does occur in the Berkeley Hills, this pathway could prove crucial to the safety of nearby residents in escaping a fire. By closing this pathway to the public, the public faces an increased risk of harm if a fire does occur.

¹ Attached as Exhibit A to Hillside Path & Playground Preservation Association's October 17, 2019 letter to ZAB.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 4 of 11

The proposed development would decrease both emergency vehicle access to the area, and civilian opportunities for egress. When a Northeast wind-driven fire is sweeping through the hills firefighters and residents need as many open pathways as possible, and restricting or eliminating these pathways ignores the unique threats posed to this neighborhood.

Brownlow, p. 2.²

In addition to posing a danger to neighbors and their properties, the Project would also be detrimental to the peace and comfort of neighbors as a result of the Project owner's plans to throw monthly parties for up to 100 people, combined with a new roof deck, pool, and hot tub. No explanation has been given as to where the additional 80 guests will park, given the proposal for an 18-car parking lot. On top of this, there will be additional traffic and noise created by the Project every other week when the owner holds outdoor art events in the art park for 50-75 people.

Because ZAB cannot make the findings required by BMC § 23B.32.040(A), ZAB must deny the permit.

C. The Project is inconsistent with Berkeley's General Plan and Municipal Code.

The Project is inconsistent with a number of General Plan Policies and Actions, including the following:

- **Policy LU-7 (Neighborhood Quality of Life):** Preserve and protect the quality of life in Berkeley's residential areas through careful land use decisions.
- **Policy LU-7, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
- **Policy LU-9 (Non-Residential Traffic):** Minimize or eliminate traffic impacts on residential areas from institutional and commercial uses through careful land use decisions.
- **Policy LU-8 (Home Occupations):** Monitor and evaluate the present and future effects of home occupations, home offices, and other similar developments on residential areas.
- **Policy LU-11 (Pedestrian and Bicycle Friendly Neighborhoods):** Ensure that neighborhoods are pedestrian- and bicycle-friendly with well-maintained streets, street trees, sidewalks, and pathways.
- **Policy LU-11, Action A:** Ensure that any City-owned pathways or dedicated easements adjacent to, abutting, or through private property are preserved when reviewing new development proposals.

² See also, Berkeleyside article, "The Berkeley Hills are kindling: City takes steps to tackle wildfire danger, Oct. 17, 2019, attached hereto as Exhibit 1.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 5 of 11

Each of these General Plan policies and actions is meant to protect the character, safety, and enjoyment of Berkeley's residential neighborhoods. Yet the proposed Project would do the exact opposite. It would change the character of the neighborhood. The hosting of indoor and outdoor parties for up to 100 people several times per month would negatively impact the quality of life of nearby neighbors. In addition to the increased noise generated, the Project would potentially require an additional 100 cars to drive and park near the Project, in the residential neighborhood. The scale of the proposed use is simply incompatible with the surrounding neighborhood.

The Project is similarly inconsistent with the Municipal Code. The Berkeley Municipal Code specifies that one of the purposes of the Single Family Residential (R-1) Districts, including the R-1H district, is to: "Recognize and protect the existing pattern of development in the low density, single family residential areas of the City in accordance with the Master Plan." BMC § 23D.16.020(A).

Conversion of the Hillside School Property into a de facto event center that will host large parties would not protect the existing pattern of development in this single family residential neighborhood. Instead, the proposed Project will result in a dramatic increase in traffic, parking, and noise as a result of the proposed new use of the Property.

ZAB should deny the use permit because the Project is inconsistent with the General Plan and Municipal Code.

D. The Project is not exempt from CEQA.

The ZAB Notice of Public Hearing for the Project that was sent neighbors and other interested parties stated: "CEQA STATUS: Categorically exempt pursuant to Section 15331 for 'Historical Resource Restoration/Rehabilitation' of the CEQA Guidelines." A copy of this notice is attached hereto as Exhibit 2. In the ZAB Staff Report, posted only days before the ZAB meeting, the City claims for the first time that, in addition to the Class 31 Historical Resources Restoration/Rehabilitation exemption, the Project is also exempt under Class 1 and Class 3 CEQA exemptions. As detailed below, even the late addition of these exemptions are not sufficient to relieve the City of its obligation to conduct CEQA review for this Project. Neither of these two additional exemptions apply.

1. The Class 1 exemption does not apply on its face.

The City's exemption of the Project from CEQA now relies upon the Class 1 exemption for "operation, repair, maintenance, or minor alteration of existing structures or facilities." 14 CCR § 15301. This exemption does not apply on its face. The Class 1 exemption states:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 6 of 11

The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. ***The key consideration is whether the project involves negligible or no expansion of use.***

The key limitation on the face of the Class 1 exemption is that it applies only to activities involving “negligible” or “no expansion” of previous use beyond that existing at the time of the lead agency’s determination. In contrast to the plain meaning of the exemption, the proposed Project involves a major expansion of use beyond the property’s current use.

As the Applicant’s Statement notes, the Project owner proposes to hold large events at the Hillside School Property on a monthly basis, expecting up to 100 people to attend. Oct. 8, 2019 Applicant’s Statement, p. 3. Separately, twice per month, the owner plans for art showings at the property attracting 50-75 visitors. *Id.* On a daily and weekly basis, “use would accommodate 25-50 artists and visitors.” *Id.* This constitutes a major expansion beyond the current use, which involves very few visitors, if any. As a result, the Class 1 exemption does not apply on its face, and cannot be relied on by the City.

2. Exceptions preclude reliance on the Class 1 or Class 3 exemptions.

As with the Class 31 exemption,³ the Class 1 and 3 exemptions do not apply because the Project falls within two exceptions to CEQA exemptions: 1) the “unusual circumstances” exception, and 2) the “historical resources” exception to categorical exemptions. 14 CCR § 15300.2(c), (f).

i. The Project will have significant environmental impacts due to unusual circumstances, precluding reliance on a CEQA exemption.

A categorical exemption is inapplicable “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” *Id.* Here, the Project does not present the same general risk of environmental impact as other projects falling under the Class 1, 3, or 31 exemptions, and therefore the exemptions cannot apply.

In *Berkeley Hillside*, the California Supreme Court explained that there are two ways a party may invoke the unusual circumstances exception. First, “a party may establish an unusual circumstance with evidence that the project *will* have a significant environmental effect. That evidence, if convincing, necessarily also establishes ‘a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.’” *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105 (emph. added). Alternatively, “[a] party invoking the exception may establish an unusual circumstance without evidence of an environmental effect, by showing that the project has some feature that distinguishes it from

³ See discussion in Hillside Path & Playground Preservation Association’s October 17, 2019 letter to ZAB.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 7 of 11

others in the exempt class, such as its size or location. In such a case, to render the exception applicable, the party need only show a reasonable possibility of a significant effect due to that unusual circumstance.” *Id.*

Both of these alternatives are established here because there are unusual circumstances that distinguish this Project from other Class 31 exemption projects, and there is substantial evidence that the Project will have a significant effect on the environment.

a. They City cannot rely on a CEQA exemption because the Project will result in a significant land use and planning impact.

A project has a significant land use impact if it would:

Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

CEQA Guidelines, App. G § X(b).

As discussed above, the Project could conflict with a number of general plan policies and zoning ordinances. The general plan policies and zoning ordinances were designed to avoid or mitigate a variety of environmental effects including noise, traffic, parking, aesthetics, among other things. In addition to violating the General Plan and zoning ordinance, these land use conflicts constitute a significant impact under CEQA, and preclude reliance on an exemption.

b. They City cannot rely on a CEQA exemption because the Project will have a significant impact on public safety.

As discussed in Hillside Path & Playground Preservation Association’s October 17 Letter, the Project will have a significant impact on public safety because it will “[e]xpose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.” CEQA Guidelines, Appendix G.

Fire expert Noah Brownlow’s expert comments constituted substantial evidence that the Project will expose people and structures to a significant risk of loss, injury or death involving wildfires in an area where residences are intermixed with wildlands.

c. They City cannot rely on a CEQA exemption because the Project will result in inadequate emergency access, precluding reliance on a CEQA exemption.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 8 of 11

CEQA Guidelines Appendix G provides that a project will have a significant impact if the project will “[r]esult in inadequate emergency access.” CEQA Guidelines, Appendix G § XVI(e). As explained in Mr. Brownlow’s expert comments, the Project will have a significant impact on emergency vehicle access. According to Mr. Brownlow’s expert opinion, the Project would decrease emergency vehicle access to the area. Brownlow, p. 1. He further explained that, by converting the Playground into a parking lot and art park, the Project is “eliminating a potential safety zone or fire shelter deployment site for firefighters responding to WUI fires.” *Id.*

This significant impact is an unusual circumstances, and precludes reliance on a categorical exemption.

d. They City cannot rely on a CEQA exemption because the Project will have significant traffic and parking impacts.

CEQA Guidelines Appendix G provides that a project will have a significant impact if it will;

Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

CEQA Guidelines, Appendix G § XVI(d).

The steep, narrow, meandering streets of the Berkeley Hills are difficult to navigate. This includes Le Roy Avenue and Buena Vista Way, and La Loma Avenue, the streets adjacent to the Project. In many locations, it is difficult – if not impossible - for two cars traveling opposite directions to drive by each other, particularly where cars are parked on the street. With events being held at the Hillside School Property for 50 to 100 people, and only 18 parking spots provided, the Project may result in up to 80 additional cars being parked on the streets surrounding the property. This will make an already dangerous driving environment even worse, substantially increasing the hazardous driving environment. This significant impact is an unusual circumstances, and precludes reliance on a categorical exemption.

e. The Project involves an unusual circumstance, precluding reliance on a CEQA exemption.

Even if there were not evidence that the Project *will* have a significant environmental impact, the unusual circumstances exception would still apply because, unlike “usual” or “typical” Class 1 and Class 3 exemptions,⁴ Historical Resource Restoration/Rehabilitation projects, this Project creates a significant public safety risk.

⁴ See October 17 Letter for discussion of the Project’s unusual circumstances compared to other Class 31 Historical Resources Restoration/Rehabilitation project.

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 9 of 11

The Class 1 exemption consists of “Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.” 14 CCR § 15301. Class 3 exemption consist of “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.” 14 CCR § 15303.

At least three elements of the Project distinguish it from other projects in the Class 1 and Class 3 exemption categories, and these characteristics create environmental risks not generally present for Class 1 and Class 3 projects. Once it is determined that a project presents an unusual circumstance, an exemption is precluded if there is substantial evidence that a project *may* have significant environmental impacts.

The first unusual circumstance is that the Hillside School Property is listed on the National Register of Historic Places and is listed as a local landmark. The impact of alterations, modifications, and construction that may ordinarily be exempt under Class 1 or 3 may have additional impacts when the existing facility is a historical resource. Here, the Project proposes to convert a large portion of the Playground to a parking lot and art park, which is inconsistent with the Project’s historic resource listing.

Second, unlike most Class 1 and 3 projects, the Project is located in a High Fire Zone, within the State-designated Alquist-Priolo Earthquake Fault Zone, and is also in an earthquake-induced landslide area mapped by the California Geologic Survey on its Seismic Hazard Mapping Act map. The location of the Project makes it and the surrounding area unusually susceptible to a natural disaster. The second unusual circumstance is that, unlike most Class 1 and 3 projects, the Project may cut off a previously public path and open space, both of which are vital to public safety in the event of a fire or earthquake. As discussed above, because of the high risk location of the Project, and its potential to cut off public access to the Path and Playground open space, the Project may “decrease both emergency vehicle access to the area, and civilian opportunities for egress.” Brownlow, p. 1.

Third, the scale of the changed use – from a vacant parcel to a pseudo-event center hosting parties for up to 100 people, is unusual. As a result of this unusual circumstance, the Project may have a significant noise impact.

CEQA Guidelines Appendix G provides that a project will have a significant impact if it will result in:

A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

CEQA Guidelines, Appendix G § XII(d).

1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 10 of 11

The California courts have held that CEQA review is required for noise-producing events, just like those that will be held at the Property. In the case of *Keep Our Mountains Quiet v. City of Santa Clara* (2015) 236 Cal.App.4th 714, 722, the court of appeal has held that an EIR was required for a permit allowing weddings of 150 people at a private home. This Project is no different. The Project owner seeks the right to host parties once per month for up to 100 people, and events for between 50 and 75 people every other week. These events will take place both indoors and outdoors, and will result in a “substantial temporary or periodic increase in ambient noise levels.”

The Project’s unusual circumstances preclude the City from relying on a CEQA exemption for the Project.

ii. The Historical Resources exception precludes reliance on a categorical exemption.

The CEQA guidelines provide that a “categorical exemption shall not be used for a project which *may* cause a substantial adverse change in the significance of a historical resource.” 14 CCR § 15300.2 (emph. added). As discussed in the October 17 Letter, Hillside School, Path, and Playground *collectively* are listed on the National Register of Historic Places and as a Berkeley local landmark. The Project will adversely affect the Hillside School, Path, and Playground as a historic resource because the Project goes beyond merely restoring or rehabilitating the Hillside School. As a result, the Project must be analyzed under CEQA, and cannot be exempt.

As proposed, the school playground that has been used by community members for more than 90 years, will be made into a parking lot for up to 18 vehicles. The Project also permits the owner to install up to five unsightly, garage-like sheds on the new parking lot. In addition, the Project would turn the remaining playground into a collection space for undescribed “art.” None of this is consistent with the historic nature of the site. Instead, the action would transform the playground from a historically significant element of the property into a parking lot. Changing the Playground from its current aesthetic that is cohesive with the school, into a parking lot with five large storage sheds and random art pieces would change the character of the property as a whole. Because these changes may have an adverse impact on the Hillside School, Path, and Playground as a historic resource, the City may not exempt the Project from CEQA. 14 CCR § 15300.2; Pub. Res. Code § 21084.1.

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1581 Le Roy Avenue (Hillside School)
City of Berkeley
October 23, 2019
Page 11 of 11

I. CONCLUSION

Based on these comments, and those in the October 17 Letter, the Hillside Path & Playground Preservation Association requests that the Zoning Adjustment Board deny Use Permit #ZP2019-0061, and send the Project back to staff with direction to review the Project's environmental impacts under CEQA.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Davis', with a long horizontal flourish extending to the right.

Rebecca L. Davis
Lozeau Drury LLP