



June 23, 2015

Zoning Adjustments Board Secretary
Land Use Planning Division
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704

RE: ASUC Requests Delay of Vote on Demolishing 2631-37 Durant Avenue

Dear Members of the Zoning Adjustments Board,

My name is Marium Navid and I am the External Affairs Vice President of the Associated Students of the University of California. I am writing to you concerning your discussion on Thursday of Item 2: Demolition of 2631-37 Durant Avenue. My office asks that that the Zoning Adjustments Board delay voting on this item until students return from summer vacation.

My office has multiple concerns about approving this project. The current owner of the building received this building at a very low cost (\$1.2 million for 18 units, compared to an average price of \$965,000 for a single family home in Berkeley), because the previous owner allowed the property to fall apart; owners should not receive a privilege such as the demolition of rent-controlled units as a reward for operating units with habitability problems.

Rather than allowing the developer to demolish the building, the city should require the developer to rehabilitate the building, which have multiple advantages. First, older buildings almost always have lower rents than newer buildings. Second, rehabilitating the building would be much more environmentally sustainable than demolish and replacing it.

The developer's claims that would be unable to make a profit from rehabilitating the building bear no merit. A report by the building inspector states that the owner tore out walls, and the developer allowed the fire department to conduct training exercises in the building - including cutting holes in the ceiling - so they could claim it would be unaffordable to fix the building.

In order to allow students, including those who have lived in the predominantly student occupied building, to present the Zoning Adjustments Board with relevant testimony and information so the Board may make a fully-informed and accurate decision, the Zoning Adjustments Board must wait till the end of August. All residents of Berkeley, including students deserve to have access to low-cost, habitable housing, which can achieved in this case by refusing a demolition permit and instead requiring the owner to bring the property up to code. Such a scenario would ensure both affordable housing and a reasonable profit for the owner.

Please vote to delay consideration of this item. In the event the Board does decide to vote on the item this Thursday, please vote not to approve the permit.

Sincerely,
Marium Navid
External Affairs Vice President
Associated Students of the University of California

June 23, 2015

Zoning Adjustments Board Secretary
Land Use Planning Division
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704

RE: ZAB Should Deny Demolition Permit for 2631-37 Durant Avenue

Dear Members of the Zoning Adjustments Board,

I am resident of Berkeley, as well as a member and previous co-chair of UC Berkeley's Chancellor's Advisory Committee on Sustainability. I am writing to you concerning your discussion on Thursday of **Item 2: Demolition of 2631-37 Durant Avenue**. The Zoning Adjustments Board should **vote against the item** due to its detrimental effects on both affordable housing and the environment.

I have multiple concerns about approving this project. First, the current owner of the building received this building at a very low cost (\$1.2 million for 18 units, compared to an average price of \$965,000 for a single family home in Berkeley) solely because the previous owner allowed the property to fall apart; owners should not receive a privilege such as the demolition of rent-controlled units as a reward for operating units with habitability problems. Because older buildings have lower rents, requiring the owner to rehabilitate the building would create low-cost, quality housing for the community at much less cost to the owner. The owner's claims that would be unable to make a profit from rehabilitating the building bear no merit. A report by the building inspector states that the owner tore out walls, and the owner allowed the fire department to conduct training exercises in the building - including cutting holes in the ceiling - so they could claim it would be unaffordable to fix the building. The owner has gone out of his way - by including sabotaging the property - to falsely suggest that they have been saddled with junk real estate that requires demolition in order to make a profit. Such misbehavior should not be rewarded by the City of Berkeley.

Second, rehabilitating the building would be much more environmentally sustainable than demolish and replacing it. As someone who has worked on reducing the environmental footprint of the members of the UC Berkeley community, including of those students who have lived in this building, I am appalled by the prospect of tearing down this building and replacing it with a new one. The first rule of environmental sustainability is to reuse and recycle a commodity instead of throwing it away and replacing it with a new one. By requiring the owner of the building to "reuse" the building (which in this case would mean rehabilitating it), you can ensure that our city fulfills its commitments both to being as environmentally sustainable as possible and to protecting affordable housing.

In order to promote environmental sustainability and protect affordable housing, I strongly encourage the members of the board to **vote NO** on approving the demolition of the site.

Sincerely,

Matthew Lewis
Member and former Co-Chair
UC Berkeley Chancellor's Advisory Committee on Sustainability

Jacob, Melinda

Subject: FW: Fw: Fwd: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

From: Bereket, Immanuel
Sent: Tuesday, June 23, 2015 3:47 PM
To: 'mrkaczorowski@gmail.com'
Cc: Powell, Greg; Planning Dept. Mailbox
Subject: RE: Fw: Fwd: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

Dear Ms. Kaczorowski:

This e-mail is in response to your question below.

All communications received by the Planning Department are subject to the California Public Records Act § 6250 et seq. Consistent with the state law, the City's standard practice is to enter all communications received by the Planning Department regarding projects in to administrative file and, as such, any communications are made part of the public record. All public records are available for public review upon request, and in this case, the applicant requested that City staff forward all communications.

Please call me at (510) 981-7425 or email me at ibereket@cityofberkeley.info if you have any questions.

Regards,

Immanuel Bereket | Associate Planner
City of Berkeley | Land Use Planning Division
2120 Milvia Street | Berkeley, CA 94704
(510) 981-7425
ibereket@cityofberkeley.info

From: Planning Dept. Mailbox
Sent: Tuesday, June 23, 2015 3:02 PM
To: Bereket, Immanuel; Planning Dept. Mailbox; Powell, Greg
Subject: RE: Fw: Fwd: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

I thought this was the case, but wanted to be sure. Thank you for responding to her.

CAROL R. JOHNSON, AICP

Land Use Planning Manager

CITY OF BERKELEY

2120 Milvia Street, 2nd Floor

Berkeley, CA 94704

P: 510-981-7411

E: cjohnson@cityofberkeley.info

From: Bereket, Immanuel
Sent: Tuesday, June 23, 2015 2:15 PM
To: Planning Dept. Mailbox; Powell, Greg
Subject: RE: Fw: Fwd: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

Hi Carol,

Elisa called to ask if we received any communication from the public, and I forwarded a copy of the email as I understand that it is a public record. I will respond to her. I also forwarded the e-mail to Melinda to include as supplemental material to the Board.

Manny

From: Planning Dept. Mailbox
Sent: Tuesday, June 23, 2015 1:55 PM
To: Bereket, Immanuel; Powell, Greg
Subject: FW: Fw: Fwd: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

Can you please respond to Ms. Kaczorowski?

CAROL R. JOHNSON, AICP

Land Use Planning Manager

CITY OF BERKELEY

2120 Milvia Street, 2nd Floor

Berkeley, CA 94704

P: 510-981-7411

E: cjohnson@cityofberkeley.info

From: Mary Rose Kaczorowski [<mailto:mrkaczorowski@gmail.com>]
Sent: Tuesday, June 23, 2015 1:51 PM
To: Planning Dept. Mailbox
Subject: Fwd: Fw: Fwd: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

I am wondering how Mr. Orloff obtained my email and communication? Would you know?

Mary Rose Kaczorowski

Connect with me on: <http://www.linkedin.com/in/mrk2008>
mrkaczorowski@gmail.com
[@mrk46](#)

" We are called to assist the Earth to heal her wounds and in the process heal our own - indeed to embrace the whole of creation in all its diversity, beauty and wonder. Recognizing that sustainable development, democracy and peace are indivisible is an idea whose time has come."-- Dr. Wangari Muta Maathai, 1 April 1940 - 25 September 2011

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

From: clifforloff@yahoo.com <clifforloff@yahoo.com>
Date: Mon, Jun 22, 2015 at 8:01 PM
Subject: Fw: Fwd: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board
To: "mrkaczorowski@gmail.com" <mrkaczorowski@gmail.com>
Cc: Elisa Mikiten <elisa@mikitenland.com>, Serena Orloff <serena.orloff@gmail.com>, OLGA ORLOFF <oshalygin@yahoo.com>, Cliff Orloff <clifforloff@yahoo.com>

Mary

As the managing member of OPHCA LLC, the owner of 2561-2637 Durant, I received your email below.

I was formerly a professor in GSPP (transportation policy was my specialty), where you went to graduate school. I was a colleague of Eugene Bardach, who you quote on your website. I would be happy to discuss with you the public policy issues related to the aging housing stock in Berkeley, because I believe from what you write that you will look at facts and consider other points of view. I am interested in hearing why you believe what you write below.

I believe the only way to decrease housing costs in Berkeley is to increase supply. The best way to do that is to replace buildings that have gone way past their useful lives with new, safe higher density buildings.

When our building was built in 1920, knob and tube wiring was probably state of the art - now it is dangerous. The former owner was an elderly woman who used the rental income to support her assisted living costs until we purchased the building in 2012 after she died. She reinvested almost zero in the building for the 30 years she owned it. We bought it precisely because it clearly needed to be torn down. Even rehabbing the building would require demolishing the building because nothing there is worth saving - even the walls had so much termite damage they were being held up by the stucco. Single pane windows and a non-functioning heating system created mold problems. The galvanized pipes, also state of the art in 1920, were so occluded that water dripped out of most faucets.

When the last lease I inherited when I purchased the building was over, and the last students moved out, I shut the building down and boarded it up, and filed for a demo permit - I refuse to be a slum lord - Berkeley has enough of these.

If you would like to discuss this further, please call me at my home in Berkeley, [510.540.9446](tel:510.540.9446) or email me. I hope you will reconsider, knowing the facts of this particular case, and support our project to provide safe and secure student housing next to campus that is ADA compliant and energy efficient.

Cliff Orloff

Begin forwarded message:

From: "Bereket, Immanuel" <IBereket@ci.berkeley.ca.us>
To: "elisa@mikitenland.com" <elisa@mikitenland.com>
Subject: FW: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board
Date: June 22, 2015 at 1:42:02 PM PDT

FYI ~

From: Planning Dept. Mailbox
Sent: Monday, June 22, 2015 1:35 PM
To: Bereket, Immanuel; Powell, Greg; Allen, Shannon
Subject: FW: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

fyi

Carol R. Johnson, AICP
Land Use Planning Manager
CITY OF BERKELEY
2120 Milvia Street, 2nd Floor

Berkeley, CA 94704
P: [510-981-7411](tel:510-981-7411)
E: cjohnson@cityofberkeley.info

SUPPLEMENTAL ITEM 1ST RD
Agenda Item#3
ZAB 06-25-15
Page 7 of 24

From: Mary Rose Kaczorowski [<mailto:mrkaczorowski@gmail.com>]
Sent: Monday, June 22, 2015 12:40 PM
To: Planning Dept. Mailbox
Subject: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

Dear Carol Johnson, Zoning Officer, City of Berkeley

CC: Berkeley City Council Members & Mayor Of Berkeley

Issue:

OPHA LCC (Applicant) Demolition of 18 rent-controlled units at 2631-2637 Durant.

As a resident and voter in Berkeley I request for your consideration the following:

Please avoid demolitions by not allowing landholding for demolition. This encourages a dangerous form of speculative development.

Owners should not be rewarded for allowing buildings to fall into disrepair. Rent Controlled units as well as market rate units are to be maintained based on Health & Safety Standards outlined by law.

Rewarding property owners to avoid and ignore their responsibilities in maintain livable housing is unlawful, egregious and a bad precedent.

The loss of older, rent controlled or otherwise affordable housing must be mitigated by replacement with permanently affordable housing for Low or Very Low income renters.

Any pro-forma should be based on market rents for new construction and an initial ROI of 4% is an acceptable return.

Thank you,

Mary Rose Kaczorowski
PO Box 9153 Berkeley CA 94709
June 22, 2015

Mary Rose Kaczorowski

Connect with me on: <http://www.linkedin.com/in/mrk2008>

mrkaczorowski@gmail.com

[@mrk46](#)

" We are called to assist the Earth to heal her wounds and in the process heal our own - indeed to embrace the whole of creation in all its diversity, beauty and wonder. Recognizing that sustainable development, democracy and peace are indivisible is an idea whose time has come."-- Dr. Wangari Muta Maathai, 1 April 1940 - 25 September 2011

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Durant for Commissioners, June 25

From: Bill Bogert [<mailto:bill.bogert@gmail.com>]
Sent: Tuesday, June 23, 2015 3:59 PM
To: Zoning Adjustments Board (ZAB)
Subject: Durant for Commissioners, June 25

Dear Commissioners

The ZAB needs to take a closer look at this staff report. Nowhere does the applicant indicate *any commitment* to making the apartments they want to build affordable. Is it any coincidence that this developer swoops in and buys a dilapidated building instead of one that's still in good condition? Isn't it obvious that he would have assessed the damage that needs repair and worked that into the purchase price? Lets be realistic, the value of *the land alone* is what the guy was paying for, and he got it, with a bonus of an 18 unit building full of tenants! But instead of raking in his quarter of a million dollars every year (a pretty great return on \$1.4 million if you ask me), the developer has bigger ideas – he wants to be making *even more*, and to do that he needs to knock the place down, and build luxury apartments. If he triples the number of apartments, and doubles the price of the rent, now he's *really* raking it in, at \$2 million a year. It's a foolproof plan, and as long as ZAB is willing to greenlight these kinds of projects we'll be seeing them all over town.

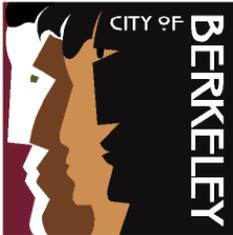
The staff report was written by the same planner who wrote the 1920 Tenth Street report, which has since been found to be inaccurate and a departure from Berkeley's practices, as the City Attorney said in his legal opinion which is part of this record.

ZAB needs to look at this report very carefully and consider whether the project has gotten the scrutiny this project deserves.

I stand with BTU in asking that ZAB hold over consideration of Durant because the scheduling of conflicting community meetings does not serve the public good.

I stand with BTU in asking that the Zoning Board not allow rent controlled units to be destroyed unless they are replaced with homes that will permanently rent to people making less than 50% of area median and be closely monitored for compliance by the city.

William Bogert
2022 Virginia St. #8

**Rent Stabilization Board**

June 23, 2015

To: Members of the Zoning Adjustments Board

From: Jay Kelekian, Executive Director, Berkeley Rent Stabilization Board

Subject: **2631 Durant Ave – Use Permit #2013-10000016**

On June 10, 2015, we wrote to you to explain that the 18 rental units located at 2631 Durant Avenue have been registered with the Rent Board and used as rental units continuously for well over forty years. We believe that these units are and should continue to be rent controlled units. Nothing in the May 28, 2015 letter from Miller Starr Regalia changes this determination.

On Friday, June 19, 2015, the Staff Report for 2631 Durant became available. The report recommends approval of a use permit to eliminate all 18 controlled rental units under BMC subsection 23C.08.030E.¹ After a review of the staff report, it is clear that this project merits additional scrutiny. Although the applicant indicates that they are willing to control the rents of 20 newly constructed units, the level of affordability and the rights of the tenants would be dramatically different from even that of nicely rehabilitated units.²

Over the years an increasing number of projects have sought to demolish rent controlled housing and replace it with newly constructed units. None of these projects has ever met the findings required under 23C.08.030E, because in each case, the property owner could make a fair return without demolishing the building. However, where the projects sought to substantially mitigate their effect on the stock of affordable rent controlled housing, the Rent Board has found (on a case-by-case basis) that the projects did not have any detrimental effect on the supply of rent controlled housing.

Because the project seeks to demolish rent controlled units and replace them with newly constructed apartments, 23C.08.030E calls for an analysis of whether or not the property owner can earn a fair return by maintaining the units as part of the rental market. My staff is well-suited to this task, because the Rent Board is constitutionally required to guarantee owners a fair return, and the methodology used by the Board has been upheld by the United States Supreme Court. We have regulations and procedures in

¹ 23C.08.030E, originally enacted as the Rent Removal Ordinance, is designed to prevent demolition of the city's rent-controlled housing stock by allowing demolition only where all three findings can be made. To paraphrase, the units must be vacant and not offered at a rent affordable by HUD Section 8 guidelines, the elimination of the unit must not adversely affect the supply of housing, and the applicant **must be unable to make a fair return on investment by renting out the unit instead of demolishing it.**

² All eight two-bedroom units at 2631 Durant were registered at \$1530/mo in 2014. Median rent for a comparable two-bedroom is \$2495/mo (per Planning staff's analysis. A newly constructed two-bedroom averaged \$3,434/mo in 2014, according to the 2015-2033 Berkeley Housing Element.

place governing this analysis, and can, if the ZAB is so inclined, conduct a careful analysis that more accurately represents the return on investment that can be expected for the property post-rehab.

As the Staff Report indicates, the applicant's projected revenues and costs present some contradictory assumptions. Rather than accept the applicants representation that the rents for the rehabilitated units (in 2016-17) will be the same as the 2014 rents of an unmaintained building, planning staff adjusted those rents upwards somewhat, and found that the return on investment that could be expected is 4.17%. For several reasons, this is an inaccurately low estimate.

To arrive at the new rents, Planning staff analyzed a selection of older properties in the immediate vicinity. However, Planning's rent revenue calculation fails to account for the actual number of two-bedroom and one-bedroom units at the property. As a result, the figure Planning staff arrived at is nearly \$100,000 less than the correct figure, which is either \$426,010 or \$440,387, depending on whether you use median or average rents. **Using the actual number of two bedroom units brings the return up to at least 6.39% per year. See attached spreadsheet for more detail.**

Second, the rehabilitated units will have new walls, new fixtures, and new finishes throughout; they won't rent for as much as new construction, but they should be more expensive than the median rent in older rent-controlled housing on Southside. Therefore, assuming that the units will rent for median 2015 rents is conservative, especially given how quickly the rental market has moved over the past few years. Thus, the 6.39% return generated by using the actual number of two-bedroom units still fails to account for the premium that tenants will pay for newly rehabbed units compared with older/non-rehabbed units.

Lastly, we must factor in the rate at which these units will turnover, and therefore be de-controlled and re-rented at market rates going forward. The average tenancy in this building over the past 10 years lasted 22 months, which means that the applicant could expect the property to turn over completely within three years. Rents are only controlled while the original tenant occupies the unit. Therefore, this rate of turnover (typical for the Southside area) supports an even higher rate of return on investment, because each vacancy will bring a substantial increase in the rent. Given the steadily increasing rents in Southside, **the return on investment should exceed 7% per year in the second year.**

None of the above analysis incorporates the applicant's troubling history of ignoring City instructions to secure his property in accordance with the Blight ordinance, nor the questionable decision to invite the Fire Department to conduct training exercises involving cutting holes in the roof last winter. These other factors should be considered when weighing the applicant's representations about the feasibility of rehabilitating the building.

The rental market has been strong in Berkeley for a very long time, especially in the Southside neighborhood. For that reason, in the thirty-two years since the demolition ordinance was enacted, *no project has ever demonstrated that it was necessary to demolish rental units in order to make a fair return.*³ The elimination of 18 units of affordable, fully protected, rent controlled housing is an

³ In a recent case, Planning staff's report adopted an applicant's position that they could not make a fair return, but when the methodology and data employed to reach this determination was examined, the finding was reversed. See 1920 Tenth Street. Both the assumptions underlying the applicant's numbers and the formulas used to generate a return on investment must be carefully considered before approving this project.

important decision, which should be made based upon sound analysis. If the ZAB were to find that this applicant could not make a fair return by rehabilitating the building, it would be an unprecedented finding, based upon questionable data. If you have any concerns about whether or not the applicant can make a fair return by rehabilitating the building, we welcome the opportunity to provide a more detailed analysis.

Name and Telephone Number of Contact Person:

Jay Kelekian, Executive Director (510) 981-4949

Rent Tracking System data on 2631 Durant

Source: OPHCA LLC's Vacancy Registration Forms

# of Bedrooms				rent	originally registered
209	0	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,134.01	5/31/1980
102	1	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,020.00	5/31/1980
103	1	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,020.00	5/31/1980
105	1	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,020.00	5/31/1980
107	1	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,037.34	5/31/1980
109	1	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 816.00	5/31/1980
202	1	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,020.00	5/31/1980
203	1	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,020.00	5/31/1980
205	1	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,020.00	5/31/1980
207	1	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,160.47	5/31/1980
101	2	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,530.00	5/31/1980
104	2	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,530.00	5/31/1980
106	2	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,530.00	5/31/1980
108	2	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,530.00	5/31/1980
201	2	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,530.00	5/31/1980
204	2	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,530.00	5/31/1980
206	2	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,530.00	5/31/1980
208	2	6/1/2014	OPHCA LLC C/O CLIFF ORLOFF	\$ 1,530.00	5/31/1980

Rent Revenue Model

	# of units	median rent for comparable units	total
studio	1	\$1,495	\$ 1,495
1BR	9	\$1,725	\$ 15,525
2BR	8	\$2,495	\$ 19,960
		annual revenue	\$ 443,760
		annual revenue with vacancy rate of 4%	\$ 426,010
			6.39%

		average rent for comparable units	total
studio	1	\$1,416	\$ 1,416
1BR	9	\$1,692	\$ 15,228
2BR	8	\$2,698	\$ 21,584
		annual revenue	\$ 458,736
		annual revenue with vacancy rate of 4%	\$ 440,387
			6.76%

Jacob, Melinda

Subject: FW: Fw: Fwd: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

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

From: clifforloff@yahoo.com <clifforloff@yahoo.com>

Date: Mon, Jun 22, 2015 at 8:01 PM

Subject: Fw: Fwd: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

To: "mrkaczorowski@gmail.com" <mrkaczorowski@gmail.com>

Cc: Elisa Mikiten <elisa@mikitenland.com>, Serena Orloff <serena.orloff@gmail.com>, OLGA ORLOFF <oshalygin@yahoo.com>, Cliff Orloff <clifforloff@yahoo.com>

Mary

As the managing member of OPHCA LLC, the owner of 2561-2637 Durant, I received your email below.

I was formerly a professor in GSPP (transportation policy was my specialty), where you went to graduate school. I was a colleague of Eugene Bardach, who you quote on your website. I would be happy to discuss with you the public policy issues related to the aging housing stock in Berkeley, because I believe from what you write that you will look at facts and consider other points of view. I am interested in hearing why you believe what you write below.

I believe the only way to decrease housing costs in Berkeley is to increase supply. The best way to do that is to replace buildings that have gone way past their useful lives with new, safe higher density buildings.

When our building was built in 1920, knob and tube wiring was probably state of the art - now it is dangerous. The former owner was an elderly woman who used the rental income to support her assisted living costs until we purchased the building in 2012 after she died. She reinvested almost zero in the building for the 30 years she owned it. We bought it precisely because it clearly needed to be torn down. Even rehabbing the building would require demolishing the building because nothing there is worth saving - even the walls had so much termite damage they were being held up by the stucco. Single pane windows and a non-functioning heating system created mold problems. The galvanized pipes, also state of the art in 1920, were so occluded that water dripped out of most faucets.

When the last lease I inherited when I purchased the building was over, and the last students moved out, I shut the building down and boarded it up, and filed for a demo permit - I refuse to be a slum lord - Berkeley has enough of these.

If you would like to discuss this further, please call me at my home in Berkeley, [510.540.9446](tel:510.540.9446) or email me. I hope you will reconsider, knowing the facts of this particular case, and support our project to provide safe and secure student housing next to campus that is ADA compliant and energy efficient.

Cliff Orloff

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To: "elisa@mikitenland.com" <elisa@mikitenland.com>
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fyi

Carol R. Johnson, AICP
Land Use Planning Manager
CITY OF BERKELEY
2120 Milvia Street, 2nd Floor
Berkeley, CA 94704
P: [510-981-7411](tel:510-981-7411)
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From: Mary Rose Kaczorowski [<mailto:mrkaczorowski@gmail.com>]
Sent: Monday, June 22, 2015 12:40 PM
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Subject: To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

Dear Carol Johnson, Zoning Officer, City of Berkeley

CC: Berkeley City Council Members & Mayor Of Berkeley

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As a resident and voter in Berkeley I request for your consideration the following:

Please avoid demolitions by not allowing landholding for demolition. This encourages a dangerous form of speculative development.

Owners should not be rewarded for allowing buildings to fall into disrepair. Rent Controlled units as well as market rate units are to be maintained based on Health & Safety Standards outlined by law.

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The loss of older, rent controlled or otherwise affordable housing must be mitigated by replacement with permanently affordable housing for Low or Very Low income renters.

Any pro-forma should be based on market rents for new construction and an initial ROI of 4% is an acceptable return.

Thank you,

Mary Rose Kaczorowski

PO Box 9153 Berkeley CA 94709

June 22, 2015

Mary Rose Kaczorowski

Connect with me on: <http://www.linkedin.com/in/mrk2008>

mrkaczorowski@gmail.com

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" We are called to assist the Earth to heal her wounds and in the process heal our own - indeed to embrace the whole of creation in all its diversity, beauty and wonder. Recognizing that sustainable development, democracy and peace are indivisible is an idea whose time has come."-- Dr. Wangari Muta Maathai, 1 April 1940 - 25 September 2011

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Are you going away? - Durent finally coming up to zoning June 25

From: Nicole E. Yeghiazarian [mailto:nyeghiazarian@berkeley.edu]
Sent: Tuesday, June 23, 2015 11:51 AM
To: Katherine
Subject: Re: Are you going away? - Durent finally coming up to zoning June 25

In regards to my tenancy at 2631 Durant Ave:

My name is Nicole Yeghiazarian and I am a UC Berkeley student. I am a student with invisible disabilities and finding housing in Berkeley has been my biggest struggle while here. I moved into 2631 Durant Ave, Apt 202 on June 1, 2013. My rent was \$1000 for a studio, which was cheaper than anything else in the area. With my disabilities, it is difficult for me to work enough to afford housing in Berkeley. While I was living in the studio, I had managed to keep a reasonable balance.

When I was signing my lease I was told that I was signing under the condition that I would move out on May 31, 2014. We were told that the building was going to be torn down and developed. They gave us more agreements to sign saying we would move out, I remember not signing one of them after finding out how grossly they were trying to manipulate us.

The building was kept in awful shape because they did not want us to stay. When I moved into my apartment, there was mold. The kitchen was filthy with food stains around the stove. I called the landlord about the mold and I'm pretty sure they just painted it over. They were done too quickly for it to be anything else. Other tenants I talked to had similar complaints of conditions inside and outside of their units being dilapidated. It really felt like they were doing the bare minimum to not be sued, but wanted to make our conditions unpleasant enough that we would move out.

Berkeley is in a housing crisis and students are particularly vulnerable and need protections from the City. Please keep this location affordable by requiring the owner to replace these rent controlled units with permanently affordable housing. It would be really great if such housing could be set aside for students like me. Owners should not be allowed to tear down buildings just because they let them fall apart. My unit could have been a beautiful living space if it was maintained rather than allowed to fall into ruin. I do not know any students who can afford their own room in Berkeley. Everyone I know is paying close to \$1000 a month to SHARE a room with someone.

I would like to stay in Berkeley and be a part of the community here. I do not know if that is possible with the way rents are increasing in Berkeley. It makes me feel like Berkeley does not want someone like me, a student with disabilities. Protecting affordable units for people like me is important for making Berkeley an equitable city.

On Tue, Jun 23, 2015 at 9:41 AM, Katherine <katherine@berkeleytenants.org> wrote:
If you could write a short something that would be SOOO helpful!

They need to have it by 5 PM today to get it in advance but you can send it up to Noon Thursday for them to get it at all.

Mail to ZAB@CityofBerkeley.info - please bcc me
mark re: June 25, IItem 3, 2631 Durant

I suggest you include one paragraph outlining your tenancy and emphasizing what you were told about the demolition / having to leave and that previous tenants were given a letter to sign but you were not.

WHY everyone moved

You should be truthful, of course, but what we are trying to show is that your vacancies were not exactly voluntary - you would not have moved or others would not have moved if you were not told about the demolition / encouraged to leave by the owner. I think you might say that you moved because of habitability issues, and while that also helps our case somewhat, it doesn't help as much as the idea that people were told they had to go.

That rent was lower than Market

Mentioning that you chose the spot because rent was lower than anyplace else in the area would be helpful too.

Then a request at the end for them to either replace these units with permanently affordable housing for lower income students OR rehabilitate the place and keep rent controlled units.

(Please do not suggest they keep rent control on the new building - the developer is suggesting that Because they know it's against state law.)

I don't remember all the facts of your situation, but it would go something like this:

I am a student from a <demographically sympathetic background>. I moved into UNIT at ADDRESS on DAY. MY rent was Y which was low for the area.

When I moved in I was told by X that Y <the building was going to be torn down so I would have to move out the following May>. I know other tenants were given a letter to sign some months before I moved in, but I was never asked to sign anything. <if true> THEN ANYTHING ABOUT FURTHER NOTICE OR REMINDERS <including letters, signs and conversations> THAT YOU SHOULD OR MUST MOVE as well as any comments about why others moved.

Berkeley is in a housing crisis and students are particularly vulnerable and need protections from the City. Please keep this location affordable by requiring the owner to replace these rent controlled units with permanently affordable housing. It would be really great if such housing could be set aside for students like me. Owners should not be allowed to tear down buildings just because they let them fall apart, and new buildings near campus have such astronomical rents that I know a lot of people who don't even have their own bedroom but must share a room with another student even though they pay \$1000 a month each. <or etc - something miserable and shocking; recently commissions were told by city staff that there is no doubling up going on>

On Sat, Jun 6, 2015 at 6:32 AM, Nicole Yeghiazarian <nyeghiazarian@berkeley.edu> wrote:

I'm still around. I would be happy to write a letter

> On Jun 5, 2015, at 11:34 PM, Katherine <katherine@berkeleytenants.org> wrote:

>

> I could use at least a letter from you. Are you available? I'd like to help write it but make sure it's all true!

>

> This is shaping up to be the make or break case for all of Berkeley and all these year of fighting demos.

Jacob, Melinda

Subject: FW: CORRECTed Version To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

From: Mary Rose Kaczorowski [<mailto:mrkaczorowski@gmail.com>]

Sent: Monday, June 22, 2015 12:57 PM

To: Planning Dept. Mailbox

Subject: Re: CORRECTed Version To Carol Johnson, Zoning Officer & The Zoning an Adjustments Board

On Mon, Jun 22, 2015 at 12:40 PM, Mary Rose Kaczorowski <mrkaczorowski@gmail.com> wrote:

Dear Carol Johnson, Zoning Officer, City of Berkeley

CC: Berkeley City Council Members & Mayor Of Berkeley

Issue:

OPHA LCC (Applicant) Demolition of 18 rent-controlled units at 2631-2637 Durant.

As a resident and voter in Berkeley I request for your consideration the following:

Please avoid demolitions by not allowing landholding for demolition. This encourages a dangerous form of speculative development.

Owners should not be rewarded for allowing buildings to fall into disrepair. Rent Controlled units as well as market rate units are to be maintained based on Health & Safety Standards outlined by law.

Rewarding property owners to avoid and ignore their responsibilities in maintaining livable housing is unlawful, egregious and a bad precedent.

The loss of older, rent controlled or otherwise affordable housing must be mitigated by replacement with permanently affordable housing for Low or Very Low income renters.

Any pro-forma should be based on market rents for new construction and an initial ROI of 4% is an acceptable return.

Thank you,
Mary Rose Kaczorowski
PO Box 9153 Berkeley CA 94709
June 22, 2015

Mary Rose Kaczorowski

Connect with me on: <http://www.linkedin.com/in/mrk2008>
mrkaczorowski@gmail.com
[@mrk46](#)

" We are called to assist the Earth to heal her wounds and in the process heal our own - indeed to embrace the whole of creation in all its diversity, beauty and wonder. Recognizing that sustainable development, democracy and peace are indivisible is an idea whose time has come."-- Dr. Wangari Muta Maathai, 1 April 1940 - 25 September 2011

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 6/25: 2631 Durant demolition of rent control units without replacement

From: Tree Fitzpatrick [<mailto:tree.fitzpatrick@gmail.com>]
Sent: Monday, June 22, 2015 10:29 PM
To: Zoning Adjustments Board (ZAB)
Subject: 6/25: 2631 Durant demolition of rent control units without replacement

1) The staff report and corresponding opinion by the City Attorney for 2631 Durant say that the requirement under BMC 23C.080 that any rent controlled unit be replaced with permanently affordable housing does not apply to demolitions at all, ever.

This is an outrageous misinterpretation of the law. I beg ZAB not to endorse this travesty of justice for rent control units in Berkeley.

2) The staff report also says that a 4.17% return on investment in the initial year is not enough profit to be called a "fair return" for the developer. In addition, that 4% estimate is based on a pro-forma using market rent ceilings for older, rent controlled units in the area (studio = \$1495) while the Housing Element shows that market rents in new buildings are much higher (studio = \$2,239).

This is an outrageous assessment. Staff related to zoning and development disgrace this city with its overt bias in favor of development.

There is one other disturbing fact in this case – the developer argues that the building is infeasible to repair but the staff report shows *they invited the Berkeley Fire Department to conduct exercises in the building, including cutting holes in the roof!!* Additionally, the developer has been aware of termites since they bought the building several years ago, but has allowed their damage to go unchecked, *and* the developer left the building open, so damage was also caused by squatters, despite multiple notices from Code Enforcement. **To grant this project as requested is to condone demolition by neglect.**

Sincerely,

