

Supreme Court Case No. S273160

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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SAVE BERKELEY'S NEIGHBORHOODS  
*Respondent and Cross-Appellant*

v.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, et al.,  
*Appellants and Cross-Respondents*

AMERICAN CAMPUS COMMUNITIES; COLLEGIATE  
HOUSING FOUNDATION, ET AL.,  
*Real Parties in Interest*

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After Order by the Court of Appeal First Appellate District, Division One  
(Case No. A163810) On Appeal from the Superior Court for the State of  
California, County of Alameda, Case No. RG19022887 (Related Case Nos.  
RG18902751, RG19023058), Hon. Brad Seligman, Dept. 23, Telephone  
(510) 267-6939

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**DECLARATION OF THOMAS N. LIPPE  
IN SUPPORT OF ANSWER TO PETITION FOR REVIEW**

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THOMAS N. LIPPE (Bar No.104640)  
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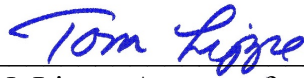
I, Thomas N. Lippe, declare:

1. I am an attorney at law duly admitted and licensed to practice before all courts of this State. I am attorney of record for Respondent and Cross-Appellant Save Berkeley's Neighborhoods ("SBN") in this case.
2. I have personal knowledge of all facts contained in this Declaration, and if called upon to do so could, would, and hereby do testify competently that those facts are true and correct.
3. Attached hereto as Exhibit 1 is a comment letter authored by acoustical engineer Derek Watrey that I timely submitted to UC Berkeley regarding the Final Environmental Impact Report issued by UC Berkeley in 2021 for its Long Range Development Plan and Housing Projects #1 and #2. This document is part of UC Berkeley's official record of proceedings leading to certification of the Final Environmental Impact Report for the Long Range Development Plan and Housing Projects #1 and #2 and to approval of said project.
4. Attached hereto as Exhibit 2 is a true and correct copy of a comment letter authored by Phillip Bokovoy, SBN's president, that I timely submitted to UC Berkeley regarding the Final Environmental Impact Report issued by UC Berkeley in 2021 for its Long Range Development Plan and Housing Projects #1 and #2. This document is part of UC Berkeley's official record of proceedings leading to certification of the Final Environmental Impact Report for the Long Range Development Plan and Housing Projects #1 and #2 and to approval of said project.
5. Attached hereto as Exhibits 3 is a true and correct copy of page 5-35 of the Final Environmental Impact Reports issued by UC Berkeley in 2021 for its Long Range Development Plan and Housing Projects #1 and #2.
6. Attached hereto as Exhibit 4 is a true and correct copy of page 5.12-

19 of the Draft Environmental Impact Reports issued by UC Berkeley in 2021 for its Long Range Development Plan and Housing Projects #1 and #2.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Notice of Preparation for the Upper Hearst Goldman School of Public Policy Environmental Impact Report as it appears in the record of proceedings lodged with the trial court in this case as AR 50-58 and which is part of the record on appeal in this appeal.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct of my personal knowledge. Executed on February 17, 2022, in El Cerrito, California.



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Thomas N. Lippe, Attorney for Respondent and Cross-Appellant  
Save Berkeley's Neighborhoods

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# EXHIBIT 1





WI #21-101

24 September 2021

Thomas Lippe  
Law Offices of Thomas N. Lippe  
201 Mission Street, 12<sup>th</sup> Floor  
San Francisco, CA 94105

**SUBJECT: UC Berkeley 2021 Long Range Development Plan and Housing Projects #1 and #2  
Review of Noise Analysis**

Dear Mr. Lippe,

As requested, Wilson Ihrig has reviewed the DEIR and FEIR for U. C. Berkeley's *Long Range Development Plan and Housing Projects #1 and #2*, specifically as they pertain to Housing Project #2.<sup>1</sup> This letter reports our comments and findings on the adequacy of these documents to address a major noise concern for U. C. Berkeley's neighbors: noise produced by students, often while intoxicated, at residences in and on the streets of Berkeley.

Wilson Ihrig, Acoustical Consultants, has practiced exclusively in the field of acoustics since 1966. During our 46 years of operation, we have prepared hundreds of noise studies for Environmental Impact Reports and Statements. We have one of the largest technical laboratories in the acoustical consulting industry. We also utilize industry-standard acoustical programs such as Environmental Noise Model (ENM), Traffic Noise Model (TNM), SoundPLAN, and CADNA. In short, we are well qualified to prepare environmental noise studies and review studies prepared by others. I myself have worked at Wilson Ihrig since 1992, shortly after receiving a Master of Science degree in Mechanical Engineering from U. C. Berkeley.

## **1 Adverse Effects of Noise<sup>2</sup>**

Although the health effects of noise are not taken as seriously in the United States as they are in other countries, they are real and, in many parts of the country, pervasive.

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<sup>1</sup> State Clearinghouse Number: 2020040078, July 2021.

<sup>2</sup> More information on these and other adverse effects of noise may be found in *Guidelines for Community Noise*, eds B Berglund, T Lindvall, and D Schwela, World Health Organization, Geneva, Switzerland, 1999.

**Noise-Induced Hearing Loss.** If a person is repeatedly exposed to loud noises, he or she may experience noise-induced hearing impairment or loss. In the United States, both the Occupational Health and Safety Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) promote standards and regulations to protect the hearing of people exposed to high levels of industrial noise.

**Speech Interference.** Another common problem associated with noise is speech interference. In addition to the obvious issues that may arise from misunderstandings, speech interference also leads to problems with concentration fatigue, irritation, decreased working capacity, and automatic stress reactions. For complete speech intelligibility, the sound level of the speech should be 15 to 18 dBA higher than the background noise. Typical indoor speech levels are 45 to 50 dBA at 1 meter, so any noise above 30 dBA begins to interfere with speech intelligibility. The common reaction to higher background noise levels is to raise one's voice. If this is required persistently for long periods of time, stress reactions and irritation will likely result. The problems and irritation that are associated with speech disturbance have become more pronounced during the COVID-19 pandemic because many people find themselves and the people they live with trying to work and learn simultaneously in spaces that were not designed for speech privacy.

**Sleep Disturbance.** Noise can disturb sleep by making it more difficult to fall asleep, by waking someone after they are asleep, or by altering their sleep stage, e.g., reducing the amount of rapid eye movement (REM) sleep. Noise exposure for people who are sleeping has also been linked to increased blood pressure, increased heart rate, increase in body movements, and other physiological effects. Not surprisingly, people whose sleep is disturbed by noise often experience secondary effects such as increased fatigue, depressed mood, and decreased work performance.

**Cardiovascular and Physiological Effects.** Human's bodily reactions to noise are rooted in the "fight or flight" response that evolved when many noises signaled imminent danger. These include increased blood pressure, elevated heart rate, and vasoconstriction. Prolonged exposure to acute noises can result in permanent effects such as hypertension and heart disease.

**Impaired Cognitive Performance.** Studies have established that noise exposure impairs people's abilities to perform complex tasks (tasks that require attention to detail or analytical processes) and it makes reading, paying attention, solving problems, and memorizing more difficult. This is why there are standards for classrooms background noise levels and why office and libraries are designed to provide quiet work environments. While sheltering-in-place during the COVID-19 pandemic, many people are finding working and learning more difficult because their home environment is not as quiet as their office or school was.

## 2 The DEIR and FEIR Neglect to Analyze Student-Generated Noise

The subject project, Housing Project #2 accommodating 1,179 students, is one of many that U. C. Berkeley has or is planning to build to house an increase in student, faculty, and staff population of

12,071 people by the end of the Long-Range Development Plan (LRDP) build-out (2036-2037). [DEIR at p. 3-33, Table 3-5, and p. 5.12-19, Table 5.12-9.] This is a 22% increase over the baseline U. C. Berkeley population of 55,129. [DEIR at p. 5.12-19, Table 5.12-9]

With people comes noise. That is why cities enact regulations in their municipal codes to limit noise – to control the noise generated by people. Not animals, not weather – people. As cited in the DEIR, the City of Berkeley’s regulations are in Section 13.40.050, Exterior Noise Standards, of the municipal code.

Of the 12,071 increase in population, 5,068 will be Undergraduate Students. For some – not all – part of the rite of passage of undergraduate college years is partying. This American phenomenon is so widespread that it was the subject of the perpetually popular 1978 film *National Lampoon's Animal House*. Ludicrously, the FEIR for the LRDP dismisses the notion that with more student comes more partying and more noise. In response to a comment about student noise by the Southside Neighborhood Consortium (SNC) – neighbors of the Clark Kerr Campus, people who have personally suffered from the noise and other ill-effects of U. C. Berkeley students – the FEIR stated “it is speculative to assume that an addition of students would generate substantial late night noise simply because they are students.” [FEIR at p. 5-387] The person who wrote that sentence clearly does not understand inferential statistics. While it would be speculative to assume that a particular student would generate substantial noise, it is not speculative to assume that some in a large population of students will generate substantial noise. The latter, quite frankly, is the basis of actuarial tables that serve as the foundation of the entire insurance industry. Will a particular driver have an accident? Hard to say. Will some in a large population of drivers have accidents? Absolutely, without question. Will a particular student get drunk and make a lot of noise? Hard to say. Will some in a large population of students get drunk and make a lot of noise? Absolutely, without question.

Both U. C. Berkeley’s files and the record in the FEIR contain evidence of neighbors who have gone to great lengths to attempt to quell the ill-effects of student noise in the past and to express concern about it in the future. Public comments in 2019 on the EIR for an update to the previous U. C. Berkeley Long Range Development Plan raised similar concerns about noise from student parties and late-night student pedestrians:

- In a letter to U. C. Berkeley dated April 12, 2019, the SNC wrote “Students living off-campus in groups have been found to have adverse, significant impacts on residential neighborhoods with increases in noise, late-night traffic, and improper refuse disposal, leading to special legislation adopted by the Berkeley City Council to address these problems.” In a footnote, the letter adds that “many public hearings on ordinances . . . to toughen up penalties for loud noisy parties were held by the City of Berkeley City Council and Planning Commission between 2010 and 2019” and “The records of these hearings contain testimony from more than one hundred residents of the area around the campus of the negative impacts of the enormous increase in students living in the campus surroundings at Berkeley.”<sup>3</sup>

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<sup>3</sup> See attached letter from Southside Neighborhood Consortium to Raphael Breines, Senior Planner, UC Berkeley, April 12, 2019.

- In an email to the Planning Department at U. C. Berkeley dated April 11, 2019, Joan King-Angell wrote “It is most disingenuous of you to say that the increase in numbers of students at Cal has no effect on the surrounding neighborhood. The . . . increase in noise from student groups . . . are only a few of the changes I have seen [over 27 years].”<sup>4</sup>
- In a letter to U. C. Berkeley Planning dated April 12, 2019, Gale Garcia wrote that students living off-campus “. . . frequently generate extreme party noise, often into the wee hours of the morning. Because there has been no increase in police officers in Berkeley, calling the police when one is kept awake by party noise is often useless, as they are too busy to go to each screaming party.”<sup>5</sup>

The record for the subject project likewise contains comments about the adverse noise effects of student parties and partyers:

- In Comment B4-20 of the FEIR, SNC asks, “Have the negative noise impacts of late-night pedestrian movements between the City Environs and student housing been identified and studied? UCB is aware of such impacts arising from its nonconforming use of the Clark Kerr Campus almost exclusively for undergraduate housing. Would housing at Housing Site #2 also generate similar noise impacts from late-night pedestrian movements?” [FEIR at p. 5-382]
  - The response to this comment states that “noise generated by pedestrians is not germane to the environmental evaluation”. First, why not? Housing Project #2 will bring HVAC units to the area, and the noise from those is analyzed. Housing Project #2 will also bring 1,179 people to the area – the noise from these people should likewise be analyzed. The disingenuousness of this response is belied by the fact that the DEIR does analyze the noise from speech in the open space associated with Housing Project #2. [FEIR at p. 5.11-41] It is inconsistent that the DEIR consider typical conversation noise levels but not yelling noise levels (which U. C. Berkeley knows very well are problematic).
  - The response goes on to say, “. . . the comment [does not] raise a new environmental issue”, which, clearly, it does.
- In Comment B4-28 of the FEIR, SNC notes, “UCB proposes to triple the number of undergraduates living at the Clark Kerr Campus but does not study the noise impacts on surrounding residential neighborhoods even though UCB is aware of the late-night noise impacts generated by the present undergraduates living at this location . . .” [FEIR at p. 5-388; emphasis added]
  - The response to this comment states, “. . . it is speculative to assume that an addition of students would generate substantial late-night noise impacts simply because they are students.” As discussed above, this response is either cynical or simply misguided.

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<sup>4</sup> See attached email from Joan King-Angell to planning@berkeley.edu, April 11, 2019.

<sup>5</sup> See attached letter from Gale Garcia to Raphael Breines, Senior Planner, UC Berkeley, April 12, 2019.

- The fault in this response is belied by other statements in the response itself. The response notes that “. . . the Advisory Council on Student-Neighbor Relations (SNAC) is dedicated to improving the quality of life in the neighborhoods adjacent to UC Berkeley properties. Initiatives such as Happy Neighbors and the CalGreeks Alcohol Taskforce . . . engage and serve students and neighbors. Noise reduction initiatives focus on but are not limited to parties, sports, and rental spaces.” These statements provide unequivocal evidence that the preparers of the DEIR understand that noise from parties has the potential to cause a significant noise impact in the surrounding neighborhoods, yet the DEIR repeatedly failed to acknowledge that, let alone analyze it and disclose the results.
- In Comment B4-41 of the FEIR, SNC states, “There is also significant noise, usually late at night, of large groups of students coming and going from parties and other social events. These have severe negative impacts, both in and out of student housing. PartySafe@Cal has collected this information via survey over many years and has found that a high percentage of students have been disturbed by high noise levels. In addition, Happy Neighbors did several surveys and found that noise levels around the Clark Kerr Campus were significant.” [FEIR at p. 5-395]
  - PartySafe@Cal and Happy Neighbors are both initiatives that included U. C. Berkeley’s participation. The very existence of these initiatives provides evidence that the university is aware of noise issues caused by students.

These comments in the record and others like them substantiate that student-generated noise is a real issue, one that should have been examined in the LRDP EIR but was not.

In conclusion, I believe that it is self-evident based on common knowledge and experience that given a large population of undergraduate students, some will engage in partying with alcohol and make noise. Figure 1 indicates how some Cal students reacted to the City of Berkeley’s Quiet Hours campaign.<sup>6</sup> If the population gets bigger, the propensity for noise gets bigger. The evidence presented above establishes that U. C. Berkeley is well-aware of the noise (and other) problems associated with its student population, and Housing Project #2 will concentrate 1,179 undergraduate students in the area surrounding People’s Park. Given these key factors, it is disingenuous of the university to assert in the EIR documents that it need not analyze and assess student noise – particularly noise from intoxicated students – as they have neglected to do.

### 3 Outline of Student Noise Analysis

As noted, the draft EIR fails to provide any meaningful assessment of student party and pedestrian noise, even after public comments brought this legitimate noise issue to their attention. The EIR fails to assess, even qualitatively, the significance of these noise sources. Instead, the EIR dismisses their potential significance by arguing that the noise is “speculative” and “not germane to environmental evaluation.” The EIR then inconsistently relies on the unsubstantiated assumption that existing

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<sup>6</sup> Since the person who marked up the sign identifies the residents of 2534 Piedmont as “future doctors, lawyers, and politicians”, I think it reasonable to assert that they are currently students.

measures (e.g., Happy Neighbors, CalGreeks Alcohol Taskforce) would render this noise impact less than significant, even though these measures are not mandated as mitigation and the EIR presents no evidence that these measures have been or could be effective. To the contrary, comments by local residents substantiate that they are not effective.<sup>7</sup> Finally, none of the “Continuing Best Practices” identified as mitigation for stationary noise impacts and listed in EIR Appendix B relate to pedestrian and party noise – they relate only to construction and mechanical noise.

Following, I outline the analysis that should have been done for this project.

Housing Project #2 would accommodate 1,179 undergraduate students. [DEIR at p. 3-33, Table 3-5]. It will also house eight (8) staff members. Presumably, one of the roles of the resident staff members will be to enforce U. C. Berkeley’s Residential Code of Conduct which include the following policies:

**A1. Alcohol**

A. Possession, consumption, distribution, or being in the presence of alcohol by residents under the age of 21 is prohibited. This includes all other use of alcohol in violation of state law or University policy.

B. Consumption of alcohol by residents who are 21 or older is permitted only in the resident’s assigned room, and with the provision that the door is closed and no individuals under the age of 21 are present. All other use of alcohol in violation of state law or University policy is prohibited.

C. Bulk quantities (12 or more standard servings), common containers, and the manufacturing of alcohol as well as games and/or devices used or intended for the rapid consumption of alcohol are prohibited.

D. Violating any other policy while under the influence of alcohol is prohibited.

**A11. Noise**

A. Disrupting quiet hours, defined as the time between 11pm and 8am Sunday-Thursday and 1am and 10am Friday-Saturday, with unreasonable noise is prohibited in all residential facilities, courtyards and surrounding areas. Unreasonable noise is any noise that disrupts or potentially disrupts the lives of residents or neighboring community members.

B. Disrupting Courtesy Hours, which are in effect 24 hours, 7 days a week, and which can be broken by any unreasonable noise that disrupts or potentially disrupts the sleep or studying of other students at any time is prohibited.

C. Use of amplified sound, which may include subwoofers and musical instruments, in outdoor areas without permission of a Residential staff member is prohibited.

Given these two policies and their presumptive enforcement, those students who live in Housing Project #2 who do want the quintessential undergraduate partying experience will go elsewhere –

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<sup>7</sup> See attached letter from Phillip Bokovoy to Derek Watry, Wilson Ihrig, dated September 22, 2021.



foreseeably to non-UCB-controlled residences of other students, many of which are in the Southside neighborhood of Berkeley. In 2007, residents of this area and others compelled the City of Berkeley to enact the so-called Second Response Ordinance (SRO) to deal with problems associated with unruly parties. Berkley Municipal Code 13.48, *Civil Penalties for Multiple Responses to Loud or Unruly Parties, Gatherings or Other Similar Events*, was amended in that year to include the following finding:

A. Due to inadequate supervision, some large gatherings of people, such as parties, frequently become loud and unruly to the point that they constitute a threat to the peace, health, safety, or general welfare of the public as a result of conduct such as one or more of the following: excessive noise, excessive traffic, obstruction of public streets or crowds who have spilled over into public streets, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, and litter. [B.M.C. 13.48.010, emphasis added]

Some of the non-UCB-controlled housing in the Southside and surrounding neighborhoods has so many occupants and created so many problems, including noise, that they were given a name: mini-dorms. The City of Berkeley enacted Chapter 13.42, *Operating Standards for Mini-Dorms and Group Living Accommodations*, to address the problems. This code includes the following findings:

C. Because of the number of residents in such buildings and, in many cases, the lack of on-site managers, such buildings tend to impair the quiet enjoyment of the surrounding neighborhoods by creating trash and litter, creating excess parking demand, and being the location of numerous loud and unruly parties.

D. It is often the case that the loud and unruly parties involve the consumption of large amounts of alcoholic beverages, which often are consumed by individuals under the age of 21 who either reside in such buildings or attend such parties. Consumption of alcohol by minors is harmful to the minors and consumption of large amounts of alcohol by individuals of all ages at these gatherings contributes to the nuisance conditions affecting the surrounding neighborhood. [B.M.C. 13.42.010, emphasis added]

Phillip Bokovoy, President of Save Berkeley's Neighborhood, has related to me that mini-dorms and other residences that the Second Response Ordinance pertains to, i.e., residences that repeatedly have loud and unruly parties, are prevalent in the Southside neighborhood, within easy walking distance for Housing Project #2 residents.<sup>8</sup>

Both City of Berkeley and U. C. Berkeley records provide ample evidence that loud and unruly parties are already a major problem in the Southside area. Housing Project #2 will add a substantial number of new partyers. As those drunk partyers return home, some are likely to become belligerent and yell. Again, this is self-evident by common knowledge and experience. Will such yelling violate the LRDP/HP1/HP2 EIR thresholds of significance?

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<sup>8</sup> Ibid

Following are the decibel levels of the average male voice at different levels of vocal effort: <sup>9,10</sup>

Vocal Effort	Long-Term Average A-weighted Sound Level (dBA)
Maximum	88
Shout	82
Very loud	74
Raised	65
Normal	57

Sound levels at 1 m (3.28 ft)

As established in the DEIR at page 5.11-13, the Exterior Noise Limits for R-1, R-2, R-1A, R-2A, and ESR zoning districts during the nighttime hours (10:00 p.m. to 7:00 a.m.) are as follows:

Exterior Noise Limits (Residential districts, 10:00 p.m. to 7:00 p.m.)					
Cumulative Minutes per Hour	30 minutes	15 minutes	5 minutes	1 minute	Maximum
Noise Level Limit	45 dBA	50 dBA	55 dBA	60 dBA	65 dBA

Berkeley Municipal Code, Section 13.40.050, Exterior Noise Standards

These applicability of these standards, which were adopted by the DEIR as the threshold of significance for stationary noise sources (though applicable to persons anywhere in the City of Berkeley), are determined by the receiving property and, technically, apply at the property line.

A representative block with single-family homes that drunken students would likely walk down from time to time is Etna Street. Assuming the students are on the sidewalk, the property line would only be a couple feet away. However, for this analysis, I use the typical distance between the center of the sidewalk and the front façade of the residence: 22 feet.<sup>11</sup> At 22 feet,

- One person yelling at maximum effort would generate a noise level of 71 dBA

<sup>9</sup> Harris, Cyril M., ed., *Handbook of Noise Control*, Second Edition, McGraw Hill, 1979, p. 14-2.

<sup>10</sup> Although undergraduate women are capable of drinking alcohol to excess and yelling, I think it is reasonable to assert that the vast majority of loud and unruly drunk college students are male.

<sup>11</sup> Noise-sensitive receptors in the area immediately surrounding the project site have similar setback distances from the sidewalk. These include residences across Dwight Way from People's Park, and single-family residences on Regent, Hillegass, and Parker Streets.



- Two people shouting would generate a noise level of 68 dBA
- Seven people speaking very loudly would generate a noise level of 66 dBA

All of these noise levels exceed the maximum allowable nighttime noise level.

Furthermore, there are many other plausible scenarios in which one of the other exterior noise limits would be exceeded at a distance of 22 feet,

- One person shouting (65 dBA) for more than 1 minute would exceed the 1-minute standard
- One person speaking loudly (57 dBA) for more than 5 minutes would exceed the 5-minute standard
- Two people speaking with raised voices (51 dBA) for more than 15 minutes would exceed the 15-minute standard

As there is no practical or feasible mitigation that can be applied to students walking down the street, any of these scenarios would constitute a significant and unavoidable impact.<sup>12</sup>

As to the rise in the number of unruly house parties, U. C. Berkeley currently provides 8,722 undergraduate beds in the EIR Study Area. This will increase by 9,008 beds, an increase of 103%. [DEIR at p. 3-33, Table 3-5; DEIR at p. 5.12-19, Table 5.12-9] Presuming that the percentage of new students who will party and make noise is the same as that of the existing student body – an eminently reasonable presumption – this portends a 103% increase in unruly parties. Housing Project #2 will contribute considerably to this increased concentration of undergraduates living in the area. Its 1,179 student residents will constitute 14% of the total increase.

Large social gatherings and parties, particularly those involving intoxicated participants, already generate noise in excess of the City of Berkeley Exterior Noise Standards. Use of amplified music outdoors or with open windows would, by itself, frequently exceed the Exterior Noise Standards in adjacent properties. However, even without amplified music, conversation alone may exceed these standards. For example, if there were 20 people present, split equally between men and women, and half of the people were speaking with raised vocal efforts because they are outside, the noise level 20 ft away in a neighbor's yard would be 57 dBA, which would exceed Berkeley's standards if it persisted for more than five minutes. At a festive party, the number of people speaking loudly would inevitably increase due to the "cocktail party effect". This phenomenon – familiar to anyone who has ever been at a large gathering or in a bar – is rooted in both game theory and signal processing. The signal processing element is that someone must speak about 10 dB louder than the background noise level to be understood. The game theory element is that disparate actors in a party or bar situation find it virtually impossible to "agree" to limit their vocal efforts so that everyone is speaking at a level that is exactly 10 dB above the background noise level.

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<sup>12</sup> Although efforts have been made in the past years to limit party noise by SNAC, Happy Neighbors, CalGreeks Alcohol Task Force, the Berkeley Police Department, and others, as evidenced by ongoing complaints about party noise, these have been largely unsuccessful (see attached letter from Phillip Bokovoy). Because they have not been successful in the past, they may not be adopted as mitigation measures in the future.

Inevitably, someone speaks 11 or 12 dB louder to be better understood. This essentially forces others to increase their vocal efforts accordingly, leading to an upward spiral of the noise level that ends only when people reach the point when they have to yell to be heard (usually at the point of poor speech intelligibility). In this scenario, it is reasonable to assume that of the 20 people, a few would be speaking with a raised vocal effort and most would be speaking with a loud voice. This would result in a sound level of 65 dBA in the neighbor's yard, Berkeley's maximum standard and well above the other time-based standards. Finally, consider every neighbor's worst-case scenario: the boisterous party which is a lot like the festive party, except that one male starts shouting. This one person can cause the noise level in the neighbor's yard to elevate to 72 dBA, well above the level that would constitute a significant noise impact.

Again, as neither U. C. Berkeley nor the Berkeley Police Department have heretofore developed an effective program or means to abate party noise, this foreseeable increase in loud and unruly house parties, enabled in considerable part by Housing Project #2, constitutes a significant and unavoidable impact on the neighboring communities.

## 4 Conclusions

The DEIR neglected to consider the partying noise that will be fostered by Housing Project #2 and other U. C. Berkeley housing projects, and the FEIR failed to remedy that fault. In this letter, I have provided an analysis that demonstrates that loud pedestrians exceed Berkeley's Exterior Noise Standards – and, therefore, exceed the EIR's threshold of significance. When it comes to house parties, with or without amplified music, noise levels that far exceed the Exterior Noise Standards are not only plausible, but probable. Given that the concentration of undergraduates living around the campus is disclosed in the LRDP EIR to increase 103% over the life of the project, the number of unruly and loud parties may be expected to increase similarly. Therefore, had party and partyer noise been analyzed, the conclusion would have been that noise inevitably produced by some of the influx of undergraduate students would constitute a significant impact.

Culture is difficult to change. For many college students, the desire to have the quintessential college experience so-often depicted in movies and on television coupled with the freedom of being away from parents for the first time, entices them to experience partying with alcohol and drugs. Despite concerted efforts on the part of neighborhood associations, U. C. Berkeley, and the City of Berkeley to curb loud and unruly parties around campus and groups of intoxicated partiers that walk home loudly late at night, it's clear from the countless call to the Berkeley Police Department, letters and emails written to U. C. Berkeley, community activism that prompted the City of Berkeley to enact the Second Response Ordinance and the Operating Standards for Mini-Dorms, and comments submitted on the subject EIR for the LRDP and Housing Projects, that party noise is a persistent problem.

There is no feasible physical mitigation for blocking noise from pedestrians or from one house to another, so since the legal and procedural efforts have proven ineffective, the significant impact of party and partyer noise is unavoidable.

With people comes noise. The only practical means to avoid an increase in noise from parties and partiers is to not add more partiers to the area. If House Project #2 is approved, the attendant noise produced by its residents should be disclosed as significant and unavoidable.

Please feel free to contact me with any questions on this information.

Very truly yours,

WILSON IHRIG

Derek L. Watry  
Principal

uch-lrdp-h2\_eir\_comments-on-noise\_dwetry.docx

Enclosures

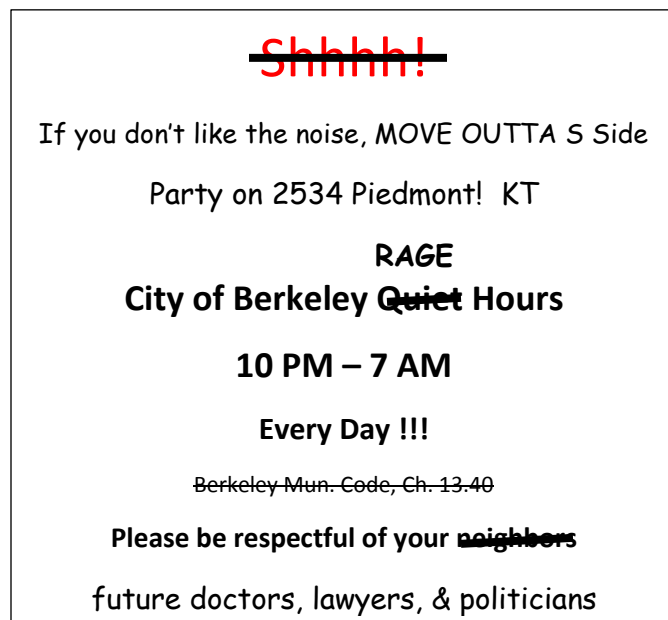
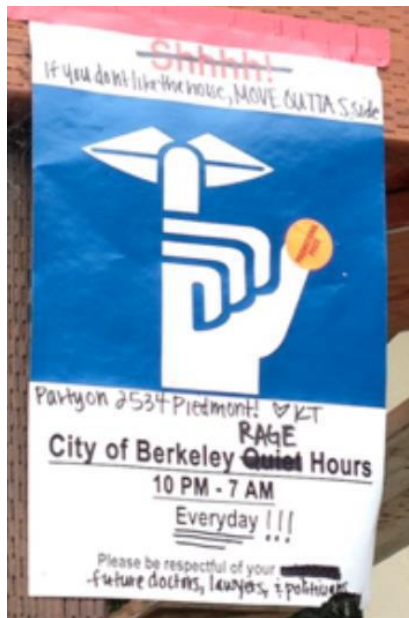
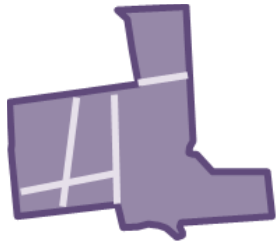


Figure 1 Vandalized “Berkeley Quiet Hours” sign and modifications to text

Attachments to Derek Watry's September  
24, 2021 letter to Thomas Lippe

Comments on the SEIR for the Upper Hearst  
Development for the Goldman School of  
Public Policy and Minor Amendment to the  
2020 LRDP regarding noise impacts



## **SOUTHSIDE NEIGHBORHOOD CONSORTIUM**

April 12, 2019

Raphael Breines  
Senior Planner Physical & Environmental Planning  
University of California, Berkeley  
300 A&E Building  
Berkeley, CA 94720-1382

Re: Comments on Draft Supplemental EIR for Upper Hearst Development Plan for Goldman School of Public Policy (GSPP) and Minor Amendment to the 2020 Long Range Development Plan (2020 LRDP)

Dear Mr. Breines:

The Southside Neighborhood Consortium (SNC) is a consortium of neighborhood associations and it speaks on behalf of over 1,000 of its constituent association's members. SNC has reviewed the Draft Supplemental EIR for Upper Hearst Development Plan for Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan (Draft SEIR) prepared by the University of California, Berkeley (UCB) and has prepared the following comments.

The Project description is uncertain because while the NOP directly asserts the increase in student enrollment above the 1,650 increase projected in 2005 is part of the "project," the Draft SEIR equivocates on this commitment. Instead, the Draft SEIR has artfully included the increase in student enrollment above the 1,650 increase projected in 2005 in the "baseline" or "environmental setting" rather than in the "project description." As a result, the reader is left guessing as to whether the Draft SEIR actually evaluates the environmental impacts of increases in student enrollment above the 1,650 increase projected in 2005.

### **1.1 Project Summary** (page 2 of the Draft SEIR)

**SNC Comment 1.1-1:** The Project Summary is highly misleading to the general public and is materially deficient by not completely quantifying the scope of the Project. The August 15, 2018 NOP says "The

increase in current and foreseeable campus population levels above those analyzed in the 2020 LRDP EIR would result in new or substantially more severe significant impacts than identified in the 2020 LRDP EIR.

## **6.2. Air Quality** (page 582 of the Draft SEIR)

**SNC Comment 6.6-1:** *Page 63. Approach to Campus Headcount Baseline Update.* UC limits its evaluation to whether any physical development is required on campus to accommodate the change in campus headcount. However, this approach understates potential impacts associated with the physical development required to accommodate this change in headcount outside the campus, primarily within the City of Berkeley and other nearby communities since no additional housing beyond what was set forth in the 2020 LRDP is proposed in this action. UCB has selected a significance threshold that does not capture the true significance of the impacts.

## **6.7. Greenhouse Gas Emission** (page 102 of the Draft SEIR)

**SNC Comment 6.7-1:** *Page 107.* The Draft SEIR fails to address potential increases in greenhouse gas emissions caused by the greater commuting burdens placed on low-income Berkeley residents who may be displaced by students seeking housing in greater numbers due to the proposed increase in student population.

**SNC Comment 6.7-2:** Greenhouse gas emission reductions cannot be used to 'offset' other environmental impacts.

## **6.9. Hydrology and Water Quality** (page 123 of the Draft SEIR)

**SNC Comment 6.9-1:** *Page 126.* The Draft SEIR fails to address the potential increased burden on the City of Berkeley's stormwater system. If UCB were to mitigate the adverse impacts on the local housing market by constructing new housing on campus, it would increase the impervious surfaces on campus and increase runoff into the City's stormwater system. UCB's analysis is deficient by its definition of the affected environment and selective threshold of significance.

## **6.11. Noise** (page 139 of the Draft SEIR)

**SNC Comment 6.11-1:** *Page 143. Approach to Campus Headcount Baseline Update.* The Draft SEIR noise section evaluates only the noise impacts on the community and students from construction and operation of the Goldman School from construction activities and increases in traffic. However, this approach understates potential noise impacts associated with the proposed increase of 11,285 students (including past increases that are over and above the increase of 1,650 students projected in the 2005 EIR for the 2020 LRDP and expected future increases) who would live primarily off-campus in private housing.

Students living off-campus in groups have been found to have adverse, significant impacts on residential neighborhoods with increases in noise, late-night traffic, and improper refuse disposal, leading to special legislation adopted by the Berkeley City Council to address these problems<sup>10</sup>. UCB itself has had to institute special programs to mitigate these problems. UCB's analysis does not address how these negative impacts might increase with a significant student population change of 11,285 students.

Therefore, with respect to noise impacts, the Draft SEIR does not deliver on the promise made in the NOP to analyze whether the increase in current and foreseeable campus population levels above those analyzed in the 2020 LRDP EIR would result in new or substantially more severe significant impacts than identified in the 2020 LRDP EIR.

## **6.12. Population and Housing** (page 148 of the Draft SEIR)

**SNC Comment 6.12-1:** *Page 149. Induce substantial population growth in an area, directly or indirectly.* Using the regional Bay Area population as a benchmark for population and housing impacts is not appropriate since the impacts of induced population growth have been and will continue to be focused on the City of Berkeley. UCB itself has defined a Housing Zone (page 134 of the Draft SEIR) as a one-mile radius from Doe Library or a 20-minute commute on public transit. Between 2005 and 2018, the population of Berkeley increased by approximately 9,600 within the Housing Zone (defined in this example by the one-mile radius). Meanwhile, the UCB student population grew by approximately 8,300 students. The growth of students comprises 86.5 percent of the City's population growth, suggesting potential significant population and housing impacts. No additional student housing (other than building 150 units counting towards the 2,300 beds set forth in the 2020 LRDP) is proposed to mitigate impacts associated with the increase in campus population. Overall, the Draft SEIR fails to substantiate its finding that "the proposed increase in campus headcount would generally be accompanied without significant adverse impacts (page 151 of the Draft SEIR)."

**SNC Comment 6.12-2:** The impact of 11,285 new students is potentially significant. Potential impacts on the City of Berkeley and its residential neighborhoods include the following:

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<sup>10</sup> In addition, many public hearings on ordinances to restrict and regulate mini dorms, abate nuisance properties, and to toughen up penalties for loud noisy parties were held by the City of Berkeley City Council and Planning Commission between 2010 and 2019. The records of these hearings contain testimony from more than one hundred residents of the area around the campus on the negative impacts of the enormous increase in students living in the campus surroundings in Berkeley. Examples of these hearings include but are not limited to: public hearings related to 2133 Parker Street, including a hearing before the Berkeley City Council on November 15, 2011 and public hearings related to the City Council adoption of Ordinance No. 7,455-N.S. related to the regulation of mini-dorms, including a hearing on July 16, 2013. The findings section of Ordinance No. 7,455 N.S. also includes findings of aesthetic and noise impacts associated with UCB's increase in student enrollment. SNC has itself submitted a series of letters and briefing documents to the Berkeley City Council and Planning Commission outlining the negative impacts associated with UCB's increase in student enrollment and these documents are in the City's public record and publicly available. An EIR must analyze every issue for which the record documents a significant impact. (*Visalia Retail, LP v. City of Visalia* (2018) 20 Cal.App.5th 1, 13 (*Visalia Retail*); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 (*Amador Waterways*)).



Letter IND

Planning Departmental &lt;planning@berkeley.edu&gt;

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## Comment on Draft Supplemental EIR for the Upper Hearst Development

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**Joan and Jeff** <joanandjeff@comcast.net>  
To: planning@berkeley.edu

Thu, Apr 11, 2019 at 8:59 PM

Dear Planning Department Staffer:

I attended the meeting that was held at University Hall to allow public comment on the Draft EIR for the planned development of the GSPP. I agreed with the comments made by most of the audience members.

I went to Cal from 1971-75, living in the South Campus area, moved to North Oakland for ~12 years, during which time I was in grad school at Cal for 3 years, then moved back to the South Campus area about 27 years ago—so I have seen many changes occur during my time here. It is most disingenuous of you to say that the increase in numbers of students at Cal has no effect on the surrounding neighborhood. The increase in traffic (and in aggressive driving), difficulties in parking, increase in noise from groups of students, and increase in improperly discarded trash and street dumping are only a few of the changes I have seen. Since we have lived here, two formerly single family homes within a one-block radius of us have been turned into mini-dorms in which 14-16 students live, and other group housing has more residents than in prior years. We neighbors worked together to help get the mini-dorm ordinance passed to try to place limits on this sort of “solution” to Berkeley’s housing crunch, which has helped somewhat to decrease the problems caused by these residences. Because the University has not provided housing to keep pace with the growth in student numbers, there is significant incentive for unscrupulous landlords to offer substandard living conditions to students. And the competition for housing is so fierce that non-students who want to live in Berkeley have a hard time finding places to live, as well. I understand that GSPP has outgrown its current facilities, and needs more space, but I am not confident that the design, which includes large conference spaces, is appropriate for the site involved.

Much as I love living near the University, it has been an inconsiderate neighbor. The University has not adhered to the Covenants it agreed to when the Clark Kerr Campus became a dorm. It has not kept to its agreements about numbers of students. It is not able to adequately monitor & control the behavior of its fraternities & sororities. I’m not sure why we should believe that the University will adhere to its plans now. More time for public comment and involvement, as well as assessment of impact on the surrounding community, is needed.

Sincerely,

Joan King-Angell BA 1975, MS 1983

[2605 Piedmont Ave.](#)

[Berkeley, CA 94704](#)



April 12, 2019

Letter IND

Raphael Breines, Senior Planner  
University of California, Berkeley  
Physical & Environmental Planning  
University of California, Berkeley  
300 A&E Building, Berkeley, CA 94720

RE: SEIR for Upper Hearst Development

## **The Upper Hearst Project and the Increase in Enrollment Must Be Severed, rather than Considered within One SEIR**

The Upper Hearst Project has nothing to do with the extreme increase in enrollment that UC has implemented since the 2020 LRDP EIR. Yet the two programs have been illogically and inappropriately linked within this SEIR. Moreover, the enrollment increase, while leading to financial benefits for UC, has brought *massive environmental impacts to the residents of the city of Berkeley*.

The SEIR consistently reads as though the only possible impacts of the enrollment increase would occur on the campus, and that since there are no impacts on campus, nothing is worthy of analysis.

Of course UC's pristine "green" campus doesn't suffer from impacts, as the SEIR repeatedly states, because the additional students do not reside on the pristine, protected campus. They reside in neighborhoods in proximity to the campus. Therefore the residents and taxpayers of Berkeley receive the adverse environmental impacts. The SEIR denies the need to analyze and mitigate the impacts to Berkeley residents of the increased enrollment by simply ignoring all impacts that occur off-campus. CEQA requires the analysis of impacts to consider the 'affected environment' which includes the area around the UC Berkeley Campus.

### **Proliferation of mini-dorms in the impacted neighborhoods**

Over the years since the 2020 LRDP EIR, enrollment has increased so much that nearly all housing within a mile of the campus is now regarded by investors as a potential profit source. At some point I began to notice that houses for sale in my neighborhood were being marketed and sold, not as homes, but as investments to be filled with as many students as possible. These investments are called mini-dorms.

The mini-dorm phenomenon developed and flourished due to UC's huge increase in students for its own financial gain. This has led to noise, traffic, a proliferation of garbage on sidewalks and streets during periods when students are moving in and out (see Exhibit A), and loss of public services for other Berkeley residents at times when alcohol-fueled parties are prevalent.

In my immediate neighborhood, a duplex that had been family-owned and occupied for many decades was for sale late in 2014. Because I attended the realtor's open house, I learned first-hand how Berkeley property is viewed by investors as a result of the over-enrollment (see Exhibit B). In that case, investors had actually moved here from Washington State to cash in on the Berkeley student rental boom. The duplex was purchased by a different investor and grossly expanded to contain a plethora of bedrooms, causing problems for neighbors. This is just one example of many conversions of housing

to highly dense student housing, with densities often exceeding the Zoning Code by factors of 3 to 4.

Mini-dorms within neighborhoods generate major adverse impacts with respect to noise, population, public services, transportation and traffic. In addition to the specific impacts mentioned above, mini-dorms frequently generate extreme party noise, often into the wee hours of the morning. Because there has been no increase in police officers in Berkeley, calling the police when one is kept awake by party noise is often useless, as they are too busy to go to each screaming party.

Traffic impacts are severe. Even if few of the mini-dorm residents own automobiles of their own, traffic and noise is generated by every Uber and Lyft ride undertaken, by every Amazon, FedEx, USPS and UPS truck delivery, and all the food deliveries that occur each day and evening. Just a few days ago, a vehicle for a business previously unknown to me double-parked right in front of me. It's called Rinse.com. According to their website, this business picks up, cleans and delivers laundry "to your door." This traffic might be worse than that caused by resident-owned cars, because the vehicles rendering a service generally need to double-park on our neighborhood streets, potentially introducing new roadway hazards.

### **Displacement of the most vulnerable residents of our neighborhoods**

Berkeley's new reputation among investors as a place where every bedroom equals a goldmine, a direct product of UC's policy of ever-increasing enrollment, has led to a loss of other needed, but less remunerative uses of property. I am aware of four South Berkeley residential care facilities that have closed within a couple of years. Two that had been board and care facilities are now mini-dorms or rooming houses. One nursing home on Shattuck Avenue is scheduled for demolition, to be replaced by a six-story apartment building. The growth in student population is frequently cited as why there is a limitless need for six-story buildings, which bring their own detrimental impacts.

The former board and care facility I am most familiar with is located in my immediate neighborhood, at 2555 Fulton Street. It was occupied by 15 men with mental disabilities. They were good neighbors; some had lived there for decades. It was their home. Over the years, several residents told me that this facility was considered one of the best of its kind in the area.

Approximately two years ago, the building was sold. I then learned from a resident that they were being evicted with only 60 days notice and without "just cause for eviction" (which would have been required of any other rental property in Berkeley.)

The 2555 Fulton facility was closed and the residents were evicted in order to convert this building into a mini-dorm, as the purchasers of the building stated in their application to the City of Berkeley to convert it (see Exhibit C). In their applicant statement, they claim a need for mini-dorm housing due to the "severe shortage of student housing." Although the statement says that the former facility operator was retiring, in fact, she continues to operate at least one other care facility in a nearby city.

When this change of use was approved by the Zoning Adjustments Board on December 13, 2018, a neighbor testified ". . .when I moved to the neighborhood, there were six or seven residential care facilities within it. Now I think there are two. And Berkeley talks a lot

about its vulnerable populations, particularly those who live on the street. But there's another vulnerable population, people who are housed, but need to be housed in circumstances where they get care . . . so these places are disappearing from Berkeley, now, as they become more valuable for other housing uses." At the approval hearing, one of the applicants again referred to the housing shortage *for students*. Clearly UC's vast increase in enrollment has impacted these Berkeley residents in the worst possible way, by displacing them from their homes.

### **What's the real function of the enrollment increase?**

The SEIR says on page 44, "The increase in student enrollment results primarily from implementation of the California Master Plan for Higher Education." It says on page 133, "Increasing headcount projections to accommodate additional students would also be consistent with UC Berkeley's responsibility under the Master Plan for Higher Education to increase its capacity commensurate with growth of the college-age population in California." The Master Plan was about providing an education to *California* students.

Apparently something other than the Master Plan was the guiding force in UC's decisions about increasing enrollment. UC was audited in 2015 by the California State Auditor. The Auditor's Report, titled: "The University of California, Its Admission and Financial Decisions Have Disadvantaged California Resident Students," came out in March 2016.

The Summary of this report says on page 1 that in academic year 2014-15, nonresident tuition and fees were \$37,000, while resident tuition and fees were \$12,240. Quite a difference! The Summary further states that for academic years 2010-11 through 2014-15, total nonresident enrollment at the university increased by 82 percent, while resident enrollment decreased by 1 percent. Table 15 on page 69 of the audit shows figures for Berkeley. For the same time period, nonresident enrollment at Berkeley increased by 3,914 students, while resident enrollment *decreased* by 2,453.

The audit did not anticipate a rapid improvement in enrollment of resident students. On page 44, it says, ". . . the university has acknowledged that it intends to continue to admit increasing numbers of nonresidents, and in its 2016-17 operating budget, the university indicated that nonresident revenue continues to be a key part of its financial plan. Thus, until the university's financial incentive to enroll nonresidents is mitigated, it will likely continue to admit increasing numbers of nonresidents."

A Discussion Item for the July 18, 2018 meeting of the Academic and Student Affairs Committee shows, in Figure 1 on page 2, the percentage of nonresident undergraduates at the various UC campuses in Fall 2017. It shows UC Berkeley at 24.6 percent nonresident undergrads, the highest percentage of all the campuses (see Exhibit D). The text explains that nonresident enrollment will be capped at 18 percent for five of the campuses, but the remaining four campuses, which include Berkeley, will be capped at the proportion the campus enrolled in 2017-18.

The Master Plan for Higher Education can hardly be used to justify the decision to vastly increase enrollment at Berkeley.

### **Population and Housing, errors and assumptions**

The section of the SEIR on population and housing, beginning on page 149, seems to be packed with erroneous assumptions but, in keeping with the rest of the SEIR's discussion of the enrollment increase, devoid of analysis or study.

According to this section, the 2020 LRDP EIR analyzed the effect of increased campus headcount based upon an expected increase in employees as well as students. However, UC has decreased its number of employees, while increasing the number of students vastly. With respect to impact upon residents of an area, student population is not identical to employee population. For example, I have never, ever been awakened at 2:00 a.m. by a party conducted by UC employees. This section also states that new housing needed for population growth would be in downtown and on arterials — but mini-dorms are right smack in the neighborhoods!

This section suggests that the population increase should be compared with the regional population of the entire bay area, rather than with the local population. Obviously, the residents within a mile of the campus are impacted by the increase in UC Berkeley enrollment, while the residents of Orinda (Emeryville, Hayward, Brisbane, etc.) are not.

Finally, it suggests that incrementally greater noise from "social gatherings," would not be a significant impact. Yet, the variety of screaming parties that have become the norm during the mini-dorm era were rare to nonexistent prior to the certification of the 2020 LRDP EIR. The real impacts of the real circumstances for Berkeley residents within a mile of the campus are desperately in need of analysis and mitigation.

#### QUESTIONS:

1. What provision in CEQA entitles UC to combine in one SEIR two unrelated matters, a physical project (Hearst) and an entirely unanalyzed increase in enrollment that has *already occurred*?
2. Is UC defining its implementation of an increase in enrollment as a project in the SEIR?
3. Explain how analyzing the impacts of increased enrollment *on the campus* could suffice for analyzing the impacts to those residents of Berkeley who do not reside on campus.

At the top of page 2, the SEIR says "The California Environmental Quality Act (CEQA) requires lead agencies to disclose and consider the environmental consequences of **proposed** discretionary projects **prior** to taking approval action on such projects" (emphasis added).

4. How does the increase in enrollment that has already occurred qualify as *proposed*?
5. How does the increase in enrollment that has already occurred qualify as something that has been disclosed and considered *prior* to taking approval action on?
6. How do you explain inserting an activity that has already occurred and already created adverse impacts into an SEIR for a proposed development project that is seeking approval?

On page 3, the SEIR says "Despite the growth in campus headcount over 2020 LRDP projections, which led to the new baseline, the analysis in this SEIR demonstrates that the UC Berkeley campus is still operating within the capacity and demand identified and

analyzed in the 2020 LRDP EIR . . ."

7. How did the "growth in campus headcount," essentially a violation of the LRDP, magically "[lead] to the new baseline"?

On page 3, the SEIR says that in a response to comments to the 2020 LRDP, UC made a commitment to the City of Berkeley that: "if enrollment increased beyond the projections set forth in the 2020 LRDP, it would undertake additional review under CEQA."

8. Where's the promised additional review?

The SEIR says on page 44, "The increase in student enrollment results primarily from implementation of the California Master Plan for Higher Education."

9. Explain this in light of the fact that resident enrollment (students from California) has decreased, while nonresident enrollment has increased in recent years.

A Berkeleyside article quoted "unnamed UC officials" saying that "CEQA law requires the university to include the bumped-up enrollment figures in its examination of the Upper Hearst project."

10. If the UC officials were quoted correctly by the author of the article, what provision of CEQA law requires the university to include the increased enrollment figures in its examination of the Upper Hearst Project, while doing no analysis whatsoever of the many impacts of the enrollment increase that have nothing to do with the Upper Hearst Project?

Sincerely

Gale Garcia

# EXHIBIT 2

22 September, 2021

Derek Watry  
Wilson Ihrig  
5900 Hollis Street, Suite T1  
Emeryville, CA 9460  
Derek Watry [dwatry@wilsonihrig.com](mailto:dwatry@wilsonihrig.com)

**VIA EMAIL**

Re: Noise caused by increased enrollment at UC Berkeley Campus

Dear Mr. Watry,

This letter serves to provide short summary of the noise issues faced by the neighborhoods surrounding the UC Berkeley campus, and the largely unsuccessful efforts over the past ten years to mitigate the impacts. Mitigation generally failed because of UC's continued increase in enrollment and its refusal or inability to implement effective mitigation measures that would meaningfully reduce noise, such as limitations on enrollment increases.

**Happy Neighbors**

In 2008, the neighbors surrounding the Clark Kerr Campus had the first of a series of meetings to discuss with UC the problems of transient noise, mini dorms and partying in the neighborhood. After two years of largely fruitless efforts on the part of UC, Caleb Dardick, then head of Local Government relations, proposed that the neighborhood partner with UC on a pilot project to deal with the issues.

The pilot project was christened "Happy Neighbors" and was funded by the Chancellor's Community Partnership fund.<sup>1</sup> The primary community partner was the Piedmont Parker Neighborhood Watch led by Phillip Bokovoy. Another community partner was Dwight Hillside Neighborhood Association (the neighborhood on the north side of the Clark Kerr Campus) whose President was Joan Barnett. UC partners were Residential Living, responsible for the management of Clark Kerr, PartySafe@Cal, a public health harm reduction program of the Student Health Service and the Office of Student Conduct.

Happy Neighbors launched with a focus group on November 7, 2011.<sup>2</sup> The focus group identified public intoxication, transient noise, lack of police response, and the rise of mini-dorms as the main issues generated by students living and passing through the neighborhood. The focus group also identified interventions to deal with each of the issues.

Over the year following the focus group (2011 to 2012), the interventions were implemented and evaluated. Several surveys were sent out to residents in the pilot area. Survey results were mixed in terms of reducing the level of noise disturbances, particularly transient noise from late night students and groups of students, although there was some initial progress in reducing noise from large student

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<sup>1</sup> See Happy Neighbors application, CCPF-Happy Neighbors-2011

<sup>2</sup> See Focus Group Notes

parties.<sup>3</sup> However, once the more intensive outreach activity of the pilot project ended, the level of noise disturbances increased, as is evident from the Spring 2014 survey.

Some interventions were reasonably successful and others had low value. These were summarized in the Fall of 2012 and presented to the Student Neighbor Advisory Committee<sup>4</sup>. In March 2014, the final report and summary outlined interventions that had been successful and recommended best practices for UC to adopt.<sup>5</sup>

Subsequent to the final report, UC dedicated funding to implement some, but not all of the recommended best practices. Notably, the student conduct process has continued to fail to provide any real consequences for violations. In addition, there has been a much lower level of intervention than during the pilot program, and noise complaints have continued until the present.<sup>6</sup>

### **Second Response Ordinance (SRO)**

UC's failure to provide student housing forced increasing numbers of students to seek housing in the neighborhoods around the campus, particularly on the southside. These increasing numbers of students and the large number of parties resulted in heavy demand for police services, particularly on the weekends. In addition, the number of out of control parties at fraternities and elsewhere increased dramatically, and both UC and the national fraternity organizations failed to implement disciplinary policies to reduce the activity.

Berkeley Municipal Code 13.48 was amended in 2007 to include a system of warning and fines to deal with the problems of unruly parties. The Findings provide:

*"A. Due to inadequate supervision, some large gatherings of people, such as parties, frequently become loud and unruly to the point that they constitute a threat to the peace, health, safety, or general welfare of the public as a result of conduct such as one or more of the following: excessive noise, excessive traffic, obstruction of public streets or crowds who have spilled over into public streets, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, and litter.*

*B. The City of Berkeley (hereafter "City") is required to make multiple responses to such unruly gatherings in order to restore and maintain the peace and protect public safety. Such gatherings are a burden on scarce City resources and can result in police responses to regular and emergency calls being delayed and police protection to the rest of the City being reduced.*

*C. In order to discourage the occurrence of repeated loud and unruly gatherings, the persons responsible for the public nuisance created by these gatherings should be fined."*<sup>7</sup>

The initial implementation of the SRO took several years, with full implementation happening in the Fall of 2010, along with a joint public safety patrol of the Berkeley Police Department and the UC Police

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<sup>3</sup> HNSurveyResultsComparison('12'14)

<sup>4</sup> SNACPresentationFall2012PB&KHEditsIncluded

<sup>5</sup> Happy Neighbors Final Report and request for further funding 3 March 2014

<sup>6</sup> See, Representative sample of emails from 6/4/2021 to 9/1/2021, Shiver, Bokovoy, Margen, Hockett, Rubino, Huang

<sup>7</sup> BMC 13.48.010



Department (the Southside Safety Patrol “SSP”). Concurrent with the implementation of the SSP, BPD initiated a weekly reporting process so that UC and the community could monitor progress to eliminate disruptive parties, particularly at properties with repeat violations.

The magnitude of the problem is evident from the fact that in the period from September 2011 to May 2012, 120 nuisance warning letters were posted under the SRO, a rate of 3.3 per week.<sup>8</sup> The reporting of SSP enforcement efforts continued intermittently until personnel changes were made in 2017. From the reports available, which end in 2017, it is apparent that the number of nuisance notices was not materially reduced by the SRO or its enforcement efforts. For example, in a 28 week period in 2015-2016, SSP officers posted 77 notices of noise nuisance violations, a rate of 2.75 per week.<sup>9</sup> These nuisance notices under-report the extent of the noise disturbance because they represent only those incidents that were reported to or witnessed by SSP officers, and for which officers also decided to issue formal notices.

From 2017 until 2020, UC Police staffing cutbacks, BPD staffing issues and lack of leadership from both the city and UC resulted in much less enforcement of the SRO, and increasing levels of disruptive parties and noise in the neighborhoods. When the COVID restrictions were often flagrantly violated by students during the 2020-21 school year, the city and UC responded by increasing staffing and enforcement of the SRO. However, it is clear from the first month of the semester in the Fall of 2021 that those efforts have not been successful; there has been a large increase in disruptions.<sup>10</sup>

### **Mini Dorms**

During the latter part of the 2000s, as UC’s failure to provide student housing forced its increasing number of students to seek housing in neighborhoods around the campus, particularly to the south, investors began purchasing single family residences, converting all of the rooms to ‘bedrooms’ and increasing occupancy far beyond the density provided in the city’s general plan. In many cases a four bedroom house would end up housing 12-14 students, and the increased density and lack of supervision resulted in severe noise impacts on the surrounding neighbors.<sup>11</sup>

Beginning with efforts in 2011, it took almost 2 years for the City to implement legislation requiring zoning approval for the addition of bedrooms (reducing the incentive to convert single family residences into mini dorms), and another 3 years to implement operating standards for existing mini Dorms. The findings for the operating standards ordinance reference the noise problems arising from increased density of students living in residential neighborhoods as well as large parties and minors consuming alcohol:

*“C. Because of the number of residents in such buildings and, in many cases, the lack of on-site managers, such buildings tend to impair the quiet enjoyment of the surrounding neighborhoods by creating trash and litter, creating excess parking demand, and being the location of numerous loud and unruly parties.”*

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<sup>8</sup> Christine Daniel, Interim City Manager, staff report to Mayor and City Council, May 15, 2012 in Planning Commission 2013-01-23 Agenda Packet Combined, pp 24-27

<sup>9</sup> Spreadsheet summarizing SSP activity from August 18, 2015 to March 5, 2016.

<sup>10</sup> See Representative sample of emails from 6/13/2021 to 9/13/2021, Angell, Lizardo, Rubino, Bokovoy, Romes

<sup>11</sup> See Southside Neighborhood Consortium Letter to Wozniak, 11 November 2011 and Southside Neighborhood Consortium memorandum to City of Berkeley Planning Commission, Jan. 12, 2012

*D. It is often the case that the loud and unruly parties involve the consumption of large amounts of alcoholic beverages, which often are consumed by individuals under the age of 21 who either reside in such buildings or attend such parties. Consumption of alcohol by minors is harmful to the minors and consumption of large amounts of alcohol by individuals of all ages at these gatherings contributes to the nuisance conditions affecting the surrounding neighborhood.*

*E. Police officers frequently have been required to make calls to a location of a party, in order to disperse uncooperative participants, causing a drain of staffing and resources and, in some cases, leaving other areas of the City with inadequate police protection.<sup>12</sup>*

Again, however, these efforts have not adequately mitigated noise from student social gatherings and parties or transient noise from late-night pedestrians coming and going to these gatherings.<sup>13</sup> For example, section 13.42.036 of the ordinance permits parties of up to 200 persons in mini-dorms.

In summary, noise caused by student parties and by late-night student pedestrians continues to disturb Berkeley neighborhoods, particularly in the evenings and weekends. The frequency and intensity of these noise disturbances has increased with increased student enrollment. Efforts by UC Berkeley and the city to control this noise source have not been effective.

If you have any questions, please feel free to contact me at [pbokovoy@aol.com](mailto:pbokovoy@aol.com).

Sincerely,

Phillip Bokovoy

President  
Save Berkeley's Neighborhoods

Attachments: via DropBox link sent separately

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<sup>12</sup> See Berkeley Municipal Code 13.42.020

<sup>13</sup> See, e.g., Southside Neighborhood Consortium, memorandum to Mayor and City Council, January 24, 2016 and attached news articles in SNC Letter re 1-26-16 Council Agenda Item 13-2, Representative Emails from 6/29/2020 to 8/9/2021, Beatty, Hufford, Angell, Bokovoy, Le

Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 1



## CHANCELLOR'S COMMUNITY PARTNERSHIP FUND

UNIVERSITY OF CALIFORNIA, BERKELEY

2130 Center Street #4208, Berkeley, CA 94720-4208

Phone: (510) 643-5299 Fax: (510) 643-0281 E-mail: calpartnershipfund@berkeley.edu

### 2011-2012 Pre-Application Form

#### 1. Project/Program Information

- a. Project/Program Title Happy Neighbors--The Berkeley Community and UC
- b. Total Amount Requested \$7,500.00
- c. Years of Funding Requested ☒ One Year ☐ Two Years  
Note: If you request two years of funding, the amount listed in (1b) should be the combined total for both years.
- d. Project Type (select one): ☒ Community Service Program ☐ Neighborhood Improvement Project
- e. Project Theme (select one): ☐ Arts and Culture ☒ Community Safety ☐ Economic Development  
☐ Environmental Stewardship ☐ Education

#### 2. Primary Community Partner Information ("Applicant")

- a. Name of Organization Piedmont/Parker Neighborhood Watch Group
- b. Mailing Address 2601 Piedmont Avenue  
City: Berkeley State: CA Zip: 94704
- c. Contact Person Phillip Bokovoy
- d. Contact Email pbokovoy@aol.com
- e. Contact Telephone 510.843.5426 or 510.333.7031

#### 3. Non-Profit Status

- Is applicant a non-profit organization with IRS certification? ☐ Yes ☒ No
- If not, has applicant secured the services of a fiscal agent? ☐ Yes ☒ No
- Note: Applicants without non-profit tax status who are asked to submit a full application will need to secure the services of a fiscal agent before the application deadline.

#### 4. Primary University Partner Information

- a. Name of Organization, Department or Staff Unit UC Berkeley Residential Living
- b. University partner involvement: (check one)  
☒ Confirmed "Confirmed" partners have agreed to participate;  
☐ Pending "Pending" partners have been asked to participate;  
☐ Prospective "Prospective" partners have not yet been asked to participate
- c. Mailing Address 2610 Channing Way, #2272  
City: Berkeley State: CA Zip: 94720
- d. Contact Person Dan Ocampo
- e. Contact Email dro2@berkeley.edu
- f. Contact Telephone 510.643.4510

## 5. Other Potential Partners (optional)

Please list other community or university partners that you would partner with on this project. Also indicate whether these potential partners are: 1) confirmed, 2) pending, or 3) prospective (see 4(b) for definitions).

Potential Partners:

Status (confirmed, pending, prospective):

PartySafe@Cal, Karen Hughes,

a. khughes@berkeley.edu, 510.643.9073

Confirmed

Center for Student Conduct, Susan Trageser,

b. trageser@berkeley.edu

Confirmed

c.

## 6. Project Narrative

The Fund encourages strong campus-community partnership that result in well-organized, results-oriented project and programs. To provide more information about your proposal, please fill in the sections for the Project and Partnership Summaries below.

### Project Summary (not to exceed 250 words)

The Project Summary should provide a summary of the activities involved in the carrying out your proposal. Describe your expected outcomes and give a general overview of how grant funding will be used. Please also describe the critical need or issue that the proposal addresses and the target population served.

Project Summary... Our project is a pilot project designed to involve the university and the neighborhood group in developing both a process and materials that would be used to reach out to students and neighbors to educate them on the standards of conduct and remedies that are available when students who are living adjacent to, and within the Berkeley community cause impacts related to party and alcohol use, vandalism and excessive noise. The project would be implemented during the fall move in during 2012, and we would evaluate the effectiveness of the program subsequent to the rollout of the program, and then make changes as necessary. Subsequently, we would implement the program in other neighborhoods around the university.

The target population would be students living at the Clark Kerr Campus (CKC), and students and long term residents living the Piedmont/Parker Neighborhood Watch (PPNW) group area.

The project would develop the messaging and then produce educational materials with Tang/Party Safe, Housing, and possibly Student Conduct, and would use a student employee to be the project manager. Subsequently, the materials would be used in workshops or information sessions located at CKC and in the neighborhood.

After implementing the program, the team, neighborhood and student volunteers, along with the student employee, will evaluate the impacts, based on monitoring police calls and activity within the target area, and make changes to the program based on the feedback.

Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 2

## **Focus Group Notes (11/7/2011)**

### **Working**

- Spirit of Collaboration
  - Issue awareness
- Quality/Timeliness of Police Response
  - Fines
- Courteous Students
- Pressure from surrounding neighbors
- Having contact info of target properties
  - Landlord info.
- Student self-regulation
- Educational material
  - Physical outreach efforts
- City/UC Berkeley communication
- Shared Information
  - Party Safe
  - Municipal Code
  - \$750 Fine
- Modification of discipline System
- Increased student engagement
  - Knowledge of personal roles

### **Not Working**

- Lack of self-regulation
- Housing Density
- Landlords
- Transient Noise
  - Students passing through
- Public Intoxication
- Time intensiveness of obtaining contact info.
- Zoning Enforcement
- Police Repsonse
  - No summer safety patrol
  - Lack of adequate training
- Timely access to Exhibit B info.
- Only having a conversation with target properties
- Requiring physical address for police
- Mini-Dorms
  - Difficulty in identifying accountable students

### **Ranking of Issues**

1. Transient Noise
2. Public Intoxication
3. Time required to contact target properties
4. Police Response
5. Timely access to Exhibit B Info.
6. Landlords

### **Solutions to:**

#### **Transient Noise**

- Residential Zone Signage
  - Expectations
  - Neighborhood Collaboration
- Student Education
- Stationing police at key intersections
  - (College & Parker) (College & Derby)
- Joint meals at Clark Kerr
  - “Neighbor Night”
- Neighbor/Clark Kerr joint outreach
  - Block party
- Establish “proper” routes to take through neighborhood
  - Safe route map
- Decibel Monitor
- Broader Message

#### **Public Intoxication**

- Random police checks for public intoxication in target areas and at high risk times
- Educational campaign in resident halls
  - How drinking affects surrounding community
  - Early outreach
- Neighborhood Phone Hotline
- Fines/Other enforcement options
- “Safe-Rides” program
- Clear Neighborhood “Message” (Mission?)



Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 3

### Happy Neighbors (Long-Term Residents) Fall 2012

1. In the past month how often have student transient noise and public intoxication disrupted your quality of life?

Answer Options	Response Percent	Response Count
Never	33.3%	6
Once	22.2%	4
2-3 times	27.8%	5
4-5 times	11.1%	2
More than 5 times	5.6%	1
<b>answered question</b>		<b>18</b>
<b>skipped question</b>		<b>0</b>

2. In the past month how often have student parties disrupted your quality of life?

Answer Options	Response Percent	Response Count
Never	44.4%	8
Once	27.8%	5
2 - 3 times	5.6%	1
4 - 5 times	22.2%	4
More than 5 times	0.0%	0
<b>answered question</b>		<b>18</b>
<b>skipped question</b>		<b>0</b>

3. Student noise and public intoxication are the most problematic issues within the Parker-Piedmont neighborhood

Answer Options	Response Percent	Response Count
Strongly disagree	0.0%	0
Disagree	38.9%	7
Neutral	11.1%	2
Agree	33.3%	6
Strongly agree	16.7%	3
<b>answered question</b>		<b>18</b>
<b>skipped question</b>		<b>0</b>

### Happy Neighbors (Long-Term Residents) Spring 2012

In the past month how often have student transient noise and public intoxication disrupted your quality of life?

Answer Options	Response Percent	Response Count
Never	36.8%	7
Once	26.3%	5
2-3 times	21.1%	4
4-5 times	10.5%	2
More than 5 times	5.3%	1
<b>answered question</b>		<b>19</b>
<b>skipped question</b>		<b>0</b>

In the past month how often have student parties disrupted your quality of life?

Answer Options	Response Percent	Response Count
Never	77.8%	14
Once	11.1%	2
2 - 3 times	11.1%	2
4 - 5 times	0.0%	0
More than 5 times	0.0%	0
<b>answered question</b>		<b>18</b>
<b>skipped question</b>		<b>1</b>

Student noise and public intoxication are the most problematic issues within the Parker-Piedmont neighborhood

Answer Options	Response Percent	Response Count
Strongly disagree	11.1%	2
Disagree	11.1%	2
Neutral	44.4%	8
Agree	22.2%	4
Strongly agree	11.1%	2
<b>answered question</b>		<b>18</b>
<b>skipped question</b>		<b>1</b>

### Happy Neighbors (Long-Term Residents) Spring 2014

1. In the past month, how often have student transient noise and public intoxication disrupted your quality of life?

Answer Options	Response Percent	Response Count
Never	22.2%	6
Once	14.8%	4
2-3 times	37.0%	10
4-5 times	11.1%	3
More than 5 times	14.8%	4
<b>answered question</b>		<b>27</b>
<b>skipped question</b>		<b>0</b>

2. In the past month, how often have student parties disrupted your quality of life?

Answer Options	Response Percent	Response Count
Never	29.6%	8
Once	33.3%	9
2-3 times	18.5%	5
4-5 times	7.4%	2
More than 5 times	11.1%	3
<b>answered question</b>		<b>27</b>
<b>skipped question</b>		<b>0</b>

3. Student noise and public intoxication are the more problematic issues with the Parker - Piedmont neighborhood.

Answer Options	Response Percent	Response Count
Strongly disagree	0.0%	0
Disagree	15.4%	4
Neutral	23.1%	6
Agree	15.4%	4
Strongly agree	46.2%	12
<b>answered question</b>		<b>26</b>
<b>skipped question</b>		<b>1</b>

**4. Student parties are the most problematic issue within the Parker-Piedmont neighborhood**

Answer Options	Response Percent	Response Count
Strongly disagree	0.0%	0
Disagree	44.4%	8
Neutral	16.7%	3
Agree	22.2%	4
Strongly Agree	16.7%	3
<b>answered question</b>		<b>18</b>
<b>skipped question</b>		<b>0</b>

**5. In the past month how often have you called the authorities to complain about adverse effects associated with student transient noise, public intoxication, and/or parties?**

Answer Options	Response Percent	Response Count
Never	61.1%	11
Once	22.2%	4
2-3 times	11.1%	2
4-5 times	5.6%	1
More than 5 times	0.0%	0
<b>answered question</b>		<b>18</b>
<b>skipped question</b>		<b>0</b>

**6. In the past month, how often have you had positive interactions with students living in or passing through the Parker-Piedmont neighborhood?**

Answer Options	Response Percent	Response Count
Never	27.8%	5
Once	11.1%	2
2-3 times	33.3%	6
4-5 times	16.7%	3
More than 5 times	11.1%	2
<b>answered question</b>		<b>18</b>
<b>skipped question</b>		<b>0</b>

**Student parties are the most problematic issue within the Parker-Piedmont neighborhood**

Answer Options	Response Percent	Response Count
Strongly disagree	11.8%	2
Disagree	11.8%	2
Neutral	41.2%	7
Agree	23.5%	4
Strongly Agree	11.8%	2
<b>answered question</b>		<b>17</b>
<b>skipped question</b>		<b>2</b>

**In the past month how often have you called the authorities to complain about adverse effects associated with student transient noise, public intoxication, and/or parties?**

Answer Options	Response Percent	Response Count
Never	84.2%	16
Once	10.5%	2
2-3 times	5.3%	1
4-5 times	0.0%	0
More than 5 times	0.0%	0
<b>answered question</b>		<b>19</b>
<b>skipped question</b>		<b>0</b>

**In the past month, how often have you had positive interactions with students living in or passing through the Parker-Piedmont neighborhood?**

Answer Options	Response Percent	Response Count
Never	47.4%	9
Once	15.8%	3
2-3 times	36.8%	7
4-5 times	0.0%	0
More than 5 times	0.0%	0
<b>answered question</b>		<b>19</b>
<b>skipped question</b>		<b>0</b>

**4. Student parties are the most problematic issue within the Parker-Piedmont neighborhood**

Answer Options	Response Percent	Response Count
Strongly	0.0%	0
Disagree	11.1%	3
Neutral	37.0%	10
Agree	25.9%	7
Strongly	25.9%	7
<b>answered question</b>		<b>27</b>
<b>skipped question</b>		<b>0</b>

**5. In the past month, how often have you called the authorities to complain about adverse effects associated with student transient noise, public intoxication, and/or parties?**

Answer Options	Response Percent	Response Count
Never	57.7%	15
Once	23.1%	6
2-3 times	11.5%	3
4-5 times	3.8%	1
More than 5 times	3.8%	1
<b>answered question</b>		<b>26</b>
<b>skipped question</b>		<b>1</b>

7. These positive interactions with students outweigh the adverse effects of student transient noise, public intoxication, and/or parties		
Answer Options	Response Percent	Response Count
Strongly disagree	11.1%	2
Disagree	16.7%	3
Neutral	27.8%	5
Agree	44.4%	8
Strongly agree	0.0%	0
<i>answered question</i>		18
<i>skipped question</i>		0

8. People who live near UC Berkeley and Clark Kerr Campus should expect to put up with a certain amount of student transient noise and public intoxication associated with student parties.		
Answer Options	Response Percent	Response Count
Strongly disagree	44.4%	8
Disagree	0.0%	0
Neutral	5.6%	1
Agree	16.7%	3
Strongly agree	33.3%	6
<i>answered question</i>		18
<i>skipped question</i>		0

9. Since the beginning of the academic year (August 2011) how often have you seen/heard information about the Happy Neighbor's program to address neighborhood issues related to transient noise and public intoxication associated with student parties?		
Answer Options	Response Percent	Response Count
Never	27.8%	5
Once	27.8%	5
2-3 times	22.2%	4
4-5 times	11.1%	2
More than 5 times	11.1%	2
<i>answered question</i>		18
<i>skipped question</i>		0

These positive interactions with students outweigh the adverse effects of student transient noise, public intoxication, and/or parties		
Answer Options	Response Percent	Response Count
Strongly disagree	10.5%	2
Disagree	31.6%	6
Neutral	31.6%	6
Agree	21.1%	4
Strongly agree	5.3%	1
<i>answered question</i>		19
<i>skipped question</i>		0

People who live near UC Berkeley and Clark Kerr Campus should expect to put up with a certain amount of student transient noise and public intoxication associated with student parties.		
Answer Options	Response Percent	Response Count
Strongly disagree	36.8%	7
Disagree	26.3%	5
Neutral	15.8%	3
Agree	21.1%	4
Strongly agree	0.0%	0
<i>answered question</i>		19
<i>skipped question</i>		0

Since the beginning of the academic year (August 2011) how often have you seen/heard information about the Happy Neighbor's program to address neighborhood issues related to transient noise and public intoxication associated with student parties?		
Answer Options	Response Percent	Response Count
Never	31.6%	6
Once	26.3%	5
2-3 times	31.6%	6
4-5 times	5.3%	1
More than 5 times	5.3%	1
<i>answered question</i>		19
<i>skipped question</i>		0

6. Positive interactions with students outweigh the adverse effects of student transient noise, public intoxication, and/or parties.		
Answer Options	Response Percent	Response Count
Strongly disagree	14.8%	4
Disagree	33.3%	9
Neutral	40.7%	11
Agree	11.1%	3
Strongly agree	0.0%	0
<i>answered question</i>		27
<i>skipped question</i>		0

7. People who live near UC Berkeley and CKC should expect to put up with a certain amount of student transient noise and public intoxication associated with student parties.		
Answer Options	Response Percent	Response Count
Strongly disagree	29.6%	8
Disagree	14.8%	4
Neutral	22.2%	6
Agree	29.6%	8
Strongly agree	3.7%	1
<i>answered question</i>		27
<i>skipped question</i>		0

8. Since the beginning of the academic year (August 2013) how often have you seen/heard information about the Happy Neighbors program to address neighborhood issues related to transient noise and public intoxication associated with student parties?		
Answer Options	Response Percent	Response Count
Never	23.1%	6
Once	23.1%	6
2-3 times	42.3%	11
4-5 times	0.0%	0
More than 5 times	11.5%	3
<i>answered question</i>		26
<i>skipped question</i>		1

10. I have taken the following steps to be a Happy Neighbor in the Piedmont-Parker neighborhood:

Answer Options	Response Percent	Response Count
Met and learned about my	43.8%	7
Exchanged contact	68.8%	11
Discussed party/social	31.3%	5
Attended Happy Neighbor	62.5%	10
<b>answered question</b>		<b>16</b>
<b>skipped question</b>		<b>2</b>

I have taken the following steps to be a Happy Neighbor in the Piedmont-Parker neighborhood:

Answer Options	Response Percent	Response Count
Met and learned	54.5%	6
Exchanged contact	72.7%	8
Discussed	27.3%	3
Attended Happy	54.5%	6
<b>answered question</b>		<b>11</b>
<b>skipped question</b>		<b>8</b>

9. I have taken the following steps to be a Happy Neighbor...

Answer Options	Response Percent	Response Count
Met and learned	68.4%	13
Exchanged contact	63.2%	12
Discussed	47.4%	9
Attended Happy	47.4%	9
<b>answered question</b>		<b>19</b>
<b>skipped question</b>		<b>8</b>

Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 4

# Chancellor's Advisory Council on Student-Neighbor Relations Happy Neighbors Presentation

10/23/ 2012

# Happy Neighbors Accomplishments

- Neighborhood Education Undertaken
- Peer to Peer Outreach to Nuisance Properties
- Quiet Campaign Launched
- Two Surveys of Pilot Area Completed
- Future Challenges Identified



# Neighborhood Education Undertaken

- Three Neighborhood watch meetings with project team and UCPD and BPD
- Two neighborhood/staff meetings with Clark Kerr Residence Hall Staff to identify issues and solutions
- Outreach to neighborhood residents about both police and student conduct procedures regarding nuisance properties
- Finalized Neighborhood Toolkit
  - Provides resources for neighbors to use when there are problems related to parties, alcohol, vandalism and transient noise
- Nuisance Property Map

# Neighborhood Toolkit



# Nuisance Property Map

<b>A: 2738/2740 Parker</b>
<b>B: 2840 Parker</b>
<b>C: 2610 Warring</b>
<b>D: 2632 Warring, Apt 9</b>
<b>E: 2517 Piedmont</b>
<b>F: 2534 Piedmont (6 units)</b>
<b>G: 2600 Piedmont</b>
<b>H: 2606 Piedmont</b>
<b>I: 2511 Etna</b>
<b>J: 2518 Etna</b>
<b>K: 2519 College</b>
<b>L: 2521 College</b>
<b>M: 2529 College</b>
<b>N: 2533 College</b>
<b>O: 2535 College</b>
<b>P: 2535 College</b>





# Peer-Peer Outreach to 18 Properties in the pilot area on 8/24

- First Round
  - informed students about their community expectations and accountability using flyer with information about quiet hours, penalties, resources, and how to handle intoxicated people

# Outreach Flyer

**Welcome Cal Students!** Many of your Parker-Piedmont neighbors were once in your position – starting out a new chapter in their lives in Berkeley. Some of us have lived in this neighborhood since the 1970s and 80s and are proud of our streets, gardens and neighborhood association. Please join us. We enjoy getting to know you, so say hi and stop to talk when you see us. We'll do the same. – *Phil Bokoroy, President – Neighborhood Association*

## Cal Community Expectations

It is a privilege to be a part of the Cal community, and it comes with responsibility for upholding standards of the community. Members are expected to know and comply with all laws, University policies and campus regulations, and to conduct themselves in ways that support a scholarly environment. - UC Berkeley Center for Student Conduct website

### City Laws and Penalties Of Special Relevance

**Community Quiet Hours in Berkeley are 10pm to 7am seven days a week. ...In every neighborhood — on every street. Penalty for unreasonable noise: 1st response - warning; 2nd response - up to \$100 fine.**

**Public Nuisance and Second Response Ordinance for loud or unruly gathering or party.**

**Penalties:**

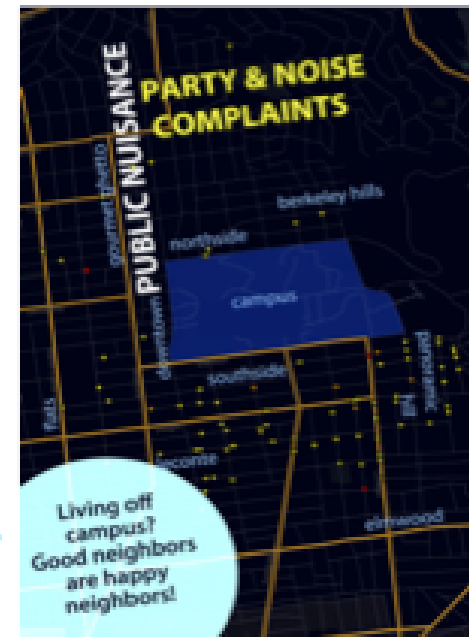
- \*1st violation - a warning, public notice, and order to disperse the gathering
- \*2nd violation at property within 120 days (including same night) - automatic **\$750 fine**
- \*3rd violation at property within 120 days (including same night) - automatic **\$1500 fine**
- \*Subsequent violations can occur and fines continue to increase.

### What is a public nuisance?

Hindering the quiet enjoyment of significant portion of the neighborhood; ten or more people; excessive noise or traffic; obstruction of public streets by crowds or vehicles; public drunkenness; serving alcohol to minors; fights or disturbances of the peace; and/or litter.

### Roles and Procedures of UC Berkeley Center for Student Conduct

Police and neighbors **regularly report complaints and incidents** that involve Cal students to the Center for Student Conduct (CSC) as possible violations of the Student Code of Conduct. CSC staff review all reports to determine if they are actionable. Actionable cases follow an established process to determine if a student has violated the Code. CSC sanctions aim to be appropriate to the violation and can include monetary fines (e.g. **football game citation fine is now \$125**), restriction of privileges, restitution, university service, counseling, and additional assignments. **All conduct actions are recorded in student's conduct file and remain for seven years.**

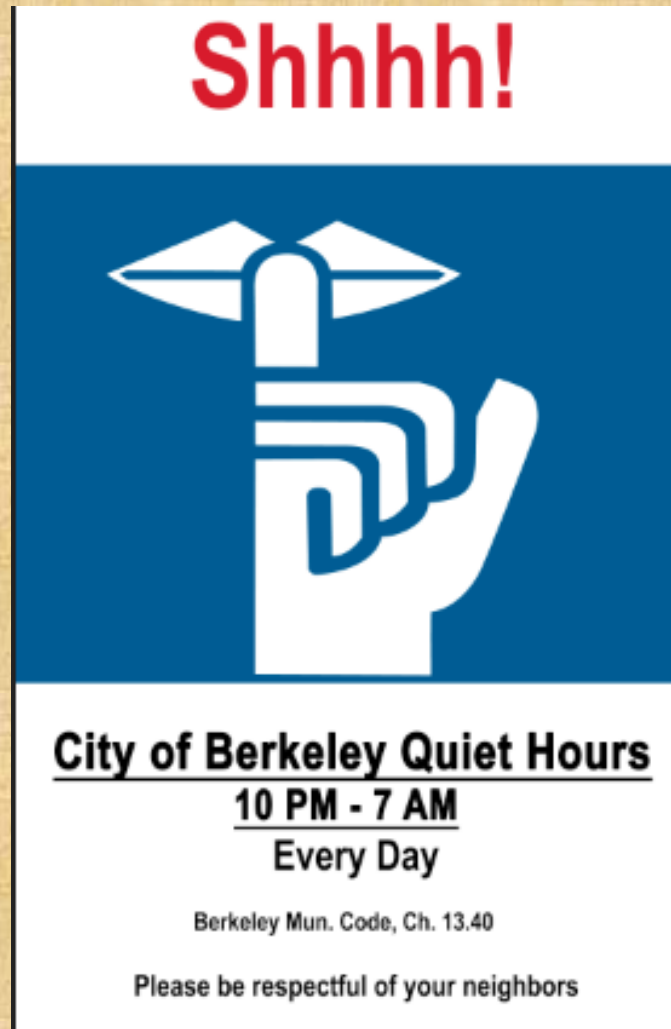


For resource list and contact information, please see other side.

# Peer-Peer Outreach to 14 Properties in the pilot area on 9/21

- Second Round
  - inquired about their opinions on quiet posters
  - asked for contact information
  - neighbor reactions to parties and noise

# Quiet Campaign Launched



~~Shhhh!~~  
If you don't like the noise, MOVE OUTTA S. side



Party on 2534 Piedmont! ♥ KT  
RAGE  
City of Berkeley ~~Quiet~~ Hours  
10 PM - 7 AM  
Everyday !!!

Please be respectful of your  
-future doctors, lawyers, & politicians



# Quiet Campaign Launched on 9/7/2012

- Neighborhood letter regarding expectations was sent to all Clark Kerr Students at move in
- Media
- Outreach at Clark Kerr to inform students of quiet hours in Berkeley 9/7/2012 & 10/17/2012 Pet Hugs and People Treats
- Weekly replacement of signs in neighborhoods
- Councilmember Wozniak is working with city staff to determine how to install metal quiet signs permanently
- Positive response from other south side neighborhoods, signs distributed to Dwight/Hillside, and a couple Willard neighbors

# Media

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[ALL THE NEWS](#)
[EVENTS](#)
[OPINIONATOR](#)
[ABOUT](#)
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**News**

## University, residents collaborate on campaign for quiet

September 10, 2012 11:17 am by Lance Knobel

Sigms in the Piedmont/Parker neighborhood remind students that Berkeley ordinances require quiet after 10 p.m. Photo: Lance Knobel

This weekend, a group of local residents and Cal joined forces to ask for some peace and quiet in a southern neighborhood that embraces one of the university's biggest housing units, as well as fraternity row.

The Quiet Campaign of the Happy Neighbors Group posted signs all over the Piedmont/Parker neighborhood hosted a low-key event on Clark Kerr campus to bring students together with local residents.

"It's going to take a while to have an impact," said Phil Bokovoy, a block captain for the Piedmont/Parker Neighborhood Watch, and a member of the chancellor's Student/Neighborhood Advisory Committee. Bokovoy, a good part of Friday afternoon putting up the graphic "Shhhhh!" signs. He said on Monday morning that he is about one-third of the signs had been taken down over the weekend. "But the other night I heard someone go house and say, 'Sh!'"

The Quiet Campaign aims to reduce the impact of more than 1,200 university students living next to long-established residential neighborhoods by increasing student awareness of the surrounding neighborhood, educating neighbors on the resources available to address late-night drunken behavior, vandalism and out-of-control student parties, and creating expectations of student conduct. It was developed after a series of focus group sessions with neighbors and students, as well as a survey of local residents.

The Happy Neighbors Project, a pilot project run by the Piedmont/Parker Neighborhood Watch group funded

CITY

TUESDAY, SEPTEMBER 11, 2012

## Community campaign aims to quiet student disorderliness

BY JAEHAK YU | STAFF

LAST UPDATED SEPTEMBER 9, 2012

Berkeley residents living near Clark Kerr Campus are fed up with loud student parties and the noise the parties produce.

A local association called the Piedmont/Parker Neighborhood Watch launched what they are calling a Quiet Campaign on Friday in an attempt to quell student noise and drunken disorderliness by putting up posters and raising community awareness.

The project is part of the group's Happy Neighbors Project, a larger effort to deal with disruptive student behavior near the Clark Kerr Campus and surrounding area. The project works in partnership with PartySafe@Cal, a campaign run through the campus's University Health Services that aims to reduce alcohol-related risks for the campus community by promoting safe partying practices.

"There are people really binge drinking, especially underage," said Phil Bokovoy, block captain for the Piedmont/Parker Neighborhood Watch. "People relieve themselves in the driveways and gardens. There's a lot of vandalism. A couple weeks ago, I had to call the police to come and transport a kid to the hospital."

The pilot project will continue into late fall and will incentivize students with Pet Hugs and People Treats — an event filled with opportunities to play with pets and receive ice cream rewards — while also reiterating the benefits of creating a more harmonious community, Bokovoy said.

6 Like

5 Tweet

13 Comment

### RELATED POSTS

Community group collaborates with campus to improve student impact on neighborhoods

City Council postpones vote to extend probationary period for noise complaints

# Completed second pilot area survey of permanent residents

- Data analysis underway, preliminary results regarding transient noise and public intoxication appear similar, however disruptions due to parties seems to have fallen. Need to confirm with South Side Safety Patrol tracking



# Future Challenges

- Need to determine permanent home for Happy Neighbors post grant
- Need to develop 'feedback' loop with Police and Student Conduct regarding outreach and education, so that Police and Student Conduct become aware of whether students have been contacted
- Need formal process with the city for abating continuing nuisance properties
- Neighbors hesitant to approach tenants at nuisance properties, possible notification process for landlords?

# Future Challenges (cont'd)

- Identified conflict in Res Hall quiet hours and city ordinance (11 PM weekdays, 1 AM weekends vs. 10 PM every day for city)
- Doing data analysis on repeat problem properties for mini-dorm legislation

Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 5

## Summary of Happy Neighbors Project and Request for future support

*Submitted by Phillip Bokovoy, Piedmont/Parker Neighborhood Watch ("PPNW") and Joan Barnett, Dwight Hillside Neighborhood Association ("Dwight Hillside"), along with the South Side Neighborhood Consortium ("SSNC") (Claremont Elmwood Neighborhood Association ("CENA"), Willard and LeConte Neighborhood Associations, PPNW and Dwight Hillside)*

This report summarizes the current state of the Happy Neighbors Project which was funded by the Chancellor's Community Partnership Fund in 2011, requests permission to continue to use the unexpended grant funds, and requests permanent University of California, Berkeley, funding to maintain the project in mitigation of the large unplanned increase in students living on the South Side of the campus.

### Summary

The Happy Neighbors Project experience indicates how positive results can be achieved in the South Side neighborhoods with the effort and strong commitment from the University. We urge the University to renew its commitment to address the negative effects of alcohol, parties, anti-social behavior and noise by providing permanent financing of the Happy Neighbors Project. We believe that this program is an important component of the University's overall efforts to reduce the impacts of alcohol, prevent alcohol-related accidents and injuries, be a good neighbor in the Berkeley community and provide a safe and positive environment for its students, faculty, and staff

### Summary of best practices and institutional problems and barriers

The Happy Neighbors Project had its origins in a series of discussions between and among PPNW members and Caleb Dardick, then of the Local Government Relations office. Dardick encouraged the neighborhood watch group, led by Phillip Bokovoy, to work with UC partners Party Safe@Cal, Residential Living, and the Office of Student Conduct. After working with Karen Hughes, Dan Ocampo, and Susan Trageser on a proposal, the CCPF approved Happy Neighbors for funding in 2011, with a launch date of Fall Semester, 2011. Due to difficulty in hiring a student project manager, the project didn't really get underway until Spring Semester, 2012, and it has continued up until this time, with some significant changes, which will be addressed below.

### Best practices

Happy Neighbors, as expected, identified a number of best practices for reducing the impacts of parties, noise, and increased student presence in the target neighborhoods. These best practices served to **reduce the number of Exhibits in the PPNW area from 13 in 2010/11 to 8 in 2011/12 and to 5 in 2012/13**. Notably, there were only 2 in the most recent semester, Fall of 2013. However, outside of PPNW, Exhibits have stayed the same, or **increased**, most notably in Dwight Hillside where In 2010/11 **Greek letter houses** comprised **64%** of Exhibits B served, in **2011/12: 73%, in 2012/13: 100%**. Clearly we can do better by adopting best practices in other neighborhoods.

## Summary of Happy Neighbors Project and Request for future support

These best practices include:

- House to house visits by students, under the supervision of Party Safe@Cal, (“Peer outreach”) of properties that have proven to be disruptive to the neighborhood. Peer outreach includes follow ups during the school year, frequently including outreach after the service of an Exhibit under the Second Response Ordinance (“SRO”) or neighborhood complaints. The Party Safe@Cal engagement and collaboration model has been very successful in strengthening UC community partnerships, and should be used as a model for partnerships with other UC departments.
- Neighbor education workshops which introduce neighbors to the various remedies available when disruptions occur. These workshops include a ‘Happy Neighbors Toolkit’ (**attached as Exhibit A**). The Toolkit outlines all of the resources available for various kinds of disruptions and includes names, telephone numbers and relevant laws and regulations.
- Jumping on ‘hot spots’ quickly. The South Side Safety Patrol weekly report of Exhibits served under the SRO, along with neighbor notifications allows for immediate follow up and education with the students creating the disruption.
- Letter to the Clark Kerr Residents at the beginning of the Fall Semester works to reduce the ‘walk through’ impacts of late night noise and other alcohol-related disruptions (vandalism, large groups, etc....)
- Meeting with Resident Assistants at least once per semester, to educate them about the impacts of Residence Halls on the surrounding neighborhoods. **This effort should be extended to the campus Greek system, Coops, and athletics residences, as well as Landlords of large and/or particularly problematic properties.**
- A clear and consistent “Quiet Campaign.” This campaign has proven effective in educating students on the Berkeley Municipal Ordinance governing quiet hours, which are from 10 PM to 7 AM. As noted below, the Residence Hall quiet hours are not in alignment with the city hours, sometimes by as many as 3 hours in the evenings.
- The South Side Safety Patrol and the training sessions that they provide have also been a key part of reducing the impacts of neighborhood disruptions on the South Side.

### Institutional barriers

We also identified a number of institutional problems in the project, most of which are related to **inconsistent UC commitment to initiatives**. Some of this lack of commitment is institutional resistance to setting clear, consistent, and enforceable community standards, some is due to constant turnover of mid-level staff in the Housing and Student Conduct area, and some is the **lack of senior level leadership at the Vice Chancellor level**.



## Summary of Happy Neighbors Project and Request for future support

- The Office of Student Conduct pulled out of the project in the first year, citing their workload. Their departure, and the subsequent elimination of the 'box' around the campus resulted in a loss of UC credibility in the South Side Neighborhoods, and a feeling that UC was not serious enough about tackling the disruptions caused by the increasing student population.
- The Office of Student Conduct is a 'black hole' as far as the neighborhoods and the City of Berkeley are concerned. Complaints go in, and no follow up or feedback is provided. While we appreciate the role of confidentiality, it would be easy for the office to report the aggregate number of community-initiated and Second Response generated complaints and an aggregate summary of the disposition of the complaints. **Repeated requests for such information have been refused.**
- The Office of Student Conduct requires neighborhood residents to disclose all of their contact information in order for a complaint to be investigated. Numerous neighbors, particularly in the Dwight/Hillside area, have reported **being the targets of retaliation subsequent to making complaints to the police, and are understandably reluctant to provide identifying information that would be given to students who are the subject of an investigation.** Legal research has shown that non-disclosure is not a legal requirement, as a complaint could generate, similarly to a police complaint, an investigation by a UC staff person, without the need for full disclosure prior to an action being taken.
- The Dean of Students was often personally disparaging of the efforts of this project, and made his displeasure with the project widely known among both community members and UC staff. This lack of collaborative spirit and often open contempt for the neighborhood leaders eroded UC's credibility. This permeated both the Office of Student Conduct staff and the staff managing Greek life, making it difficult to work with them as partners in solving our common problems.
- Constant turnover of staff in the Housing office made it very difficult to move initiatives forward. Senior Housing staff failed to return calls and emails, demonstrating a lack of commitment to the process.
- **Turnover and lack of consistency in the management of campus Greek life resulted in zero headway, and in some years, significant backsliding in reducing the incidence of disruptions by Greek letter houses,** especially in Dwight Hillside. The problems increased dramatically when the position providing oversight of Greek life was significantly downgraded.
- UC's policy **of derecognizing fraternities has failed completely** to resolve any of the issues with chronic offenders. There are, so far as we can tell, almost no consequences to fraternities that are found year after year to be in violation of the SRO. There is also failure among UC staff to recognize that, to the community, Greek life is UC life, whether recognized or not. UC needs to

## **Summary of Happy Neighbors Project and Request for future support**

provide stronger leadership in this area. In addition, we will be working with the City Council to implement new regulatory strategies for chronic offenders.<sup>1</sup>

### **Request to use remaining funding to roll out Happy Neighbors to SSNC partners**

The South Side Neighborhood Consortium, formed in 2011 to reduce the impact of mini dorms and increased student density in the South Side neighborhoods, comprises PPNW, Dwight Hillside, Claremont Elmwood Neighborhood Association (“CENA”), Willard Neighborhood Association (“Willard”) and the LeConte Neighborhood Association (“LeConte”). SSNC is in the process of reaching out to a couple of smaller neighborhood groups as well.

SSNC met with the Happy Neighbors partners in January of 2014, after expressing a strong desire to implement the Happy Neighbors best practices in their neighborhoods. Efforts are currently underway to do so, and the remaining \$3,300 would be well used to fund the roll out in Fall 2014. We would like to formally request permission to do so.

### **Permanent funding and staffing of Happy Neighbors at UC**

SSNC would like formally to request that UC fund Happy Neighbors on a permanent basis. We feel this is a modest investment given the very large impacts of UC’s increased enrolment on the South Side neighborhoods. Phil Bokovoy has graciously agreed to manage the Fall 2014 rollout on the condition that the University permanently staff the project. The costs/staffing would be as follows:

Staff leadership at UC would be approximately 100 hours per year, or about 5% of an FTE and perhaps \$1-2000 a year for materials and supplies. The responsibilities would be as follows:

- 2-3 days of organization before each semester.
- With Party Safe@Cal, organizing the peer outreach
- Working with neighbors to identify outreach properties/students
- Monitoring the South Side Safety Patrol report for ‘hot spots’
- Organizing supplies/posters/flyers
- Managing the marketing program to students
- Case by case mediation problems with properties as they arise

---

<sup>1</sup> In a March 2014 Atlantic article outlining the litigation strategy of national fraternity organizations, the author makes it clear that universities and communities cannot rely on the nationals to help solve the intractable alcohol, party and sexual violence problems that arise in the fraternity culture. It’s clear that new strategies and a more transparent student conduct process are called for.

Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 6

**From:** dshiver@bae1.com,  
**To:** PBokovoy@aol.com,  
**Subject:** Fwd: Downstairs tenant  
**Date:** Tue, Sep 21, 2021 5:54 pm

---

Another noise.

DS

bae urban economics

David L. R. Shiver

Principal

2560 9<sup>th</sup> Street, Suite 211 | Berkeley | CA | 94710

510.547.9380 | [bae1.com](http://bae1.com)

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

From: **David Shiver** <[dshiver@bae1.com](mailto:dshiver@bae1.com)>  
Date: Fri, Jun 4, 2021 at 10:46 PM  
Subject: Re: Downstairs tenant  
To: Han Fung <[hanfung@gmail.com](mailto:hanfung@gmail.com)>

It was twice in one night. I had an 8:00 am call with a client and an important prospective client interview today. I was dragging all day due to interrupted sleep.

Sent from my iPhone

> On Jun 4, 2021, at 9:01 PM, Han Fung <[hanfung@gmail.com](mailto:hanfung@gmail.com)> wrote:

>

> Is this the second time they're doing this?

>

> Han Fung

>

>> On Jun 4, 2021, at 12:41 AM, David Shiver <[dshiver@bae1.com](mailto:dshiver@bae1.com)> wrote:

>>

>> Tjey are out after 10pm now 12:38 am

>> Very noisy. Please have keep inside after 10pm. I have called BPD.

>>

>> David

>>

>> <IMG\_2682.MOV>

>>

>>

>> Sent from my iPhone

**From:** pbokovoy@aol.com,

**To:** yhuang.law@gmail.com, jarubino@berkeley.edu,

**Cc:** alycef@aol.com, joanbarnett@yahoo.com, tokoire@aol.com, trl54@yahoo.com, bhockett@cornwallcapital.com, bill@gordongreineder.com, sfcraig@gmail.com, dmargen@yahoo.com, erica\_london@yahoo.com, hillside21@mac.com, mudge.jean@gmail.com, josh.meltzer@gmail.com, jurgen.aust@bhghome.com, mwaitz@comcast.net, pk@pgkennedy.net, sarah.wikander@gmail.com, stockdale.shannon@gmail.com, geophysia@gmail.com, sam.romes@nicfraternity.org, jeff.woods@berkeley.edu, JPerry@cityofberkeley.info, jenloy@berkeley.edu, fjalbergo@berkeley.edu, jmccormick@cityofberkeley.info, ssutton@berkeley.edu, cchrist@berkeley.edu, ctreadway@berkeley.edu, drm1a2@sbcglobal.net, dshiver@bae1.com, galeg13@gmail.com, georgebeierjr@hotmail.com, giannara@comcast.net, joanbarnett@yahoo.com, lesleyemington@gmail.com, mike@fridaysfilms.com, mklacey@comcast.net, mountainlionsandbears@gmail.com, sundial@sonic.net, jarreguin@cityofberkeley.info,

**Subject:** Re: Friday Saturday 8/20 -21 Neighborhood Crowd Disturbances

**Date:** Sun, Aug 22, 2021 6:01 pm

**Attachments:** IMG\_2953.MOV (18546K)

Hi all,

This weekend was an absolute failure of planning by the UC Berkeley senior management. I've attached a video of a disturbance that was filmed at 2424 Stuart St, where a neighbor reported an out of control party on Friday night, and was told by BPD that there were no resources available because of the huge number of parties, and a mass party/disturbance at Durant and Telegraph.

In addition, our neighborhood endured hundreds of students from Clark Kerr roaming through the neighborhoods looking for parties on the past three nights, often until 3 or 4 in the morning.

That the UC senior management still fails to plan and account for the more than 11,000 students who have been thrust into the city over the past 15 years, despite having had Judge Seligman recently rule that they are out of compliance with CEQA with respect to noise effects in the neighborhood, is a massive failure. No wonder the entire city is up in arms and hostile to UC. How many more incidents like this must the residents of Berkeley endure before Chancellor Christ and her cabinet are held to account? And why is the disciplinary system not functioning in a way that reduces these harms?

Phil Bokovoy

-----Original Message-----

From: Yolanda Huang <yhuang.law@gmail.com>

To: Jerry Rubino <jarubino@berkeley.edu>

Cc: alycef@aol.com; Joan Barnett <joanbarnett@yahoo.com>; tokoire@aol.com; trl54@yahoo.com; Ben Hockett <bhockett@cornwallcapital.com>; Bill Greinedeer <bill@gordongreineder.com>; Craig Griffith <sfcraig@gmail.com>; david Margen <dmargen@yahoo.com>; Erica Leonard <erica\_london@yahoo.com>; HAROLD Waiitz <hillside21@mac.com>; Jean Mudge <mudge.jean@gmail.com>; Josh Meltzer <josh.meltzer@gmail.com>; Jurgen Aust <jurgen.aust@bhghome.com>; Mary Waitz <mwaitz@comcast.net>; Patrick Kennedy <pk@pgkennedy.net>; Phil Bokovoy <pbokovoy@aol.com>; Sarah Wikandar <sarah.wikander@gmail.com>; Shannon Stockdale <stockdale.shannon@gmail.com>; Sierra Boyd <geophysia@gmail.com>; Sam Romes <sam.romes@nicfraternity.org>; Jeff Woods <jeff.woods@berkeley.edu>; Perry, Jessica <JPerry@cityofberkeley.info>; Jen Loy <jenloy@berkeley.edu>; Frank Alberg <fjalbergo@berkeley.edu>; McCormick, Jacquelyn <jmccormick@cityofberkeley.info>

Sent: Sun, Aug 22, 2021 3:32 pm

Subject: Re: Friday Saturday 8/20 -21 Neighborhood Crowd Disturbances

I drove around on Friday night and Saturday night, and it was pretty busy. It looked to me that it was the same old scene. The IFC have been saying "self monitor", and that's been the mantra for 3 decades. Hasn't worked success. The science shows that adolescent brains, particularly male adolescent brains, do not really mature until age 24.

Self monitoring does not work. We've had the GLA exemption plus the adult monitor per the settlement agreement, and the truth is, the behavior has not changed. My observation is that it is not possible for the late adolescent behavior to change on a voluntary basis. Particularly when alcohol is a significant component of the conduct.

Briefly Grahame Hesp tried to have the fraternities adopt clear risk management policies with enforcement and the fraternities' response was to drop University recognition, and then we regularly had young male deaths; the trips to the ER for etoh overdose and other alcohol related injuries increased, and fraternities became a full blow public nuisance. We cannot wait until injuries, deaths and emergency room trips start increasing.

My thinking is that the GLA exemption for frats needs to be revoked. There needs to be an actual, responsible person on site for genuine property and risk management.

Yolanda

On Sun, Aug 22, 2021 at 2:51 PM Jerry Rubino <[jarubino@berkeley.edu](mailto:jarubino@berkeley.edu)> wrote:

This weekend Warring Street was overrun by crowds of students attracted to Fraternity gatherings including a BFD Paramedic and Fire call on the 2400 block. Both Friday and Saturday nights, crowds and noise went well past the 2:00 AM hours, with little concern for the 10:00 PM start of city noise reduction policies.

If anyone else had similar disturbances please "RESPOND TO ALL" to this EMail with your comments.

Thank You,  
J Rubino

--

**Yolanda Huang, Esq.**

528 Grand Avenue • Oakland • CA • 94610 • Phone:510-329-2140 • Fax:510-580-9410

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**From:** dmargen@yahoo.com,

**To:** mudge.jean@gmail.com, pbokovoy@aol.com,

**Cc:** yhuang.law@gmail.com, jarubino@berkeley.edu, alycef@aol.com, joanbarnett@yahoo.com, tokoire@aol.com, trl54@yahoo.com, bhockett@cornwallcapital.com, bill@gordongreineder.com, sfcraig@gmail.com, erica\_london@yahoo.com, hillside21@mac.com, josh.meltzer@gmail.com, jurgen.aust@bhghome.com, mwaitz@comcast.net, pk@pgkennedy.net, sarah.wikander@gmail.com, stockdale.shannon@gmail.com, geophysia@gmail.com, sam.romes@nicfraternity.org, jeff.woods@berkeley.edu, JPerry@cityofberkeley.info, jenloy@berkeley.edu, fjalbergo@berkeley.edu, jmcormick@cityofberkeley.info, ssutton@berkeley.edu, cchrist@berkeley.edu, ctreadway@berkeley.edu, drm1a2@sbcglobal.net, dshiver@bae1.com, galeg13@gmail.com, georgebeierjr@hotmail.com, giannara@comcast.net, lesleyemmington@gmail.com, mike@fridaysfilms.com, mklacey@comcast.net, mountainlionsandbears@gmail.com, sundial@sonic.net, jarreguin@cityofberkeley.info,

**Subject:** Re: Friday Saturday 8/20 -21 Neighborhood Crowd Disturbances

**Date:** Sun, Aug 22, 2021 7:56 pm

---

Yes lots of noise and people roaming, lots of beer bottles on the street. Students again texting and not watching traffic. We need help it's back to the old days! I'm almost afraid to go out all the unmasked young people on our street. I'm only 63 not like a senior!!

[Sent from Yahoo Mail on Androd](#)

On Sun, Aug 22, 2021 at 6:40 PM, Jean Mudge  
<mudge.jean@gmail.com> wrote:

Thank you so much, Phil, for this comprehensive, right-on comment about the University's lack of responsibility in anticipating the effects of its accelerated student increase in the city that we, and evidently they, cannot physically handle. Was there ever a better example of an 800 lb. gorilla throwing its weight around with no care? And we taxpayers feed the gorilla! Threatening to withhold that part of our taxes that finances its food is unrealistic, I know, But it does come to mind.

Jean

Jean M. Mudge  
2444 Hillside Ave,  
Berkeley, CA 94704  
510-332-2264  
[www.jeanmudgemedia.org](http://www.jeanmudgemedia.org)

On Sun, Aug 22, 2021 at 6:01 PM <pbokovoy@aol.com> wrote:

Hi all,

This weekend was an absolute failure of planning by the UC Berkeley senior management. I've attached a video of a disturbance that was filmed at 2424 Stuart St, where a neighbor reported an out of control party on Friday night, and was told by BPD that there were no resources available because of the huge number of parties, and a mass party/disturbance at Durant and Telegraph.

In addition, our neighborhood endured hundreds of students from Clark Kerr roaming through the neighborhoods looking for parties on the past three nights, often until 3 or 4 in the morning.

That the UC senior management still fails to plan and account for the more than 11,000 students who have been thrust into the city over the past 15 years, despite having had Judge Seligman recently rule that they are out of compliance with CEQA with respect to noise effects in the neighborhood, is a massive failure. No wonder the entire city is up in arms and hostile to UC. How many more incidents like this must the residents of Berkeley endure before Chancellor Christ and her cabinet are held to account? And why is the disciplinary system not functioning in a way that reduces these harms?

Phil Bokovoy

-----Original Message-----

From: Yolanda Huang <[yhuang.law@gmail.com](mailto:yhuang.law@gmail.com)>

To: Jerry Rubino <[jarubino@berkeley.edu](mailto:jarubino@berkeley.edu)>

Cc: [alycef@aol.com](mailto:alycef@aol.com); Joan Barnett <[joanbarnett@yahoo.com](mailto:joanbarnett@yahoo.com)>; [tokoire@aol.com](mailto:tokoire@aol.com); [trl54@yahoo.com](mailto:trl54@yahoo.com); Ben Hockett <[bhockett@cornwallcapital.com](mailto:bhockett@cornwallcapital.com)>; Bill Greinedeer <[bill@gordongreineder.com](mailto:bill@gordongreineder.com)>; Craig Griffith <[sfcraig@gmail.com](mailto:sfcraig@gmail.com)>; david Margen <[dmargen@yahoo.com](mailto:dmargen@yahoo.com)>; Erica Leonard <[erica\\_london@yahoo.com](mailto:erica_london@yahoo.com)>; HAROLD Waiitz <[hillside21@mac.com](mailto:hillside21@mac.com)>; Jean Mudge <[mudge.jean@gmail.com](mailto:mudge.jean@gmail.com)>; Josh Meltzer <[josh.meltzer@gmail.com](mailto:josh.meltzer@gmail.com)>; Jurgen Aust <[jurgen.aust@bhghome.com](mailto:jurgen.aust@bhghome.com)>; Mary Waitz <[mwaitz@comcast.net](mailto:mwaitz@comcast.net)>; Patrick Kennedy <[pk@pgkennedy.net](mailto:pk@pgkennedy.net)>; Phil Bokovoy <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)>; Sarah Wikandar <[sarah.wikander@gmail.com](mailto:sarah.wikander@gmail.com)>; Shannon Stockdale <[stockdale.shannon@gmail.com](mailto:stockdale.shannon@gmail.com)>; Sierra Boyd <[geophysia@gmail.com](mailto:geophysia@gmail.com)>; Sam Romes <[sam.romes@nicfraternity.org](mailto:sam.romes@nicfraternity.org)>; Jeff Woods <[jeff.woods@berkeley.edu](mailto:jeff.woods@berkeley.edu)>; Perry, Jessica <[JPerry@cityofberkeley.info](mailto:JPerry@cityofberkeley.info)>; Jen Loy <[jenloy@berkeley.edu](mailto:jenloy@berkeley.edu)>; Frank Albergo <[fjalbergo@berkeley.edu](mailto:fjalbergo@berkeley.edu)>; McCormick, Jacquelyn <[jmccormick@cityofberkeley.info](mailto:jmccormick@cityofberkeley.info)>

Sent: Sun, Aug 22, 2021 3:32 pm

Subject: Re: Friday Saturday 8/20 -21 Neighborhood Crowd Disturbances

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My thinking is that the GLA exemption for frats needs to be revoked. There needs to be an actual, responsible person on site for genuine property and risk management.

Yolanda

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If anyone else had similar disturbances please "RESPOND TO ALL" to this EMail with your comments.

Thank You,  
J Rubino

--

**Yolanda Huang, Esq.**

528 Grand Avenue • Oakland • CA • 94610 • Phone:510-329-2140 • Fax:510-580-9410

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**From:** dshiver@bae1.com,  
**To:** PBokovoy@aol.com,  
**Subject:** Fwd: Downstairs tenants  
**Date:** Tue, Sep 21, 2021 5:52 pm

---

Here is one email exchange I had re: noise.

David

bae urban economics

David L. R. Shiver

Principal

2560 9<sup>th</sup> Street, Suite 211 | Berkeley | CA | 94710

510.547.9380 | [bae1.com](http://bae1.com)

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

From: **David Shiver** <[dshiver@bae1.com](mailto:dshiver@bae1.com)>  
Date: Sun, Aug 22, 2021 at 2:42 PM  
Subject: Re: Downstairs tenants  
To: Han Fung(GM) <[hanfung@gmail.com](mailto:hanfung@gmail.com)>

Thank you. I think the problem is that the tenants think they can have a party house when they can't.

David

bae urban economics

David L. R. Shiver

Principal

2560 9<sup>th</sup> Street, Suite 211 | Berkeley | CA | 94710

510.547.9380 | [bae1.com](http://bae1.com)

On Sat, Aug 21, 2021 at 10:50 AM <[hanfung@gmail.com](mailto:hanfung@gmail.com)> wrote:

Just saw this, I will call them. Thanks.

Han

-----Original Message-----

From: David Shiver <[dshiver@bae1.com](mailto:dshiver@bae1.com)>  
Sent: Friday, August 20, 2021 10:43 PM  
To: Han Fung <[hanfung@gmail.com](mailto:hanfung@gmail.com)>  
Subject: Downstairs tenants

Your downstairs tenants are persisting in loudly talking on their front porch. They don't seem to care if they are disturbing their neighbors. I have called the police but it's a busy night for them per dispatcher. I know you have a quiet clause in your lease, could you tell them need to Abide by their lease and be respectful of their neighbors? They used profanity in responding to me.

Thank you.

**From:** bhockett@cornwallcapital.com,

**To:** joanbarnett@yahoo.com, alycef@aol.com, tokoire@aol.com, trl54@yahoo.com, bill@gordongreineder.com, sfcraig@gmail.com, dmargen@yahoo.com, erica\_london@yahoo.com, hillside21@mac.com, mudge.jean@gmail.com, jarubino@berkeley.edu, josh.meltzer@gmail.com, jurgen.aust@bhghome.com, mwaitz@comcast.net, pk@pgkennedy.net, pbokovoy@aol.com, sarah.wikander@gmail.com, stockdale.shannon@gmail.com, geophysia@gmail.com,

**Cc:** sam.romes@nicfraternity.org, jeff.woods@berkeley.edu, jperry@cityofberkeley.info, jenloy@berkeley.edu, fjalbergo@berkeley.edu, jmccormick@cityofberkeley.info, yhuang.law@gmail.com,

**Subject:** RE: [EXTERNAL] Re: Friday Saturday 8/20 -21 Neighborhood Crowd Disturbances

**Date:** Mon, Aug 23, 2021 11:51 am

---

Hi, just one anecdotal observation, Saturday night I was returning home from dinner with friends, driving up Dwight at Piedmont I encountered a large crowd of students about 10.30pm, they were blocking about half of the road (too many to fit on the sidewalks, I would guess 50-60 students), they appeared to be searching for a party. No distancing or masks in view....

---

**From:** Joan Barnett [mailto:joanbarnett@yahoo.com]

**Sent:** Monday, August 23, 2021 8:46 AM

**To:** alycef@aol.com; tokoire@aol.com; trl54@yahoo.com; Ben Hockett <bhockett@cornwallcapital.com>; Bill Greineder <bill@gordongreineder.com>; Craig Griffith <sfcraig@gmail.com>; david Margen <dmargen@yahoo.com>; Erica Leonard <erica\_london@yahoo.com>; HAROLD Waitz <hillside21@mac.com>; Jean Mudge <mudge.jean@gmail.com>; Jerry A Rubino <jarubino@berkeley.edu>; Josh Meltzer <josh.meltzer@gmail.com>; Jurgen Aust <jurgen.aust@bhghome.com>; Mary Waitz <mwaitz@comcast.net>; Patrick Kennedy <pk@pgkennedy.net>; Phil Bokovoy <pbokovoy@aol.com>; Sarah Wikandar <sarah.wikander@gmail.com>; Shannon Stockdale <stockdale.shannon@gmail.com>; Sierra Boyd <geophysia@gmail.com>

**Cc:** Sam Romes <sam.romes@nicfraternity.org>; Jeff Woods <jeff.woods@berkeley.edu>; Perry, Jessica <jperry@cityofberkeley.info>; Jen Loy <jenloy@berkeley.edu>; Frank Albergo <fjalbergo@berkeley.edu>; jmccormick@cityofberkeley.info; Yolanda Huang <yhuang.law@gmail.com>

**Subject:** [EXTERNAL] Re: Friday Saturday 8/20 -21 Neighborhood Crowd Disturbances

Hi Jerry,

Friday (8/20) was loud but Saturday (8/21) was the worst I've heard in a long time. It started shortly after 9:00 p.m. and went well past 2:00 a.m. It was impossible to pin down exactly where the noise was coming from, it seemed to be mostly outside street noise. Not so much music as large groups of students, both male and female yelling and screaming outside in the area of the 2400 block of Prospect and

along Warring and Channing. I did not call the police since it has been my experience that especially on Saturday nights they are unable to respond to this kind of disturbance in a timely manner.

Joan

On Sunday, August 22, 2021, 02:52:00 PM PDT, Jerry Rubino <[jarubino@berkeley.edu](mailto:jarubino@berkeley.edu)> wrote:

This weekend Warring Street was overrun by crowds of students attracted to Fraternity gatherings including a

BFD Paramedic and Fire call on the 2400 block. Both Friday and Saturday nights, crowds and noise went well past the 2:00 AM hours, with little concern for the 10:00 PM start of city noise reduction policies.

If anyone else had similar disturbances please "RESPOND TO ALL" to this EMail with your comments.

Thank You,

J Rubino

Disclaimer: This message and any attachments (the "message") may contain information that is confidential and is intended solely for the intended recipient(s). If you receive this message in error, or are not the intended recipient(s), please delete it and any copies from your systems and immediately notify the sender. Any unauthorized view, use that does not comply with its purpose, dissemination or disclosure, either whole or partial, is prohibited. This message is subject to the terms of the [Email Disclaimer](#).

**From:** jarubino@berkeley.edu,  
**To:** pbokovoy@aol.com,  
**Cc:** yhuang.law@gmail.com,  
**Subject:** Noise ordinance  
**Date:** Thu, Aug 26, 2021 1:07 pm

---

Phil,  
We could use your advice, yesterday Pi Kappa Phi had a live band for the first day of rush, it was very loud. I called the BPD to lodge a complaint at approx. 5:30 PM, the dispatcher said it was too early for a noise disturbance and I responded with "it is amplified sound without a permit", a responder was sent. When the responding officer made contact, he said he had no tools or O.K. to conduct a decibel level reading, stating that it was the Environmental Health Division's jurisdiction.

The Band played on and on and on.

Sam Romes from NAIC did respond to my call, and was able to reduce the noise level, by 8:30PM.

Our question is, can you suggest someone at the city who has the authority to address noise level violations and educate responders that noise levels are set by ordinance for our R4 area, at 60 DBA 7am to 10 pm and 55 DBA 10pm to 7am?

Also how can we get EH involved in enforcement after business hours?

Jacquelyn McCormick is gone until September 7th.

Thanks,

J

**From:** yhuang.law@gmail.com,  
**To:** pbokovoy@aol.com,  
**Subject:** Re: Tonight's neighborhood meeting  
**Date:** Wed, Sep 1, 2021 12:34 am

---

seems like a pretty worthless meeting. Before you signed on I spoke to Jen Loy and said essentially that I was disappointed in the first 2 weeks -given the behavior. Her face immediately turned dark, and she got very huffy with me.

The meeting seemed worthless, it's the same old retread. we go over the same issues and nothing moves on. ie. police with decibel readers, garbage, alcohol., the serious issues.

apparently Jen Loy's response to the noise was to have Sam make up signs that said "quiet zone" or something like that and post them on sign posts.

not this weekend but next week, parties start at 200 persons per party.

On Tue, Aug 31, 2021 at 10:04 PM <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)> wrote:  
Any thoughts?

-----Original Message-----

From: Jerry Rubino <[jarubino@berkeley.edu](mailto:jarubino@berkeley.edu)>  
To: Phil Bokovoy <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)>; Yolanda Huang <[yhuang.law@gmail.com](mailto:yhuang.law@gmail.com)>  
Sent: Tue, Aug 31, 2021 4:05 pm  
Subject: Tonight's neighborhood meeting

Wanted to let you know, I am having technical problems with my audio microphone, so may not be able to speak at tonight's meeting.

I think you know the main concerns, Police 2nd response, city ordinance decibel levels (7am -10 pm 60dBA 10pm-7am 55dBA), House Corp. Adults being involved with compliance, NAIC and IFC sanctioning houses, and students being given self-monitoring allowance through the GLA Ordinance, so feel free to speak on our behalf.

Thanks so much,

J

--

**Yolanda Huang, Esq.**

528 Grand Avenue • Oakland • CA • 94610 • Phone: 510-329-2140 • Fax: 510-580-9410

**Confidentiality Notice:** This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please immediately return it to the sender. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege.

**From:** jarubino@berkeley.edu,  
**To:** pbokovoy@aol.com,  
**Cc:** yhuang.law@gmail.com,  
**Subject:** Re: Tonight's neighborhood meeting  
**Date:** Wed, Sep 1, 2021 4:53 pm

---

Phil,  
Thank you for your eloquent inquiry about noise and decibel response from the city.  
Not surprised but disappointed that there was no clear answer or solutions to the problem.  
Covid was used to deflect addressing long term issues of non compliance.  
It seems that the university and city are fixated on data, disregarding years of complaint driven calls and email data. Projecting at every meeting, that each day, week, month, and year starts as a clean slate for violators.  
The triple D's Deny, Deflect, Delay  
A Not so Happy Neighbor,  
J

On Tue, Aug 31, 2021 at 10:04 PM <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)> wrote:  
Any thoughts?

-----Original Message-----

From: Jerry Rubino <[jarubino@berkeley.edu](mailto:jarubino@berkeley.edu)>  
To: Phil Bokovoy <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)>; Yolanda Huang <[yhuang.law@gmail.com](mailto:yhuang.law@gmail.com)>  
Sent: Tue, Aug 31, 2021 4:05 pm  
Subject: Tonight's neighborhood meeting

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I think you know the main concerns, Police 2nd response, city ordinance decibel levels (7am -10 pm 60dBA 10pm-7am 55dBA), House Corp. Adults being involved with compliance, NAIC and IFC sanctioning houses, and students being given self-monitoring allowance through the GLA Ordinance, so feel free to speak on our behalf.  
Thanks so much,  
J

Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 7



## Chapter 13.48 CIVIL PENALTIES FOR MULTIPLE RESPONSES TO LOUD OR UNRULY PARTIES, GATHERINGS OR OTHER SIMILAR EVENTS

### Sections:

- [13.48.010](#) Findings and purpose.
- [13.48.020](#) Loud or unruly gatherings—Public nuisance.
- [13.48.030](#) Notice of unruly gathering—Posting, mail.
- [13.48.030A](#) Exhibit A.
- [13.48.040](#) Persons liable for a subsequent response to a gathering constituting a public nuisance.
- [13.48.050](#) Schedule of civil penalties.
- [13.48.050B](#) Exhibit B.
- [13.48.060](#) Collection of delinquent costs for a subsequent City response.
- [13.48.070](#) Nondiscrimination against students.

### **13.48.010 Findings and purpose.**

This chapter is enacted for the following public purposes among others:

- A. Due to inadequate supervision, some large gatherings of people, such as parties, frequently become loud and unruly to the point that they constitute a threat to the peace, health, safety, or general welfare of the public as a result of conduct such as one or more of the following: excessive noise, excessive traffic, obstruction of public streets or crowds who have spilled over into public streets, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, and litter.
- B. The City of Berkeley (hereafter "City") is required to make multiple responses to such unruly gatherings in order to restore and maintain the peace and protect public safety. Such gatherings are a burden on scarce City resources and can result in police responses to regular and emergency calls being delayed and police protection to the rest of the City being reduced.
- C. In order to discourage the occurrence of repeated loud and unruly gatherings, the persons responsible for the public nuisance created by these gatherings should be fined. (Ord. 6182-NS § 1, 1993)

### **13.48.020 Loud or unruly gatherings—Public nuisance.**

It shall be unlawful and a public nuisance to conduct a gathering of ten or more persons on any private property in a manner which constitutes a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood, as a result of conduct constituting a violation of law. Illustrative of such unlawful conduct is excessive noise or traffic, obstruction of public streets by crowds or vehicles, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, litter. A gathering constituting a public nuisance may be abated by the City by all reasonable means including, but not limited to, an order requiring the gathering to be disbanded and citation and/or arrest of any law violators under any applicable local laws and state statutes such as: Berkeley Municipal Code ("BMC") Chapter [13.40](#) et seq. (Community Noise), BMC Chapter 13.36 et seq. (Disorderly Conduct/Obstruction of Public Way), Penal Code Sections [415](#) and [416](#) (Breach of the Peace); BMC Chapter 12.40 et seq. and Penal Code Section [374](#) et seq. (Litter); Penal Code Section [647](#) (Public Intoxication/Obstruction of Public Way); Bus. & Prof. Code Section [25658](#) (Selling Alcohol to Minors), Vehicle Code Section [23224](#) (Possession of alcoholic beverage in vehicle, persons under [21](#)); BMC Chapter 13.68 et seq. (Carrying Dangerous Weapons), Penal Code Section [12020](#) et seq. (Unlawful Carrying and Possession of Concealed Weapons). (Ord. 6182-NS § 2, 1993)

### **13.48.030 Notice of unruly gathering—Posting, mail.**

- A. Posting of Premises. When the City intervenes at a gathering which constitutes a public nuisance under this chapter, the premises at which such nuisance occurred shall be posted with a notice substantially in the form

attached hereto as Exhibit "A" stating that a public nuisance under this chapter was caused by a gathering at the premises, the date and time of the police intervention, and that any subsequent or second police intervention with respect to a nuisance under this chapter at said premises, including a second intervention that same day or night, within one hundred twenty (120) days of the first intervention, shall result in the joint and several liability of any guests causing the public nuisance, persons who are residents or in control of the property at which the public nuisance occurred, persons who sponsored the gathering constituting the public nuisance, and owners of the premises as more fully set forth in Sections [13.48.040](#) through [13.48.060](#). The residents and persons in control of such property, and the sponsors of the event, shall be responsible for ensuring that such notice is not removed or defaced and shall be liable for a civil penalty of one hundred dollars (\$100.00) in addition to any other penalties which may be due under this chapter, if such notice is removed or defaced; provided, however, that the residents of the premises or sponsor of the event, if present, shall be consulted as to the location in which such notice is posted in order to achieve both the security of the notice and its prominent display. The notice shall remain posted for the entire one hundred twenty (120) day period.

B. Mailing of Notice to Property Owner. Notice of the police intervention shall also be mailed to any property owner at the address shown on the City's property tax assessment records and shall advise the property owner that any subsequent gathering resulting in a public nuisance within one hundred twenty (120) days on the same premises necessitating City intervention shall result in liability of the property owner for all penalties associated with such intervention as more particularly set forth below. (Ord. 7177-NS § 1, 2011: Ord. 6974-NS § 1, 2007: Ord. 6182-NS § 3, 1993)

#### EXHIBIT A

#### IMPORTANT NOTICE REGARDING PUBLIC NUISANCE

NOTICE IS HEREBY GIVEN THAT, pursuant to Berkeley Municipal Code Chapter (BMC) 13.48, on:

Date: \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m.,

the Berkeley Police Department found that a gathering at the below-listed premises caused a public nuisance as defined by BMC Chapter [13.48](#) (e.g. disturbance of the peace, threat to public safety, etc.):

Address: \_\_\_\_\_

#### WARNING

IF THE POLICE RESPOND TO ANOTHER DISTURBANCE CONSTITUTING A NUISANCE (AS DEFINED BY BMC CHAPTER [13.48](#)) AT THE ABOVE PREMISES WITHIN 120 DAYS OF THIS NOTICE, INCLUDING BUT NOT LIMITED TO A DISTURBANCE LATER TODAY OR TONIGHT, CIVIL PENALTIES WILL BE IMPOSED UPON:

1. ALL GUESTS CAUSING THE NUISANCE
2. ALL SPONSORS OF THE GATHERING
3. ALL RESIDENTS OF THE PREMISES
4. ALL PERSONS IN CONTROL OF THE PREMISES
5. ALL OWNERS OF THE PREMISES THAT RESIDE ON OR ADJACENT TO THE PREMISES, OR ARE PRESENT AT THE PREMISES WHEN THIS NOTICE IS FIRST POSTED

Property owners who do not reside on or adjacent to the above premises, and who are not present when this Notice is first posted, are also jointly and severally liable for said civil penalty, if the next disturbance occurs after two weeks after this Notice is mailed to said owner.

THIS NOTICE MUST REMAIN POSTED ON THE PREMISES FOR 120 DAYS  
\$100 FINE FOR UNAUTHORIZED REMOVAL OF THIS NOTICE

---

(Name and Signature of the Officer Issuing This Notice)

---

(Officer's Phone Number)

Date: \_\_\_\_\_

Case Number: \_\_\_\_\_

**13.48.040 Persons liable for a subsequent response to a gathering constituting a public nuisance.**

If the City is required to intervene as to a gathering constituting a public nuisance on the same premises more than once in any 120-day period, including a second intervention during the same day or night as the first intervention, the following persons shall be jointly and severally liable for civil penalties as set forth in Sections [13.48.050](#) below, in addition to liability for any injuries to City personnel or damage to City property.

- A. The person or persons who own the premises where the gathering constituting a public nuisance took place if any of the following are the case: (1) said owner resides on or adjacent to the premises, (2) said owner was present when the Notice described in Exhibit A was first posted, or (3) the Notice described in Exhibit A was mailed to said owner and 14 days have elapsed since the date of said mailing. For purposes of this subsection, where a gathering takes place within the confines of a single unit in a building owned by a housing cooperative, the owner of the property shall be deemed to be the owner of the single unit and not the members of the housing cooperative in general. Where the gathering took place in the common area of a building owned by a housing cooperative, only the members of the cooperative owning units in the building where the gathering took place shall be deemed the owners of the property for purposes of this subsection. Other members of the housing cooperative may still be liable if they fall within the categories of person made liable by Section [13.48.040](#), subsections B., C., or D., below.
- B. The person or persons residing on or otherwise in control of the property where such gathering took place.
- C. The person or persons who organized or sponsored such gathering.
- D. All persons attending such gathering who engaged in any activity resulting in the public nuisance.
- E. Nothing in this section shall be construed to impose liability on the resident or owners of the premises or sponsor of the gathering, for the conduct of persons who are present without the express or implied consent of the resident or sponsor, as long as the resident and sponsor have taken all steps reasonably necessary to exclude such uninvited participants from the premises. Where an invited guest engages in conduct which the sponsor or resident could not reasonably foresee and the conduct is an isolated instance of a guest at the event violating the law which the sponsor is unable to reasonably control without the intervention of the police, the unlawful conduct of the individual guest shall not be attributable to the sponsor, owner, or resident for the purposes of determining whether the event constitutes a public nuisance under this section.
- F. There shall be no liability for civil penalties under this chapter for a subsequent intervention during the same day or night as the prior intervention, unless a reasonable time has been provided to abate the public nuisance, taking into account the size of the gathering, the time of day, and other relevant factors.
- G. There shall be no liability for civil penalties under this chapter for a second response during the same day or night as the first response when a person who would otherwise be liable under subdivision (A) seeks assistance from

the Police Department to abate a public nuisance under this Chapter, and the person cooperates fully with the police while taking reasonable action to abate the public nuisance.

H. If the City is required to intervene at a gathering constituting a public nuisance on the same premises more than once in any 120-day period, excluding a second intervention during the same day or night as the first intervention, the 120-day period shall be extended by another 120 days from the date of the second intervention. (Ord. 6974-NS § 2, 2007: Ord. 6182-NS § 4, 1993)

### **13.48.050 Schedule of civil penalties.**

A. Civil penalties shall be assessed against all persons liable for the City's intervention to abate a gathering constituting a public nuisance as follows:

1. For the second response in any one hundred twenty (120) day period the penalty shall be the total sum of seven hundred fifty dollars (\$750.00).
2. For the third response in any one hundred twenty (120) day period the penalty shall be the total sum of one thousand five hundred dollars (\$1,500.00).
3. For any further response in any one hundred twenty (120) day period the penalty shall be the total sum of two thousand five hundred dollars (\$2,500.00) for each such further response.
4. The penalties that are provided herein shall be in addition to any other penalties imposed by law for particular violations of law committed during the course of an event which is a public nuisance under this chapter; provided, however, that if the only violation of law which constituted the public nuisance under this chapter is excessive noise, the remedies provided under this chapter shall be exclusive of any other remedies provided by law to the City for such excessive noise.

B. The City shall bill all persons liable for the penalties by sending an administrative citation issued pursuant to Chapter [1.28](#) along with a letter in substantially the form attached hereto as Exhibit "B" by mail. Payment of the penalties shall be due within thirty (30) days of the date the administrative citation is issued in accordance with Section [1.28.050](#). A. If full payment is not received within the required time for payment of the administrative citation, the bill will be delinquent, and all persons liable for the penalties shall be charged interest at the maximum legal rate from the date the payment period expires and a further civil penalty in the amount of one hundred dollars (\$100.00). (Ord. 7177-NS § 2, 2011: Ord. 6974-NS § 3, 2007: Ord. 6182-NS § 5, 1993)

### **EXHIBIT B**

Date:

To:

Dear:

The City of Berkeley was required to abate the public nuisance caused by a gathering of 10 or more persons at (location of property) \_\_\_\_\_, which substantially disrupted the quiet enjoyment of property in a significant segment of the adjacent neighborhood. This is the (second/third/fourth, etc.) such public nuisance at this property within the last 120 days, and thus, a penalty of \_\_\_\_\_ (\$750, \$1,500, etc.) is imposed on you. If you fail to remit this fine to the City of Berkeley by \_\_\_\_\_ (30 days from the date of this notification) you will be liable for an additional \$100 penalty, plus interest. The payment should be remitted to the address listed below.

Your liability is based on the fact that you were:

- ☐ An owner of the property to whom was sent prior notice of a public nuisance at the property within the previous 120 days; and/or
- ☐ An owner of the property who resided on or adjacent to the property when the public nuisance took place; and/or
- ☐ An owner of the property who was present when a Notice of a public nuisance was first posted at the property; and/or
- ☐ A person who resided on or was otherwise in control of the property when the public nuisance took place there; and/or
- ☐ A person who organized or sponsored the event that created the public nuisance at such property; and/or
- ☐ A person who attended the event constituting the public nuisance at such property and engaged in the conduct which resulted in the public nuisance.

If you believe that you are not liable you may contest the issuance of the administrative citation by requesting a hearing pursuant to BMC Section [1.28.060](#).

Sincerely yours,

---

(Name, title, address and phone number of signatory)

**13.48.060 Collection of delinquent costs for a subsequent City response.**

A. The penalties assessed as a result of a subsequent City response to a loud or unruly gathering shall constitute a debt of all persons liable for the penalties in favor of the City and may be collected in any manner authorized by law and are recoverable in a civil action filed by the City in a court of competent jurisdiction. The remedies provided by this chapter are in addition to all other civil and criminal remedies available to the City with respect to the unlawful conduct constituting the public nuisance which gave rise to the need for the City response under this Chapter.

B. The City of Berkeley may also collect the fees assessed against the owner of the property as provided in Ordinance No. 6156-NS, the Recovery of Costs for Abatement of Nuisances Ordinance (Chapter [1.24](#)). (Ord. 7177-NS § 3, 2011; Ord. 6182-NS § 6, 1993)

**13.48.070 Nondiscrimination against students.**

This chapter shall not be enforced in a manner which targets property housing students. Nothing in this section shall preclude the City from setting priorities in the use of its resources by enforcing this chapter against the events that are the most disruptive or against properties at which disruptive events are held most often or on the basis of other similar legitimate factors. (Ord. 6182-NS § 7, 1993)

**The Berkeley Municipal Code is current through Ordinance 7781-NS,  
passed July 27, 2021.**

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.cityofberkeley.info/Home.aspx>  
(<https://www.cityofberkeley.info/Home.aspx>)  
Telephone number: (510) 981-6900  
Code Publishing Company  
(<https://www.codepublishing.com/>)

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(<https://www.cityofberkeley.info/SiteMap.aspx>) | Contact Us (<https://www.cityofberkeley.info/contactus>)  
City Clerk (<http://www.cityofberkeley.info/clerk>) , 2180 Milvia Street, Berkeley, CA 94704  
Questions or comments? Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) (<mailto:clerk@cityofberkeley.info>) Phone: (510) 981-6900

Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 8



Office of the City Manager

**ACTION CALENDAR**  
**May 15, 2012**

To: Honorable Mayor and Members of the City Council  
From: Christine Daniel, Interim City Manager  
Submitted by: Zach Cowan, City Attorney  
Eric Angstadt, Director, Planning and Development Department  
Subject: Follow up – Legislation Related to “Mini-dorms”

**RECOMMENDATION**

That the Council Adopt an ordinance amending Berkeley Municipal Code section 14.72.080.C to permit residents of permitted and legal nonconforming sororities, fraternities and student cooperatives to purchase residential preferential parking permits.

**FISCAL IMPACTS OF RECOMMENDATION**

The new ordinance would have minimal if any fiscal impact, because it would maintain the status quo under which residents of student cooperatives, fraternities and sororities may obtain RPP permits.

**CURRENT SITUATION AND ITS EFFECTS**

On November 15, 2011, the Council directed staff to draft amendments to the Zoning Ordinance to grant the City discretionary authority over proposals to add bedrooms to existing residential units, for consideration by the Planning Commission.

On December 13, 2011, the Council directed staff to return with amendments to the Residential Preferential Parking Program to address impacts of “mini-dorms” on neighborhood parking and legislation that would enable the City to exercise control over existing “mini-dorms”.

On January 31, 2012, the Council considered four pieces of legislation intended to collectively address the issues that have been raised about Group Living Accommodations (“GLAs”) and “mini-dorms” (dwelling units that are designed so as to more or less function as group living accommodations).

1. Amendment to Section 14.72.080.C limiting eligibility for residents of GLAs and dwelling units with more than 5 bedrooms.



Status: Adopted. On February 28, 2012, Council directed staff to return with an amendment to this ordinance to allow residents of permitted and legal nonconforming sororities, fraternities and student cooperatives to purchase residential preferential parking (“RPP”) permits, as is the case now.

Staff presumes that this amendment was not intended to confer additional rights on such residents, but only to shield them from any unintended consequences of the January 31<sup>st</sup> amendment. Accordingly staff recommends that the following language be added to BMC section 14.72.080.C:

4. This subdivision shall not prevent issuance of permits to residents of permitted and legal nonconforming sororities, fraternities and student cooperatives who are not otherwise prohibited from obtaining them.
2. Amendments to Chapter 13.48 to extend the second response period for loud and unruly gatherings from 120 days to 180 days.

Status: Not adopted. The Council directed staff to return with more information concerning the justification for this proposed amendment. Police staff reviewed the question of whether extending the provisions of BMC 13.48 from 120 days to 180 days would provide a significant benefit to the City. Staff found an extension of the 120 day period to 180 days does not appear to be needed for the ordinance to be effective. The ordinance was last amended to include a due process appeal procedure. Following that amendment, since September 2011, one hundred twenty “Exhibit A” warning letters have been posted. Fourteen administrative citations have been issued by the Police Department. Of those fourteen, one citation was challenged by the cited party, and subsequently upheld through an administrative hearing process. Staff found that the issuance of the “Exhibit A” warning letter alone appears to be effective at abating nuisances throughout – and beyond – the 120 day period. Staff also found that the nuisance remained abated in most incidents where administrative citations were issued. Thus, the 120 day period as currently prescribed in the ordinance appears to be effective, and no change is sought.

3. New Chapter 13.42 establishing operating standards for “Mini-dorms”.

Status: Adopted. However the Council directed staff to return with a response to comments received from the public as to whether the definition of “mini-dorms” was appropriate, or whether it excluded certain buildings that should be considered “mini-dorms”.

Chapter 13.42.020 defines a “Mini-dorm” as a building in which:

...any Dwelling Unit... contains more than five Bedrooms and *the Gross Floor Area of that Dwelling Unit devoted to Bedrooms is more than 60% of the total Gross Floor Area*. For purposes of this subdivision, the Gross

Floor Area of any room, closet or other ancillary space that can be entered only through a Bedroom shall be considered part of the Gross Floor Area of that Bedroom. (Emphasis supplied.)

In considering the effect of this definition, it should be remembered that the definition of “Bedroom” in Chapter 13.42 includes more floor area than is typically considered as bedroom area under the Zoning Ordinance.

Planning staff’s initial analysis was based on measurement of the bedroom area of several residential units in connection with Zoning Adjustments Board proceedings related to 2133 Parker. In that analysis, staff used typical assumptions about bedrooms and private space and used the standard Zoning Ordinance definition of “bedroom” rather than the definition of “bedroom” in Chapter 13.42<sup>1</sup>, which counts more floor area as “bedroom” area. This analysis suggested that several *de facto* “mini-dorms” exceeded the threshold of 60% threshold in Chapter 13.42, even under the more restrictive Zoning Ordinance definition of “bedroom”.

In response to the use of the 60% threshold in Chapter 13.42, however, two neighborhood residents have suggested that the 60% threshold is insufficiently inclusive, because in typical developments the bedrooms took up between 40% and 45% of the Gross Floor Area, and thus a threshold of 60% would exclude some number of “mini-dorms”. Their analysis was based on a private home and a relatively recently approved apartment complex (1627 University Avenue), but is an estimate and was not made from scale drawings. Like the planning staff’s earlier analysis, it was not based on the definition of “bedroom” in Chapter 13.42. Planning staff believes that the 40%-45% threshold is too low and would have unintended consequences for larger houses and homeowners wishing to add bedrooms and related spaces for their own use.

In contrast, the planning staff measurements are fairly precise. Moreover because they are based on prior practice and not the Chapter 13.42 definition of “bedroom”, they are conservative, since under Chapter 13.42, floor area assigned to bedrooms is greater than under the Zoning Ordinance (and thus the ratio of bedroom floor area to total floor area increases).

Thus a threshold of 60% would ensure that the types of projects that are of concern would be subject to Chapter 13.42. In view of the proposed Zoning Ordinance amendments to allow the City to exercise discretion over the addition of bedrooms under specified circumstances, staff does not recommend further amendments to expand the scope of Chapter 13.42.

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<sup>1</sup> Chapter 13.42 had not been drafted or adopted when staff conducted this analysis.

4. Review and comment -- Zoning Ordinance amendments granting discretion over addition of bedrooms to certain categories of buildings in the R-2 and R-2A districts.

Status: As requested, the Council discussed this proposal for consideration by the Planning Commission. Proposed language is scheduled for consideration by the Planning Commission in early June, and planning staff hopes that the Planning Commission will set a hearing shortly thereafter.

BACKGROUND

See “Current Situation and its Effects”.

RATIONALE FOR RECOMMENDATION

See “Current Situation and its Effects”.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSONS

Zach Cowan, City Attorney, 981-6998

Eric Angstadt, Director, Planning & Development Department, 981-7400

Attachments:

- 1: Ordinance Amending Berkeley Municipal Code Section 14.72.080.C

Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 9

Week of	Exhibit	Loc Street	Apt/Unit/Name	Date	Time
1	A	952 Arlington Ave		8/19/2015	2335 hrs
1	A	2435 College Ave	#5	8/18/2015	0304 hrs
1	A	2435 College Ave	#2	8/20/2015	2326 hrs
1	B	2728 Bancroft Way	Zeta Psi	8/21/2015	2244 HRS
Recap	Recap	Week One, 37 Calls for Service; Posted 3 Exhibit A and cited 1 Exhibit B			
Recap	SSSP Officers assisted patrol with robbery suppression and other in progress calls				
2	A	2615 Telegraph Ave	307	8/26/2015	1202 hrs
2	A	2302 Piedmont Ave	Delta Kappa Epsilon	8/27/2015	2300 hrs
2	A	1520 Arch Street	1	8/29/2015	2213 hrs
2	A	2237 Haste Street	4	8/29/2015	2218 hrs
2	A	2628 Telegraph Ave	202	8/29/2015	2254 hrs
2	A	2335 Blake Street		8/30/2015	0012 hrs
2	A	2530 Dwight Way	3	8/29/2015	2358 hrs
2	A	2637 Regent Street	204	8/30/2015	2354 hrs
2	A	2425 Blake Street		8/29/2015	2309 hrs
2	A	2212 parker Street		8/30/2015	0040 hrs
Recap	Recap	Week Two, 68 Calls for Service; Posted 10 Exhibit A and cited 0 Exhibit B			
Recap	SSSP Officers assisted patrol with robbery suppression and other in progress calls				
3	A	2520 College Ave	111	9/5/2015	0025 hrs
3	A	2312 Warring Streert	Lambda Phi Epsilon	9/4/2015	2356 hrs
3	A	2722 Bancroft Way		9/3/2015	2348 hrs
3	A	2307 Piedmont Ave	Sigma Phi	9/4/2015	2228 hrs
3	A	2819 Derby Street	#103	9/5/2015	0036 hrs
3	A	2326 Le Conte Ave		9/4/2015	0001 hrs
Recap	Recap	Week Three, 41 Calls for Service; Posted 5 Exhibit A and cited 0 Exhibit B			
Recap	SSSP Officers assisted patrol with robbery suppression and other in progress calls				
4	A	2019 Emerson Street		9/11/2015	2215 hrs
4	B	2019 Emerson Street		9/11/2015	2215 HRS
4	B	2728 Bancroft Way	Zeta Psi	9/12/2015	0010 hrs
4	A	2310 Prospect Street	Andre Castro Co-Op	9/12/2015	2236 hrs
4	A	2344 Fulton Street		9/12/2015	2357 hrs
4	A	2422 Stuart Street		9/12/2015	2243 hrs
4	B	2312 Warring Street	Lambda Phi Epsilon	9/12/2015	0128 hrs
4	B	2310 Prospect Street	Andre Castro Co-Op	9/13/2015	0018 hrs
4	A	2728 Haste Street		9/13/2015	0016 hrs
Recap	Recap	Week Four, 39 Calls for Service; Posted 5 Exhibit A's and cited 5 Exhibit B			
Recap	SSSP Officers assisted patrol with robbery suppression and other in progress calls				
5	A	2721 Channing Way	Delta Chi	9/18/2015	2322 hrs
5	A	2116 Channing Way	708	9/18/2015	2346 hrs
5	A	2619 Regent Street		9/19/2015	2354 hrs
5	a	2116 Allston Way	705	9/19/2015	0021 hrs
5	A	2230 Dwight Way	208	9/19/2015	0115 hrs
5	A	2537 Fulton Street	3	9/19/2015	2342 hrs
5	A	2020 Channing Way	19	9/20/2015	0104 hrs
5	A	2520 Regent Street	8	9/20/2015	0036 hrs
Recap	Recap	Week Five, 44 Calls for Service; Posted 8 Exhibit A and cited 0 Exhibit B			

Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
6 A		2530 Dwight Way	4	9/26/2015	0104 hrs
6 B		2721 Channing Way	Delta Chi	9/26/2015	2227 hrs
6 A		2434 Prospect Street		9/26/2015	2342 hrs
6 A		2530 Dwight Way	2	9/26/2015	0104 hrs
Recap	Recap	Week Six, 20 Calls for Service; Posted 3 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
7 A		2604 Regent Street		10/2/2015	2241 hrs
Recap	Recap	Week Seven, 22 Calls for Service; Posted 1 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
8 A		2313 Channing Way	A	10/10/2015	2337 hrs
8 A		2635 College Ave	5	10/11/2015	2337 hrs
8 A		2335 Piedmont Ave	Phi Kappa Tau	10/10/2015	0057 hrs
8 A		2431 Ellsworth Street	1A	10/10/2015	2242 hrs
Recap	Recap	Week Eight, Calls for Service; 37 Posted 4 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
9 A		2125 Delaware Street	F	10/17/2015	0010 hrs
Recap	Recap	Week Nine, Calls for Service; 26 Posted 1 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
10 A		2405 Fulton Street	402	10/24/2015	0026 hrs
Recap	Recap	Week Ten, 17 Calls for Service; Posted 1 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
11 A		2423 Blake Street	305	10/30/2015	2302 hrs
11 A		1825 Berkeley Way		10/31/2015	0124 hrs
11 A		2710 Bancroft Way	Sigma Nu	10/31/2015	2238 hrs
11 A		57 Canyon Rd		10/31/2015	0107 hrs
Recap	Recap	Week Eleven, 58 Calls for Service; Posted 4 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
12 A		2817 College Ave	9	11/6/2015	2320 hrs
12 B		2728 Haste Street		11/6/2015	2259 hrs
12 A		2345 College Ave	Sigma Chi	11/8/2015	2316 hrs
Recap	Recap	Week Twelve, 17 Calls for Service; Posted 2 Exhibit A and cited 1 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
Recap	Recap	Week Thirteen, 18 Calls for Service; Posted 0 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
14 A		2310 Fulton Street	419	11/20/2015	0012 hrs
14 A		2420 Ridge Rd	Ridge House	11/21/2015	011 hrs
14 A		2606 Benvenue Ave	401	11/22/2015	0133 hrs
Recap	Recap	Week Fourteen, 19 Calls for Service; Posted 3 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
Recap	Recap	Week Fifteen, 4 Calls for Service; Posted 0 Exhibit A and cited 0 Exhibit B			
Recap	Recap	End of SSSP			
16 A		2327 Warrnig Street	Alpha Tau Omega	12/6/2015	0047 hrs
16 B		2728 Bancroft Way	Zeta Psi	12/3/2015	0044 hrs
Recap	Recap	Week Sixteen, 18 Calls for Service; Posted 1 Exhibit A and cited 1 Exhibit B			
Recap	Recap	NO SSSP			
17 B		2302 Piedmont Ave	Delta Kappa Epsilon	12/9/2015	0025 hrs

17	B	2302 Piedmont Ave	Delta Kappa Epsilon	12/9/2015	0228 HRS
Recap	Recap	Week Seventeen, 20 Calls for Service; Posted 0 Exhibit A and cited 2 Exhibit B			
Recap	Recap	NO SSSP			
Recap	Recap	Week Eighteen, 9 Calls for Service; Posted 0 Exhibit A and cited 0 Exhibit B			
Recap	Recap	NO SSSP			
Recap	Recap	Week Nineteen, 1 Calls for Service; Posted 0 Exhibit A and cited 0 Exhibit B			
Recap	Recap	NO SSSP			
Recap	Recap	Week Twenty, 0 Calls for Service; Posted 0 Exhibit A and cited 0 Exhibit B			
Recap	Recap	NO SSSP			
Recap	Recap	Week Twenty-One, 6 Calls for Service; Posted 0 Exhibit A and cited 0 Exhibit B			
Recap	Recap	NO SSSP			
22	A	2504 Dana Street	C	1/24/2016	0124 hrs
22	A	2532 Benvenue Ave	REAR	1/23/2016	0100 HRS
22	A	2620 Regent Street	A	1/22/2016	2351 hrs
22	A	2427 Blake Street		1/23/2016	2319 hrs
22	A	2700 Dana Street		1/23/2016	2239 hrs
22	A	2229 Ward Street		1/23/2016	2305 hrs
Recap	Recap	Week Twenty-two, 22 Calls for Service; Posted 6 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
23	A	2212 Blake Street	203	1/30/2016	2349 hrs
23	A	2312 Warring Street	Lambda Phi Epsilon	1/29/2016	2329 hrs
23	A	2637 Regent Street	202	1/31/2016	0026 hrs
23	A	2321 Webster Street	2	1/30/2016	0054 hrs
23	A	2520 Regent Street	8	1/31/2016	0039 hrs
23	A	2534 Warring Street	Delta Sigma Phi	1/30/2016	2358 hrs
23	B	2710 Bancroft Way	Sigma Nu	1/29/2016	0144 hrs
23	A	2420 Dwight Way	8	1/31/2016	0158 hrs
23	A	2606 Benvenue Ave	401	1/31/2016	0037 hrs
Recap	Recap	Week Twenty-three, 24 Calls for Service; Posted 7 Exhibit A and cited 1 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
24	A	2021 Carelton Street		2/7/2016	0024 hrs
24	A	2555 Benvenue Ave		2/6/2016	2349 hrs
24	A	2623 Parker Street	A	2/5/2016	2248 hrs
Recap	Recap	Week Twenty-four, 15 Calls for Service; Posted 3 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
25	A	2338 Derby Street		2/13/2016	2230 hrs
25	A	2714 Durant Ave	Signma Alpha Mu	2/13/2016	2318 hrs
Recap	Recap	Week Twenty-five, 18 Calls for Service; Posted 2 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress call			
26	B	2710 Bancroft Way	Sigma Nu	2/19/2016	2326 hrs
26	A	2527 Ridge Rd	Stebbins Hall	2/21/2016	0018 hrs
26	A	2411 Durant Ave	5	2/19/2016	2217 hrs
Recap	Recap	Week Twenty-Six, 10 Calls for Service; Posted 2 Exhibit A and cited 1 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress calls			
27	A	2519 Ridge Rd	Hoyt Hall	2/27/2016	2301 hrs
27	a	2307 Channing Way		2/27/2016	0052 hrs
27	A	2242 MLK Jr Way		2/28/2016	0152 hrs

Recap	Recap	Week Twenty-Seven, 51 Calls for Service; Posted 3 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress calls			
28	A	2244 Dwight Way		3/5/2016	0055 hrs
28	A	2903 Dwight Way		3/5/2016	2348 hrs
28	A	2504 College Ave	A	3/5/2016	2231 hrs
Recap	Recap	Week Twenty-Eight, 19 Calls for Service; Posted 3 Exhibit A and cited 0 Exhibit B			
Recap	Recap	SSSP Officers assisted patrol with robbery suppression and other in progress calls			



Case #	F/U Date
15-48703	12/17/2015
15-48271	12/16/2015
15-48926	12/18/2015
<b>15-49119</b>	<b>12/19/2015</b>
15-50051	12/24/2015
<b>15-50474</b>	<b>12/25/2015</b>
15-50947	12/27/2015
15-50955	12/27/2015
15-50965	12/27/2015
15-50971	12/28/2015
15-50970	12/27/2015
15-51189	12/28/2015
15-50952	12/27/2015
15-50995	12/28/2015
15-52297	1/3/2016
<b>15-52288</b>	<b>1/2/2016</b>
15-52040	1/1/2016
15-52265	1/2/2016
15-52302	1/3/2016
15-52271	1/2/2016
15-53712	1/9/2016
<b>15-53712</b>	<b>1/9/2016</b>
<b>15-53740</b>	<b>1/10/2016</b>
<b>15-53959</b>	<b>1/10/2016</b>
15-53975	1/10/2016
15-53965	1/10/2016
<b>15-53754</b>	<b>1/10/2016</b>
<b>15-53984</b>	<b>1/11/2016</b>
15-53988	1/11/2016
<b>15-55208</b>	<b>1/16/2016</b>
15-55212	1/16/2016
15-55447	1/17/2016
15-55222	1/17/2016
15-55241	1/17/2016
15-55442	1/17/2016
15-55470	1/18/2016
15-55461	1/18/2016

\$	
15-56811	1/24/2016
15-56936	1/24/2016
15-57022	1/24/2016
15-56808	1/24/2016
\$	
15-58310	1/30/2016
\$	
15-59938	2/7/2016
15-60170	2/8/2016
15-59764	2/7/2016
15-59926	2/7/2016
\$	
15-61216	2/14/2016
\$	
15-62693	2/21/2016
\$	
15-64192	
15-64240	2/28/2016
15-64410	2/28/2016
15-64229	2/28/2016
\$	
15-65586	3/5/2016
15-65581	3/5/2016
15-67918	3/7/2016
\$	
\$	
15-68128	3/19/2016
15-68313	3/20/2016
15-68544	3/21/2016
\$	
15-71091	4/4/2016
15-70483	4/1/2016
15-71670	4/7/2016



16-13051	7/3/2016
16-13262	7/3/2016
16-13245	7/3/2016

Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 10

**From:** joanandjeff@comcast.net,  
**To:** pbokovoy@aol.com,  
**Subject:** RE: 2610 Warring - loud party, good BPD response  
**Date:** Sun, Jun 13, 2021 5:53 pm

---

I never heard back from BPD. Any recommendation? I could email the BPD person you did back in May (the Southside supervisor? I've lost that email.) It would be nice to confirm if BPD moved it on toward levying of fines.

It certainly seems an officer showed up, because the noise stopped quite suddenly, though it had moderated a bit for a while before – as if someone had been there to complain.

Jeff

---

**From:** pbokovoy <pbokovoy@aol.com>  
**Sent:** Saturday, June 12, 2021 7:16 PM  
**To:** P. White <pollyrwhite@gmail.com>  
**Cc:** brackenwhite@gmail.com; davidfbeaty@gmail.com; joanandjeff@comcast.net; jytripier@yahoo.com; kttripier3@gmail.com; m.berkowitz@sbcglobal.net; marianabeatty@gmail.com  
**Subject:** Re: 2610 Warring - loud party, good BPD response

The Exhibit A makes them liable for fines within the first 120 days. Please call BPD and make sure that you follow up by telling them that the property has an Exhibit A in effect.

----- Original message -----

From: "P. White" <[pollyrwhite@gmail.com](mailto:pollyrwhite@gmail.com)>

Date: 6/12/21 6:46 PM (GMT-08:00)

To: [pbokovoy@aol.com](mailto:pbokovoy@aol.com)

Cc: [brackenwhite@gmail.com](mailto:brackenwhite@gmail.com), [davidfbeaty@gmail.com](mailto:davidfbeaty@gmail.com), [joanandjeff@comcast.net](mailto:joanandjeff@comcast.net), [jytripier@yahoo.com](mailto:jytripier@yahoo.com), [kttripier3@gmail.com](mailto:kttripier3@gmail.com), [m.berkowitz@sbcglobal.net](mailto:m.berkowitz@sbcglobal.net), [marianabeatty@gmail.com](mailto:marianabeatty@gmail.com)

Subject: Re: 2610 Warring - loud party, good BPD response

Hello Jeff,

Can you please tell me who you spoke with, because I've never heard it as loud and raucous as it is right now. What comes after an exhibit A?

**From:** rlizardo@berkeley.edu,

**To:** jarubino@berkeley.edu, pbokovoy@aol.com, yhuang.law@gmail.com, jenloy@berkeley.edu, sam.romes@nicfraternity.org, jeff.woods@berkeley.edu, pradu@cityofberkeley.info, DRafferty@cityofberkeley.info, ifc.president@calgrieks.com, ifc.risk@calgrieks.com, vpea@bsc.coop,

**Subject:** Re: Courtesy Notice--Cal Football Season Starts Saturday, September 4th

**Date:** Thu, Sep 2, 2021 8:00 am

---

Hi Jerry

Thanks for lifting up this question about steps that the LEAD Center, NIC and IFC will take to help mitigate the impacts of loud parties in Greek houses and GLAs. I think the strategies that the three organizations/programs are using this fall were covered at this week's Happy Neighbor Meeting. I am looping in IFC, campus and city colleagues that take the lead on these efforts who I hope can reprise the info they presented.

All,

Please see Jerry Rubin's question and respond with your information.

Best regards,

Ruben

On Wed, Sep 1, 2021 at 5:28 PM Jerry Rubino <[jarubino@berkeley.edu](mailto:jarubino@berkeley.edu)> wrote:

Ruben,

Thank you, for the notice for Saturday's game.

At last night's meeting BFD reported that the several social events that were requested were all denied for this weekend.

As you wrote:

**Campus & City Management of Game Day**

Cal Athletics and other campus departments work cooperatively with the City of Berkeley (Police, Fire, Transportation & Parking, and Public Works) to ensure the needs of our attendees and our neighbors are accounted for on gameday. You can find information about the steps the Campus-City Team take to address: Public Safety, Emergency Response, Parking and Traffic, and Post-Game Clean Up in the attached Game Day Fact Sheets.

Can you ensure that these departments, including LEAD's, IFC, and NAIC will mitigate the fraternity's loud amplified music and large crowds that can start in the early morning, many many hours before the game, that impact neighbors?

We are looking for some cooperative balance, so everyone can enjoy the day. Thank you  
J Rubino

On Wed, Sep 1, 2021 at 4:45 PM Ruben Lizardo <[rlizardo@berkeley.edu](mailto:rlizardo@berkeley.edu)> wrote:

**Good Afternoon Cal Neighbors,**

This email is to let you know that the Cal home football season gets underway this **Saturday, September 4th, 2021**. Kick-Off for **Golden Bear's game against the University of Nevada Wolfpack** is 7:30 PM.

Details for the full home season can be found at the following link: <https://calbears.com/sports/football/schedule>

**Campus & City Management of Game Day**

Cal Athletics and other campus departments work cooperatively with the City of Berkeley (Police, Fire, Transportation & Parking, and Public Works) to ensure the needs of our attendees and our neighbors are accounted for on gameday. You can find information about the steps the Campus-City Team take to address: Public Safety, Emergency Response, Parking and Traffic, and Post-Game Clean Up in the attached Game Day Fact Sheets.

Also, please use the link below to review the 2021 Game Day Visitors Guide, which contains helpful information about: COVID 19 policies and precautions, public transportation options for getting to game, parking policies, and tips for navigating the stadium and adjacent city streets.

<https://calbears.com/sports/2021/8/13/2021-football-gameday-guide.aspx>

**Campus COVID 19 Resources**

For updated information about the public health strategies and tools the university has put in place please visit the COVID-19 Resources & Support section of the campus website at the link below:

<https://coronavirus.berkeley.edu/>

Thank you for your on-going partnership and support.

Ruben

--

Ruben Lizardo  
Director, Local Government and Community Relations  
Office of the Chancellor

2200 Bancroft Way  
Berkeley, CA 94720  
510-643-5296 Office  
510-417-9230 Cellular



Website: [Government & Community Relations](#)

[Sign up](#) for the GCR newsletter: "This Week in Government and Community Relations at UC Berkeley"

--

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2200 Bancroft Way  
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510-417-9230 Cellular



Website: [Government & Community Relations](#)



9/22/21, 10:31 AM

Re: Courtesy Notice--Cal Football Season Starts Saturday, September 4th

[Sign up](#) for the GCR newsletter: "This Week in Government and Community Relations at UC Berkeley"

On Mon, May 3, 2021 at 10:19 AM <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)> wrote:

Mike,

FYI. I hope you will consider a better tenant profile at both of your properties going forward. We in the neighborhood are all really tired of having to do the enforcement of city noise and nuisance problems while you profit tremendously from your tenants. You have more than enough resources to handle these issues.

The years of apologies and promises aren't enough any more, and further problems at either property will prompt us to formally request an abatement from the city, and to consider our remedies as individual property owners under the GLA ordinance. We have other property owners who have done a far better job of managing the negative effects of their tenants on our neighborhood so we know it's possible for you to do better.

Best Regards,

Phil Bokovoy

-----Original Message-----

From: Jeff Angell <[jda1952@comcast.net](mailto:jda1952@comcast.net)>

To: Phil Bokovoy <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)>

Sent: Sun, May 2, 2021 9:04 pm

Subject: 2610 Warring - loud party, good BPD response

Hi Phil,

As you heard this evening, there was a loud party at the above address. From about 6:30, party noises, including an annoying thumping bass line from amplified music, were bad enough that we had to keep our windows closed – even though it was warm enough to want them open. Even with the windows closed, the thumping bass line was unavoidable.

At about 7:30, I walked over to Warring and could easily tell that the party was at 2610; I came back and called BPD Non-emergency with our complaint. I was very pleasantly surprised to get a call from BPD officer Daniel \_\_\_\_\_ shortly after 8. He said he had posted an Exhibit A, and the partyers had turned off the music and all gone inside. The officer was professional, and very nice – I thanked him thoroughly.

Jeff Angell

2605 Piedmont

--

9/22/21, 10:33 AM

RE: 2610 Warring - loud party, good BPD response

Polly White  
(510) 915-8009

**From:** jarubino@berkeley.edu,  
**To:** pbokovoy@aol.com,  
**Cc:** yhuang.law@gmail.com,  
**Subject:** Re: 2-3 priorities  
**Date:** Fri, Sep 3, 2021 3:01 pm

---

My understanding of the number of years for Fraternities to change behavior was around 4-5 years, if this is correct, it would cycle the group that caused the problems and allow the next group to be educated and in compliance.

However fraternity recruitment "RUSH" that has happened each semester since the settlement, is very undisciplined and flawed. This year, last week, there were several violations, alcohol was very present, coeds were present, unsanctioned social events were held, Amplified music was daily, and Pi Kappa Phi even had a live band.

How can the behavior change when recruitment displays and promotes the very problems that are trying to be mitigated. Each new group is encouraged to join with promises of the same old values.  
This is the heart of the issue.

On Fri, Sep 3, 2021 at 12:54 PM Jerry Rubino <[jarubino@berkeley.edu](mailto:jarubino@berkeley.edu)> wrote:

Agree with Phil, will add that the IFC restricts fraternity houses from becoming weekly entertainment venues. By limiting the number of on site social events per semester, further limiting the number of guests, reducing the duration and hours of events, and addressing in a proactive way, prohibition of underage drinking. Social events should be held in appropriately equipped and situated venues for accommodating large gatherings. This is where the University can set up providing space.  
Encouraging an off site social events calendar.

J

On Thu, Sep 2, 2021 at 7:59 PM <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)> wrote:

I think noise is the biggest one, they should have monitoring and shut things down that violate the City noise ordinance. I think underage alcohol would be number two, as many neighborhoods are impacted by drunk underclass students.

-----Original Message-----

From: Yolanda Huang <[yhuang.law@gmail.com](mailto:yhuang.law@gmail.com)>  
To: [PBokovoy@aol.com](mailto:PBokovoy@aol.com) <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)>; Jerry A Rubino <[jarubino@berkeley.edu](mailto:jarubino@berkeley.edu)>  
Sent: Thu, Sep 2, 2021 3:22 pm  
Subject: 2-3 priorities

I am meeting with the IFC nationals next week about extending the settlement agreement for at least 2 more years. They are asking, what are 2-3 priorities moving forward.

comments?

--

**Yolanda Huang, Esq.**

528 Grand Avenue • Oakland • CA • 94610 • Phone: 510-329-2140 • Fax: 510-580-9410

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**From:** pbokovoy@aol.com,  
**To:** JLouis@cityofberkeley.info, JMcCormick@cityofberkeley.info, fbrown@cityofberkeley.info,  
**Cc:** pradu@cityofberkeley.info, JArreguin@cityofberkeley.info, MDurbin@cityofberkeley.info, jarubino@berkeley.edu, yhuang.law@gmail.com, jperry@cityofberkeley.info,  
**Subject:** Fraternity GLA compliance  
**Date:** Mon, Sep 13, 2021 6:01 pm

Thanks! Frat row has been a much worse problem than usual at the start of this year, particularly with unsanctioned social gatherings with alcohol.

Can you advise who is responsible for monitoring the IFC/UC compliance with the GLA ordinance? The ordinance provides an exemption from the GLA ordinance if there is a city approved process in place for ensuring compliance. I don't think the city ever executed a formal MOU with the IFC or UC to exempt the fraternities, but that was the intent of former City Attorney Zach Cowan and former Assistant City Manager Jim Hynes when they crafted this exemption. As I recall it was heavily negotiated with UC and the IFC.

If they are out of compliance with the agreement, or the ordinance, then the city can move against the frat houses as nuisances. I would note that I've been told that the new NIC representative has refused to provide house contact information for 'privacy' reasons. This is clearly a violation of both the GLA ordinance, and the way that the IFC has complied in the past.

Cheers

Phil Bokovoy

#### 13.42.005 Applicability.

- A. This Chapter shall not apply to Community Care Facilities or Senior Congregate Housing as defined in Chapter [23F.04](#).
- B. 1. A GLA that has adopted operating protocols that the City determines are functionally equivalent to the requirements set forth in this Chapter shall be exempt from this Chapter except as it applies to owners and/or Property Managers, provided that said protocols are consistently implemented and enforced.
2. Such protocols shall include provisions for monitoring and enforcement by a Monitoring Organization.
3. An exemption under this subdivision shall lapse upon written notice by the City to a GLA:
- of two violations of Section [13.42.030](#) or [13.42.036](#) on different dates at its location during any twelve-month period from September 1st through August 30th, unless those violations were remedied as provided in the adopted protocols; or
  - that the adopted protocols, although followed and enforced, are inadequate to ensure compliance with Sections [13.42.030](#) and [13.42.036](#). In such cases, the GLA shall be given a reasonable opportunity to propose revised protocols for review by the City.
4. An exemption under this subdivision premised on monitoring and enforcement by a Monitoring Organization shall lapse if the City determines, after written notice to the Monitoring Organization that the required monitoring or enforcement has not occurred or that it has omitted to report noncompliance with the protocols.

-----Original Message-----

**From:** Louis, Jennifer A. <JLouis@cityofberkeley.info>  
**To:** McCormick, Jacquelyn <JMcCormick@cityofberkeley.info>  
**Cc:** Radu, Peter <pradu@cityofberkeley.info>; Arreguin, Jesse L. <JArreguin@cityofberkeley.info>; pbokovoy@aol.com <pbokovoy@aol.com>; Durbin, Michael R. <MDurbin@cityofberkeley.info>  
**Sent:** Mon, Sep 13, 2021 10:34 am  
**Subject:** Re: 9/11 weekend

Thank you. I will also be forwarding this email to the appropriate Area Coordinator, Ofc Perry, who covers that area. Officer Perry works closely with the University on these exact issues, and I did see she was cc'd below. I am also sharing it with Captain Durbin who commands the Operations Division which includes patrol as well as the overtime assignments for officers working South Side Safety Patrols on the weekends. This overtime is specifically staffed to cover party issues around campus.

Respectfully,

Jen Louis

Jen Louis  
 Interim Chief of Police  
 Berkeley Police Department

On Sep 13, 2021, at 9:45 AM, McCormick, Jacquelyn <[JMcCormick@cityofberkeley.info](mailto:JMcCormick@cityofberkeley.info)> wrote:

Forwarded to you at the request of the neighbors.

Jac

**From:** Sam Romes <[sam.romes@nicfraternity.org](mailto:sam.romes@nicfraternity.org)>  
**Sent:** Sunday, September 12, 2021 8:34 PM  
**To:** [pbokovoy@aol.com](mailto:pbokovoy@aol.com); [jarubino@berkeley.edu](mailto:jarubino@berkeley.edu)  
**Cc:** [yhuang.law@gmail.com](mailto:yhuang.law@gmail.com); [sunnylee@berkeley.edu](mailto:sunnylee@berkeley.edu); [rlizardo@berkeley.edu](mailto:rlizardo@berkeley.edu); McCormick, Jacquelyn <[JMcCormick@cityofberkeley.info](mailto:JMcCormick@cityofberkeley.info)>; Droste, Lori <[ldroste@cityofberkeley.info](mailto:ldroste@cityofberkeley.info)>; Perry, Jessica <[JPerry@cityofberkeley.info](mailto:JPerry@cityofberkeley.info)>; Williams-Ridley, Dee <[DWilliams-Ridley@cityofberkeley.info](mailto:DWilliams-Ridley@cityofberkeley.info)>; [ssutton@berkeley.edu](mailto:ssutton@berkeley.edu)  
**Subject:** Re: 9/11 weekend

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

Jerry,

Noted and thank you for the email. This is my first weekend with officially sanctioned events, I will inquire about "non-parties". If they are not approved, they should not be happening. CAT, the student self monitoring group is being re-started. I can inquire tomorrow about what weekend we can expect the group to be back in full force.

Right now, we are relying on a small group of IFC execs to monitor and it is not a perfect system.

Agreed on the late distribution of the event schedule. This should be an easy fix for next week.

The Pi Kappa Phi report(s) have been shared with University Conduct and the IFC. The IFC has not held any chapter conduct hearings so far through this semester, I can request that process be expedited.

Let me get some more details on this topic and I'll send over additional comments tomorrow afternoon.

Phil, thank for looping in our other community partners. If anyone has any additional comments please feel free to add them!

Best,

Samuel Romes  
Berkeley On-site Support  
North American Interfraternity Conference

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**From:** [pbokovoy@aol.com](mailto:pbokovoy@aol.com) <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)>  
**Sent:** Sunday, September 12, 2021 6:57 PM  
**To:** [jarubino@berkeley.edu](mailto:jarubino@berkeley.edu); Sam Romes  
**Cc:** [yhuang.law@gmail.com](mailto:yhuang.law@gmail.com); [sunnylee@berkeley.edu](mailto:sunnylee@berkeley.edu); [rlizardo@berkeley.edu](mailto:rlizardo@berkeley.edu); [jmccormick@cityofberkeley.info](mailto:jmccormick@cityofberkeley.info); [ldroste@cityofberkeley.info](mailto:ldroste@cityofberkeley.info); [jperry@cityofberkeley.info](mailto:jperry@cityofberkeley.info); [dwilliams-ridley@cityofberkeley.info](mailto:dwilliams-ridley@cityofberkeley.info); [ssutton@berkeley.edu](mailto:ssutton@berkeley.edu)  
**Subject:** Re: 9/11 weekend

Hi Jerry and Sam,

I'm looping in UC and city folks into this discussion. I noticed the same thing, an awful lot of parties at fraternities over this weekend and not just at night. It seems pretty clear that systems are not working in several areas.

Jac or Jessica, can you please forward to the BPD Chief, as I don't have her email, thanks.

Cheers  
Phil

-----Original Message-----

From: Jerry Rubino <[jarubino@berkeley.edu](mailto:jarubino@berkeley.edu)>  
To: Sam Romes <[sam.romes@nicfraternity.org](mailto:sam.romes@nicfraternity.org)>  
Cc: Yolanda Huang <[yhuang.law@gmail.com](mailto:yhuang.law@gmail.com)>; Phil Bokovoy <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)>  
Sent: Sun, Sep 12, 2021 6:47 pm  
Subject: 9/11 weekend

Sam ,

Informing you first, but ccing neighbors.

The social events report listed only two sanctioned events this weekend, one Friday and one Saturday.

Would you please inquire why there were so many "non party parties" in our area, Pi Kappa Phi for one, on Friday.

If the IFC is supposed to be monitoring "If you do not see your event on this list, then it has been canceled" why haven't they stopped these houses from inviting people to their houses and having parties?

Crowds, music, and alcohol are easily apparent if you just WALK Warring and Prospect Streets Friday and Saturday nights!

Receiving the weekend social events sanctioned list at 10:00 pm on Friday night is not neighbor friendly!

Finally, we still do not understand why Pi Kappa Phi, with all their neighbor complaints, noise violations, and a warning from Berkeley Environmental Health is still not on site probation.

We need action, not delays.

Thank You  
J Rubino

**From:** sam.romes@nicfraternity.org,

**To:** jarubino@berkeley.edu, Jackie.Hackett@nicfraternity.org, JPerry@cityofberkeley.info, jud.horras@nicfraternity.org, yhuang.law@gmail.com, pbokovoy@aol.com, jeff.woods@berkeley.edu, fjalbergo@berkeley.edu, jenloy@berkeley.edu,

**Subject:** Re: 9/11 weekend

**Date:** Mon, Sep 13, 2021 7:25 pm

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Jerry,

I understand your frustration. You'll never hear an excuse from me or the IFC. I'll work to improve the situation. I can't promise immediate change but if we work in partnership I'm certain we will see significant improvement.

First, I would request that you call the police for as many unsanctioned events as possible. I understand your hesitation to so... Can I request that if you will not call BPD for every non sanctioned event, you will call me? I can work with the IFC to respond in timely manner or be onsite myself.

I'm always open to feedback and constructive criticism is always welcome in this inbox. I appreciate your concerns and hope that we can see improvements in the coming weeks.

Best,

Samuel Romes

Berkeley On-site Support

North American Interfraternity Conference

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**From:** Jerry Rubino <jarubino@berkeley.edu>

**Sent:** Monday, September 13, 2021 4:47 PM

**To:** Sam Romes; Jackie Hackett; Perry, Jessica; Jud Horras; Yolanda Huang; Phil Bokovoy; Jeff Woods; Frank Albergo; Jen Loy

**Subject:** Re: 9/11 weekend

Sam,

When MULTIPLE non sanctioned events are happening we are not going to call BPD for every house, These are your rules and your fervent agreement you will monitor fraternity compliance. What is IFC and NICs' excuse for not doing what you've assured you would?

On Mon, Sep 13, 2021 at 1:17 PM Sam Romes <[sam.romes@nicfraternity.org](mailto:sam.romes@nicfraternity.org)> wrote:

Jerry,

I have a few notes to add here after talking with Jeff, Frank and Jen.

The event list for the weekend serves to inform neighbors and the greater community of what addresses are approved for hosting on that weekend. It is not perfect and it does not prevent organizations from attempting to host large events. Do you mind me asking if you called the police for Pi Kappa Phi Friday? Jeff and Frank have not received a report from the police department, but can follow up if you did report.

In terms of reporting on these unregistered events, my recommendation is to call myself and the police so that there are duplicate reports. Unregistered events should in theory be very easy to shut down as all of our undergrad leaders are educated on the risk they take on by hosting without event permits. As CAT restarts, we should be able to be more proactive on ensuring that only registered events are occurring.

A final note regarding the schedule of events, the reason behind the late distribution falls back to the fact that Berkeley Fire is currently experiencing staffing challenges. They did not get us the IEE report until 6:30 PM Friday afternoon at which point Jeff helped turn that around and get it out as soon as possible. In the future, we may be able to send out a first draft on Wednesday and a final copy with all events who passed inspection on Friday. We'd welcome any feedback here.

As always, please send over any questions/comments/concerns.

Best,

Samuel Romes  
Berkeley On-site Support  
North American Interfraternity Conference

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**From:** Jerry Rubino <[jarubino@berkeley.edu](mailto:jarubino@berkeley.edu)>

**Sent:** Sunday, September 12, 2021 6:48 PM

**To:** Sam Romes

**Cc:** Yolanda Huang; Phil Bokovoy

**Subject:** 9/11 weekend

Sam ,

Informing you first, but ccing neighbors.

The social events report listed only two sanctioned events this weekend, one Friday and one Saturday.

Would you please inquire why there were so many "non party parties" in our area, Pi Kappa Phi for one, on Friday.

If the IFC is supposed to be monitoring "If you do not see your event on this list, then it has been canceled" why haven't they stopped these houses from inviting people to their houses and having parties?

Crowds, music, and alcohol are easily apparent if you just WALK Warring and Prospect Streets Friday and Saturday nights!

Receiving the weekend social events sanctioned list at 10:00 pm on Friday night is not neighbor friendly!

Finally, we still do not understand why Pi Kappa Phi, with all their neighbor complaints, noise violations, and a warning from Berkeley Environmental Health is still not on site probation.

We need action, not delays.

Thank You

J Rubino



Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 11

The undersigned representing the Piedmont/Parker, Dwight/Hillside and LeConte neighborhoods on the south side of Berkeley, would like to request that the City Council direct the city planning staff to undertake a more thorough investigation of neighborhood complaints about mini dorms. Mini dorms (Group Living Arrangements under the Berkeley Municipal Code) have been springing up on south side in larger numbers over the past 5 years, as the University enrollment has increased. The property owners running mini dorms are making big profits (often \$10,000-\$15,000 a month in rent from a property typically worth \$750,000 to \$1,000,000). Failure to enforce the zoning laws has resulted in large negative impacts on neighbors, and given property owners strong incentive to convert single family homes to mini dorms.

Specifically, we would like the staff to do a facts and circumstances analysis of whether an alleged mini dorm is a Group Living Arrangement under Berkeley Municipal Code. The neighborhood groups have experienced numerous instances where the staff have failed to undertake a reasonable analysis and have also failed to request evidence of property owners that would have clearly established a Group Living Arrangement. In some cases the staff have done no analysis at all.

We believe the following requests should be made of the property owner and the police department each time the planning staff receives an allegation that a property is being used as a Group Living Arrangement:

1. A copy of the current lease, and all previous leases of the property,
2. A record of all payments received from tenants under the current lease, and the lease immediately prior,
3. Copies of all rental advertisements of the property,
4. Determine how the utilities are paid,

5. A record of turnover of tenants, length of tenancy for individual tenants,
6. Records of police calls and postings of Exhibit A, if applicable
7. A physical inspection, which would look at the living arrangements, whether each bedroom locks individually, whether the rooms have numbers on them, the size and amenities in each bedroom, the size of the group living areas, and any other evidence that the property is a group living arrangement and not a household, and
8. A detailed description of the relationship of the tenants that forms the basis of the claim that the tenants are occupying the unit as a household.

Each of these requests is for evidence that would help establish the use of the property. Currently many property owners claim they are not using their property as a Group Living Arrangement, and point to a particular form of lease. However, it is black letter regulatory law that the fact finder shall look past the legal form of the arrangement to the substance of the arrangement when making a determination.

Our experience with the planning staff has been that they rarely, if ever, perform an analysis of the substance of an alleged Group Living Arrangement. We feel that a more robust review process, with a more detailed look at the evidence, will reduce the problems of mini dorms on the south side.

We would also like to request that notices of all building permits in a particular neighborhood go to the registered neighborhood group. We can cite numerous instances where the neighborhood was unaware that a property owner intended to convert a property into a mini dorm and was forced to object far into the construction process. This measure would allow the neighborhoods to review these projects and allow for time to provide information to staff.

Finally, we would like to request that the staff do a physical inspection of a property when a building permit is requested that involves significant alterations to dwellings in the affected neighborhoods. We can cite many instances where the property owner significantly misrepresented the existing state of the property in the permit request, and when the neighbors objected to staff, construction had already begun, making the determination of the pre-existing state of the property more difficult. An inspection prior to the issuance of the permit would eliminate this problem.

Sincerely

Phillip Bokovoy  
Block Captain, Piedmont/Parker Neighborhood Watch  
2601 Piedmont Avenue  
Berkeley, CA 94704

Joan Barnett  
President, Dwight/Hillside Neighborhood Association  
2428 Hillside Avenue  
Berkeley, CA 94704

Karl Reeh, President, LeConte Neighborhood Association  
2229 Stuart Street  
Berkeley, CA, 94705

## **SOUTHSIDE NEIGHBORHOOD CONSORTIUM**

**DATE:** January 14, 2012

**TO:** Members, City of Berkeley Planning Commission

**FROM:** Southside Neighborhood Consortium (Le Conte NA, Willard NA, Claremont-Elmwood NA, Dwight/Hillside NA, Piedmont/Parker NW, and Berkeley Neighborhood Council (formerly "CNA"))

**SUBJECT:** Addressing Improper City Approvals of "Mini-dorms" in Certain R Districts

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The Southside Neighborhood Consortium ("SNC") urges the Planning Commission to take up the issue of mini-dorms. Amending the Zoning Code to address mini-dorms will protect the low and medium density neighborhoods near the University of California Berkeley campus ("CAL") from excessive development and help shift higher density housing to where it belongs: downtown and along transit corridors. To start this process, SNC has formulated a set of recommendations for the Planning Commission to consider and discuss, as follows:

**Recommendation #1:** Amend the Zoning Code such that any project proposing to add bedrooms to a property that would result in the lot having more than a total of four bedrooms shall be subject to an AUP process.

**Recommendation #2:** Amend the City of Berkeley Zoning Code to close what we call the "bedroom loophole" that has permitted the addition of an unusually high number of bedrooms to residential properties resulting in the emergence of "mini-dorms." This can be accomplished by (a) formulating a simple minimum sq. ft. of lot area per bedroom standard; and (b) and adoption of the staff-recommended off-site parking requirements. The minimum sq. ft. per bedroom approach is already utilized in the Zoning Code for development standards related to Group Living Accommodations.

**Recommendation #3:** Amend the Zoning Ordinance to require applicants seeking addition of bedrooms to submit plans to the City with shaded areas indicating clearly what sq. ft.

shall be allocated to bedrooms for the purpose of facilitating staff's determination whether the sq. ft. allocated to bedrooms would exceed the 60 percent threshold set forth in B.M.C. 13.42 and to discourage gaming the Zoning Code's development standards.

**Recommendation #4:** Amend the City of Berkeley Zoning Code to prohibit discretionary waivers of development standards related to addition of bedrooms in R-1, R-1A, R-2, R-2A, and R-3 districts.

**Recommendation #5:** Amend the penalties section of the Zoning Code to establish a daily fine of \$250 per day until the property is brought into compliance with the Zoning Code with respect to the minimum sq. ft. of lot size per bedroom standard.

## **Background**

***What is a "mini-dorm?"*** "Mini-dorms," the conversion of existing residential units into extremely high-density group living quarters, present a major quality of life issue for residents in neighborhoods near CAL. The neighborhood groups that are part of the consortium have identified at least a couple of dozen properties that have become mini-dorms over the last few years. Example: a unit with three existing bedrooms is purchased by an investor and additional bedrooms are added, typically with no additional common areas developed. The converted unit is then marketed and leased primarily to university students seeking to live off-campus. The typical outcome of these conversions is, effectively, a "party house" that generates unacceptable levels of noise, trash, poorly maintained yards and structures, greater number of cars requiring parking, and late-night traffic. Owners of mini-dorms generally are unresponsive to requests to manage their properties in a manner that would reduce negative impacts because of the revenue that would be lost by lowering density or by enforcing 'no party' clauses in leases, etc..

Neighbors of these properties experience a major change in their daily life as they have to endure disrupted sleep, deal with trash-strewn-private and public property, enter into constant communication with a revolving set of mini-dorm occupants (typically two times a year in fall and early summer), make frequent calls to the police, contact the Public Works Department for debris pick-up, submit requests for Code Enforcement, and track down and communicate with mini-dorm owners. In effect, neighbors of mini-dorm properties are

thrust unwillingly into the position of "baby-sitting" mini-dorm residents. Assuming this role is a defensive move to make living near or adjacent to such a property bearable.

Not all residents are willing to spend the time required to mitigate the adverse effects of mini-dorms, however. Many residents who originally moved into their neighborhood to enjoy a low- to moderate-density residential life-style frequently find that they have to sell (or vacate, if a tenant) their home or apartment and move. These moves trigger a vicious cycle of neighborhood degradation as residential properties are sold, often to other investors who convert the property into high-density mini-dorms. In this way, long-term homeowners and tenants are displaced with a transient population that tends to view the Berkeley community as a place to "party" in an irresponsible manner.

This problem is not unique to Berkeley. Other college and university towns across the country have experienced similar problems with mini-dorms and have adopted ordinances and zoning changes to prohibit conversions of residential units into "mini-dorms." Until recently, what has been unique about Berkeley is the City's lack of response.

**Examples of Mini-dorm Densities.** To illustrate how mini-dorms approvals result in out of character development, compare the densities of three approved mini-dorm projects with the density limits set forth in the Zoning Ordinance and Land Use Element of the General Plan:

<b>Address</b>	<b>2133 Parker</b>	<b>2840 Parker</b>	<b>2539 Benvenue</b>
Number Bedrooms	19 approved <sup>1</sup>	11 approved <sup>2</sup>	11 approved <sup>3</sup>
Lot Size	5,400 sq. ft.	2,880 sq. ft.	7,840 sq. ft.
Effective Density at one person per bedroom	<b>153</b> persons per acre	<b>168</b> persons per acre	<b>62-84</b> per persons per acre
Effective Density at two persons per bedroom <sup>4</sup>	<b>306</b> persons per acre	<b>336</b> persons per acre	<b>124-168</b> persons per acre
Zoning and Density Designation	R-2A Medium density	R-2A Medium density	R-3 Medium density
Corresponding Density set forth in Land Use Element	<b>44 to 88</b> persons per acre	<b>44 to 88</b> persons per acre	<b>44 to 88</b> persons per acre

***Needed: A New Direction for Berkeley's Planning Department.***

As the foregoing table shows, staff have been routinely approving projects that are not compatible with the medium density levels as set forth in the Zoning Ordinance and Land Use Element and, in fact, greatly exceed these authorized density ranges by factors of two to five. Note that most mini-dorm occupancies are between one and two persons per

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<sup>1</sup> As originally approved by staff prior to subsequent revisions and ultimate declaration of this property as a public nuisance.

<sup>2</sup> Staff originally approved seven bedrooms but when four additional bedrooms were added without a permit, staff issued a waiver to the illegal additional bedrooms, constituting an approval for this comparison purpose.

<sup>3</sup> The owner has a separate application in to add a second structure with 4 more bedrooms, the second number in the Effective Density reflects these plans..

<sup>4</sup> Many mini-dorm properties have two students sharing a room but not all bedrooms are necessarily shared, so this calculation indicates the upper bound density. Bedroom sharing is related to the size of the bedrooms, but we understand that city regulation of minimum bedroom size is pre-empted under state law.



bedroom, depending on the specific layout of the bedrooms and rental rates, so the effective density will likely fall between the two indicated density ranges. Regardless of which figure you chose, staff routinely have been approving projects in R-2A, and R-3 zones that result in density levels approved for High Density Residential and Downtown (88 to 220 persons per net acre). These approvals of completely out-of-character projects are at the heart of the mini-dorm problem.

But out-of-character density is not the only problem that has been encountered with staff review of projects involving the addition of bedrooms in residential districts. Based upon the observations by SNC over the past several years, the staff approach to project review and code compliance has been to turn a blind eye to the non-conforming aspects of an application and to issue discretionary waivers for code and permit violations after-the-fact with no “active” notice to impacted neighbors.<sup>5</sup> This lack of diligence and casual attitude towards development standards is even true for projects submitted by applicants known by staff to frequently violate the City’s zoning and building codes. To provide specific examples of the problem, consider the following three case studies:

### **2133 Parker Street**

This house, built in 1903, and owned and occupied by the same family for 50 years, was purchased in April of 2009 by the same developer who owns at least 3 other mini-dorms on the south side (including 2840 Parker, described below). Legally a duplex, but having been used as a single family home, plans for massive alterations, including the construction of 19 bedrooms, the addition of a 3rd unit and the elimination of the garage, were approved by the Planning Department without any Use Permits or notification to neighbors. No changes to the roofline had been approved, yet construction of a fourth floor, not allowed in R2A zones, began on May 14, 2010. Due to a vigorous outcry from neighbors, the project was required to seek use permits before the Zoning Adjustments Board for 3 issues, including elimination of the parking space. The fourth floor was allowed to remain, but the ZAB determined that the garage had to be replaced within the first floor. That, and a few other required changes reduced the bedroom count to 17.

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<sup>5</sup> By active, we mean posted, public notice. It is impractical to rely upon the current system of “passive” notice, e.g., having to continuously monitor the City’s permit center website for permit activity.

Neighbors continued to argue for a nuisance designation; the project was clearly a Group Living Accommodation, not allowed in R2A zones. After several hearings at the ZAB, an abatement of the property was approved.

On November 15 and December 13, 2011 the matter came before the City Council and the recommendation to abate the property was approved.

### **2840 Parker Street**

A four-bedroom house on a 2880 sq. ft. lot was purchased by a notorious developer who owns several other mini-dorms and who had many previous stop work orders and run-ins with the city. The home had crawl space under the house. The developer added 7 bedrooms and created a 1,100 sq. ft. basement where no basement had been previously. When neighbors complained, staff did not take testimony from neighbors and only relied upon statements by the owner as part of the City's administrative review. While the owner had stated that he would construct 7 bedrooms, he actually constructed 11 bedrooms. After neighbors requested that the City inspect the property, the City found that sleeping rooms had been added, floor area increased, and the basement added without permit. Neighbors submitted testimony about the historic condition of the property, and this testimony was ignored by staff. Instead of enforcing the City's codes, the Planning Department waived these violations. There was no notification to neighbors that staff planned to waive violations at this property. This property has a lengthy and substantial record of police calls for the loud and unruly behavior of its occupants.

### **2539 Benvenue**

The conversion of this landmarked, Victorian-era duplex into a mini-dorm is currently underway. The first-floor unit has been completely gutted, and the basement has been excavated. There will be 623 square feet added to the basement level, and 6 new bedrooms added to one unit (for a total of 8 bedrooms in one unit, with 3 existing in the other unit), totaling 11 bedrooms in the building overall. The basement level will house 2 underground parking spaces, the creation of which will eliminate the existing parking space, effectively adding a single parking spot for what will be an additional six to 16 new residents in the most densely-populated area of Berkeley. The project will permanently alter the character

of a protected City-landmarked structure -- a 2-flat home -- into group living on a scale that is detrimental to the building and to the neighborhood. And in spite of these major changes -- from the increase of more than 600 square feet, to the "lowering of the basement," to the additional 6 bedrooms -- it is proceeding without any notice or hearing provided to the neighbors. The increase of square footage should have triggered an Administrative Use Permit requirement. The owner of the property also plans to seek approval for construction of an additional structure on the lot that would add an additional four bedrooms.

Clearly, in its enthusiasm and zeal to promote construction of housing, the Planning Department is approving project applications for mini-dorms with (i) no consideration of the zoning code, its purpose, and the General Plan Land Use Element; (ii) no pre- and post-project condition inspections to verify project and applicant information; (iii) no intent to enforce the City's codes when violations are discovered or reported; (iv) a de-facto policy of discretionary waivers for code violations, particularly those related to project size and scope; and (v) no desire to inform, provide to notice to, or seek information from residents when problems are identified. With the arrival of a new Planning Director, the Planning Commission has an opportunity to re-direct the Planning Department to address and successfully resolve these issues.

### **Issues and Concerns with Staff Report**

Planning Department staff prepared a staff report dated July 25, 2012 to provide background information to the Planning Commission (Staff Report). The Southside Consortium would like to address certain elements of the Staff Report to offer additional information and insights, as follows:

- **Background.** On page one, the Staff Report is notable for what it omits regarding the "remodels" of 2133 and 2738 Parker Street. Staff provides an erroneous address of 2738 Parker that should be 2840 Parker. Major and substantial expansions of living space were approved by the Planning Department at these addresses resulting in 2133 Parker going from 6 to 19 bedrooms(as originally approved by staff) and in 2840 Parker going from four to 11 bedrooms.

- **Scope of Problem.** On page four, Staff states that “the proliferation of Mini-Dorms, as described, has not been reported as a widespread problem.” This is contrary to fact. In public testimony at multiple instances before the City Council over the course of 2011 and 2012, neighborhood representatives from a wide area around CAL have reported the proliferation of mini-dorms and have identified at least two dozen mini dorms across the south side neighborhoods. The SNC itself has been formed specifically due to the proliferation of mini-dorms.
- **Goal.** On page 2 the Staff reports the intent of the City Council to apply a potential ordinance to the “lower level density districts of the City.” Staff also cites part of the City Council referral on page 3, second paragraph. SNC suggests that the scope of the proposed ordinance changes apply to all R-1, R-1A, R-2, R-2A, and R-3 districts in the City. Limiting the scope of any proposed ordinance change will simply push the mini-dorm problem out into other areas of Berkeley. Any action that the Planning Commission takes should be comprehensive in nature. Since there are many grandfathered R-3 properties located within primarily R-2 and R-2A districts, R-3 districts should also be covered by any new changes to the Zoning Ordinance.
- **Draft Amendments.** The Staff Report analyzes amendment concepts originally proposed by SNC, City Council members, and others to address the “bedroom loophole.” The Staff Report analyzes these concepts and concludes that they may not work as intended or present other problems related to implementation. The Staff Report then makes a couple of brief suggestions at the end of the report, but does not analyze these suggestions in any detail. Overall, it is hard to detect any serious interest on the part of staff to address and resolve the “mini-dorm” issue. To address some of the shortcomings of the original set of ideas, SNC has formulated new recommendations to be presented below.
- **Changes in Density.** On page 4, the Staff Report states “the City does not have density standards under which to judge population increase due to the

addition of bedrooms to a residential unit.” This statement is not accurate. The General Plan Land Use Element sets specific ranges of appropriate density for each residential zoning category. These ranges, while guidelines, reflect the official policy of the City since the Land Use Element has been adopted by the City Council. In fact, the current Zoning Code does contain density standards for Group Living Accommodations that can serve as a model for how to treat mini-dorms.

- **Conclusion - Parking.** The Staff Report suggests that a new parking requirement be added as a means to control residential density. The SNC supports this suggestion.
- **Conclusion – Residential Density Controls.** The Staff suggestions provided here are generally inadequate to maintain residential population densities appropriate for R-1,R-1A, R-2, R-2A, and R-3 districts. SNC believes that a simple lot area per bedroom standard can be formulated both to be consistent with the densities set forth in the Land Use Element and not adversely impact the City’s second unit ordinance. Regardless of the number of units on the property the total number of bedrooms would be limited by the size of the lot.

## **Recommendations.**

SNC has met several times since the issuance of the Staff Report and has reviewed the Zoning Code to formulate what we believe are a reasonable set of recommendations to address the “bedroom loophole” and resulting mini-dorm problems. We offer the following recommendations for the Planning Commission’s consideration:

**Recommendation #1:** Amend the Zoning Code such that any project proposing to add bedrooms to a property that would result in the lot having more than a total of four bedrooms shall be subject to an AUP process.

**Justification:** There needs to be a trigger that brings a project to the Planning Department and provides notice to project neighbors. Since adding bedrooms could

result in a mini-dorm property and the potential for negative impacts, requiring a AUP should not be viewed as a undue burden. **The SNC notes that the Zoning Code requires AUPs for Hot Tubs**, which generally have a lower level of potential negative impacts than have been documented with mini-dorm properties.

**Recommendation #2:** Amend the City of Berkeley Zoning Code Section to close certain loopholes regarding additions of bedrooms to residential units that result in “mini-dorms” as follows:

**R-1 Districts:** Add a new item G to Section 23D.16.070 Development Standards: “G No more than one bedroom shall be allowed for each 900 square feet of lot area.”

**R-1A Districts:** Add a new item G to Section 23D.20.070 Development Standards: “G. No more than one bedroom shall be allowed for each 900 square feet of lot area.”

**R-2 Districts:** Add a new item G to Section 23D.28.070 Development Standards: “G. No more than one bedroom shall be allowed for each 800 square feet of lot area.”

**R-2A Districts:** Add a new item B3 to Section 23D.32.070 Development Standards: “B3. No more than one bedroom shall be allowed for each 800 square feet of lot area.”

**R-3 Districts:** Add a new item G to Section 23D.36.070 Development Standards: “G. No more than one bedroom shall be allowed for each 700 square feet of lot area.”

**Justification:** As minimum sq. ft. per lot area approach is already used in the Zoning Code for development standards for Group Living Accommodations in R-2A and R-3 Districts. Adoption of this recommendation would result in an effective residential density that is generally consistent with the density standards set forth in the Land Use Element for R-1, R-1A, R-2, R-2A, and R-3 districts. For example, a property in an R-2A District with a 5,500 sq. ft. lot could have up to 6 bedrooms at 800 sq. ft. per bedroom. This would be 48 to 95 people per acre if occupied by one or two people per bedrooms, respectively. A property with a 2,500 sq. ft. lot could have up to three bedrooms with an effective density of 52 to 104 people per acre. While this approach is not perfect, since density guidelines may be exceeded in some instances, SNC believes this is the most direct way to close the “bedroom loophole.” The 700 sq. ft. minimum for R-3 Districts assumes that two persons will occupy a bedroom in a Group Living Accommodation (which has a 350 sq. ft. per person minimum). We

note that the R-3 standard would allow densities from approximately 62-124 people per acre.

**Recommendation #3:** Amend the Zoning Ordinance to require applicants seeking addition of bedrooms to submit plans to the City with shaded areas indicating clearly what square feet shall be allocated to bedrooms to facilitate staff's determination whether the sq. ft. allocated to bedrooms would exceed the 60 percent threshold set forth in B.M.C. 13.42, thus triggering its operational requirements.

**Justification:** Requiring this calculation and illustration will permit staff to determine whether the application would result in a development in compliance with the Zoning Code with respect to development standards for bedrooms. This would also tend to discourage gaming of the development standards by having property owners (who seek to make changes to a property) formally state how they will use remodeled or additional sq. ft. and hold them accountable and to ensure that bedrooms are not added later without permit by offering other spaces in a property as bedrooms (such as parlors, or enclosed porches).

**Recommendation #4:** Amend the City of Berkeley Zoning Code to prohibit discretionary waivers of development standards related to addition of bedrooms in R-1, R-1A, R-2, R-2A, and R-3 districts that result in the addition of more than 500 sq. ft. of living space.

**Justification:** As documented in public testimony and the three case studies in this memorandum, Planning Department staff needs clear direction and guidance. Removing discretionary waivers related to additions of bedrooms would ensure that improper waivers are not inadvertently made by staff.

**Recommendation #5:** Amend the penalties section of the Zoning Code to establish a daily fine of \$250 per day until the property is brought into compliance with the Zoning Code with respect to the minimum sq. ft. per bedroom standard.

**Justification:** The City needs to establish a strong financial incentive for owners and developers to follow the City's codes and ordinances, particularly with remodeling or addition projects that add bedrooms in low-to medium density residential districts.

Mini-dorms are highly profitable operations, frequently generating cash flow in excess of \$10,000 monthly. The penalty should be commensurate with the improper gain. We note that the fines would total approximately \$7500 per month, not out of proportion to the additional profit that is gained by converting a property to a mini-dorm.



Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 12

## Chapter 13.42 OPERATING STANDARDS FOR MINI-DORMS AND GROUP LIVING ACCOMMODATIONS

### Sections:

- [13.42.005](#) Applicability.
- [13.42.010](#) Findings and purpose.
- [13.42.020](#) Definitions.
- [13.42.030](#) Operating standards--Owners, Property Managers and responsible residents.
- [13.42.035](#) Nuisances.
- [13.42.036](#) Entertainment events involving service or availability of alcoholic beverages.
- [13.42.040](#) Remedies.
- [13.42.050](#) Fee.
- [13.42.060](#) Severability.

### **13.42.005 Applicability.**

- A. This Chapter shall not apply to Community Care Facilities or Senior Congregate Housing as defined in Chapter [23F.04](#).
- B.
  - 1. A GLA that has adopted operating protocols that the City determines are functionally equivalent to the requirements set forth in this Chapter shall be exempt from this Chapter except as it applies to owners and/or Property Managers, provided that said protocols are consistently implemented and enforced.
  - 2. Such protocols shall include provisions for monitoring and enforcement by a Monitoring Organization.
  - 3. An exemption under this subdivision shall lapse upon written notice by the City to a GLA:
    - a. of two violations of Section [13.42.030](#) or [13.42.036](#) on different dates at its location during any twelve-month period from September 1st through August 30th, unless those violations were remedied as provided in the adopted protocols; or
    - b. that the adopted protocols, although followed and enforced, are inadequate to ensure compliance with Sections [13.42.030](#) and [13.42.036](#). In such cases, the GLA shall be given a reasonable opportunity to propose revised protocols for review by the City.
  - 4. An exemption under this subdivision premised on monitoring and enforcement by a Monitoring Organization shall lapse if the City determines, after written notice to the Monitoring Organization that the required monitoring or enforcement has not occurred or that it has omitted to report noncompliance with the protocols.
- C. This Chapter shall not apply to any apartment house that is subject to and in compliance with Section [19.40.100](#), Chapter 17 of the Berkeley Housing Code, section 1701.
- D. This Chapter shall not apply to hotels as defined in Section [7.36.020](#).A.
- E. This Chapter shall not apply to owner-occupied buildings. (Ord. 7631 §1, 2018: Ord. 7455-NS § 2, 2016: Ord. 7226-NS § 1 (part), 2012. Formerly 13.42.070)

### **13.42.010 Findings and purpose.**

- A. The heavy demand for student housing in Berkeley, especially in low density areas near the University of California campus, has resulted in numerous existing single family and multifamily residential buildings being significantly modified by the addition of numerous bedrooms.

- B. Prior to the enactment of amendments to the Zoning Ordinance that regulated the addition of bedrooms in certain zoning districts such modifications were allowed as a matter of right without triggering discretionary review. As a result, there has been a proliferation of buildings that are occupied by a far larger number of persons than was ever contemplated by the General Plan or Zoning Ordinance in those districts. In addition, there are already numerous pre-existing Group Living Accommodations, including but not limited to fraternities and sororities, in these affected areas.
- C. Because of the number of residents in such buildings and, in many cases, the lack of on-site managers, such buildings tend to impair the quiet enjoyment of the surrounding neighborhoods by creating trash and litter, creating excess parking demand, and being the location of numerous loud and unruly parties.
- D. It is often the case that the loud and unruly parties involve the consumption of large amounts of alcoholic beverages, which often are consumed by individuals under the age of 21 who either reside in such buildings or attend such parties. Consumption of alcohol by minors is harmful to the minors and consumption of large amounts of alcohol by individuals of all ages at these gatherings contributes to the nuisance conditions affecting the surrounding neighborhood.
- E. Police officers frequently have been required to make calls to a location of a party, in order to disperse uncooperative participants, causing a drain of staffing and resources and, in some cases, leaving other areas of the City with inadequate police protection.
- F. The manner in which Group Living Accommodations and Mini-dorms operate, including the behavior of guests, is the collective responsibility of those who own and manage them and those who reside in them, and in particular the sponsors of events that result in large numbers of attendees. In some cases City emergency personnel responding to medical emergencies have been denied access to GLAs to provide treatment and/or transport to medical facilities. Therefore it is appropriate that owners and residents bear the consequences of any nuisances that are allowed to occur.
- G. In areas most affected by the proliferation of such buildings and the resulting density and intensity of use, disturbances that would be considered minor and tolerable in less intensely inhabited areas become much more severe and intolerable because they are no longer occasional, but have become chronic.
- H. The purpose of this Chapter is to remedy these and other associated problems by adopting and providing for the enforcement of operating standards for such buildings, and by defining these disturbances as a public nuisance in areas that are most affected by them. (Ord. 7455-NS § 3, 2016: Ord. 7337-NS § 1, 2014: Ord. 7226-NS § 1 (part), 2012)

#### **13.42.020 Definitions.**

The definitions set forth in this Section shall govern the application and interpretation of this Chapter.

- A. "Mini-dorm" means any building in an R-1, R-1A, R-2, R-2A, or R-3 Zoning District that contains a dwelling unit that is occupied by six or more persons over the age of eighteen years, but is not a Group Living Accommodation as defined in Chapter [23F.04](#). Permitted and Legal non-conforming Sororities, Fraternities, and Student Co-ops shall not be considered Mini-Dorms, as long as they have a resident manager.
- B. "Bedroom" means any Habitable Space in a Dwelling Unit or habitable Accessory Structure other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas that is at least 70 square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation. A room identified as a den, library, study, loft, dining room, or other extra room that satisfies this definition will be considered a bedroom for the purposes of applying this requirement.

- C. "Accessory Structure," "Gross Floor Area," "Dwelling Unit" and "Group Living Accommodation" (or "GLA") have the same meanings as set forth in Chapter [23F.04](#).
- D. "Alcoholic Beverage" shall have the same meaning as Vehicle Code Section [109](#).
- E. "Monitoring Organization" shall mean the University of California, the ASUC, the Intrafraternity Council or any other organization that the City determines is capable of providing quarterly monitoring and reporting sufficient to enable the City to determine continued compliance with practices adopted by a GLA under Section [13.42.005.B](#).
- F. "Responsible Resident" means a person or persons, or committee, designated pursuant to Section [13.42.030.B](#).
- G. "Property Manager" means a person who is responsible for the day-to-day maintenance, upkeep, and security of the property. The property manager may be the Owner of the property. (Ord. 7631-NS § 2, 2018; Ord. 7455-NS § 4, 2016; Ord. 7337 § 2, 2014; Ord. 7226-NS § 1 (part), 2012)

**13.42.030 Operating standards--Owners, Property Managers and responsible residents.**

- A. 1. Any person who owns a GLA or Mini-Dorm shall register with the City of Berkeley as such. Registration shall include contact information for both the owner and any Property Manager, including the name and contact information for a natural person who can be contacted in the event of an emergency.
2. The owner of any GLA with more than 15 residents, and the owner of more than one parcel that includes a Mini-dorm, shall hire a Property Manager. The Property Manager need not be a resident of a GLA or Mini-dorm but must be available and authorized to respond to complaints about the GLA or Mini-dorm at all times. The owner or Property Manager shall provide all tenants with a copy of this Chapter and Chapter [13.48](#) at the time they begin their tenancy. For purposes of this subdivision, a person owns a Mini-dorm or GLA if they have a majority or controlling interest in a Mini-dorm or GLA.
3. Owners and Property Managers shall be liable for any violation of this Chapter.
- B. The residents of each Mini-dorm or GLA shall designate a Responsible Resident, who shall be responsible for:
1. ensuring that all refuse and materials to be recycled are properly managed and collected, and that all refuse and recycling containers are returned to their appropriate locations after collection;
  2. ensuring that all vehicles at each Mini-dorm or GLA are utilizing off-street parking in approved spaces in compliance with Section [23D.12.080](#); and
  3. responding to all complaints regarding the Mini-dorm or GLA within 24 hours; keeping a log of all complaints, the response to the complaint and the resolution of the complaint; and retaining the complaint log for no less than 24 months. The Responsible Resident shall be responsible for these requirements unless a Property Manager is residing on site, in which case the Property Manager shall be responsible for these requirements. The complaint log shall be made available to City staff on request. The logs shall be made available to Berkeley residents residing within 300 feet of a mini-dorm or GLA within 10 days of a request. Any Berkeley residents residing within 300 feet of a mini-dorm or GLA may submit to the City a written request for a copy of the Responsible Resident's or Property Manager's log and City staff shall within 10 days of receipt of such request ask for a copy of the Responsible Resident's or Property Manager's log on behalf of the requesting resident; and
  4. promptly notifying the owner and Property Manager (if any) of any notices under Chapters [12.70](#) or [13.48](#).

The Responsible Resident shall not be responsible for any of the foregoing tasks that are the sole responsibility of the owner or Property Manager.

- C. The owner or Property Manager shall provide notice to all residents within 300 feet of:

1. the existence and location of the Mini-dorm or GLA;
2. the contact information for the Responsible Resident (or Property Manager, if they reside on-site), which shall include at least a telephone number or numbers, or e-mail address or addresses at which the Responsible Resident or Property Manager can be reached at any time; and
3. the name and contact information for the Property Manager (if any) and the owner and the phone numbers at which they can be reached at any time.

Such notice shall be provided at least annually by September 1st, and whenever the identity or contact information for the Responsible Resident, Property Manager or owner changes.

D. For any event subject to Section [13.42.036](#), the Responsible Resident shall notify at least one of the residents of each confronting or abutting property no less than 48 hours prior to the event and provide a contact number at which a Responsible Resident can be reached during the entire course of the event. Such notification may be in any form reasonably calculated to provide actual notice. (Ord. 7631-NS § 3, 2018; Ord. 7455-NS § 5, 2016; Ord. 7226-NS § 1 (part), 2012)

#### **13.42.035 Nuisances.**

A. Any occurrence at a Mini-dorm or GLA that constitutes a substantial disturbance of the quiet enjoyment of private or public property in a significant segment of a neighborhood, such as excessive noise under Section [13.40.030](#) or traffic, obstruction of public streets by crowds or vehicles, public intoxication, the service to or consumption of alcohol by minors, fights, disturbances of the peace, litter or other similar conditions, constitutes a public nuisance.

B. It shall be a public nuisance for any resident of a GLA or Mini-dorm where an event is taking place to refuse access to, or interfere with access by, Fire Department personnel responding to an emergency call or investigating a situation.

C. Notwithstanding any provision of Chapter [13.48](#) to the contrary, a public nuisance as defined in this Section shall be subject to the remedies set forth in Section [13.42.040](#). (Ord. 7455-NS § 6, 2016; Ord. 7337-NS § 3, 2014)

#### **13.42.036 Entertainment events involving service or availability of alcoholic beverages.**

This Section applies to entertainment events that are open to the public as defined in Section 13.46.030.A & B that: (1) draw, or can reasonably be expected to draw over 50 attendees; (2) involve the service or availability of Alcoholic Beverages at any Mini-dorm or GLA; and (3) are not limited to the residents of that GLA or Mini-dorm.

A. The following actions during events subject to this Section may be deemed a public nuisance:

1. use of or entry upon the roof except for purposes of escaping a fire when entry upon the roof is required for legal egress. For purposes of this paragraph, "roof" does not include decks or balconies, wherever located, that were legally constructed and are in compliance with all applicable safety requirements;
2. service or availability of Alcoholic Beverages in Bedrooms occupied by residents under the age of 21 years;
3. service or availability of Alcoholic Beverages in common areas where they are accessible to persons under the age of 21, unless service or availability is controlled in a manner that does not allow service or availability to persons under 21 years of age;
4. service to or availability of Alcoholic Beverages to persons under the age of 21.

B. Events subject to this Section should be kept to a manageable size, generally under 200 persons total, and should not be allowed to take place in any part of the public right-of-way.

C. Events subject to this Section must comply with the standards set forth in the Community Noise Ordinance, Chapter [13.40](#).

D. The presence of a minor who is under the influence of alcohol at an event subject to this Section shall create a rebuttable presumption that the event is not being conducted in compliance with the provisions of this Section relating to service and availability of Alcoholic Beverages.

E. This Section does not apply to regularly scheduled meetings and/or meals involving non-residents if such meetings or meals involve only members or alumni of the entity that owns or operates the Mini-dorm or GLA and their parents or guardians, even if such meetings or meals include the service or availability of Alcoholic Beverages, as long as such service or availability is limited to persons of 21 years of age or more.

F. Notwithstanding any provision of Chapter [13.48](#) to the contrary, a public nuisance as defined in this Section shall be subject to the remedies set forth in Section [13.42.040](#). (Ord. 7631-NS § 4, 2018: Ord. 7455-NS § 7, 2016)

#### **13.42.040 Remedies.**

A. This Chapter may be enforced as set forth in Chapters [1.20](#) and [1.28](#).

B. Violation of any provision of this Chapter is hereby declared to be a public nuisance subject to abatement under Chapters [1.24](#), [1.26](#) and [23B.64](#).

C. In any enforcement action, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs; provided that, pursuant to Government Code Section [38773.5](#), attorneys' fees shall only be available in an action or proceeding in which the City has elected, at the commencement of such action or proceeding, to seek recovery of its own attorneys' fees. In no action or proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

D. Nothing in this section shall preclude the City from setting priorities in the use of its resources by enforcing this chapter against events that are the most disruptive or against properties at which disruptive events are held most often or on the basis of other similar legitimate factors.

E. 1. In determining the appropriate remedy, if any, for a public nuisance under this Chapter, the City shall consider factors such as the severity and impact of the nuisance, whether it was an isolated event that is not likely to recur and whether it was preventable. Remedies for public nuisance should be reasonably designed to address the nuisance that the City determines occurred.

2. Nuisance determinations, and remedies for nuisances, applicable to Mini-dorms shall apply only to the unit or units involved in or causing the nuisance, and remedies shall be designed to affect residents of other units as little as feasible. No remedy based on the occurrence of a sexual assault may adversely affect the housing situation of a survivor of sexual assault.

3. No remedy may be imposed on a GLA or Mini-dorm for actions or failure to take actions exclusively within the authority of the landlord or property manager.

F. Determinations of public nuisance may result in further administrative citations, which may escalate based on the number of violations, and repeated violations at the subject property.

G. Nothing in this Chapter is intended to create a monetary remedy against any Responsible Resident.

H. Any resident of the City may bring a private action for injunctive relief to prevent or remedy a public nuisance as defined in this Chapter. No action may be brought under this subdivision unless and until the prospective plaintiff has given the City and the prospective defendant(s) at least 30 days' written notice of the alleged public nuisance and the City has failed to initiate proceedings within that period, or after initiation, has failed to diligently prosecute.

Notwithstanding subdivision (G), in any action prosecuted under this Section a prevailing plaintiff may recover reasonable attorneys' fees. (Ord. 7631-NS § 5, 2018: Ord. 7455-NS § 8, 2016: Ord. 7337-NS § 4, 2014: Ord. 7226-NS § 1 (part), 2012)

#### **13.42.050 Fee.**

The City Council may by resolution adopt fees for the administration and enforcement of this Chapter. (Ord. 7226-NS § 1 (part), 2012)

#### **13.42.060 Severability.**

If any provision of this Chapter or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable. (Ord. 7226-NS § 1 (part), 2012)

**The Berkeley Municipal Code is current through Ordinance 7781-NS, passed July 27, 2021.**

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

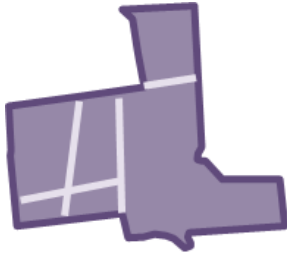
City Website: <https://www.cityofberkeley.info/Home.aspx>  
(<https://www.cityofberkeley.info/Home.aspx>)  
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City Clerk (<http://www.cityofberkeley.info/clerk>) , 2180 Milvia Street, Berkeley, CA 94704  
Questions or comments? Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) (<mailto:clerk@cityofberkeley.info>) Phone: (510) 981-6900

Attachments to Phillip Bokovoy's  
September 22 2021 letter to Derek Watry

Material Cited at Footnote 13





## **SOUTHSIDE NEIGHBORHOOD CONSORTIUM**

To: Honorable Mayor and Members of the Berkeley City Council

From: Southside Neighborhood Consortium

Re: January 26, 2016 Council Agenda Item #13 Amending Chapter 13.42 to Adopt Additional Operating Standards for Mini-dorms and Group Living Accommodations

Date: January 24, 2016

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### **Statement of Support:**

The events of October 31, 2015 and December 18, 2015 which together resulted in property damage, three assaults, one hospitalization, and one death constitute a compelling affirmation of why the City Council **must** adopt additional operating standards for mini-dorms and group living accommodations. Two Berkeleyside articles describing these two events are provided in Attachment A to this letter.

Further, these two events completely and thoroughly rebut student testimony made to the City Council at its workshop on September 29, 2015 that the student community can “self-monitor” to avoid these types of tragic incidents. It is clear that at least a segment of the student community cannot.

The Southside Neighborhood Consortium remains in strong support of the proposed amendments to Chapter 13.42. We would like to request two very simple additional changes that we believe will collectively enhance the effectiveness of these amendments and one additional referral action related to the City’s Residential Permit Parking program.

We believe that these amended operating standards and requirements will go a long way to make property owners responsible for mitigating the well-documented negative impacts associated with mini-dorms and group living accommodations (GLA)s. We commend staff for their work on this issue.

The private right of action to enforce violations is critically important to the success of these changes. It essentially evens the playing field between owners of mini-dorm/GLA properties especially since mini-

SNC Letter Re: January 26, 2016 Council Workshop  
Item #13  
January 24, 2016

dorm owners have reaped substantial economic benefits and neighbors that have had to suffer the consequences (e.g. noise, trash, litter, late-night traffic, and parking). We applaud the changes proposed related to under-age alcohol consumption and sexual harassment as very necessary to ensure a safe community.

### **Support for Recent Changes**

The Southside Neighborhood Consortium supports the changes made to the draft amendments presented at the September 29, 2016.

### **Requested Additional Amendments:**

We respectfully request that the City Council consider two additions to the proposed changes, as follows:

#### **SNC Addition #1:**

Add to Operating Standards - Responsible Residents 13.42.030 B new item 2:

"2. Ensuring that all vehicles at each Mini-dorm or GLA are utilizing off-street parking in approved spaces in compliance with Chapter 23D.12.080; and ..."

**Justification:** Mini-dorm/GLA residents often park all over their front yards in violation of BMC standards. Enhanced compliance would be achieved with this addition since problems with parking would become an item that would have to be recorded in the Responsible Resident's log, reinforcing that both residents and owners must comply with the legal rules governing parking.

#### **SNC Addition #2:**

Modify Operating Standards – Responsible Residents 13.42.030 proposed item B(3):

Responding to all complaints regarding the Mini-dorm or GLA within 24 hours; keeping a log of all complaints, the response to the complaint and the resolution of the complaint; and retaining the complaint log for no less than 24 months. The complaint log shall be made available to City staff on request. NEW: [Any Berkeley resident residing within three hundred (300) feet of a Mini-dorm or GLA may submit to the City a written request for a copy of the Responsible Resident's log and City staff shall within ten (10) days of receipt of such request ask for a copy of the Responsible Resident's log on behalf of the requesting resident]; and

**Justification:** Impacted neighbors need to be able to review the Responsible Resident log to

SNC Letter Re: January 26, 2016 Council Workshop  
Item #13  
January 24, 2016

determine whether a Responsible Resident and property owner are responding appropriately to issues that neighbors have been raised. If the City has not requested a log, a resident cannot obtain it through the California Public Records Act since the document would not be in the possession of the City.

**SNC Council Referral Request:**

SNC would like to request that you make a separate referral to the City staff to amend BMC Chapter 14.72.080 C(2) along the lines of the following:

No parking permits shall be issued to residents of Mini-dorms as defined in Chapter 13.42. Furthermore, no parking permits shall be issued to residents of Group Living Accommodations as defined in Chapter 23F.04 that are approved after January 1, 2012, unless the Zoning Adjustments Board specifies otherwise when it approves the GLA permit. The Current Planning division shall provide a listing of addresses subject to this paragraph to the Department of Finance.

**Justification:** SNC believes that Mini-dorms should be subject to the same treatment as GLAs with respect to parking permits. Most mini-dorms are close to the UC Campus. This limitation would ensure that mini-dorms do not reduce the availability of parking for other residents in its vicinity and overwhelm our neighborhood streets.

Again, we appreciate the hard work of City staff to listen to all the stakeholders and to prepare these amendments. We strongly recommend that the Council adopt these amendments to mini-dorm and GLA operating standards with the two additional additions we propose as well as council referral of the permit parking program changes.

Sincerely,

**Southside Neighborhood Consortium:**

Joan Barnett, President, Dwight-Hillside Neighborhood Association  
George Beier, President, Willard Neighborhood Association  
Phil Bokovoy, Piedmont/Parker Neighborhood Watch  
Jacquelyn McCormick, Claremont-Elmwood Neighborhood Association  
Marcia Poole, Regent St Neighborhood Association  
Chris Lien, President, Le Conte Neighborhood Association  
Dean Metzger, Berkeley Neighborhoods Council  
David Shiver, Stuart Street/Willard

SNC Letter Re: January 26, 2016 Council Workshop  
Item #13  
January 24, 2016

## Berkeley police respond to huge Southside riot

By Emilie  
Raguso

November 1, 2015 12:47  
am



A large riot took place in Berkeley early Sunday. Photo: Atreyue Ryken

Thousands of revelers took to the streets around Channing Way and Piedmont Avenue in Berkeley's Southside neighborhood Saturday night in what many called "a riot" that ultimately resulted in property damage and at least three assaults, one of which sent a victim to the hospital.

Police believe the assaults may have been committed by the same three people, who were taken into custody around 1:10 a.m., after daylight saving time ended.

Police said early Sunday they did not know what sparked the activity. According to one report from a UC Berkeley student on Twitter, however, "There's a riot in Berkeley like a real one bc they shut down all our parties." The Southside neighborhood where the crowds were reported has a large concentration of fraternities associated with the university.

According to a dispatcher, the watch commander was unavailable to provide information about the crowd situation as of 12:35 a.m. Sunday because she was "in the middle of trying to coordinate 5,000 people in a riot right now."



Watch commander Lt. Alyson Hart reported, over the scanner at about 1:10 a.m., before daylight saving time ended, that the crowd had “thinned considerably” and “our Channing Circle issue is resolving.”

Berkeley Police Capt. Andrew Greenwood said police initially responded to a crowd of at least 1,000 people that reportedly ballooned to twice or three times that size, if not larger. Greenwood said, at about 1:20 a.m., he did not know how the incident began, and that officers were still in the midst of handling it.

Greenwood said there had been some reports of people throwing rocks or bottles, so officers withdrew from the immediate area but continued to monitor the situation and respond to life-safety issues. Greenwood said there had been no tear gas used, or any other force used by police in relation to the crowd.



A large crowd of Halloween revelers gathered on Channing Way, near Piedmont Avenue, in Berkeley, late Saturday. Photo: David Yee

Greenwood said officers were on patrol in the Southside area and were assisting the Berkeley Fire Department, as escorts during medical calls, to ensure scene safety.

At about 1:40 a.m., police and firefighters were dispatched to Piedmont and Channing for a report of a male who had been kicked in the head and was reported to be unresponsive. There were also numerous medical calls earlier in the night for students and others who had been drinking and needed assistance.

As of about 1:50 a.m., police estimated that there were still about 700 people on Telegraph and Durant avenues, mostly gathered outside bars and restaurants that were still open.

Wrote one woman on Twitter just before daylight saving time ended at 2 a.m.: “Tonight the corner my house is on turned into a riot zone. Haven’t felt this unsafe in a long time.”

Greewood said, at about 2:30 a.m. — post daylight saving time — that police had responded to at least three assaults that may have been committed by the same suspects.

“Those suspects were detained, identified and arrested,” he said. “At least one victim was hospitalized.”

They were identified as Carlos Chavez, 20, Jonathan Cortez, 22, and Adrian Hernandez, 22. According to Alameda County sheriff’s department records online, they were arrested on suspicion of two felonies: battery with serious bodily

injury, and assault with a deadly weapon other than a firearm. They are being held at Berkeley Jail on bail of \$80,000 and are scheduled for arraignment Tuesday.

As of about 5 a.m. Sunday, according to online records from the Alameda County sheriff's department, one person was taken into custody on Halloween for public intoxication, one person was arrested after misdemeanor battery with serious bodily injury, and one person was arrested following a DUI.

Berkeley Police spokeswoman confirmed at about 10:15 a.m. Sunday that at least one vehicle, at Channing and Piedmont, had been vandalized. She said the police department might receive additional calls about damage later in the day.

Coats said police were still piecing all the events together.

"It is unclear what may have started the disruptive behavior on the part of the crowd," she said. "There was a larger than usual crowd in the South Campus area ... due to the USC vs Cal football game, which draws a large attendance. Also, I think in part, due to Halloween there were a larger number of parties in the area. Several parties had let out in the area, with the attendees congregating near Piedmont and Channing."

The Berkeley Fire Department responded to over 100 calls Saturday and early Sunday, but had not yet tallied up how many of those were fire alarm or alcohol related in the Southside neighborhood.

Berkeley Police Lt. Andrew Rateaver said, as of Sunday afternoon, there were "groups of young people in and about the affected area, armed with plastic bags and work gloves, picking up trash, broken glass and bottles and what not."

Rateaver said approximately 33 Berkeley officers were committed to the incident.

"It is a drain on public safety resources, especially in times of limited resources," he said, which can put other areas of the city at risk "because there may be a delay in getting resources elsewhere, if needed."



Police prepare to leave the area after making several arrests at Channing Way and College Avenue, in Berkeley, early Sunday. Photo: David Yee

According to scanner recordings reviewed by Berkeleyside, the Berkeley Fire Department began shutting down large Southside parties shortly after 10 p.m. One caller, from the 2400 block of Piedmont, called to ask for help and told a



dispatcher “they’re trying to not have a party, [but] people are trying to get in.”

An officer reported that Durant and Piedmont avenues were “pretty thick” with pedestrians, and advised fellow first responders to keep an eye on the area.

At about 11:20 p.m., an officer made another report about heavy pedestrian traffic, and said emergency vehicles would have to use lights and sirens if they needed to get through the area, which was “chock full of people” around Piedmont, Durant and Warring.

A short time later, an officer called for emergency assistance to deal with a large fight on Channing east of the circle. As officers headed to the area, according to the scanner traffic, some people were throwing things, including bottles. Officers considered going in to pull out the people hurling projectiles, but the fight broke up on its own. Officers decided to leave the area to regroup, for safety, when there appeared to be no victims.

The police department advised the fire department that officer escorts should be used when responding to medical calls in the area.

Dispatch then reported “getting multiple calls about the same large group saying they’re destroying cars at this point.” Officers said they would wait until later to deal with property crimes and made it clear they were aiming to keep some distance from the crowd except for emergency situations.

Officers were advised to return to the station to “gear up,” with helmets and other equipment, as large crowds remained in the area. Units from other agencies, including the California Highway Patrol, Alameda County sheriff’s department and the University of California Police Department were also in the area to assist.

One of the earliest reports online about large crowds came out on Twitter at 11:37 p.m. Saturday, posted by a UC Berkeley senior: “There’s a riot in Berkeley like a real one bc they shut down all our parties.”

An officer reported over the scanner that the crowd was easily in the thousands, but said he didn’t see any criminal activity happening.

“Channing is completely packed with people,” he said. “There’s no movement for cars. Pedestrians have occupied the whole street, and Channing Circle.”

Said Atreyue Ryken on Twitter as of about midnight, “Legitimate riots at Channing Circle tonight, cars broken into and jumped on by hundreds if not 1,000.”

Ryken said by email, as “I was leaving a friend’s house and heading down Channing, my group saw Police cars lined all the way down Channing with hundreds of students on each corner on every block down from Piedmont up Warring, some police were in riot gear but most were starting to leave.”

Ryken continued, “A man in a Jesus Christ costume stood in front of the last police car and quickly had a crowd growing around him jumping and clapping, shortly after the police car left rioters started jumping on cars parked on Warring and the crowd grew rapidly. As I was leaving part of the crowd quickly dispersed with chatter of tear gas but I couldn’t see or smell any personally, and it appeared that all police units left the scene while the riot continued.”

Said one visiting USC student on Twitter, at 12:25 a.m. Sunday: “knew Berkeley was known for protests but a riot for Halloween seems a little unnecessary.” (Cal’s Golden Bears played the USC Trojans earlier in the day Saturday, and lost.)

Police received a report at about 12:35 a.m. that someone in the crowd had a gun, but it was not confirmed by authorities.

At 12:54 a.m., there was an unconfirmed report of someone running around with what appeared to be a hunting knife in the 2300 block of Piedmont Avenue.

According to another report, shortly before 1 a.m., “there is a legit organized riot down frat row... only in Berkeley would they fight for their right to party.”



nina @kneenahxd · 6h

there is a legit organized riot down frat row  
with police and tear gas and zomg only in  
berkeley would they fight for their right to  
party



1



4



Several readers also reported what sounded like gunshots earlier on Saturday around 10:30 p.m. One reader said she heard two shots, possibly from Gilman Street, and another heard them in the area of North Berkeley BART. Police said on the scanner that the sound was believed to have been fireworks.

Another reader reported, at about 12:20 a.m. Sunday, a car had crashed into a light pole at Shattuck Avenue near Berkeley Bowl. She said first responders were not yet on scene when she was in the area, but she “saw people gathered on the sidewalk away from car.”

Berkeleyside has requested information from the Berkeley Police Department and will update this post if more information is provided.

*This story was updated after publication due to the developing nature of the incident.*

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## Young man found dead at Berkeley fraternity

By Emilie  
Raguso

December 19, 2015 11:49  
am



A young man was found dead Saturday at Pi Kappa Phi. Image: Google Maps

Police responded to a Berkeley fraternity Saturday morning after receiving a report of a young man found unresponsive there.

Berkeley Police Lt. Andrew Rateaver said police were called to the 2900 block of Channing Way, between Prospect and Warring streets, just before 7:30 a.m., to investigate the death.

“Our officers are there now and the investigation is on-going,” he said. Rateaver said he could release no further details but that more information will be released later by the department.

According to police scanner recordings reviewed by Berkeleyside, paramedics and police were called to 2908 Channing, the Pi Kappa Phi fraternity, after a 23-year-old man was found unresponsive inside the house Saturday morning.

An attempt to resuscitate the man using CPR was unsuccessful, according to the recording. Officers on the scene were taking statements and trying to piece together what had taken place.



A young man was found dead Saturday at Pi Kappa Phi. Image: Ted Friedman

The fire department had just been called to the fraternity early Saturday morning, at about 12:30 a.m., for a report of a commercial fire alarm on the second floor.

Berkeleyside has requested comment from the UC Berkeley [Gamma chapter of the fraternity](#), as well as national headquarters in Charlotte, North Carolina.

Peter Shelton, a spokesman for the national office, said shortly after publication that he had just received word of the fatality.

“With the school term over for the holidays, fewer people are around but we’ve asked our students to cooperate with the local authorities who are leading an investigation,” he said by email. The fall semester ended Dec. 18.

The fraternity was founded in 1904 at the College of Charleston in South Carolina, and has 141 active chapters.

According to a review on the website Greek Rank, there has been [more activity at the fraternity](#) of late: “Guys here are definitely on the rise. Been throwing more decent parties lately and being more social.”





A young man was found dead Saturday at Pi Kappa Phi. Image: Google Maps

Saturday evening, Claire Holmes, a UC Berkeley spokeswoman, described the loss as “tragic.”

“Our hearts go out to all the deceased’s families, friends and loved ones,” she said. “UC Berkeley is awaiting further details regarding the reported death of a young man near the UC Berkeley campus on December 19, 2015. The available information is that the deceased was not a current UC Berkeley student. As information becomes available, we will provide updates.”

Nearly one year ago to the day, a 20-year-old junior from San Ramon who was pursuing a double major in applied mathematics and economics at UC Berkeley was found dead at his Southside Berkeley home after losing his balance and falling down a brick staircase. He was found to have [potentially fatal alcohol levels in his bloodstream](#).

In November 2014, [a 20-year-old man was found dead](#) at the Zeta Psi fraternity, at 2728 Bancroft Way, the day after the frat threw a large party that drew hundreds of attendees.

In the aftermath of those tragedies, the city of Berkeley has [begun taking steps to improve the safety](#) and oversight of group housing such as fraternities. The CalGreeks community’s [Interfraternity Council also put additional measures in place](#) to curb the impacts of drinking, such as banning alcohol stronger than 20% in common areas and imposing escalating fees for violations.

Though the circumstances of this most recent fatality are not known, according to the city, [“95% of all injuries and deaths at Fraternities nationwide are alcohol- or drug-related.”](#) In September, authorities reported a [record number of tickets and arrests](#) during an annual enforcement effort that targets drinking at UC Berkeley.

**From:** davidfbeaty@gmail.com,  
**To:** m.berkowitz@sbcglobal.net,  
**Cc:** pbokovoy@aol.com, marianabeatty@gmail.com,  
**Subject:** Re: 2606 Piedmont  
**Date:** Mon, Jun 29, 2020 10:30 am

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Hi Mike,

Thank you for your response. Izzy, one of the students we had not met, came over and apologized on behalf of the others and gave a similar story to yours. She swore it would absolutely never happen again. We'll see. I don't quite understand how the football team got there in the first place and why they all seemed to leave together if they didn't know each other. But they are correct: after my text and perhaps your call they moved the party to another site.

I have several suggestions:

1. The party was in the back yard and the football team ended up chanting and counting while standing very close to the fence between our properties and close to the Zolly property. The fence in the rear of your property is 65 inches from our back deck where we have a table and chairs. In other words it is within social distancing of our deck. There were 10 or more football players jammed together with others in that area. See today's NYTimes about football teams and others having practices shut down because of infections. So it's not a joke.

Suggestion: put in the lease or otherwise make it clear to them in writing: a violation of the City, County or State coronavirus laws and regulations is an automatic cause for eviction. As I said before: there was no social distancing and no masks.

We don't want it to be a "party house" and we don't want it to be a "hot spot" for the virus.

2. There should not be any parties in the back yard. Period. Physically that area lends itself to what happened Saturday. No one has to come inside the house, they can troop directly from the street to the side and back yard and, with all due respect, there is nothing physical to damage or restrain students from that kind of behavior in that area.

3. Robert Zolly has big signs in his houses which say "No Parties." and no "outside music". It's also in his leases. This June 1st the day students moved into the house bordering on Parker they opened a window and played music outside to themselves sitting outside on their patio. It took one phone call from me to Robert and then from Robert to them to stop it.

We have had conversations in the past about the legality of this kind of lease provision. I suspect Robert uses it as a practical tool and is not particularly worried about being taken to court on the issue. It can also be included as a specific example of the kind of "nuisance" which will result in eviction.

In any case, Mariana and I appreciate you taking action; Izzy told us you were not happy. I hope it made an impression.

Dave

On Jun 28, 2020, at 6:40 PM, Michael Berkowitz <[m.berkowitz@sbcglobal.net](mailto:m.berkowitz@sbcglobal.net)> wrote:

Have spoken and met with the tenants. I wrote them an email which very, very strongly criticized their actions, registered my extreme disappointment after all the pre-move-in talks we had and informed them that the house was not appropriate for this kind of tenancy. In short, I informed them that they needed to prepare other housing options and that I would be contacting their parents.

They were contrite and swore it would never happen again, that they loved the neighborhood and so enjoyed meeting the neighbors. Their account: small party that got crashed by football players whom they shoed out by 6:00. I informed them of noise ordinance and health and safety standards that had been set to combat pandemic.

When I initially interviewed them, they were a smart, more academically minded group that did not seem hyper social in any sense. I may have been too dire. But they need to learn. There are also some additional measures which I am investigating which other places (best practices!) use to combat noise. I didn't share with them, but I was happy to learn that they had gotten rid of the problem by 6:00 and that the problem had come from outside. I'm not sure how much my yelling at them at 6:00 or their own initiative resulted in getting rid of the problem folks.

I'm going to require a few more conditions to the lease, e.g. no outside lights that shine in David or Mariana's house, a sergeant at arms to deal with outsiders, fines in addition to legal action for noise violations.

The tenants may want to apologize to you, as well. And I certainly do too. I've come to know you over the years and

value your opinions.

Mike

On Sunday, June 28, 2020, 11:49:58 AM PDT, [pbokovoy@aol.com](mailto:pbokovoy@aol.com) <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)> wrote:

Hi David,

Mike and I spoke last night and shortly after the party ended. However they roamed through the neighborhood for and while, and I could hear that the party ended up at another place, somewhere to the south of us. Same Happy Birthday, same counting for the drinking game. The crowd around the new tenants is definitely not compliant with the health order either. I hope that Mike can rein them in, otherwise we're in for a long year.

Cheers  
Phil

-----Original Message-----

From: David Beatty <[davidfbeatty@gmail.com](mailto:davidfbeatty@gmail.com)>  
To: Michael Berkowitz <[m.berkowitz@sbcglobal.net](mailto:m.berkowitz@sbcglobal.net)>  
Cc: Mariana Beatty <[marianabeatty@gmail.com](mailto:marianabeatty@gmail.com)>; Phil Bokovoy <[pbokovoy@aol.com](mailto:pbokovoy@aol.com)>  
Sent: Sun, Jun 28, 2020 10:39 am  
Subject: 2606 Piedmont

Hi Mike,

Yesterday there was a party that was short but got way too loud with way too many people at 2606.

We are just getting to know the new tenants and have met Meg and Grace and others. Yesterday Meg brought a flower and note saying she was going to have "a few" friends and family over for her birthday, that she would keep the noise down and that it would be over by 8:00. She seems nice and we appreciated the notice.

They set up that big table, chairs, coolers etc.

in the back yard between the house and the Zolly property.

People came around 5:00 and the noise was ok. But by around 5:45 there must have been between 20 to 30 people or more crammed into that narrow space with a few on the deck. Then the boys started some game with mass chanting and "counting" right up against the fence that borders our property. It was very, very, very loud in our kitchen. I texted Meg, she replied and said they would either stop the noise or move it inside. By 6:30 they had either gone inside or, I think, left the property for someplace else.

So it did not go on a long time but here are my concerns which I want addressed by you and the new tenants:

1. They should not have parties of 20-30 people anywhere on the property. They can't control that number of people.

2. They should not have parties in the back yard with people partying adjacent to our property line.

3. In addition to being good neighbors they need to obey the City, County and State Coronavirus laws (not guidelines but laws!). Yesterday, there were 20-30 people crammed in a small outside space with no social distancing and no masks. This is a violation of State and Local laws.

It's the start of a new year. We would like to get along with the new tenants. So I did not call the police yesterday and am thinking about whether or not to report it. But you, the tenants and Mariana and I should meet and reach an understanding about both what it means to be a good neighbor and that there will be consequences for breaking both the coronavirus laws and local nuisance and noise laws.

We do not want this to happen again. We do not want 2606 to be turned into a "party house".

9/22/21, 10:46 AM

Re: 2606 Piedmont

Dave

**From:** hufford.nina@gmail.com,  
**To:** pbokovoy@aol.com,  
**Subject:** Re: 2610 Warring, another party tonight/still no responsible resident info  
**Date:** Sat, Nov 28, 2020 6:14 pm

---

I texted the responsible resident (Joseph) about 30 minutes ago about the recent late-night noise (once your email thread proved it wasn't 2610 Warring), the deck situation (ladder, lights), and the dangerous rooftop activity. Moments later another guy showed up at our door saying I should text him with any concerns (it seems Joe hangs out in the basement and isn't involved in these festivities). I told him that they shouldn't be using the deck at all and that quiet hours start at 10, so they should take it inside/shut it down then. (Not sure if it is just household members; we didn't get into that and I don't know how many people are living there. Last night there were only 5 people on roof.)

The guy who came over said I could distribute his number to neighbors. You can let everyone know to contact Aryaman at (626) 616-0478 with any issues/problems/complaints.

Eslami insists deck is legal, so contacting him won't do anything.

Glad you got to have a pre-Thanksgiving with your mom!

On Nov 28, 2020, at 5:35 PM, [pbokovoy@aol.com](mailto:pbokovoy@aol.com) wrote:

I see the ladder up there now. You might want to let Eslami know, and copy Nelson and me on the email.

Seeing mom was great, and Joshua Tree was nice until it got cold and windy. Otherwise it's kind of scary to see the level of non compliance down there...glad to be home!

Cheers  
Phil

-----Original Message-----

From: Nina Lewallen Hufford <[hufford.nina@gmail.com](mailto:hufford.nina@gmail.com)>  
To: [pbokovoy@aol.com](mailto:pbokovoy@aol.com)  
Sent: Sat, Nov 28, 2020 11:56 am  
Subject: Re: 2610 Warring, another party tonight/still no responsible resident info

I thought it was our neighbors at 2840! For the last several nights, there has been that same sound (balls clacking together — bocce? croquet? some drinking game?) followed by whoops and cheers.

But last night (sometime after 11pm) we spied 6 of our neighbors on their roof: not the flat part toward the back, but perched in a line along the ridge of the pitched roof at the front of the house. At first, we couldn't figure out where the sounds of their conversation were coming from, since they weren't on the deck. We were half asleep so just ignored them. (I keep thinking/hoping they will go home to their families.)

Hope you had a nice time in SoCal!

On Nov 27, 2020, at 10:15 PM, [pbokovoy@aol.com](mailto:pbokovoy@aol.com) wrote:

Mike,

FYI the current health order provides the following for gatherings, which you might want to pass on to your tenants:



Prohibition on Gatherings. No gathering of persons from different households is permitted unless expressly authorized by this Order or by State Guidance for Private Gatherings. Gatherings of three or fewer households, totaling no more than 20 people, are permitted only if the gathering takes place outdoors, and (a) persons at the gathering maintain at least six feet of distance between persons who are members of different households, or (b) all members of the gathering are part of the same stable cohort of persons ("social bubble") who, over a three-week period, do not attend gatherings authorized under this Section with persons outside of their social bubble.

-----Original Message-----

From: [pbokovoy@aol.com](mailto:pbokovoy@aol.com)

To: [m.berkowitz@sbcglobal.net](mailto:m.berkowitz@sbcglobal.net) <[m.berkowitz@sbcglobal.net](mailto:m.berkowitz@sbcglobal.net)>

Cc: [brackenwhite@gmail.com](mailto:brackenwhite@gmail.com) <[brackenwhite@gmail.com](mailto:brackenwhite@gmail.com)>; [pollyrwhite@gmail.com](mailto:pollyrwhite@gmail.com) <[pollyrwhite@gmail.com](mailto:pollyrwhite@gmail.com)>; [nina.lewallen.hufford@gmail.com](mailto:nina.lewallen.hufford@gmail.com) <[nina.lewallen.hufford@gmail.com](mailto:nina.lewallen.hufford@gmail.com)>; [hufford.jim@gmail.com](mailto:hufford.jim@gmail.com) <[hufford.jim@gmail.com](mailto:hufford.jim@gmail.com)>; [hufford.nina@gmail.com](mailto:hufford.nina@gmail.com) <[hufford.nina@gmail.com](mailto:hufford.nina@gmail.com)>; [joanandjeff@comcast.net](mailto:joanandjeff@comcast.net) <[joanandjeff@comcast.net](mailto:joanandjeff@comcast.net)>; [karine\\_tripier@yahoo.com](mailto:karine_tripier@yahoo.com) <[karine\\_tripier@yahoo.com](mailto:karine_tripier@yahoo.com)>; [jytripier@yahoo.com](mailto:jytripier@yahoo.com) <[jytripier@yahoo.com](mailto:jytripier@yahoo.com)>

Sent: Fri, Nov 27, 2020 10:12 pm

Subject: 2610 Warring, another party tonight/still no responsible resident info

Hi Mike,

I left both you and Lauren messages tonight. Your tenants at 2610 Warring are having another party in the backyard tonight, from the sounds of it, a drinking party, perhaps beer pong? I just called BPD, so hopefully they'll respond.

I still haven't received any responsible resident information for this property, so it wasn't possible to reach out to them directly. I did have a disturbing interaction with a young woman from the house who came to my front door about three weeks ago, ostensibly to apologize (she's from Lafayette but didn't leave me her name or contact information). After apologizing she wanted to 'let me know' she was having 'some friends' over for her birthday and wanted to make sure we wouldn't call the police if she had a party. I told her that given the Covid-19 health orders, we would absolutely call the police, and that she should consider other options for her birthday.

Clearly they don't get that they need to stop having people over and stop having parties. Please address this nuisance ASAP, thanks.

Best Regards,

Phil Bokovoy

**From:** jda1952@comcast.net,  
**To:** jerry@cityofberkeley.info,  
**Cc:** pbokovoy@aol.com,  
**Subject:** 2nd noise violation, after Exhibit A - 2610 Warring  
**Date:** Sun, Jun 13, 2021 6:19 pm

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Hi Jessica,

Last May 2<sup>nd</sup>, I called Non-Emergency with a noisy party complaint about this address. I mentioned the excellent BPD response to my neighbor, Phil Bokovoy, who passed on that praise to you.

Yesterday (Sat. June 12) there was another noisy party at the same address. At least two of us neighbors complained to Non-Emergency (at about 6:30), and I believe an officer responded – the noise stopped quite suddenly. I'd requested a call from the officer (and had mentioned the Exhibit A to the operator), but none ever came.

Could I trouble you to please let me know what came of the call? The landlord in question (and his tenants) are such a continuing problem that we want to keep the pressure on.

Many thanks for your hard work,

Jeff Angell

2605 Piedmont

**From:** pbokovoy@aol.com,  
**To:** a.ali.eslami@outlook.com,  
**Cc:** alstothers@gmail.com, brackenwhite@aol.com, gscharffenberger@gmail.com, hss1928@earthlink.net, hufford.jim@gmail.com, joanandjeff@comcast.net, nichelehk@gmail.com, nina.lewallen.hufford@gmail.com, pk@pgkennedy.net, pollyrwhite@gmail.com, jperry@cityofberkeley.info, dwilliams-ridley@cityofberkeley.info, fbrown@cityofberkeley.info,  
**Subject:** Nuisance and party at 2840 Parker St  
**Date:** Sat, Aug 7, 2021 10:48 pm

---

Dear Mr. Eslami,

About 10 minutes ago, about 30 people came out of your property at 2840 Parker St and starting screaming and shouting out on Parker St. When I went out to see what was going on, there were several very drunk individuals. They went back into the house to continue to party, and I've called the Berkeley Police.

None of us have received the legally required "Responsible Resident" notice that is required under Berkeley's Municipal Code, so please make sure that you comply. You can read the requirements at Berkeley Municipal Code Section 13.42.030.

As this is the latest in a very long line of nuisance violations, and failure to comply with the Group Living Accommodation ordinance, we are asking the city of Berkeley to contact you directly in order to assure compliance going forward.

We look forward to your prompt attention to the continuing nuisance issues at your property.

Phil Bokovoy

**From:** pbokovoy@aol.com,  
**To:** a.ali.eslami@outlook.com,  
**Cc:** alstothers@gmail.com, brackenwhite@aol.com, gscharffenberger@gmail.com, hss1928@earthlink.net, hufford.jim@gmail.com, joanandjeff@comcast.net, nichelehk@gmail.com, nina.lewallen.hufford@gmail.com, pk@pgkennedy.net, pollyrwhite@gmail.com, jperry@cityofberkeley.info, dwilliams-ridley@cityofberkeley.info, fbrown@cityofberkeley.info,  
**Subject:** Re: Nuisance and party at 2840 Parker St  
**Date:** Sun, Aug 8, 2021 11:56 am

---

Mr. Eslami,

While the students may not 'share my observation' there were about 30 of them doing some kind of coordinated yelling and screaming about 1030. Next time I'll be sure to make a video.

Furthermore while I've been away most of the summer, I have received many emails from neighbors about many disturbances from your tenants. I think Alida and Joan's emails raise the same concerns. We would like you to get into compliance with the GLA ordinance as soon as possible, and for your property to cease being a nuisance.

Phil Bokovoy

-----Original Message-----

**From:** a. ali eslami <a.ali.eslami@outlook.com>  
**To:** pbokovoy@aol.com <pbokovoy@aol.com>  
**Cc:** alstothers@gmail.com <alstothers@gmail.com>; brackenwhite@aol.com <brackenwhite@aol.com>; gscharffenberger@gmail.com <gscharffenberger@gmail.com>; hss1928@earthlink.net <hss1928@earthlink.net>; hufford.jim@gmail.com <hufford.jim@gmail.com>; joanandjeff@comcast.net <joanandjeff@comcast.net>; nichelehk@gmail.com <nichelehk@gmail.com>; nina.lewallen.hufford@gmail.com <nina.lewallen.hufford@gmail.com>; pk@pgkennedy.net <pk@pgkennedy.net>; pollyrwhite@gmail.com <pollyrwhite@gmail.com>; jperry@cityofberkeley.info <jperry@cityofberkeley.info>; dwilliams-ridley@cityofberkeley.info <dwilliams-ridley@cityofberkeley.info>; fbrown@cityofberkeley.info <fbrown@cityofberkeley.info>  
**Sent:** Sun, Aug 8, 2021 1:43 am  
**Subject:** RE: Nuisance and party at 2840 Parker St

Hello Mr. Bokovoy,

I hope all is well and thank you for sharing your observation in your email. I got to see your email around 12 AM and I was at the site around 12:15 AM. Although it appeared that there was a social gathering taking place at the house, I was unable to observe any thing close to what you tried to describe in your email. Since you already have my mobile telephone number please feel free to call me as well so I can be there sooner so I can address your stated issues while it is taking place. While there, I met with my tenants and informed them about your concerns. They, however, did not share the same observation as you described in your email. I will be having another meeting with them soon and I will raise this matter again to make sure there is a clear understanding of their responsibilities while living there. Please feel free to contact me if you have any question. Thank you, Ali

Sent from my Sprint Samsung Galaxy Note9.

----- Original message -----

**From:** pbokovoy@aol.com  
**Date:** 8/7/21 10:48 PM (GMT-08:00)  
**To:** a.ali.eslami@outlook.com  
**Cc:** alstothers@gmail.com, brackenwhite@aol.com, gscharffenberger@gmail.com, hss1928@earthlink.net, hufford.jim@gmail.com, joanandjeff@comcast.net, nichelehk@gmail.com, nina.lewallen.hufford@gmail.com, pk@pgkennedy.net, pollyrwhite@gmail.com, jperry@cityofberkeley.info, dwilliams-ridley@cityofberkeley.info, fbrown@cityofberkeley.info  
**Subject:** Nuisance and party at 2840 Parker St

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We look forward to your prompt attention to the continuing nuisance issues at your property.

Phil Bokovoy

**From:** sim.n.le01@gmail.com,

**To:** pbokovoy@aol.com,

**Cc:** a.ali.eslami@outlook.com, andrewoskwon@gmail.com, lstothers@gmail.com, rackenwhite@aol.com, gscharffenberger@gmail.com, hss1928@earthlink.net, hufford.jim@gmail.com, joanandjeff@comcast.net, ichelehk@gmail.com, nina.lewallen.hufford@gmail.com, pk@pgkennedy.net, pollyrwhite@gmail.com, jperry@cityofberkeley.info, dwilliams-ridley@cityofberkeley.info, fbrown@cityofberkeley.info,

**Subject:** Parker Resident Noise Apology

**Date:** Mon, Aug 9, 2021 2:05 pm

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Dear Parker Residents,

My name is Simon and I would like to apologize for the noise incident Saturday night. It was irresponsible of us to be outside late at night creating the noise. We have spoken to our landlord regarding consequences as well as the next steps to avoid situations like these. We will not be having any more night activities outside where the noise is not contained and whenever we plan to hold events, we will inform you all many days in advance.

Best,

Simon Le

Simon Le  
University of California, Berkeley | Class of 2023  
Molecular and Cell Biology  
[sim.n.le01@berkeley.edu](mailto:sim.n.le01@berkeley.edu) | (510) 670-0149

# EXHIBIT 3





**UC Berkeley**

**Long Range Development Plan and Housing Projects #1 and #2  
Final Environmental Impact Report  
2021**

**State Clearinghouse Number: 2020040078 | July 2021**

**Berkeley**  
UNIVERSITY OF CALIFORNIA

**0156**



Table 5-3, UC Berkeley Population: 2005-06 to 2018-19, shows the annual UC Berkeley population levels and identifies the years in which the student, employee, and total population levels have exceeded the projections used in the 2005 LRDP EIR. As shown in Table 5-3, student population and total UC Berkeley population first exceeded the 2005 LRDP EIR projection in the 2007-08 school year, and employee population first exceeded the projection in the 2008-09 school year.

**TABLE 5-3 UC BERKELEY POPULATION: 2005-06 TO 2018-19**

School Year	Student Population	Employee Population	Total Campus Population
2005-06	32,886	14,818	47,704
2006-07	33,438	15,200	48,638
2007-08	34,397	15,783	50,180
2008-09	34,796	15,989	50,785
2009-10	35,419	15,418	50,837
2010-11	35,298	15,204	50,502
2011-12	35,592	15,257	50,849
2012-13	35,345	15,727	51,072
2013-14	35,756	15,954	51,710
2014-15	36,775	16,182	52,956
2015-16	37,289	16,222	53,510
2016-17	39,234	15,873	55,107
2017-18	40,955	14,682	55,637
2018-19	39,708	15,421	55,129

Notes: shading indicates that the population exceeds 2005 LRDP EIR projections.

Source: UC Berkeley, 2020.

In order to evaluate the environmental impacts of unanticipated enrollment growth that has already occurred at UC Berkeley, this master response below uses a different baseline than was used in the 2021 LRDP Draft EIR to determine whether any new or more severe impacts beyond those identified in the 2021 LRDP Draft EIR would occur. Specifically, the evaluation below analyzes the effects of population growth using as a baseline the population level projected in the 2005 LRDP EIR, rather than the UC Berkeley population in the 2018-19 school year. Table 5-4, Comparison of Population Projections Using Different Baseline Conditions, provides the projections used for analytical purposes in this master response and compares these projections to those used in the 2021 LRDP Draft EIR. As shown in Table 5-4, using the population projections of the 2005 LRDP EIR as a baseline and the horizon year (2036-37) population projections of the 2021 LRDP Draft EIR, the net change population growth would be 14,750 new students and 3,190 new faculty/staff, which results in an approximately 50-percent increase in UC Berkeley population above the net change amount considered in the 2021 LRDP Draft EIR. As the numbers in Table 5-4 illustrate, the additional population analyzed in this master response was analyzed in the 2021 LRDP Draft EIR as part of existing conditions.

# EXHIBIT 4



**UC Berkeley**

**Long Range Development Plan and Housing Projects #1 and #2  
Draft Environmental Impact Report  
2021**

**State Clearinghouse Number: 2020040078 | March 8, 2021**

**Berkeley**  
UNIVERSITY OF CALIFORNIA

Jurisdictions, reflect decreases in the current estimated number of undergraduate students who live in non-UC Berkeley housing in these jurisdictions. Therefore, future development under the proposed LRDP Update would result in a decrease in indirect population growth associated with undergraduate students and would not create a significant impact.

**TABLE 5.12-9 UC BERKELEY POPULATION COMPARED TO UC BERKELEY HOUSING IN THE EIR STUDY AREA**

	Undergraduate Student	Graduate Student	Faculty/Staff	Total
<b>2018-19</b>				
UC Berkeley Population	29,932	9,776	15,421	55,129
UC Berkeley Beds <sup>a</sup>	8,722	250	32	9,004
Unaccommodated UC Berkeley Population	21,210	9,526	15,389	46,125
<b>2036-37</b>				
UC Berkeley Population	35,000	13,200	19,000	67,200
UC Berkeley Beds <sup>a</sup>	17,730	2,315	581	20,626
Unaccommodated UC Berkeley Population	17,270	10,885	18,419	46,574
<b>Change</b>				
UC Berkeley Population	5,068	3,424	3,579	12,071
UC Berkeley Beds <sup>a</sup>	9,008	2,065	549	11,622
Unaccommodated UC Berkeley Population	(3,940)	1,359	3,030	449

Notes:

a. This table only includes UC Berkeley housing within the EIR Study Area; it does not include the existing 16 beds on the Housing Project #1 site, housing outside of the EIR Study Area (including University Village), some affiliate housing, or housing that UC Berkeley provides through a master lease agreement. This table also does not include the affordable and supportive housing units proposed for Housing Project #2.

Source: UC Berkeley, 2020.

As shown in Table 5.12-9, the number of unaccommodated graduate students would increase from 9,526 to 10,885 students between the 2018-19 and 2036-37 school years, an increase of 1,359 unaccommodated graduate students. As shown in Table 5.12-10, Unaccommodated UC Berkeley Population and Associated Household Population, to account for the possibility that a notable number of graduate students may have families, this analysis conservatively multiplies the number of unaccommodated graduate students by the projected 2037 average household size of 2.76 persons per household for Alameda County (see Table 5.12-1, City and Regional Population [2010 to 2037]).<sup>23</sup> Using this assumption, this analysis calculates that the increase in graduate students could generate a population growth of 3,751 persons (1,359 x 2.76). Table 5.12-11 compares the 2018-19 and 2036-37 unaccommodated graduate student population in nearby jurisdictions based on the place of residence information presented in Table 5.12-3 and shows the amounts by which the number of graduate students and their family members seeking private or non-UC Berkeley off-campus housing could increase in these nearby jurisdictions. The analysis in Table 5.12-11 applies the same percentages listed for undergraduate students above in this section.

<sup>23</sup> This analysis is overly conservative because it (1) assumes that all graduate students have families, (2) applies the projected 2037 household size for Alameda County, which is larger than the household sizes of Berkeley and Oakland, and (3) assumes that future UC Berkeley population represents people who are new to the region.

# EXHIBIT 5



PHYSICAL & ENVIRONMENTAL PLANNING  
A & E BUILDING, # 1382

BERKELEY, CALIFORNIA 94720-1382

August 15, 2018

State of California  
Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

**NOTICE OF PREPARATION OF A  
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT**

**Project Title:** Upper Hearst Development for the Goldman School of Public Policy and Minor Amendment to the 2020 Long Range Development Plan

**Lead Agency:** The Regents of the University of California

**Project Location:** University of California, Berkeley: Hearst Avenue and La Loma Avenue, Berkeley, California 94720; Assessor's Parcel Number 58-2201-9-1

**County:** Alameda County, California

**Program EIR:** UC Berkeley 2020 Long Range Development Plan EIR, certified by The Regents January 2005, SCH #2003082131; as updated by Amendment #1 to the 2020 LRDP to address Climate Change and accompanying Addendum #5 to the 2020 LRDP EIR.

**Project Overview:**

The Goldman School of Public Policy (GSPP) at the University of California, Berkeley (UC Berkeley) needs additional teaching, research, meeting, lecture, and office space for faculty, students, visitors, and staff. Additionally, GSPP would like to accommodate its growing Master of Public Policy, its relatively new Master of Public Affairs, and its Executive Education programs. The latter two programs are self-funded and revenue generating. The proposed Upper Hearst Development for the Goldman School of Public Policy Project ("project") will allow GSPP to add needed program space, while also improving the availability of near-campus housing.

Pursuant to the California Environmental Quality Act (CEQA), UC Berkeley will prepare a Draft Supplemental Environmental Impact Report (Supplemental EIR) tiered from its 2020 Long Range Development Plan Environmental Impact Report (2020 LRDP EIR) to evaluate the potential environmental effects of the project. The need for a Supplemental EIR is primarily triggered by two issues: (1) changes to the



2020 Long Range Development Plan (2020 LRDP) land use plan to accommodate the proposed project; and (2) an increase in current and foreseeable campus population levels above those analyzed in the 2020 LRDP EIR, based on a general increase in student enrollment and employee levels and growing the GSPP program(s). The Draft Supplemental EIR will analyze whether these issues would result in new or substantially more severe significant impacts than identified in the 2020 LRDP EIR. Under CEQA, the Draft Supplemental EIR will analyze the environmental effects associated with the GSPP program development on a project level and the increased campus population on a programmatic level.

According to the campus central data set (Cal Answers), average student enrollment at UC Berkeley for the two semesters of the 2017-2018 school year was 40,955 students, or 7,505 more students than analyzed in the 2020 LRDP EIR. This data set does not distinguish between campus and off campus enrollment. Given factors including legislative commitments, UC Berkeley may continue to expand enrollment (see, for example: <https://accountability.universityofcalifornia.edu/2016/chapters/chapter-1.html>). For the same school year, 2017-2018, the number of faculty and staff was 15,830, or 20 more than analyzed in the 2020 LRDP EIR. The rate at which campus headcount grows depends on various factors including, but not limited to, legislative mandates, University and State of California policies, available resources, and demographic trends. At this time, UC Berkeley estimates an overall campus population headcount growth of about 1.5 percent annually, on an average, in the near-term.

### **Project Location and Description:**

The project site is an approximately 44,900-square-foot (just over one acre) portion of a University owned property on the northwest corner of La Loma Avenue and Hearst Avenue, across Hearst Avenue from the northeastern region of the UC Berkeley Campus Park. The site is bordered on the north by Ridge Road and the Cloyne Court Student Cooperative; on the east by La Loma Avenue; on the south by Hearst Avenue; and on the west by the Goldman School of Public Policy and the Cloyne Court Student Cooperative. The project site includes an existing parking structure, referred to on campus maps as Parking Structure H or Upper Hearst Parking Structure. The southern portion of the roughly L-shaped site is the 52-foot-tall, four-story Upper Hearst Parking Structure. The northern portion of the site is the at-grade paved Ridge Lot with concrete entrance ramps to the west and southeast that lead to the subterranean portions of the Upper Hearst Parking Structure. The project site is located within the area of campus designated in the 2020 LRDP as the “City Environs,” and within the City Environs’ Adjacent Blocks North subarea.

The project is a public-private partnership that would provide additional academic space for GSPP’s undergraduate, graduate and Global Executive Education programs, and housing geared towards campus affiliates, principally faculty, graduate and post-doctoral students. The project comprises two separate buildings – an academic building and a residential building on top of the reconditioned Upper Hearst Parking Structure – that would be built concurrently by the project developer.

Overall construction of the project would take approximately 23 months, with construction anticipated to begin July 2019.

### **Academic Building**

The new academic building would be the third building in an existing complex now occupied by GSPP that includes the historic Beta Theta Pi house, located at 2607 Hearst Avenue, and a building located at 1893 Le Roy Avenue that was completed in 2002 by Architectural Resources Group. The proposed academic space

would be in a new building located immediately east of the existing GSPP building at 2607 Hearst Avenue. The academic component of the project includes constructing an approximately 37,000 gross (or total) square foot building, redeveloping a portion of the footprint of the existing Upper Hearst Parking Structure at Hearst and La Loma Avenues. The new academic building would be four stories in height over one subterranean level and would include office, classroom and event space. An exterior stair and ramp from Hearst Avenue would be developed, with a landscaped courtyard connected to the main lobby. A double-height lobby with an operable glass façade would connect the new academic building with the courtyard and existing GSPP campus. Pedestrian and bicycle access to the proposed academic space would be provided from Hearst Avenue at the main entrance. The new academic building would accommodate 495 people for teaching (student, faculty and visitors), with capacity for an additional 100 people for special events, consolidating students, staff and faculty from currently leased spaces.

### Residential and Parking Component

The eastern portion of the existing Upper Hearst Parking Structure would be retained, and the residential component of the project would be constructed in a new building on top of the parking structure, as well as on the adjacent surface Ridge Lot at the corner of Ridge Road and La Loma Avenue. The residential component would consist of up to 150 units in a mixture of one- and two-bedroom apartments in a five- to six-story building on top of the parking structure. The top level of the existing parking structure would be removed and replaced with a new concrete podium deck that would cover the site from Hearst Avenue to Ridge Road along La Loma Avenue. The ground floor of the residential building would include a double-height lobby with leasing office and mail and fitness rooms. Vehicle access to the parking garage below the residential building would be from La Loma Avenue and Hearst Avenue. Pedestrian and bicycle access to the housing portion of the site would be provided from Ridge Road and La Loma Avenue.

The project site now has a combined 345 parking spaces: the Upper Hearst Parking Structure contains 325 parking stalls and the surface Ridge Lot contains 20 spaces. To accommodate the new academic building, the western portion of the Upper Hearst Parking Structure would be demolished, leaving up to 217 parking spaces remaining on-site. Existing parking in the Ridge Lot would be removed entirely for the new residential building.

### LRDP Amendments

The project would involve minor text amendments to the 2020 LRDP. The proposed amendment(s) will address the fact that while the uses proposed by the project and the changes themselves are consistent with the 2020 LRDP and 2020 LRDP EIR, the proposed project conflicts with the existing applicable land use plan, and is not consistent with the 2020 LRDP housing element. It will also address current and foreseeable campus population levels at UC Berkeley, which are greater than enrollment levels analyzed in the 2020 LRDP EIR. Despite this greater than anticipated growth in campus population, UC Berkeley has additional capacity for growth under its existing 2020 LRDP parameters, in both academic space and housing. UC Berkeley is examining ways it can better meet teaching demand through resource allocation (see, for example the draft report of the Incentives Working Group, May 2017: <https://evcp.berkeley.edu/task-forces-working-groups> pp. 24-25). The enrollment increase has trended steadily over time, allowing adjustments to accommodate the increases. Moreover, UC Berkeley has taken steps to better utilize facilities, as explained in its 2013 Accreditation study: [https://vcue.berkeley.edu/sites/default/files/ucberkeley\\_institutional-narrative.pdf](https://vcue.berkeley.edu/sites/default/files/ucberkeley_institutional-narrative.pdf) pg. 82.



The State legislative analyst's office further maintains that UC Berkeley has capacity to better utilize its existing facilities, according to a recent report: <http://www.lao.ca.gov/reports/2017/3532/uc-csu-enrollment-capacity-011917.pdf>.

Therefore, the amendment(s) proposed here for analysis in the Draft Supplemental EIR would not alter the core principles of the 2020 LRDP.

### **Environmental Review and Comment:**

UC Berkeley will prepare a Draft Supplemental Environmental Impact Report, tiered from its 2020 LRDP EIR (SCH #2003082131) to evaluate the environmental effects of the proposed project.

Based upon preliminary analysis, UC Berkeley believes that the project is largely consistent with the 2020 LRDP and LRDP EIR, which was certified by The Regents in January 2005. However, UC Berkeley has determined that additional study is required to update and augment the 2020 LRDP EIR to reflect the project as proposed and to support minor amendments to the 2020 LRDP to allow for the proposed uses at the project site, as well as allow for increased campus headcount and assess the environmental effects on the unanticipated increase in campus population.

The Draft Supplemental EIR will provide 1) a project-level analysis of the Upper Hearst Development for the Goldman School of Public Policy, and 2) a program-level environmental analysis of the existing and proposed UC Berkeley campus population increase in the near-term.

The Draft Supplemental EIR will examine the environmental impacts associated with implementation of the proposed project and LRDP amendments against the analysis contained in the 2020 LRDP EIR in the following resource areas, in order to determine impacts of the proposed changes:

- Aesthetics;
- Air Quality;
- Biological Resources;
- Cultural and Tribal Cultural Resources;
- Geology, Seismicity and Soils;
- Greenhouse Gas Emissions;
- Hazardous Materials;
- Hydrology and Water Quality;
- Land Use;
- Noise;
- Population;
- Public Services;
- Recreation;
- Traffic and Transportation; and
- Utilities and Service Systems—Stormwater, Wastewater, Water, Solid Waste, Steam and Energy.

In addition, the Draft Supplemental EIR will also examine the environmental impacts associated with the unanticipated increase in campus population against the analysis contained in the 2020 LRDP EIR.

The University of California will serve as the Lead Agency pursuant to CEQA and has prepared this Notice of Preparation (NOP) to provide responsible and trustee agencies, property owners and other interested parties with a description of the proposed project and to identify potential environmental effects of the proposed project pursuant to State guidelines under CEQA. Written comments should focus on the scope and content of the environmental information to be included in the Draft Supplemental EIR to the 2020 LRDP EIR germane to the public and agencies having statutory responsibilities associated with the proposed project.

UC Berkeley invites comments on the scope and content of the Draft Supplemental EIR and appreciates your prompt acknowledgement and review of this NOP. Due to the time limits mandated by State law, this NOP will be circulated for a 30-day review period, which will extend from August 16, 2018, to September 14, 2018.

**Responses to this NOP must be received by 5:00 PM on Friday, September 14, 2018.** They may be e-mailed or mailed to:

Raphael Breines  
Senior Planner  
Physical & Environmental Planning  
University of California, Berkeley  
300 A&E Building, Berkeley, CA 94720-1382

Email: [rbreines@berkeley.edu](mailto:rbreines@berkeley.edu)

Please include a subject line indicating Scoping Comments: Upper Hearst Project CEQA Review.

A community open house was held for the project on March 20, 2018, and the project was reviewed with the City of Berkeley Design Review Committee at its June 21, 2018 meeting and with the City of Berkeley Landmarks Preservation Commission at its July 5, 2018 meeting.

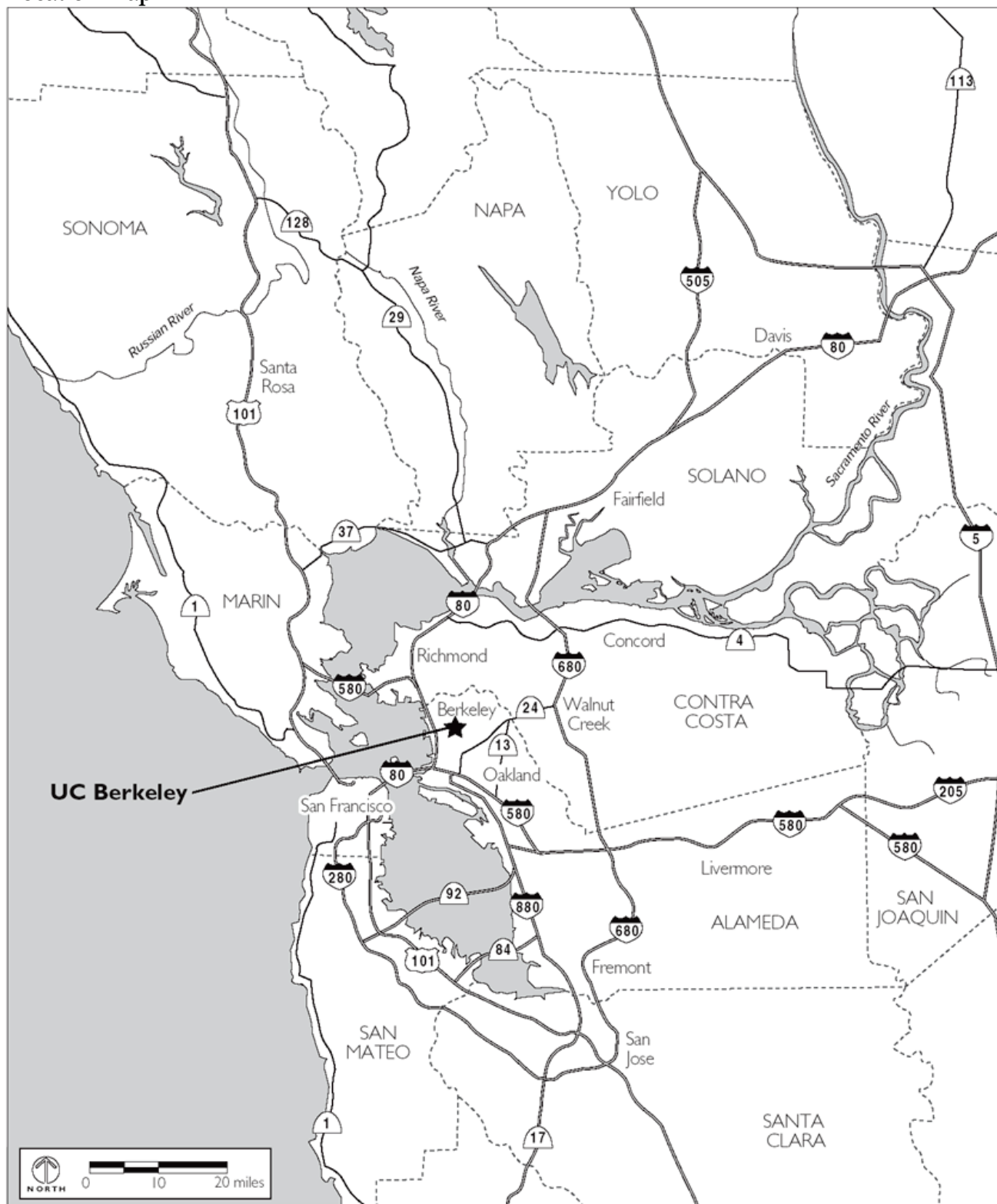
If you have any questions about the environmental review for the project, please contact Raphael Breines, Senior Planner, Physical & Environmental Planning, at (510) 642-6796 or [rbreines@berkeley.edu](mailto:rbreines@berkeley.edu).

Sincerely,

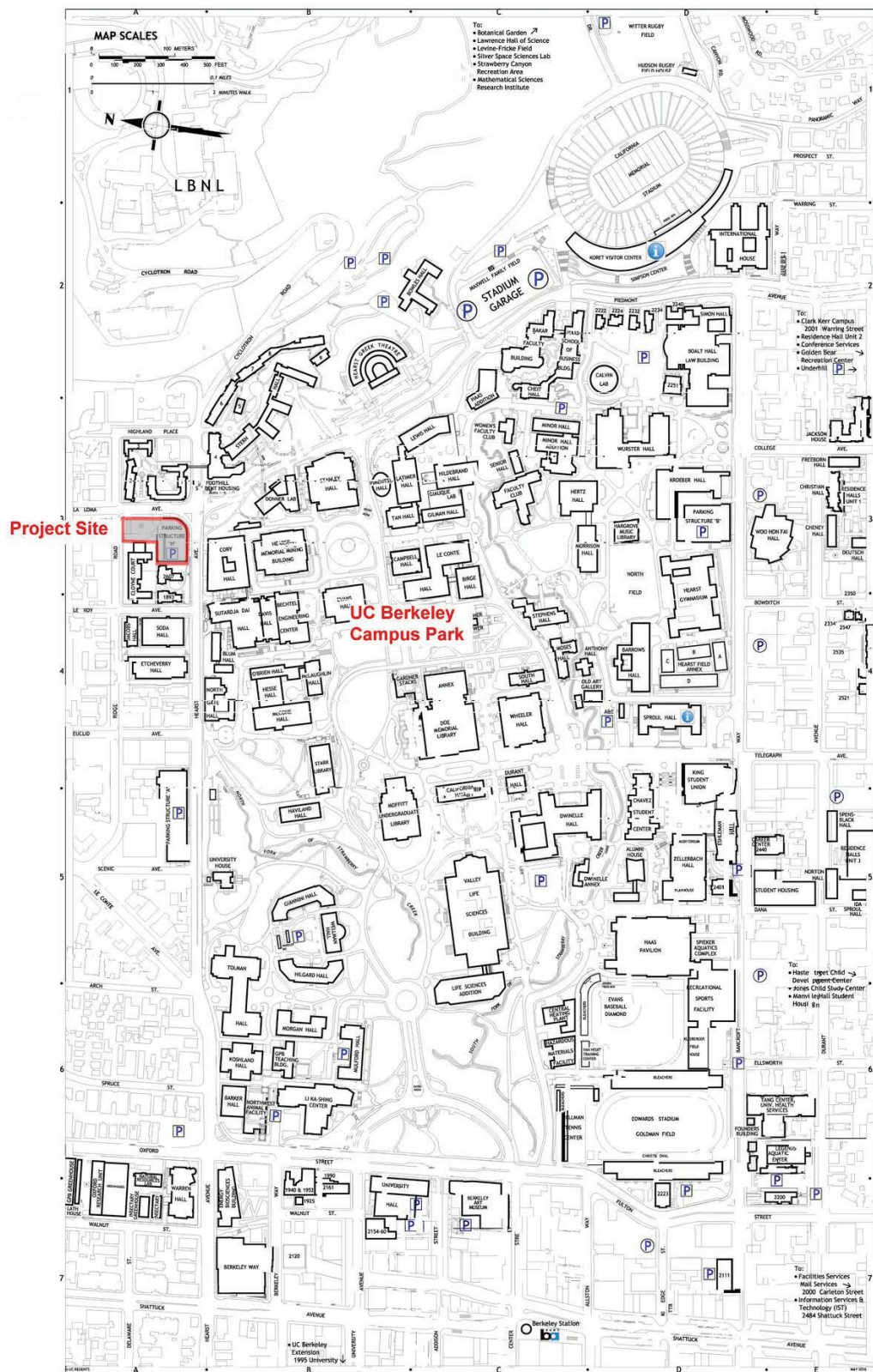


Vini Bhargava, PMP, LEED AP  
Director, Physical & Environmental Planning  
University of California, Berkeley

*Exhibits:*      *Location Map*  
                     *Vicinity Map*  
                     *Project Site Plan*

**Location Map**

### Vicinity Map





**Project Site Plan**