

Burns, Anne M

From: Mary Wyand <marytwyand@gmail.com>
Sent: Monday, March 28, 2022 1:17 PM
To: Burns, Anne M
Cc: Mary Wyand; Jean Molesky-Poz; Steven Kosach
Subject: 1201-1205 San Pablo Proposed Building - DRC mtg 3/29/22
Attachments: 1201 San pablo Permit 2006.pdf

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

Dear Design Review Committee (DRC) Members - I'd like to provide comments on the proposed 1201-1205 San Pablo Building you are reviewing this Tuesday evening, March 29, 2022.

Please find attached the Approved Permit (and history) for the negotiated facility between the developer and neighbors for the same location in 2006. For whatever reason(s), the building was never constructed.

I include this for a couple of reasons:

1. My neighbors and I are passionate and care about our community.
2. Our neighborhood is not opposed to development; we believe in reasonable growth with current needs and **context of the community being considered**. In fact, we embraced this wholeheartedly enough to invest 19 months (from March 2005 to October 2006) working with the City, developer and architect to find the best solution for all involved.

Unfortunately, the negotiated building was not built. And now, 16 years later, while the **buildable site location area hasn't changed** and our **neighborhood context has not changed** (single family residential homes and primarily single story commercial buildings on San Pablo near Harrison), a proposed facility *NEARLY TWICE* the size and much taller is being considered.

I am aware of the density bonus requirements, calculations and the City's inability to deviate from State regulations. However, the current base case building is significantly larger than the base building negotiated in 2006. I fail to see how modifications to material color/texture, refining facades, shifting massing, adding trees, etc on a proposed **massively out of scale building for its location** can ease the eyesore/correct the issues (neighborhood context - both commercial and residential, lighting/privacy of neighbors, parking, traffic [let's not forget the San Pablo bike lane proposal], etc) presented.

Reasonable growth has to start somewhere within the City. I suggest the DRC recommend that the architect revise their design starting with the negotiated base case of 27 units. If 10% of those units are affordable to very low-income households, then the total number of units with the density bonus could be 38 units, with the building stepping down into the neighborhood as originally agreed upon (and currently recommended).

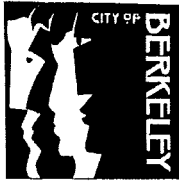
If you've time to visit our neighborhood/project location before the Tues meeting, please do. I'll be happy to give you a tour of our neighborhood - my number is 510.289.2466.

Please reconsider this project as a whole within the context of its location.

Kind regards.

Mary Wyand
1206 Stannage Ave
510.289.2466

p.s. On a personal note - my partner Paul and I have owned and lived at our home on 1206 Stannage Ave since Jan 5, 2000. We've two sons (17 yo and 20 yo) that were born and raised here and attended the Berkeley Unified School District. While my boys are industrious, we intend to leave the house to them as we don't see them being able to afford to buy in the town they grew up in.



Planning and Development Department
Land Use Planning

U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE
Berkeley Municipal Code Title 23

USE PERMIT #05-1000029

Property Address: **1201 SAN PABLO / 1100 HARRISON STREET**

Permittee Name: **JIM HART**

Use and/or Construction Permitted:

Use Permit under Sections 23E.64.030 and 23E.64.050.B.3 of the Zoning Ordinance to construct a mixed-use building greater than 20,000 square feet gross floor area.

RESOLUTION, FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

The Use Permit herein described has been duly granted by the City Council and is in effect on October 25, 2006.

Document I

RESOLUTION NO. 63,468-N.S.

APPROVING USE PERMIT NO. 05-1000029 FOR THE PROJECT LOCATED AT 1201
SAN PABLO AVENUE AND DISMISSING THE APPEAL

WHEREAS, on March 4, 2005, Mr. Jim Hart submitted a use permit application to construct a mixed-use building containing 30 residential units (6 Inclusionary), ground floor commercial units and 38 parking spaces on a 13,000 square foot parcel; and

WHEREAS, in August, October, November and December 2005, the Design Review Committee conducted meetings to review the design and to take testimony from the public; and

WHEREAS, on January 19, 2006, after several redesigns of the project, the Design Review Committee forwarded a positive recommendation (6-Y, 0-N, 0-abstain) to the Zoning Adjustments Board; and

WHEREAS, on April 6, 2006, the Zoning Adjustments Board held a public hearing; reviewed a staff report that provided analysis on design, Inclusionary ordinance and State Density Bonus; and received testimony from 32 speakers; and

WHEREAS, on April 6, 2006, the Zoning Adjustments Board, approved Use Permit #05-1000029; and

WHEREAS, the Zoning Adjustment Board Notice of Decision was released on April 14, 2006, and the appeal period ended on May 1, 2006; and

WHEREAS, on May 1, 2006, the City received an appeal submitted by Susan Pinto on the behalf of 12 neighbors; and

WHEREAS, on July 18, 2006, the Council set the matter for a hearing; and

WHEREAS, on September 12, 2006, the Applicant submitted revised plans to relocate floor area away from the residences to the east; and

WHEREAS, on September 19, 2006, the Council held a hearing, considered the revised plans, received testimony from 17 speakers and continued the matter to September 26, 2006; and

WHEREAS, on September 26, 2006, the City Council discussed the project and continued the matter to October 10, 2006; and

WHEREAS, on September 29, 2006, the Applicant submitted revised plans to reduce the floor area and to revise the distribution of the Inclusionary Units; and

WHEREAS, on October 10, 2006, the City Council discussed the applicant's October 10, 2006 letter regarding California Government Code Section 65589.5; and

WHEREAS, the applicant's October 10, 2006 letter was later withdrawn, and

WHEREAS, on October 16, 2006, the City Council reviewed a compromise between the neighbors and the applicant that involved a change in the plans and an offer to fund specific traffic related measures; and

WHEREAS, on October 19, 2006, the applicant submitted revised plans that increased the horizontal separation between the project and the residences to the east, reduced the number of dwellings units from 30 to 27, reduced the gross floor area from 29,665 to 28,655, increased the number of off street parking spaces from 38 to 44-56, decreased the number of Inclusionary units from six to five (or three units plus an in-lieu payment equivalent to two units); and

WHEREAS, on October 24, 2006, the City Council considered the record of the proceedings before the City Council, staff reports and correspondence presented to the City Council, and, in the opinion of this Council, the facts stated in, or ascertainable from this information, warrant approving the subject Use Permit, based on the revised plan submitted on October 19, 2006 and dismissing the appeal; and

WHEREAS, attached hereto are the findings and conditions of approval applicable to this permit (Exhibit A) that are included by reference as though fully incorporated herein; and

WHEREAS, attached hereto is a reduced copy of the approved plan (dated October 19, 2006 and marked as Exhibit B) that is included by reference as though fully incorporated herein; and

NOW THEREFORE, BE IT RESOLVED the Council of the City of Berkeley hereby approves Use Permit No. 05-1000029 as reflected in the October 19, 2006 design, based on the findings, and subject to the conditions of approval contained in Exhibit A, and dismisses the appeal.

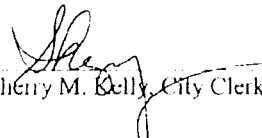
The foregoing Resolution was adopted by the Berkeley City Council on October 24, 2006 by the following vote:


Ayes: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Mayor Bates.

Noes: None.

Absent: None.

Attest


Sherry M. Kelly, City Clerk


Tom Bates, Mayor

Burns, Anne M

From: Jean Molesky-Poz <moleskypoz@me.com>
Sent: Monday, March 28, 2022 4:01 PM
To: Burns, Anne M
Subject: 1201-1205 San Pablo project

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.

To members of the City of Berkeley Design and Review Committee,

As you review the proposal for the 1201-1205 San Pablo project this Tuesday evening, March 29th, 2022, please consider the following:

When development for this property was first initiated in March, 2005, our neighbors worked with the City, with the developer and architect from March 2005 - October 2008, to advise on a reasonable solution. At that time, 30 residential units, ground floor commercial units, and 38 parking spaces on a 13,000 parcel were proposed. Eighteen months later, on October 19, 2006, in a compromise with the neighbors, the applicant reduced the number of dwelling units to 27, and increased the number of parking spaces from 38 to 44-56. The agreement reflected concerns of the impact on the neighbors. However, the new proposal is almost twice the size of the 2005 proposal, and much taller, yet the concerns remain the same.

Note from our history, that as neighbors we are not opposed to development, but want to work with all parties to again come up with a reasonable plan for all.

As our city's Design and Review Committee, consider the following for the 1201-1205 San Pablo project:

1) On October 2, 2006, neighbors strongly urged the City Council to reduce the project to be four stories on San Pablo and three stores facing east toward the neighborhood. The new proposed structure is definitely out of scale for the area. While we understand that there are new State regulations, the city of Berkeley can also decide to consider the pragmatic impact of this proposed building for the livability of all concerned. These include:

- a) Lighting and privacy of neighbors;
- b) The lack of adequate parking spaces in the building, which will aggravate and worsen the already complicated parking problems, particularly on Harrison, Kains, and Stannage;
- c) Traffic patterns (density and speed), particularly on Stannage, if traffic is directed east. In 2006 the neighborhood had requested a traffic carrier blocking east bound traffic from continuing on Harrison past project to prevent traffic from San Pablo from cutting through the adjacent neighborhood;
- d) The size of the rooms for residents;
- e) How can this design integrate more environmentally, healthy green space for residents? For the future of Berkeley?

2) Many commercial spaces along San Pablo are vacant, and have been for years. How does adding more commercial space to an area that does not attract walkers exacerbate this vacancy issue?

3) I agree with other neighbors, who suggest the DRC recommend the architect revise their design starting with the negotiating base of 27 units. If 10% of those units are affordable to very low-income households, then the total units with the density bonus could be 38 units, as originally recommended in 2008.

Thank you for considering these real issues which address reasonable growth for all concerned.

Jean Molesky-Poz, Ph.D.
1220 Stannage Avenue
Berkeley, CA. 94706
510 735 1274

We have lived at our home for 32 years, raised our two children here. My husband has occasionally been referred to as the “mayor of Stannage Avenue” as for over 27 years he has organized the bi-annual block parties —one in late summer, and one in January, for the holidays — building community with 45-60 neighbors. (Though we’ve been on a COVID hiatus since 2020).