

Minutes, Berkeley Neighborhoods Council Meeting, February 8, 2020

Attendees: Janie Hausee, Jane Grave, Kelly Hammergren, Gale Garcia, Michelle LePaule, Martin Schwartz, Thomas Walsh, Steve Martinot, Charity Kenyon, Shirley Dean, Mike Eaton, Meryl Siegal, Janis Ching, Dean Metzger, Carl Stone, Lilana Spindler, Gary Gacente, David Cole, Laura Menard, Jay Tharp, James Peterson, Jacqueline McCormick, Larissa Cummings

10:10 – 11:00 Neighborhood Updates

North Berkeley BART site – Tony Corman – there is a Citizens Advisory committee being formed by the city which will combine the Ashby and North Berkeley BART stations. The City was in the process of hiring a consultant to lead the effort. The group is grappling with AB 2973 and wants to keep the development affordable and green.

2435 San Pablo Ave. – Toni Meister – The plan is for a “nontransient hotel” (which is currently not a designation in our planning codes) which consists of 3 units consisting of 1 kitchen surrounded by 12-15 bedrooms and 1 to 2 people per bedroom including a bathroom. Rent will be 1400-1700. The sleeping space is 220 sq feet so the price for the unit works out to be the amount per square foot for regular size apartments which are luxury or market rate although at the meetings developers say this project is “affordable by design”. Building is not subject to rent control. The Unit Tax for U1 – New Construction is subject to U1 tax a tax voted on in a ballot measure in 2016. Puts a new tax on development. It charges the market for 15 years and then the investment can be recouped in 15 years. their investment. Shirley, how do they calculate the open space --- code requirement for open space.

2720 San Pablo Ave – Mike Eaton, David Cole – Community members are concerned about the development especially because Pardee Street, the street that will be affected by this development, is so narrow and the area is already congested. The main entrance for this development is proposed on Pardee Street. It is proposed as co-living with 97 units. Per bedroom it will be 1400 per month and is being marketed to 25-30 year olds. The neighbors are asking the city what a unit is and this definition is not forthcoming. The parking and traffic is another concern. The plan is to demolish the former automobile service station and construct a new 6 story 60 foot high mixed use building with 2 dwellings available to very low income households and 963 square feet of ground floor retail space.

The discussion included these points: what is the success of these kinds of co-living situations? An intergenerational model might be appropriate? What kind of research is out there? A big concern of all was that these models’ successes will hinge on resident coordinators. Should the planning commission be concerned with the quality of life these new developments suggest? It was mentioned that ZAB made a commitment to look at the existing models of co-living.

2650 Telegraph Ave – Leila Kasrovi, Martin Schwartz, Sylvi Cohn. The neighbors are concerned about several issues. One big one is light, especially since a local doctor’s office already invested in solar panels. This brings up the issue of the city prioritizing its goals for the city, along with the Planning Department. The neighbors are concerned about noise and traffic and are working

with a lawyer. There will be a meeting this upcoming Tuesday with the lawyer who represented the Strawberry Fork residents on Berkeley land use issues, Jose Safourey.

1500 San Pablo) (approved for rentals, becomes condominiums) – Meryl Siegal – The Planning Commission on January 15 revisited the Tentative Tract Map Application pursuant to BMC Section 21.16.047 and voted to approve the developer’s request. The Commission voted to allow the 171 units (including 16 very low income units because of the extra floors for a density bonus of 35%) to have condominiums. Because this was to re-approve the tentative tract map before the units were rented there is no actual condo conversion or condo fee. Subsequent to the hearings, neighbors learned that 15 of the units will remain as very low income units for 55 years (correspondence with Timothy Burroughs).

New Proposed South Berkeley Development Walgreens, Buggy Bank, Model Garage – Janis/Dean

There is planning for 3 developments in this area which will cover the Buggy Bank, Walgreens and the triangle parking (across from Kirala), to create a 7-story combination hotel plus 84 units of housing. This will be a mix use development “6 stories at true value” with affordable housing. There was to be a neighborhood meeting at Gios, but on the date advertised, there was a sign up at Gios (also owned by the same development group headed up by Nathan George (including Mark Rhoades, former Berkeley City Planning Department employee) that the meeting was cancelled. The developers are working with Aris Architects in San Luis Obispo. The site is complicated because it is in the Opportunity Zone, and then part of it can be an “opportunity site” in the Adeline plan. South Berkeley Now’s Lisa Clark has been involved in the community discussions.

11:00-11:10 Property Tax Issue (Update) – Laura Menard

Tax – BATE group. Regarding city tax assessment standards, Menard reported that building inspectors from the city created the original cards for tax assessment. This group has tried to talk to the School District about the disarray their investigation has found in the Berkeley City tax assessment. The neighborhood group is concerned about people in Berkeley who are living on fixed income. According to the group, anything under the roof is assessed as livable space, and is taxable, but this varies from property to property. The group has met with Council person Susan Weingraf who said she was concerned about seniors and was referred by Ben Bartlett to meet with the city manager. . Asked for a public hearing. Ben Bartlett referred to the city manager. They met with Ben. Susan engraft commented and said she was concerned about her fixed income seniors. Henry Oyekanmi, Finance Director, sent a letter on January 14th to BNC and the Tax-BATE today presented nine items they see as problematic in Mr. Oyekanmi’s letter.

11:10-11:30 Harold Way – Kelly Hammargren. Ms. Hammargren presented her story (and a book she really recommended, *How We Win*) of her activism regarding the Harold Way project. She encouraged BNC community members to stay focused on one major issue regarding projects that they are concerned about and to have a specific goal.

She stated that the reason the project finally fell was the greed, incompetence, and poor design of the project. The design was to have the Shattuck Cinemas be underneath the Shattuck Hotel. The design included 3 commercial condominiums with the owner of the property owning 2 commercial Condi mums, the Shattuck hotel owned the Shattuck hotel and rooms above those store fronts. Excavating under the hotel needed to put this together. The people involved in the development were Joseph Penner (a speculator from So Cal and connected with Mark Rhoades). The biggest problem is that this was a seismically/geographically difficult area – a liquifaction zone was underneath part of the building. The community group saw that the geological report was out of date, and the seismic report never done until later. The community questioned whether this should have been done in the beginning before planning such as huge project. The project started in 2013 but public didn't know until 2014 because the address was Harold Way. The project was advertised on Arbor Reality. It seemed as if the developers were unable to flip the project. The project finally went to the The Landmarks Preservation Commission, with a new architect. At this point, finally up-to-date studies of the geological situation were done and it was found out that the developers could not make 3 levels of parking, nor build the theaters so a major design change to the project needed to occur. The developers were in a hurry to get their permit so they wouldn't have to meet the 2020 Standards put forth by the State and Berkeley City Planning Department (and City Council). Joseph Penner still owns the policy, and they are still trying to flip this property.

Kelly told us that at the Landmarks Preservation Committee the community organized three speakers: They read the use permit that was authorized for the building, they spoke about two lawsuits (one by the community and one by the city) so the landmarks preservation voted to “continue it to date uncertain”. The investor pulled out and the city ended the project because it was too long (four years).

Questions that came up for Kelly's group and the BNC neighbors:
“We send projects through the ZAB and design review, without looking at the ground is like it is not until after the building is approved and going to permit that's when our building department requires the toxicity studies, and geological report etc.” – Is this a good way to do things [especially in a seismically volatile zone]”. “We need to know what the ground is like...” Even the fire department said they didn't have the fire trucks to take care of this proposed building and this discussion come up after the building went through the city's processes.

Shirley Dean reiterated that the fire department is asked to comment on narrow streets only AFTER a permit is issued. She stressed that local conditions which are real need to be paid attention to. Berkeley is seismically difficult. There is the Hayward fault, liquefaction areas, and creeks many of which are not mapped.

11:30-11:50 Planning for Forum on Transportation Studies We are planning to have the Forum on Saturday, April 18 or April 25.

Who do we invite: Who does a traffic study? What are the protocols, methodologies? Are they consistent across cities in the Bay Area? Groups to contact: BART, AC TRANSIT, ABAG, MTC, Commission on Aging. Transportation Commission. How does the Planning Department work to coordinate efforts regarding Traffic? What about the major transportation corridors? Who

plans for an emergency and what happens if the major corridors get blocked? Especially in a city that has blocked off wealthy neighborhoods to traffic?

11:50 – 12:00 Announcements and recap action items

The group was concerned about the system of planning in the city. For example, traffic studies and environmental concerns happen after the plans are submitted by the developer and moves to the next steps of the Planning Commission, Design Review and the Zoning Adjustment Board. This was reiterated by the issues with the Harold Way project.

Announcement: Film: *14-15 Bedlam*, highlights the disconnect mental health system at PFA - 14\$, Sunday East Bay Media Center (free).

Shirley --- The city of Richmond wants to build an apartment building next to the UC field center. It is a seriously toxic site in the US. The city's plan is to cap the site and have the apartment on the 2nd floor. The toxic waste is going into the Bay and there are concerns about losing the water quality of the Bay.

12:00 Adjourn