

Supplemental Communication 2

Communication received after packet was mailed between
Monday (7-20-2020) 12pm and Tuesday (7/21/20) 5pm

Pearson, Alene

From: savlan hauser <savlanh@gmail.com>
Sent: Monday, July 20, 2020 12:00 PM
To: Pearson, Alene
Subject: Comment on "Objective Standards"

WARNING: This email originated outside of City of Berkeley.
DO NOT CLICK ON links or attachments unless you trust the sender and know the content is safe.

Dear JSISHL Members,

The Zoning Board and DRC *should* have clearer guidance when they review projects that receive complaints about shadows and design. The guidance should be that these conversations are irrelevant to the approval process when a project meets height and setback requirements that already exist.

I am a past ZAB Appointee and current alternate member. I have witnessed how these inherently subjective opinions clog the approval of new much needed homes in Berkeley, and is unfair. Density, design, and shadows are not objective.

As past patterns have objectively proven, density restrictions exacerbate the racial and economic segregation of Berkeley. As has also been objectively proven, allowing more people the opportunity to live car-free, in walkable neighborhoods is best for environmental health. Additional codification in this arena has implications in global warming and racial inequality. This is an opportunity to show Berkeley's commitment to sustainability, as well as racial and economic equity by looking to REMOVE the limits on density and barriers to creating homes, not codify additional ones.

Thank you for your time and consideration.

Savlan Hauser

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Savlan Hauser
Bateman Street
510 388 4412

Pearson, Alene

From: Mary BehmSteinberg <marybehmsteinberg@gmail.com>
Sent: Monday, July 20, 2020 12:09 PM
To: Pearson, Alene; All Council
Subject: High rise housing at BART stations

WARNING: This email originated outside of City of Berkeley.

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Dear Councilmembers and Mayor:

I have been very discouraged with the lack of productive dialog on the proposed development at both North Berkeley and Ashby BART stations. There are a number of critical issues that have not been even acknowledged, let alone properly addressed, and I'd like to remind you of them again here:

1. At North Berkeley BART, the widest road near the station is Sacramento, and the other roads ringing the station are single lanes in each direction, with traffic barriers. With the risk of fire and extreme seismic activity being particularly high in Berkeley in general and at the North Berkeley station in particular, this represents a particular risk for evacuating vulnerable older people and people with disabilities, who are unable to just hop on a bike and ride out (which is always the "solution" given when anyone brings this up. I would add that under non-quarantine conditions, BART is already over capacity, as their own graphic demonstrates, and this will only get worse with this level of density, which will increase greenhouse gases as people need to rely on cars when they can't adequately access transit. BART has already acknowledged this online, yet no one seems to want to talk about it: <https://www.bart.gov/sites/default/files/better-bart/RelievingCrowding2018.pdf>

We don't want another problem like the tragedy we saw with the Paradise fire, and with all the trees coming down in the hills, we have created an even greater risk of a fire that could spread throughout Berkeley in an hour, according to the fire marshal.

2. Rational shadowing regulations as part of objective standards is essential at both stations. As energy consumption becomes an ever-increasing issue, neighbors of both BART stations need to be able to count on solar power as an option. As the pandemic has proven, having the capacity to produce food locally, which requires sunlight, is also an issue.

3. Fighting gentrification should also be a goal with all new housing, and as this is on public land and we have already well outstripped our production of "luxury" housing, we should have an objective standard that fills in all the other income levels of housing before we add any more luxury housing. We can't destroy the social and economic diversity of the City because BART is looking to fill its coffers. Moreover, as both stations were solidly black neighborhoods before BART was built, both stations should be sites for the right of return, with ample parking and solar charging stations to ensure the ability of people to evacuate as necessary with electric car conversions. Moreover, the South Berkeley neighborhood was given the flea market in perpetuity, and this is an indispensable resource for the community as a whole, and the black community in particular. It must be preserved.

Thank you for your consideration of these challenging issues. I hope that you will have the wisdom and foresight to fight for our City at the state level, and represent the interests of the community as a whole.

Respectfully,
Mary Behm-Steinberg

Pearson, Alene

From: Sheila Goldmacher <sheinaleah@comcast.net>
Sent: Monday, July 20, 2020 2:27 PM
To: Pearson, Alene
Subject: Joint subcommittee ordinance re: rooftop solar panels

WARNING: This email originated outside of City of Berkeley.
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Please ask the Joint Subcommittee to recommend to the City Council that they direct staff to draft

- an ordinance to protect rooftop solar panels from shadowing by new development on adjacent or nearby properties.
- objective shadowing standards to be included in the city's Zoning Ordinance, modeled on daylight plane or similar objective shadowing standards that many cities, including El Cerrito, already have to limit shadowing impacts.

I wholeheartedly support such protections for shadowing standards in order to protect solar panels and continue to do more to create a new green economy in our city and protect what we have already put in place.

Living thru the covid pandemic makes us realize just how important our attention should be to our environment daily.

Appreciate your attention to this request.

Sheila Goldmacher

Pearson, Alene

From: Lynne Stevens <lynnaeus@lmi.net>
Sent: Monday, July 20, 2020 2:36 PM
To: Pearson, Alene
Subject: solar panels and access to sunlight at North Berkeley BART

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I support an ordinance to protect rooftop solar panels from shadowing by new development on adjacent or nearby properties. Shadowed buildings cause increased energy use for heat and light. Shadowing has a harmful impact on quality of life, especially in parks, schools and other public places. The committee should support objective shadowing standards to be included in the city's Zoning Ordinance, that many cities, including El Cerrito, already have adopted to limit shadowing impacts.

Lynne Stevens

Pearson, Alene

From: Pamela Ormsby <pormsby@aol.com>
Sent: Tuesday, July 21, 2020 12:14 PM
To: Pearson, Alene
Subject: BNC letter re. Neighborhood sunlight issues

WARNING: This email originated outside of City of Berkeley.

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Dear Commissioner Pearson,

I wholeheartedly support the BNC letter to the Commission re. zoning and sunlight issues in the neighborhoods. Please open up more discussion re. these issues.

Pam Ormsby
1148 Delaware St.
pormsby@aol.com

Pearson, Alene

From: Mail <allen.phil@yahoo.com>
Sent: Tuesday, July 21, 2020 3:02 PM
To: Pearson, Alene
Cc: Berkeley Neighborhoods Council
Subject: JSISHL Comment

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To the Members of the Subcommittee:

Whether this arrives too late for formal inclusion in supplementary comments or not, please know I endorse sub-commissioner Wrenn's recommendations as you move toward forwarding you findings to the Council.

However, I have a further comment. The current matters to be decided upon seem to occupy a planning realm that does not get in the way of several odious housing bills now before the state legislature. The gist of their effect, whether one, two, several or all are enacted means death to local governments' right to plan *anything* on their own.

As you must be aware of them*, my guess is that either the matters before you aren't affected by these new bills, or that you're doing your work as if they will not be passed or will be invalidated by the courts.

In any case, please be aware of yet another terrifying storm ..

phil allen
resident, D-1

* - AB725 .. AB 1279 .. AB2345 .. AB3040 .. AB3107 .. SB902 .. SB995 .. SB1085 .. SB1120 .. SB1385

Pearson, Alene

From: Pearson, Alene
Sent: Tuesday, July 21, 2020 4:11 PM
To: Pearson, Alene
Cc: Karimzadegan, Niloufar
Subject: RE: JSISHL Late Communications

JSISHL Commissioners,

Please do not respond to this email thread. Email Communications between JSISHL members should be directed to the Secretary (me) and I will share out as part of the public record in order to comply with the Brown Act.

Thank you.

Alene

rom: Clarke Teresa [mailto:tkclarke2@yahoo.com]

Sent: Tuesday, July 21, 2020 3:58 PM

To: Dohee Kim <dohee_kim@berkeley.edu>; Amir Wright <amirwright17@berkeley.edu>; Igor Tregub <itregub@gmail.com>; Thomas Lord <lord@basiscraft.com>; Shoshana O'Keefe <shoshanaokeefe@gmail.com>; Marian Wolfe <marian.wolfe@gmail.com>; Jeff Vincent <jvincent1134@gmail.com>; Rob Wrenn <robwrenn@comcast.net>

Cc: Pearson, Alene <apearson@cityofberkeley.info>

Subject: Fw: JSISHL Late Communications

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Fellow JSISHL commssioners-

Sorry for the late communication:Attached are my suggestions for consideration on shadows.

Teresa Clarke

----- Forwarded Message -----

From: Clarke Teresa <tkclarke2@yahoo.com>

To: Pearson, Alene <apearson@cityofberkeley.info>; Karimzadegan, Niloufar <nkarimzadegan@cityofberkeley.info>

Sent: Tuesday, July 21, 2020, 03:51:12 PM PDT

Subject: Re: JSISHL Late Communications

Alene & Nilofaur

Attached are my suggestions for objective shadow standards for this Wednesday's meeting.

Teresa Clarke

tkclarke2@yahoo.com

On Monday, July 20, 2020, 06:08:51 PM PDT, Pearson, Alene <apearson@cityofberkeley.info> wrote:

Dear JSISHL Commissioners,

We have gotten a great deal of public comment since posting our agenda for July 22, 2020. Attached is a supplemental packet of Late Communications for your review. These will be posted as a link to the online agenda by noon tomorrow.

Best,

Alene

Alene Pearson
Principal Planner, Land Use Planning Division
Planning and Development Department
City of Berkeley

apearson@cityofberkeley.info

To: JSISHL Committee July 21 2020 meeting

From: Teresa Clarke, Committee member

Re: Proposed Objective standards to mitigate shadow impacts:

1. Applicability of Shadow Impacts:

- a. Shadow impacts would not be considered when a proposed new building or new construction meets all base development standards.
- b. Shadow impacts on an adjacent property would only be considered when a side or rear yard setback reduction or an increase in height is requested by use permit or by state density bonus over the allowable standard. Shadow impacts for Front or Street yard setback reductions would not be included or considered.
- c. The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.
- d. Adjustments would seek to limit reductions in overall building envelope and could compensate with increases in height in another portion of the building, or reduced setback in another portion of the site, or some other mutually agreed adjustment to a development standard or mitigation. Adjustments may require, if no other solution can be proposed to mitigate the impact, a reduction in the overall total building envelope proposed. However, for state density bonus projects, adjustments to a proposed new residential construction shall not require a reduction in the overall total building envelope, habitable area, or cause the number of bedrooms or units to be reduced.
- e. If the adjacent building being affected has a reduced building setback on the adjacent side or rear yard, a light and air impact would not be applicable, except in those cases where the building has a historic designation or was built prior to the implementation of the zoning code.

2. Elements of consideration for Shadow Impact:

- a. Light & Air for Building Openings of Applicable adjacent buildings: The light and air shadow impact shall consider impact to light and air access only of the existing windows and door openings of the applicable adjacent buildings. The new construction would be required to adjust its setback such that a minimum 3 foot perpendicular distance was achieved and a 6 foot width, with minimum 1 foot on either side of the window or door for 2 stories (min. 6 foot for courts with openings on both sides) and 1 foot additional setback for each additional story up to 14 stories, or a total maximum setback of 15 feet from the adjacent building. For instance if the building is 3 feet away from the property line, a 12 foot maximum from the property line for the new building.
- b. Minimum Required Open Space of Adjacent properties: An increase in shadow impact caused by the additional height or reduced setback on the minimum required open space of the adjacent impacted property shall not be more than a 50% increase in direct shade averaged over the entire year. If the affected property has more than the required open space, the calculation would be made on the open space that is least impacted by the shadow. The setback or height shall be adjusted to result in a net shadow increase of no more than 50% as limited in Section 1 above. The shadow impact

would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.

- c. Solar Access: An increase for the additional impact only of more than 50% of direct shading on existing solar panels averaged over the entire year and over the entire area of solar array would require that an adjustment to the requested height or setback be made, or other mutually agreed adjustment to a development standard or mitigation be made. If a mitigation such as moving the solar panels or re-orienting the solar panels has been mutually agreed upon in lieu of a development standard adjustment, this mitigation should be completed prior to building permit issuance, if possible. The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.