Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 2708 Prince_Architects response to Robert Riemer submission _Late Communication
Attachments: 24_0911_JSI Response .pdf

From: Jeff Svitak <jeff@jeffsvitak.com>
Sent: Wednesday, September 11, 2024 5:02 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Riemer, Allison <ARiemer@berkeleyca.gov>; Linda Joseph <ljoseph97@gmail.com>; Tomas Tironi <tomas@jeffsvitak.com>
Subject: 2708 Prince_Architects response to Robert Riemer submission _Late Communication

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 Members of the Zoning Adjustment Board,

Please find attached our response to the document submitted earlier today from Robert Riemer in regards to our project.

This letter outlines the misrepresentations displayed in Mr. Riemer's documents.

Please feel free to reach out with any comments or questions.

Thank you,

Jeff Svitak

858.518.1816

www.jeffsvitak.com

J S I

Jeff
Svitak
Inc.

September 11, 2024

Dear Members of the Zoning Adjustment Board,

We are writing this letter and attached documents to clarify the misrepresentations presented by Robert Riemer about our project designed at 2708 Prince Street.

We have designed the project within all the required zoning regulations set in place by the City of Berkeley, and contrary to Mr. Reimers claims, we have carefully studied the site in detail, in addition to the relationship to all the (6) neighbors directly adjacent to the property and to the larger neighborhood context.

The first misrepresentation from Mr. Riemer is that we mitigated the design for one neighbor and not for him. This statement is false. We had originally misinterpreted a section of the zoning code and through findings with the city planner, made modifications to the building footprint to comply with the zoning regulations.

The second misrepresentation is that we have designed an “uninterrupted structure with no light pass” adjacent to his property. This is false. We have designed 2 setbacks in the massing along the west wall that are 15’ deep x 8’ wide with landscaping occurring in these voids. The screen walls are almost completely open with minor screening that we believe is important to maintain some degree of privacy. These screens will not have any significant impact on blocking light or air. The images presented in Mr. Riemer’s document are also very misleading and heavily exaggerated from the actual conditions of his rear yard. He will receive natural light through the building

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cut outs and the primary blockage of light is coming from the trees on his property.

The third misrepresentation is relative distance between properties. This is misleading. The distance is more critically drawn by the actual separation between structures. We have designed to our required side yard setback and have not pursued any of the allowable projections into this setback. We also are adjacent to the rear yard or Mr. Reimers property, which maintains a 15' minimum rear setback allocating at the very least, 18'-6" of space between the structures. Moreover, Mr. Reimers home currently sits at approximately 27'-5" away from our proposed structure.

The fourth misrepresentation is the commentary on the neighborhood support. This is false. Our client, Linda Joseph, only owns the property at 2700 and the subject property at 2708 Prince Street. Also, all the neighbors received the exact same consultation on the project which is required by the City of Berkeley.

We have provided some documentation (attached here) which visually clarifies the misrepresentations created in Mr. Riemer's document.

Kind regards,

Jeff Svitak, Architect

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2. Obstruction of Sunlight, Air

EASTERN VIEW (PRESENT) 5:00 P.M. **PROJECTED**

OBSTRUCTION OF SUNLIGHT, AIR AND LIGHT. PRESENT AND AS PLANNED

- **TOP: VIEW LOOKING DUE EAST FROM 2D FLOOR.** ~~Uninterrupted structure with no light pass~~
- **MIDDLE: VIEW LOOKING SE FROM 2D FLOOR.** ~~Uninterrupted structure with minimal light~~
- **BOTTOM: VIEW FROM YARD LOOKING DUE EAST**

SUNLIGHT PROJECTED THROUGH SCREEN WALL

1. ALLOWABLE PROJECT AVERAGE HEIGHT: **28 ft.** (up to **35 ft** with additional AUP)*

*** PER CITY OF BERKELEY PLANNING AND DEVELOPMENT DEPARTMENT***

2. PROPOSED PROJECT AVERAGE HEIGHT: **25-4" ft.**

2. PROPOSED PROJECT AVERAGE HEIGHT: **25-4" ft.**

Jacob, Melinda

Subject: FW: 2708 Prince Impact | Following up
Attachments: 2708 Prince Riemer Svitak 9.9.24.pdf; 24_0703_JSI Response .pdf

From: Robert Riemer <robert@av.co>
Sent: Monday, September 9, 2024 7:54 AM
To: Linda Joseph <ljoseph97@gmail.com>; jeff@jeffsvitak.com; zab@berkeleyca
Cc: Riemer, Allison <ARiemer@berkeleyca.gov>; Updegrave, Samantha <SUpdegrave@berkeleyca.gov>
Subject: Re: 2708 Prince Impact | Following up

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.

Hello Jeff / Linda, please see attached.

Regards,

Robert Riemer
COO, Artis Ventures
499 Jackson St. | Suite 400
San Francisco, CA | 94111
c: 415.517.9498
e: robert@av.co

On Jul 7, 2024, at 3:07 PM, Linda Joseph <ljoseph97@gmail.com> wrote:

Hi Robert,

Thank you for your invitation to meet at your home. I humbly decline.
Please see our response in the attached letter. We look forward to presenting and defending our design at ZAB. We will see you there.

-cheers, linda

On Wed, Jul 3, 2024 at 3:15 PM Robert Riemer <robert@av.co> wrote:

> Hi Linda, hope all is well. I understand some delay due to travel since my original letter. Thought I would follow up on my meeting request to see when both you and Allison would be available for a meeting at my home.
>
> Sincerely,

Robert Riemer
c: 415.517.9498
e: robert@av.co

On Thu, Jun 27, 2024 at 8:15 AM Linda Joseph <ljoseph97@gmail.com> wrote:

Hi Robert,

I have been out of the country and just got back last night. I have received your email and have forwarded it to my architect. We will let you know how we plan to proceed.

Thanks.

Cheers,
Linda

On Jun 21, 2024, at 3:02 PM, Robert Riemer <robert@av.co> wrote:

Hi Linda, please see attached.

Robert Riemer
c: 415.517.9498
e: robert@av.co

ROBERT RIEMER AND SHEILA MORAN
3025 COLLEGE AVE. I BERKELEY, CA 94705
415.517.9498 I ROBERT@AV.CO

September 9, 2024

Jeff Svitak, 3037 Redwood Street, San Diego jeff@jeffsvitak.com
Linda Joseph, 2700 Prince Street, Berkeley ljoseph97@gmail.com
ZAB@berkeleyca.gov

Re: 2708 Prince; response to your July 3 letter rejecting my offer to meet and reach a compromise; re-offer to meet, confer and settle.

Dear Mr. Svitak,

By this letter, my wife Sheila and I would like to address your comments and counter what we believe are some misstatements in your July 3, 2024, response to our request for a meeting, and/or modification of your design. And we are again asking you to meet with us on our return from Europe to discuss modifications to your proposed design.

Neither of us can say for certain how the Zoning Adjustments Board ("ZAB") or the City Council will decide on your proposal. As now designed, the entire burden of the detriment of your designs falls upon our home and our yard. We are hoping that if you are willing to make design changes to your proposal which will allow you to keep your proposed density but diminish its significant harm to us and our enjoyment of our home. If this can happen, we both can "control the outcome" in the most beneficial way for both of us.

Our objection with your project as designed are: 1) the entire detriment falls on us, you have not made comparable design mitigations as you did with your eastern neighbor; and 2) by creating and leveraging the walled in "open space" on your property you have a) created 24' high 89'4" long wall (110' with the ADU) blocking our eastern air and light and, b) presented a vision of a large dormitory-structure look to our entire street.

By walling in your project, your design defeats the intended benefits of the required side yards and open space for us and our neighborhood.
The required setbacks and open space may be technically satisfied; however, your design creates an envelope that looms as a single wall over the 3 western properties. Moreover, any breaks in light and air provided to your eastern neighbor are denied to us. (See comparison of eastern elevation [facing us] to your western elevation.) There, through "wooden stud screen system" you allowed air and light to pass through to your eastern neighbor but did nothing similar for us. We face the solid, 24' high 89'4" long wall (110' with the ADU) long wall, with the mere ~3'4" – 4' distance from our property line, obliterating the morning sun 12 months a year.

Walling off the front of the project affronts our neighborhood character.
It is not the increased density but the gated solid wall that transforms the look of our residential neighborhood to that of industrial warehouse/dormitory industrial zone.

The design significantly mitigates the loss of air and light to your eastern neighbors; there is no mitigation for your neighbors to the west.
The shadow studies and the two elevations show this disparity. Your claim that the existing vegetation creates the blockage omits the obvious: the trees provide through passage for light and air, trees can be trimmed and thinned to provide for light and air, and trees are not permanent. The unbroken wall facing our home does not, and is indeed permanent.

The neighborhood "support" sheet you submitted is misleading: examination of addresses of supporters reveals that those addresses are ones that 1) you own; 2) have received design concessions mitigating impact; or, 3) are not impacted.
I was informed by the owner that there was a compromise with the east and south abutting neighbors. Why not reach out to us as well? Looking at the plans, it is easy to understand why the owner at 2710 said it "looks great."

Had you similarly consulted with us during the design phase and worked with us as you did with the owner of 2710 Prince, we, too, would not have opposed the project. You not only did not consult with us during the design phase; you refused my offer in July to meet and confer.

Story Poles would have shown the impact of your project on us; you refused our request to provide them.
While you are not required to install story poles, they would have provided an objective visual impact of your project on us. i.e., story poles would have revealed the full destructive impact and aesthetic consequence of the current design in a way that elevations cannot do. Again, while not mandated, we believe that the facts of this development mandate them.

The ADU design (before the ZAB for "information") compounds the blockage of air and light.

As stated at the outset, we do not know how the ZAB or Council will vote: we are asking, again, that you meet with us, provide us with comparable mitigation that you provided the other contiguous neighbor. Then, while neither of us will be thrilled, we can move forward now with certainty regarding your project and its impact upon us.

Very truly yours,

Robert Riemer Sheila Moran

Cc: Allison Riemer, Planner / Zoning Adjustments Board

Jeff
Svitak
Inc.

July 3, 2024

Robert Riemer and Sheila Moran
3025 College Ave.
Berkeley, CA 94705
e: robert@av.co

Re: Reimer 2708 Prince 6.21.2024

Dear Mr. Riemer and Ms. Moran,

We are in receipt of your letter of concern regarding the design for the proposed structure at 2708 Prince St. While we respect your opinion on the matter, we don't believe that there is complete or unreasonable blockage to air and light for your property.

In response to the reasonable level of light and air: There is over 30' of space between the proposed building and your home. This far exceeds the requirements for setbacks (current rear setback is 15' in this zone) which are designated by the planning department as reasonable for both light and air.

In response to "stuffing too much structure on a narrow lot": The project as designed, is compliant with the municipal code zoning standards allowed for the property, and sufficiently below the allowable buildable volume, which is 3 stories and up to 35' high. The project is only two stories and is 24' high and it doesn't utilize any allowable projections which could extend into the setbacks even further. So, by-right, a lot more could be stuffed in. Moreover, it appears the existing trees between the two properties will be blocking more of the light and air than the building would. So, I don't believe the new structure will negatively impact or "suffocate" your property more than it

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currently is. Also, if you look at the design, there is relief in terms of garden cut outs along the east side of the proposed building.

In response to the attached ADU: This part of the proposed building is not adjacent to your property, so I am not totally understanding that concern. However, the ADU is a much-needed housing strategy as a response to the housing crisis at local, state and national levels. This is why it is allowed to be permitted ministerially, without any required additional zoning or use-permits.

In response to the density: I believe the 5-bedroom rule is to limit the number of tenants in a single home. The project as designed contains (2) modest size homes with 3 bedrooms each. All of this is within the rights of the allowable zone. There is in fact no density limit on the property, only lot coverage limitations, so the density of (2) units and (1) ADU might be considered low in consideration to what could be allowable.

In response to the destructive impact of the design: We pride ourselves on design and take a lot of time and consideration to all components of the building design. The elevation of the east wall can be seen on sheet A105 of our submitted application. We do provide the same design aesthetic to both sides of the building. There was careful consideration to maintain the privacy of both the new residents of the proposed building and all the neighboring buildings while still allowing sufficient light and air to everyone. If the building were to be flipped as you propose, your privacy would be impacted in a way where you would be looking straight into a bedroom or living room of the new building. I would find that situation to be more negatively impactful.

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With any new project, we understand there will be impacts to neighbors, and we aim to be respectful and helpful wherever possible. We have already deeply considered the design regarding the site restraints and surrounding context. While we understand you do not agree, we believe the project is fitting for the neighborhood and the surrounding environment and it is compliant with the existing zoning regulations.

We would look forward to continuing this dialogue and commentary in regards to our design at the ZAB meeting, which I understand is tentatively scheduled for September 12th.

Kind regards,

Jeff Svitak, Architect

Cc: Allison Reimer, Planner

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Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 2708 Prince Street
Attachments: Neighborhood context.JPG

From: David Trachtenberg <david@trachtenbergarch.com>
Sent: Wednesday, September 11, 2024 3:44 PM
To: Riemer, Allison <ARiemer@berkeleyca.gov>; Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Linda Joseph <ljoseph97@gmail.com>; Jeff Svitak <jeff@jeffsvitak.com>
Subject: 2708 Prince Street

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Dear Ms. Riemer and Member of the Zoning Adjustments Board,

I am writing in support of the proposed project at 2708 Prince Street. I have lived around the corner from the site for 24 years and know the neighborhood well. This project respects all of the required setbacks and height restrictions applicable to this site. I see no grounds for denying or modifying the project. I also think that the proposed project represents a rare level of architectural distinction that will, when finally built, add to Berkeley's remarkable architectural heritage.

Please see the attached illustration, which shows the subject property in the larger context of the block. Some years back, the owners of 2716 (the property just to the east of the proposed project) lifted an existing one-story bungalow and added a new ground floor underneath, thus creating a larger two-story house. They also extended the rear of the house and added a rear ADU.

If our application had employed the identical massing strategy as 2716 Prince Street, the impact on 3025 College would have been identical, and we are certain that the neighbor would be making the same complaint as they are making about our current proposal.

If you accept the argument that the owners of 3025 College are making, then you are saying that you would deny even raising the existing bungalow up to a two-story building. I do not believe that you would or could make that determination.

Kind regards,
David Trachtenberg, Principal
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