

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 2655 Shattuck: 3/13/25 ZAB

From: Marianne Sluis <mqsluis@mac.com>
Sent: Wednesday, March 5, 2025 3:54 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: 2655 Shattuck: 3/13/25 ZAB

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3/13/25 ZAB meeting
Re: 2655 Shattuck

Dear ZAB Committee Members,

This is the first project in the South Shattuck subarea to come before ZAB since the City implemented the Adeline/South Shattuck Strategic Plan and the resulting changes to zoning.

Affordable housing has been the priority of every South Berkeley area plan since the mid-1960s, so it's depressing that a building of this size and density can offer only 10 units affordable to very-low-income households. (The developer for 2701 Shattuck, across Derby from this project, invoked the dreaded claim of "affordable by design" before offering 510sf units—on the ground floor, next to the bus stop—for \$5195/mo.) I'm glad that at least one of the 3-bedroom units will be affordable.

Why not reduce parking spaces, to either include more affordable units or reduce the height near the east property line? An architect for the project told Design Review that the market has changed, and that parking is necessary for residents of the 10 townhouses. But while I appreciate that the project includes 3-bedroom units, Berkeley defines a townhouse as a *condo located in a separate building from any other dwelling unit* (BMC 23F.04.010). It's unlikely that those in the market for an actual townhouse will be renting these units.

AC Transit stops on the opposite corner, and it's a 15-minute walk to Ashby BART. We're in a Walker's Paradise! I lead a full, car-free life on this block. I hope the property owner will reconsider.

A Design Review committee member asked if the architects could make the central plaza smaller, in order to move the massing farther than 10' from the home to the east, but the answer was no. They'd never designed such a large plaza before.

I attended the architect's Zoom-only meeting with neighbors last May, and appreciate the changes made in response: retaining the bas reliefs; rearranging some units; moving the garage entrance closer to Shattuck. But I didn't notice some details of the plans until Design Review. Does the base project include an encroachment over the public right-of-way? If so, is that considered part of the allowable building envelope? (The encroachment didn't come up at DRC; it was noted in the staff report.)

Back in 2009, then-Planning Director Dan Marks denied an encroachment at 2711 Shattuck because BMC 16.18.030.G specifically prohibits "Construction, erection, installation or extension of a structure intended to be used for profit-

making enterprise..." In 2018, City Council kept this code language, revising it only to add language exempting wayfaring kiosks. Why is this specific protective language ignored now?

Public Works took over encroachment decisions circa 2011, but it's discretionary, not ministerial. Both Public Works and the BMC require posting at the site and giving the public a 2-week opportunity to comment before making the decision to approve or deny encroachments into, or over, the public right-of-way. Since this land belongs to the community, it's understandable that the Municipal Code prohibits encroachments for profit-making enterprises.

Perhaps Planning could require applicants to apply for encroachment permits with Public Works earlier in the process, instead of at the point when public participation is meaningless.

Thank you,

Marianne Sluis
2100 block of Derby