

From: [Merideth Shamszad](#)
To: [Zoning Adjustments Board \(ZAB\)](#)
Subject: Comments, 2100 & 2108 Milvia St
Date: Monday, June 9, 2025 9:47:24 AM
Attachments: [Project Comments - 2100 & 2108 Milvia St - 0162.docx](#)

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Same document, different format in case there is any difficulty opening it, thank you

Merideth Bowen Shamszad, MFT

Sasha and Merideth Shamszad
2750 Adeline Street
Berkeley, CA 94703
June 6, 2025

ZAB Secretary
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: Project 2100 & 2108 Milvia Street, Use Permit #ZP2023-1063

Dear Board Members,

We are long term Berkeley residents, businesspeople and commercial and residential property owners since the 1970's, as well as former students of UC Berkeley. In the past 5 decades, we have seen that this board has always tried to promote well-rounded, attractive multi-family residential and business development.

But in recent history, there has been a large increase in apartment building construction without adequate increase in services such as retail shops, restaurants, gathering places and parking which would support an enhanced quality of life. There are many retail and business office vacancies. In addition, there is a very high residential vacancy rate; some sources have estimated this rate at 30-40%. It appears to us that the urban planning balance is off with an extreme focus on transient student housing. Given the current uncertainties about university funding and growth, we believe that adding 200 more units of student-oriented housing in downtown Berkeley is shortsighted and not in the best interest of the larger community.

The Milvia-Addison corridor already houses over 600 residential units, most of them recent construction. This area has reached its limit of housing to services ratio. More apartments will only create a bedroom community, not the thriving, well-resourced town that we have been and could continue to be.

Finally, and most importantly, we are alarmed by the massive size of this suggested project, both the height, the cubic airspace and the footprint. The proposed building is out of scale in relation to its neighbors and to the intersection of Milvia and Addison. It will impact sunlight and create shadows and possibly wind tunnels and block visual access to the famous Berkeley views from all sides. The sheer size of this building will dominate all the buildings in the neighborhood while offering little in terms of architectural interest or continuity, overshadowing the other buildings in the neighborhood while creating a cold, crowded and unwelcoming atmosphere.

We know that the culture and atmosphere of Berkeley are changing, and that the new standards allow for greater building height (and greater profit). But does this mean that

every new construction will reach maximum height? Does the resulting skyline create a livable and appealing architectural statement and serve the best interest of the entire community?

In our town, there has always been a dichotomy between long-term residents like us and students who come and go, and it is up to our city's leaders to guide us towards innovative and human scale urban development that balances everyone's needs. We do not believe this project supports such a vision; instead, it is an immense, box-like structure that overshadows the neighborhood, promotes the diversion of new housing construction towards dormitory-style living and diminishes the remaining opportunities for the creation of the pleasing and enjoyable urban environment that we all want for Berkeley.

Please reconsider the size, scale and purpose of this project!

Thank you,

Sasha and Merideth Shamszad

From: [Wayne Cory](#)
To: [Zoning Adjustments Board \(ZAB\)](#)
Subject: Appeal Regarding ZP2024-0157
Date: Wednesday, June 4, 2025 3:40:51 PM
Attachments: [Appeal Regarding ZP2024-0157.pdf](#)

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June 4, 2025

Zoning Adjustments Board Secretary

Land Use Planning Division

City of Berkeley

zab@berkeleyca.gov

Subject: Appeal Regarding ZP2024-0157

Attn: **ZAB Secretary**

I am submitting this letter as a formal appeal concerning Zoning Permit ZP2024-0157, based on the loss of economically valuable land and the removal of tenant parking at the subject property.

This appeal addresses two primary concerns:

1. Unlawful Appropriation of Economically Valuable Land:

Portions of the backyard land historically associated with Unit 1159 #B Hearst Avenue have been appropriated through the construction of a new fence. This fence has effectively removed access to land previously used by the tenant, and transferred it to the adjacent parcel at 1169 #B Hearst Avenue. It is my understanding that the Zoning Adjustments Board (ZAB) had previously indicated that these two parcels could not be legally merged. The reallocation of this land appears to have enabled additional construction and bonus density allowances on the adjacent parcel, which otherwise may not have been permissible. The loss of this land directly impacts the tenant's use and enjoyment of the property, and constitutes a significant reduction in the economic utility of the leasehold.

2. Permanent Loss of Tenant Parking:

Tenant parking spaces were initially removed with the understanding that this would be a temporary disruption during the construction period. The property owner agreed to provide tenants a monthly credit of \$100 until the parking spaces were restored. However, some parking spaces have now been permanently removed, and no compensation or alternative has been adequately provided. While the owner claims new parking will be added, the proposed spaces are undersized and impractical—failing to meet functional standards for maneuverability and access. To date, tenants have not received the promised reimbursement for the ongoing loss of this essential amenity. The permanent reduction in parking availability represents a substantial economic

loss and impairs the livability of the property.

Given these impacts, I respectfully request that ZAB review the circumstances under which the land reallocation and parking space removal occurred, and assess whether they comply with applicable zoning regulations, tenant protections, and prior conditions of approval.

Thank you for your attention to this matter.

See attached file

From: [Wayne Cory](#)
To: [Zoning Adjustments Board \(ZAB\)](#)
Cc: [Gong, Sharon](#); lgordon@rinconconsultants.com
Subject: Opposition of Use Permit Modification ZP2024-0157
Date: Friday, June 6, 2025 10:00:02 AM

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June 6, 2025

Attn: Zoning Adjustments Board Secretary

City of Berkeley, Land Use Division

zab@berkeleyca.gov

Re: Opposition to Use Permit Modification ZP2024-0157 – Condominium Conversion of Rent-Controlled Units

Dear ZAB Members,

I am writing to express my strong opposition to Use Permit Modification ZP2024-0157, which would allow the conversion of rent-controlled apartments into for-sale condominiums.

I am particularly concerned about the potential impact this conversion will have on current tenants, especially regarding increased housing costs and potential displacement. Conditions #16 and #58, as previously adopted by the Board, were intended to ensure tenant protections—not only through preserving rent control but also by mitigating the indirect consequences of substantial capital improvements required for condominium conversion. These include relocating major systems such as the HVAC (currently shared between units 1159A and 1159B), as well as upgrading outdated electrical and plumbing infrastructure, replacing a roof that is decades past its lifespan, separating water meters, obtaining permits, and more.

These necessary upgrades carry significant costs, which owners may attempt to pass on to tenants — through legal rent increases, attrition, or new HOA fees — making the units unaffordable for many and likely forcing long-term tenants out. Approving this conversion sets a dangerous precedent that could be used by other property owners to circumvent rent control and displace both protected and unprotected tenants across the city.

Importantly, this does not mean the owners cannot sell the property. They are fully entitled to sell the units as a multi-unit rental property, preserving tenant protections and the affordability of Berkeley's rental housing stock. Conversion to condominiums is not the only path forward — it is simply one that poses greater harm to tenants.

The City of Berkeley has long been a leader in defending affordable housing and tenant rights. This proposed permit modification undermines that legacy and opens the door to further erosion of rent-controlled housing in our community.

I respectfully urge the Zoning Adjustments Board to reject this proposal.

Please vote NO on Use Permit Modification ZP2024-0157.

Thank you,

From: [Masanori Oba](#)
To: [Zoning Adjustments Board \(ZAB\)](#)
Cc: zab@berkeleyca.info
Subject: Use Permit ZP0024-0157 Heating on June 12
Date: Wednesday, June 4, 2025 4:39:17 PM
Attachments: [comment on ZP0024-0157.odt](#)

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ZAB Secretary at the Land Use Planning Division
1947 Center Street, Second Floor, Berkeley CA 94704

June 4, 2025

Attn: ZAB Secretary
RE: Use Permit #ZP2024-0157 HEARING on June, 12, 2025

I have the following concerns about revising the Conditions of Approval 16 and 58 in ZP2016-0028:

1. Does this change the status of the rent control units? Will the current tenants lose the protections stated in #16 and #58 in the original permit ZP2016-0028 (see below)?
 2. Is the current contract between the landlord and the tenant still intact after the modification of the permit?
 3. Does this permit allow the rehabilitation of the rental units currently occupied? Please see #16 (16. Notice of Limitation)
 4. If the tenants decide to stay after this permit is approved, are they allowed to live in their unit? What is the ceiling of the rent increase after the renovation? (Ref: 21.28.090 D. future rent increase)
- I hope my concern about the permit will be addressed and recorded in the resolution.
Thank you.

Reference:

From: 1155-1173 Hearst Ave- use permit ZP #2016-0028 (June 9, 2020)

#16 (page 7). Notice of Limitation. All owners of record of the subject property shall sign and record with the Alameda County Clerk-Recorder a "Notice of Limitation on Use of Property" and provide a recorded copy thereof to the project planner. This Notice of Limitation shall stipulate that none of the six existing rent-controlled units (1155-57 Hearst, 1159 A & B Hearst, 1161-63 Hearst) shall undergo condominium conversion, Tenancy in Common, or any work that would require a New Certificate of Occupancy for the building; and shall remain subject to Rent Control In Perpetuity.

#58 (page 18). Rent Control in Perpetuity. The existing six dwelling units shall not undergo condominium conversion and shall remain as rental units subject to rent control under the Rent Stabilization Ordinance.

21.28.060 Application for condominium conversion (emphasized by the sender)

In addition to the information required by Section 21.16.020, an application for a tentative map or parcel map to convert to condominiums shall include all of the following information:

- C. 3. (e) As the result of a rent increase greater than 10% of the prior rent in effect, but for which the tenant would not have vacated the unit, unless that rent increase was approved by the Rent Stabilization Board.
 - D. A statement from the owner(s) as to whether they agree to limit future rent increases for the life of the building for all occupants at the time of conversion to no more than 65% of the increase in the Consumer Price Index for all Bay Area Consumers after conversion.
- 21.28.090 Approval of subdivisions – Findings – Conditions to be imposed.
- C. 4. No tenant may be evicted for the purpose of occupancy by the owner, or occupancy by any relative of the

owner, so long as the unit remains the tenant's principal place of residence. In the event the tenant does not exercise their right to purchase within the time period set forth in this section, the owner may transfer the unit without any price restriction to the tenant or any other person. However, in the event such transfer is to someone other than the tenant, the transfer shall be expressly made subject to the rights of the tenant to continue to occupy the unit as provided for in this chapter.