

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Comment for public hearing, 2955 Shattuck, #ZP2024-0071
Attachments: MGGP.ZAB.2955ShattuckComment.pdf

From: María Gracia <magachita@gmail.com>
Sent: Wednesday, September 9, 2026 1:06 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Joyce Freedman <rejoycef@yahoo.com>; MiSoon Burzlaff <yangmisoon@gmail.com>; Christian Vettermann <christian.vettermann@gmail.com>; Bill Walzer <walzer@usa.net>; Ching/Battles <battles.ca@sonic.net>
Subject: Comment for public hearing, 2955 Shattuck, #ZP2024-0071

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.

I am submitting this formal written comment in advance of the public hearing scheduled for Thursday, September 10.

I explicitly require that this challenge, my associated concerns, and my formal demands for mitigation be noted on the official record and distributed to the Board members for their immediate review.

I am writing as the property owner of the parcel labeled **PICON and BLAIN**, located at **2916 Lorina Street**, which sits directly **northeast** (catty-corner) of the proposed 8-story development at 2925-2973 Shattuck Avenue.

The residents at 2916 Lorina Street are a multi-generational Black and Latino family who are deeply rooted in this neighborhood and actively involved in the Lorina Street Safe Shakes community safety committee.

The proposed demolition and construction will be materially detrimental to the public interest, health, safety, and economic welfare of our neighborhood. I formally submit our challenges in the following attached PDF

Please reply to confirm that my 5 page PDF structured challenge has been successfully added to the public record for permit #ZP2024-0071 ahead of tomorrow's hearing.

Sincerely,

Maria Gracia Galvez Picon

Owner of PICON and BLAIN Property, 2916 Lorina Street, Berkeley, CA 94705

Please see attached 5 page PDF opposition to the proposed 8-story development at 2925-2973 Shattuck Avenue.

Date: September 9, 2026

To: Berkeley Land Use Planning Division and Members of the ZAB,

From: Maria Gracia Galvez Picon

Subject: URGENT PUBLIC COMMENT: Formal Opposition, Material Omissions, and Mitigation Demands for Permit #ZP2024-0071 (2925-2973 Shattuck Ave) – ZAB Hearing: September 10

I am submitting this formal written comment in advance of the public hearing scheduled for Thursday, September 10. I explicitly require that this challenge, my associated concerns, and my formal demands for mitigation be noted on the official record and distributed to the Board members for their immediate review.

I am writing as the property owner of the parcel labeled **PICON and BLAIN**, located at **2916 Lorina Street**, which sits directly **northeast** (catty-corner) of the proposed 8-story development at 2925-2973 Shattuck Avenue. The residents at 2916 Lorina Street are a multi-generational Black and Latino family who are deeply rooted in this neighborhood and actively involved in the Lorina Street Safe Shakes community safety committee.

The proposed demolition and construction will be materially detrimental to the public interest, health, safety, and economic welfare of our neighborhood. I formally submit our challenges under the following structured outline:

I. Material Deficiencies and Omissions in Applicant Submittals

- **A. Truncated Shadow Study Trajectory**
 - i. The applicant's study tracks afternoon shadows for parcels immediately north and east of the project but entirely cuts off the tracking before it reaches my property line.
 - ii. Because the proposed 8-story building sits directly to our southwest, the longest and most severe shadows cast from **2:45 PM through 8:00 PM** will extend diagonally across my lot. By truncating the diagrams early, the developer completely hides the true impact on my property.
- **B. Omission of Legal Structures and Outdated Site Plans**
 - i. The applicant's submitted site plans and environmental impact maps are entirely out of date and inaccurate. They completely omit our legally permitted, one-story Accessory Dwelling Unit (ADU), which was fully completed, permitted, and put into continuous residential use in late January 2026.
 - ii. Because the applicant relied on obsolete parcel data, their study completely fails to map how these late-afternoon shadows will engulf my primary residence and my father's lawful ADU.

- **iii. Specifically, the applicant has entirely omitted our property and new ADU from the critical project submittal pages titled "Shadow Studies June," Page G010, and "Shadow Studies Elevation December," Page G009.** By excluding our active, permitted structures from these baseline seasonal and elevation diagrams, the applicant presents a deeply flawed analysis that fails to account for the peak summer sun angles and vertical winter shadow profiles that will cover our homes.
- **C. Omission of Protected Environmental and Community Assets (Page 5 Deficiencies)**
 - **i. Page 5 of the applicant's submittal fails to mention a mature, fruit-bearing quince tree** located in my next-door neighbor's yard.
 - **ii. Destabilizing this beautiful, mature tree will directly impact my new ADU (built in 2025) and represents a severe loss of a special community asset enjoyed by the neighborhood.**

II. Severe Public Health and Environmental Detriments

- **A. Acute Health Vulnerabilities of Immediate Neighbors**
 - **i. Within my immediate property, spanning three (3) distinct residential units (my father's unit and the two-unit main house), we have two (2) cancer survivors, two (2) individuals with chronic asthma, and one (1) individual with severe sleep apnea.**
 - **ii. The construction dust, airborne debris, and particulate pollution from the proposed multi-year demolition and construction phases pose an immediate, life-threatening hazard to our household's respiratory health.**
 - **iii. Due to these asthma and health conditions, our family will be forced to keep all windows tightly sealed for several years to maintain safe indoor air quality, rendering our homes unlivable without robust mechanical ventilation and climate control.**
- **B. Irreversible Medical and Biological Harm to Seniors**
 - **i. The proposed 8-story height will completely strip my 88-year-old father, who resides in the ADU at 2916 Lorina Street, of vital late afternoon and evening sunlight starting at 2:45 PM.**
 - **ii. Depriving a senior citizen of evening light disrupts natural circadian rhythms, forces premature melatonin production, and profoundly impairs sleep-wake cycles.**
 - **iii. This artificial darkness induces severe cognitive disorientation, mimicking the dangerous effects of "sundowning," and will trigger Seasonal Affective Disorder (SAD), driving a state of deep depression and lethargy.**
 - **iv. Furthermore, my father's senior health needs require precise, continuous indoor thermoregulation, which is currently powered by an all-electric heat pump HVAC system entirely reliant on our property's electrical infrastructure.**

III. Unacceptable Setback Variances and Regulatory Double Standards

- **A. Rear Setback Non-Compliance and Outsized Massing**
 - i. The applicant is requesting an oppressive and unacceptable 1-foot rear setback. **The large, brutalist 8-story building they are proposing will completely dwarf the loving home that my father resides in**, cutting off his connection to the neighborhood and stripping his unit of light and human dignity.
 - ii. Everyday residents building minor structures or small ADUs are strictly required by the City to maintain setback minimums to preserve neighborhood cohesion. Granting a massive, towering 8-story structure a 1-foot boundary while heavily regulating small residential lots is **an intolerable double standard**.
- **B. North and Rear Setback Objections**
 - i. The request to bypass graduated height setbacks for an 8-story structure is entirely unacceptable and must be denied to preserve neighbor privacy, light, and safety.

IV. Direct Financial Injury to Sustainable Energy Infrastructure

- **A. Destruction of Rooftop Solar Production**
 - i. Our household has invested heavily in a rooftop clean energy solar panel system, precisely engineered and permanently mounted on the **south and west sides** of our roof to maximize exposure to the strongest daily sun.
 - ii. This alternative energy system is designed to cleanly power our entire three-unit property footprint, including our family's **two (2) electric vehicles (EVs)** and **life-sustaining medical devices** such as a CPAP machine for sleep apnea and my father's critical heat pump HVAC system.
 - iii. Allowing this non-compliant, un-setback structure to eclipse our solar array during peak generation windows permanently decimates a multi-decade financial asset, driving up our household electricity bills and threatening our medical energy security.

V. Critical Traffic and Commute Infrastructure Impacts

- **A. Compounding Intersecting Hazards**
 - i. The project sits adjacent to the already dangerous and congested Shattuck Avenue and Ashby Avenue intersection, which requires delays for turns in all four directions.
 - ii. Traffic is already atrocious for residents attempting to safely turn onto and access our homes on Lorina Street.
 - iii. Adding the high density of this 8-story project will paralyze local neighborhood access and severely delay emergency and daily commutes.

VI. Formal Demands for Project Mitigation and Procedural Delays

If the City of Berkeley evaluates this permit, it must protect the surrounding neighborhood by conditioning any progression of this project upon the following strict, legally binding mitigation frameworks:

- **A. Mandatory Site Plan Correction, Technical Studies, and Deferral of Approval**
 - i. The City must order the developer to completely update their base site plans to reflect the real-world existence of our permitted, one-story ADU completed in January 2026.
 - ii. The City must order the developer to **include** the PICON and BLAIN property lines and structural footprints in all shadow studies across every direction, perspective, rendering view, and timeline interval **that other neighboring properties were granted**. This analysis must explicitly track and disclose the specific shadow impacts cast upon the **south and west windows of my father's ADU**.
 - iii. The Zoning Adjustments Board must **delay all land use and permit approvals** for this project until the applicant submits revised versions of **"Shadow Studies June" (Page G010)** and **"Shadow Studies Elevation December" (Page G009)** that fully and accurately reflect this updated site data. It is inherently **inequitable and a violation of due process to neglect our property** when we are positioned directly to the northeast of this massive structure.
- **B. Architectural and Structural Adherence**
 - i. The developer must be held strictly to the standard required **15-foot rear setback**.
 - ii. The developer must adhere to standard graduated height setbacks to allow for adequate sunshine to reach adjacent residential properties:
 - *Floors 1–2: 4-foot setback*
 - *Floor 3: 6-foot setback*
 - *Floor 4: 8-foot setback*
 - *Floor 5: 10-foot setback*
 - *Floor 6: 12-foot setback*
- **C. Existing Solar and Life-Sustaining Energy Infrastructure Mitigation Mandates**
 - i. The developer must adjust the proposed building's northeastern upper-story massing profile to eliminate any physical shade encroachment upon the pre-existing solar array at 2916 Lorina Street during peak production hours.
 - ii. Because our panels are permanently optimized on our south and west roof faces, physical relocation of our system is not a viable option due to roof damage risks. If structural building modifications cannot completely clear the solar path, the developer must be legally required to fund alternative, in-place technological infrastructure upgrades—such as high-capacity home battery storage

systems—to fully recover the lost generation capacity caused by the building's shadow profile.

- **iii.** To guarantee uninterrupted power for our household's life-sustaining medical equipment (including CPAP machines and senior thermoregulation systems) and our two (2) electric vehicles across all three (3) property units, the developer must fund the procurement and installation of a **comprehensive home battery backup storage system** capable of storing morning solar power to offset the stolen afternoon generation.
- **D. Construction, Clean Air, and HVAC Mitigation Mandates**
 - **i.** Due to severe respiratory and health vulnerabilities on Lorina Street, the City must mandate a comprehensive, air-monitored Dust Mitigation and Air Quality Plan with active, daily water-spraying during all demolition phases.
 - **ii.** Because our family's asthmatics would need to keep windows completely closed for years to block hazardous construction dust, **the developer** must fund a **full all-electric heat pump HVAC system upgrade equipped with medical-grade MERV air filtration** for the two units in the main house, matching the mechanical ventilation standard required to preserve our family's respiratory health.
 - **iii.** The City must require a certified arborist to evaluate and protect the root zone of the mature community quince tree on the adjacent lot, ensuring no structural excavation destabilizes this valued environmental resource or encroaches upon the neighboring 2025 ADU.

Please reply to confirm that this structured challenge has been successfully added to the public record for permit #ZP2024-0071 ahead of tomorrow's hearing.

Sincerely,

Maria Gracia Galvez Picon

Owner of PICON and BLAIN Property, 2916 Lorina Street, Berkeley, CA 94705

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Regarding Use Permit APP # ZP2024-0071, #DRCP2024-0009 public comment submission.

From: Molly Merson, LMFT <therapy@mollymerson.com>
Sent: Tuesday, September 8, 2026 5:28 PM
To: DRC <DRC@berkeleyca.gov>
Subject: Regarding Use Permit APP # ZP2024-0071, #DRCP2024-0009 public comment submission.

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Regarding Use Permit APP # ZP2024-0071, #DRCP2024-0009 public comment submission.

To Whom it May Concern,

I am writing to oppose the proposed development on 2955 Shattuck Avenue in Berkeley. I am a Licensed Marriage and Family Therapist who has been practicing from offices in this location since 2010. Over those 16 years, I have been fortunate to serve many Berkeley residents who need affordable, accessible, in-person mental healthcare. Demolishing these offices, which are located in an accessible hub of the city in close proximity to major public transportation, would present an impediment to in-person care for countless residents of this city and surrounding areas. These proposed plans would displace 35+ clinicians who need affordable and accessible therapy offices in order to serve the health needs of our community, especially our lower-income neighbors and others who may not be able to travel to other locations for services. Please further consider that the City of Berkeley could lose thousands of dollars in business license fees and taxes each year if the displaced tenants are forced to move their practices to neighboring cities. I urge you to consider the needs of the people who have been working in this location for 40 years, many of whom are Berkeley residents, and please especially consider the mental health needs of the neighbors we serve.

Sincerely,
Molly Merson

Margaret "Molly" Merson, LMFT
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Psychotherapy & Psychoanalysis
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Supplemental Items Round 2
Zoning Adjustments Board
September 10, 2026

in emergencies. Please go to your nearest emergency room and/or contact your safety planning network if you are in crisis. **It may take me up to 72 hours to respond to your email.**