

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Public Comment: 2900–2920 Shattuck Ave (Use Permit #ZP2022-0116)

From: Julieta Pisani McCarthy <pisanimcc@gmail.com>
Sent: Wednesday, October 7, 2026 9:54 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Bartlett, Ben <BBartlett@berkeleyca.gov>; sbluestone@igc.org
Subject: Public Comment: 2900–2920 Shattuck Ave (Use Permit #ZP2022-0116)

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 Adjustments Board,

We are a neighboring family who would be **NEGATIVELY** impacted by the **proposed 11-story, 242-unit project at 2900–2920 Shattuck Ave (Use Permit #ZP2022-0116)**. I am deeply concerned to learn that the intent is to bypass the requirement to do a **full, multi-year Environmental Impact Report (EIR)**. **This requirement exists for a reason, and it is irresponsible to skip it out of expediency and convenience, favoring real estate corporate interests to the detriment of public health and the long-term goal of sound, safe development.**

The current plan

- (1) **does not properly address toxic groundwater risks** despite the fact that the site is on the State Cortese List for hazardous material leakage and despite the high-level diesel-range petroleum hydrocarbons (TPHd) detected in 2017;
- (2) **conflicts with General Plan Policy LU-3 and does not comply with CEQA guidelines;**
- (3) **violates Vision Zero traffic safety mandates on a narrow school route.** My family rides bicycles on a daily basis. This includes our teenage kids, who ride to school Monday through Friday. Hundreds of Berkeley residents ride along Russel every morning and hundreds more every evening. Shattuck is a very narrow, busy corridor between Ashby and Russel *where we live*. This is not the right area for a density bonus, which would greatly increase traffic; and
- (4) **fails to conduct a shadow study to assess the impact on solar power investment.** My family invested in a solar power system. Our system's capacity could be seriously affected by this development. Other neighbors depend on their systems for critical solar infrastructure powering life-sustaining medical equipment.

It is the City's responsibility to ensure that development is done prioritizing public health and safety, not developers' short-term profits. There are rules and processes in place to ensure the community is not put at risk, and no shortcuts should be taken.

I understand the developer has a real estate business goal, but **not taking the time to ensure public health and safety can easily compromise the health of the future occupants of the planned housing as well as the neighbors who have been living and investing in our area for decades.**

And I have an important technical question. If the project goes ahead and there are problems down the line, who would be liable? Would the developer be responsible or would liability be transferred to the City, residents and tax payers after the developer has made a significant profit?

I think the Precautionary and Prevention Principles should be applied when it comes to our health and safety, and a full and complete Environmental Impact Report should not be bypassed. **But if problems arose despite all of that, I want to know who would be responsible.**

Thank you for your consideration,

Julieta Pisani McCarthy
2913 Lorina St.
Berkeley CA 94705

Federico Pisani
2915 Lorina St
Berkeley CA 94705

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Opposition to Use Permit #ZP2022-0116 - 2900-2920 Shattuck Avenue

From: sbluestone@igc.org <sbluestone@igc.org>
Sent: Tuesday, October 6, 2026 4:48 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: Opposition to Use Permit #ZP2022-0116 - 2900-2920 Shattuck Avenue

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 Adjustments Board,

I am writing to express serious concerns regarding the proposed development at 2900–2920 Shattuck Avenue (Use Permit ZP2022-0116), particularly its excessive height, inadequate parking provision, and potential impacts on traffic and surrounding residential streets.

While I recognize California's housing legislation and the importance of creating additional housing, I believe the project's scale and transportation impacts warrant a complete revamping of any such project for this very already congested location.

1. Building Height and FAR

The proposed 125-foot, 11-story building represents a substantial departure from the scale of the immediate neighborhood. The requested increase in FAR from 4.0 to 6.72 is particularly concerning.

I request that the Board examine the developer's justification for this waiver, verify the underlying base-density calculations, and explain why the requested floor area meets the requirements of California Government Code §65915. I believe careful review will not justify this waiver.

2. Residential Parking

The project proposes only five residential parking spaces for 242 apartments.

Although AB 2097 generally prevents Berkeley from requiring minimum parking near major transit, this does not eliminate the practical consequences of residents parking on neighborhood streets.

I request that the city examine nighttime parking occupancy, anticipated vehicle ownership, and the potential for parking spillover into surrounding residential blocks. In reality, the number of Uber, Lyft and Amazon vehicles will overwhelm this location due to the number of units being way beyond what can be absorbed without a significant threat to everyone's safety.

3. Traffic

The project's proximity to BART does not, by itself, establish that local streets and intersections will operate safely.

I request further examination of:

- Vehicle and pedestrian conflicts near Russell Street and Shattuck Avenue.
- The safety of the proposed driveway.
- Deliveries, moving trucks, rideshare pickups, and commercial loading.
- The effects of parking searches on surrounding residential streets.
-

4. Requested Action

I ask the ZAB to turn down this proposal because of the stated significant concerns.

For this project to be close to anything that the Board should give serious consideration to there would need to be big changes: Reduction of the building bulk; Enforceable conditions protecting nearby streets, pedestrians, cyclists, and existing residents.

Please include this letter in the official record for the October 8th meeting and I will appreciate if you can send me the Notice of Decision.

Sincerely,

Susie Bluestone

36-year resident of the 2100 block of Russell Street

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 2900-2920 Shattuck

From: Joseph Curran <thegretchens@yahoo.com>
Sent: Tuesday, October 6, 2026 9:17 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: 2900-2920 Shattuck

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While I am not opposed to development on the corner of Shattuck Avenue and Russell Street, I am lending my voice to other neighbors who believe the proposed project is way out of character for this location.

Please consider limiting any new housing development at the subject site to four stories.

Also, if the project doesn't provide on-site parking for tenants, please do not allow residents of the building to qualify for residential parking permits. Our residential streets are at capacity now.

Thank you for your thoughtful consideration to our neighborhood.

Joseph Curran
2909 Wheeler Street

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: PUBLIC COMMENT - Use Permit ZP2022-0116 (2920 Shattuck Ave) - Oppose IS-MND, Demand Full EIR

From: María Gracia <magachita@gmail.com>
Sent: Tuesday, October 6, 2026 7:46 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Bartlett, Ben <BBartlett@berkeleyca.gov>; O'Keefe, Shoshana <SOKeefe@berkeleyca.gov>
Subject: PUBLIC COMMENT - Use Permit ZP2022-0116 (2920 Shattuck Ave) - Oppose IS-MND, Demand Full EIR

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 Adjustments Board,

I am writing as a directly impacted neighbor to formally object to the proposed **11-story, 242-unit project at 2900–2920 Shattuck Ave (Use Permit #ZP2022-0116)**. I strongly urge the Board **NOT to adopt the Initial Study / Mitigated Negative Declaration (IS-MND)** and to instead **force the developer to prepare a full, multi-year Environmental Impact Report (EIR)**. Taking an environmental shortcut here is unacceptable given the severe, localized impacts of this 11-story structure on our specific block—an area I share with my neighbor, District 3 Councilmember Ben Bartlett.

We contend that the current environmental analysis is **legally deficient** because it **(1) glosses over unmitigated toxic groundwater risks, (2) conflicts with General Plan Policy LU-3, (3) directly violates Vision Zero traffic safety mandates on a narrow school route, and (4) fails to conduct a shadow study on critical solar infrastructure powering life-sustaining medical equipment.**

1. UNRESOLVED GROUNDWATER TOXICITY (STATE CORTESE LIST)

We are aware that the project is attempting to utilize the **"Near-Miss" streamlining rule under Public Resources Code (PRC) Section 21080.1** to limit the scope of environmental review. However, applying a streamlined negative declaration to this site is legally and practically deficient. The site's presence on the State Cortese List for hazardous material leakage cannot be treated as an isolated, easily "mitigated" box to check. Specifically, the **2017 Phase II Environmental Site Assessment (ESA)** detected diesel-range petroleum hydrocarbons (TPHd) in the groundwater at levels exceeding state screening standards. The IS-MND downplays this hazard as localized without providing transparent mitigation or long-term monitoring plans. We request formal clarification on:

- The preparation, execution, and timing of an updated Phase I ESA.
- The formal roles, coordination, and enforcement overlap between the City and the **San Francisco Bay Regional Water Quality Control Board (RWQCB)**.
- The exact public notification, emergency disclosure, and Soil and Groundwater Management Plan processes under active RWQCB oversight.

2. INCOMPATIBILITY WITH GENERAL PLAN POLICY LU-3

We contend that an 11-story building conflicts with the surrounding neighborhood's established 1-to-3

story scale, creating friction with **General Plan Policy LU-3** regarding context-sensitive infill development. Furthermore, the report's cumulative impact analysis is highly inadequate. Contrary to strict CEQA guidelines, it lists only two nearby projects while completely ignoring numerous others under construction or active review within a one-mile radius (such as the nearby 6-to-7 story developments which are far more scaled for appropriate local growth).

3. TRAFFIC BOTTLENECK & VISION ZERO SAFETY VIOLATIONS

I strongly dispute the City's finding of no significant traffic impacts. The 2900 block of Shattuck Avenue is a very narrow, already traffic-clogged stretch of city street. This site sits directly on the city-designated **High-Injury Network** and sits adjacent to the **Russell Street Bike Boulevard**, which is heavily used by **Sylvia Mendez Elementary, Willard Middle school children**, as well as **the Berkeley High kids riding their bikes towards Milvia** to get to school. Think of the CHILDREN!!

Unlike the wide, four-lane portions of Shattuck in downtown and North Berkeley, **this narrow bottleneck** cannot tolerate the intense congestion that will come with a 242-dwelling structure. This is one of the narrowest parts of Shattuck in all of Berkeley. This is not the part of Shattuck that can tolerate a tall multi-unit building. Because the project features minimal kitchens, it will generate a massive, continuous stream of delivery traffic. This will cause unsafe, constant double-parking that blocks the local bike lanes, creating immediate safety hazards and gridlock for neighborhood families. Under the City of Berkeley's own **Vision Zero policy to completely eliminate traffic deaths**, the city is explicitly mandated to prevent the creation of predictable, high-risk infrastructure conflicts like this.

4. SEVERE SOLAR INTERFERENCE ON LIFE-SUSTAINING HEALTH INFRASTRUCTURE

An 11-story building will completely eclipse the western sun, casting devastating, year-round shadows over our family's home at **2916 Lorina Street** and my 88-year-old father's backyard ADU. Crucially, **this western sun directly powers the rooftop solar array on our family's home**. This solar energy is not a luxury—it directly generates the electricity required to run critical health infrastructure across both of our households:

- **At 2916 Lorina Street (Main House):** The solar array powers the **CPAP machine** required nightly by a family member.
- **In the Backyard ADU:** This solar array feeds electricity directly to the electric **HVAC clean-air unit** necessary to sustain my **88-year-old father's health**.
- **Family Charging:** It powers our family's **two electric vehicles (EVs)**, which we transitioned to in alignment with the City of Berkeley's own climate action goals.

By completely blocking our solar access, this 11-story building will effectively shut down our clean energy production, forcing our family onto a strained public grid and directly threatening the reliability of life-sustaining medical equipment. There is currently **no shadow study** provided for this project to evaluate this direct harm. The Near-Miss rule should not be used as a shield to ignore how blocking renewable energy production directly degrades local health and climate infrastructure.

CONCLUSION

Because the current environmental analysis misapplies the PRC Section 21080.1 framework, completely fails to study critical traffic bottlenecks, ignores Vision Zero policies, and dismisses severe solar interference on life-sustaining health systems, the city cannot allow the developer to take an environmental shortcut. We demand that the city force the developer to undergo a comprehensive, multi-year EIR to properly **evaluate these severe traffic, environmental, energy, and health impacts**, and **to scale down the height** to a reasonable neighborhood baseline.

Thank you,

Maria Gracia Galvez Picon & Javier V. Galvez

2916 Lorina Street, Berkeley, CA

Berkeley sits on the territory of Xučyun, **the ancestral and unceded land of the Chochenyo Ohlone**, the successors of the historic and sovereign Verona Band of Alameda County. This land was and continues to be of great importance to the Ohlone people.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Opposition to 11 story building project at 2900 Shattuck Ave

From: Joyce Freedman <rejoycef68@gmail.com>
Sent: Monday, October 5, 2026 5:41 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: Opposition to 11 story building project at 2900 Shattuck Ave

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 Adjustments Board,

My name is Joyce Freedman and I live at 2922 Lorina St, Berkeley CA 94705. I am writing to oppose the 11th story, 242 – unit project at 2900–2920 Shattuck Ave (Use Permit #ZP2022-0116) which will adversely impact not only me and my adjacent neighbors, but the entire neighborhood. I strongly urge the Board NOT to adopt the Inital Study/Mitigated Negative Declaration (IS-MND) and to instead force the developer to prepare a full, multi-year Environmental Impact Report (EIR.) The current environmental analysis is legally deficient, because (1) it doesn't fully address the unmitigated, toxic, groundwater risks, and other contaminants residually emanating from years of usage by a vehicle repair shop and a hardware store occupancy; and (2) it conflicts with the general plan policy LU-3, and (3) directly violates Vision Zero traffic safety mandates on a narrow school route, utilized by parents and their children walking and driving solo and tandem bicycles to Sylvia Méndez School on Russell Street and Willard Middle School.

1. UNRESOLVED GROUNDWATER TOXICITY(State Córtese List)

I am aware that the project is attempting to utilize the "near-miss" streamlining rule under public resources code(PRC) Section 21080.1 to limit the scope of environmental review. However, applying a streamlined negative declaration to this site is legally and practically deficient. The site's presence on the State Cortese list for hazardous material leakage cannot be treated as an isolated, easily mitigated box to check. Specifically,the 2017 Phasw ll Environmental Site Assessment (ESA) detected diesel-range petroleum hydrocarbons (TPHd) in the ground water at levels exceeding state screening standards. The IS-MND down- plays this hazard as localized without providing transparent, mitigation, or long-term monitoring plans. I request formal clarification on:

- The preparation, execution, and timing of an updated phase one ESA.
- The formal rules, coordination, and enforcement overlap between the city and the San Francisco Bay regional water, quality control board(RWQCB)
- The exact public notification, emergency, disclosure, and soil and groundwater management plan processes under Active, RWQCB, oversight.

2. INCOMPATIBILITY With General Plan Policy LU-3

I contend that an 11 – story building conflicts with the surrounding neighborhood, established one to three story scale, creating friction with a general plan policy. LU – three regarding context. – sensitive, infill development. Furthermore, the reports accumulative impact analysis is highly inadequate. Contrary

to strict, CEQA guidelines, it lists only two nearby projects, while completely ignoring numerous other buildings under construction or in active review within a 1 mile radius(Such as the nearby, 6 to 7 story developments, which are far more scaled for appropriate local growth.)

3. TRAFFIC BOTTLENECK and VISION ZERO SAFETY Violations

I strongly dispute the cities, finding of no significant traffic impacts. The 2900 block of Shaddick Avenue is a very narrow, already traffic logged stretch of city Street. This site sits directly on the city designated High Injury Network and sits adjacent to the Russell street bike Boulevard, which is heavily used by Sylvia Mendez Elementary school, Willard middle school children, and adults, as well as the Berkeley High kids, riding their bikes towards Milvia to get to school.

Unlike the wide, four lane portions of shadow and downtown in North Berkeley, this narrow bottle neck cannot tolerate the intense congestion that will come with a 242 dwelling structure. This is one of the narrowest parts of Shaddick and all of Berkeley, this is not the part of shadow that can tolerate a tall multi unit building, as it will generate a massive, continuous stream of delivery traffic Period. This will cause, unsafe, constant double parking that blocks the local, bike lanes, creating immediate safety, hazards, and gridlock for neighborhood families. Under the city of Berkeley, own vision, zero policy to completely eliminate traffic deaths, the city is explicitly mandated to prevent the creation of predictable, high risk infrastructure, conflicts like this.

CONCLUSION

Because the current environmental analysis misapplies the PRC section 21080.1 framework, completely fails to study critical traffic bottle, ignores Vision-Zero policies, the city cannot allow the developer to take an environmental shortcut. We demand that the city force the developer to undergo a comprehensive, multiyear, EIR to properly evaluate the severe traffic, environmental, Energy and health impacts, and to scale down the height of the proposed structure to a reasonable neighborhood baseline.

Thank you,
Joyce Freedman
2922 Lorina St
Berkeley, CA 94705

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: Nightmare Building

-----Original Message-----

From: Pete <incspot@comcast.net>
Sent: Monday, October 5, 2026 2:24 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: Nightmare Building

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.

Sent from my iPhone

Hello,
I've been living in South Berkeley Ashby/Shattuck neighborhood for 40 years. The neighborhood has gone through a lot of changes during that time and I've rolled with the punches. These giant real estate projects have to stop. This proposed 200+ unit building on Shattuck and Russell is going to severely damage the neighborhood. Shattuck is only 2 lanes wide there. Amazon trucks and uber and Lyft rides will block the street constantly. Berkeley bowl is already congested. Traffic is already congested. That hardware store is MY hardware store. It's going to ruin people's view and cast giant shadows. 11 stories is way too tall. I strongly oppose this. Berkeley didn't used to be for sale. Someone needs to do something.

Thanks,
Pete

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW:

From: Elizabeth Shedd <elizabethshedd6@gmail.com>
Sent: Saturday, October 3, 2026 11:24 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject:

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.

Last thing we need is another giant apartment building. Traffic has become awful, even worse with traffic department's idiotic bike lanes with no bikes. NO MORE APARTMENT BUILDINGS AT ALL.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 2900-2920 Shattuck, Use Permit #ZP2022-0116, Initial Study/Mitigated Declaration
Attachments: Comment re COB Focused IS-MND 2920 Shattuck.pdf

From: Larisa Cummings <pidicummings@gmail.com>
Sent: Friday, October 2, 2026 3:18 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: Rabiah Kabir <rabiahk@alumni.stanford.edu>; skehrer@comcast.net; Mor <Mor.goldberger@gmail.com>; Julian <Juliangrzn@gmail.com>; Reed Dillingham <reed.dillingham@gmail.com>; Les Shipnuck <shipnuck@gmail.com>; Lynn Cooper <cooperlb0108@gmail.com>; Ching/Battles <battles.ca@sonic.net>; P D i l l i n g h a m <paul.y.dillingham@gmail.com>; Dave Auerbach <dave.auerbach@gmail.com>; Bartlett, Ben <BBartlett@berkeleyca.gov>
Subject: 2900-2920 Shattuck, Use Permit #ZP2022-0116, Initial Study/Mitigated Declaration

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Dear Members of the ZAB Board,

We are a group of neighbors who reside either directly adjacent to or near 2900-2920 Shattuck. We previously submitted objections to the Initial Study now before you. See below and attached and please incorporate our objections into your record for consideration at the 10/8/26 hearing regarding this matter. Please note that one of our primary concerns is that there are no buildings near the planned 11-story height that have been built within a half mile of the site. A summary of our objections follows.

On July 9, 2026, we submitted a public comment opposing the City of Berkeley's June 8, 2026 Focused Initial Study-Mitigated Negative Declaration (IS-MND) for the proposed 11-story, 221-unit development at 2920 Shattuck Avenue. We argue the City failed to conduct an adequate Initial Study under CEQA and should require a full Environmental Impact Report (EIR) because the project does not qualify for exemptions such as the Class 32 "Near Miss" categorical exemption.

We contend the project is incompatible with the neighborhood's 1-3 story scale, violating General Plan Policy LU-3 on infill development. We dispute the City's finding of no significant traffic impacts, highlighting the site's location on the High-Injury Network and the Russell Street Bike Boulevard heavily used by schoolchildren. The project's minimal kitchens and over 200 units will generate significant delivery traffic, causing unsafe double-parking that blocks bike lanes. We also criticize the inadequate cumulative impact analysis, noting the Report lists only two nearby projects while ignoring numerous others under construction or review within a one-mile radius, contrary to CEQA guidelines. The nearby projects that are under construction are more to scale for growth at 6-7 stories.

Environmental health concerns are raised regarding the 2017 Phase II Environmental Site Assessment (ESA), which detected diesel-range petroleum hydrocarbons (TPHd) in groundwater at levels exceeding state screening levels. The IS-MND dismisses this risk as localized without sufficient mitigation or monitoring plans. We request clarification on the preparation and timing of a new Phase I ESA, the roles and coordination between the City and the San Francisco Bay Regional Water Quality Control Board

(RWQCB), and public notification procedures. We also seek clarity on the Environmental Site Clearance and Soil and Groundwater Management Plan processes, including RWQCB involvement.

The Report's reliance on thresholds of significance and assumptions about mitigation implementation lacks discussion of enforcement or monitoring. We urge the City either to reject the IS-MND and require a full EIR or to revise the Report to address these concerns with clear, enforceable mitigation and monitoring programs and transparent public engagement. Please recognize that this letter is signed by neighbors directly adjacent to or within a quarter mile of the project site, emphasizing local community opposition and concern.

Thank you for your consideration,

Larisa Cummings and Rabiah Kabir, 2913 Newbury St., neighbors directly adjacent to project site
Stephen Kehrer, 2909 A and B Newbury St., neighbor directly adjacent to project site
Mor Goldberger and Julian Garzon, 2911 Newbury St., neighbors directly adjacent to project site
Reed Dillingham, 2903 Newbury St., neighbor directly adjacent to project site
Lynn B. Cooper, D. Criminology, 2219 Emerson St., neighbor w/in 1/4 mi. of project site
Janis Ching, 1937 Oregon St., neighbor w/in 1/4 mi. of project site
Paul Dillingham, 1719.5 63rd St.

----- Forwarded message -----

From: **Larisa Cummings** <pidicummings@gmail.com>

Date: Wed, Jul 8, 2026 at 6:36 PM

Subject: Comment re Focused Initial-Study Mitigated Negative Declaration, 2900-2920 Shattuck

To: <ssaliki@berkeleyca.gov>

Cc: Bartlett, Ben <bbartlett@berkeleyca.gov>, Rabiah Kabir <rabiahk@alumni.stanford.edu>, <skehrer@comcast.net>, Mor <Mor.goldberger@gmail.com>, Julian <Juliangrzn@gmail.com>, Reed Dillingham <reed.dillingham@gmail.com>, Les Shipnuck <shipnuck@gmail.com>, Lynn Cooper <cooperlb0108@gmail.com>, Ching/Battles <battles.ca@sonic.net>, P D i l l i n g h a m <paul.y.dillingham@gmail.com>, Dave Auerbach <dave.auerbach@gmail.com>

Ms. Saliki,

Please find attached our comment regarding the City's 6/8/26 Focused Initial Study-Mitigated Negative Declaration, 2900-2920 Shattuck.

Thank you,

Larisa Cummings and Rabiah Kabir, 2913 Newbury St., neighbors directly adjacent to project site
Stephen Kehrer, 2909 A and B Newbury St., neighbor directly adjacent to project site
Mor Goldberger and Julian Garzon, 2911 Newbury St., neighbors directly adjacent to project site
Reed Dillingham, 2903 Newbury St., neighbor directly adjacent to project site
Les Shipnuck, 2071 Emerson St., neighbor w/in 1/4 mi. of project site

Lynn B. Cooper, D. Criminology, 2219 Emerson St., neighbor w/in 1/4 mi. of project site
Janis Ching, 1937 Oregon St., neighbor w/in 1/4 mi. of project site
Paul Dillingham, 1719.5 63rd St.

July 9, 2026

To: Singeh Saliki, City of Berkeley Planning Department, by email

ssaliki@berkeleyca.gov

Cc: Ben Bartlett, Berkeley City Councilmember, South Berkeley, District 3, by email

bbartlett@berkeleyca.gov

Re: Public Comment on Focused IS/MND for 2900-2920 Shattuck Avenue

Dear Planning Staff and Decisionmakers,

The City of Berkeley's 6/8/26 Focused Initial Study-Mitigated Negative Declaration IS-MND (Report) pursuant to the California Environmental Quality Act (CEQA) regarding the proposed development project (project) at 2920 Shattuck should not be adopted. The Report raises numerous issues which we as concerned neighbors urge the City to fully address. Overall, the City has failed to conduct an appropriate Initial Study and has failed to draw the appropriate conclusion: that the project requires a full Environmental Impact Report (EIR). In the alternative, the City should revise its Report to ensure follow up necessary to protect public health and safety. Thank you for the opportunity to provide comment.

An Environmental Impact Report should be required because contrary to the City's "Focused" Initial Study, the project does not qualify for any of several exemptions under state law. CEQA requires an "Initial Study" per CEQA Guidelines ("Guidelines"), Title 14, California Code of Regulations, Sections 15063-15365. The purpose of the Initial Study is to determine whether there may be a significant environmental impact. Id. "Careful judgment [...] based on scientific and factual data" is required. Guidelines Section 15064(b)(1). Under Guidelines Section 15065(a), the City is required to find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project under specified conditions. We request the City to reassess its determinations with consideration of all of the following.

A. We strongly disagree with the City's determination that the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations and as such would be eligible for the "Near Miss" Class 32 Categorical Exemption given its location on a site that appears on the Cortese list.

1. Chiefly, the project is grossly out-of-sync with the neighborhood, at 11-stories in a 1-3 story community. There are no buildings anywhere near that height within a mile of the site. With almost no discussion, the City finds that the project satisfies the City's Applicable General Plan Policy LU-3 on Infill Development:

“Encourage infill development *that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.*” Report, p. 16. (emphasis added). **The project applicant should be required to consider mitigation measures and significant project modifications to make it compatible with the neighborhood in design and scale.**¹

2. We disagree with the City’s determination that approval of the project would not result in any significant effects relating to traffic. Report, pp. 18-22.

a. The Report fails to mention the fact that the narrowing two-lane Russell-Shattuck-Ashby corridor is dangerous. There is long-standing evidence that the area has one of the highest crash rates in the City. Shattuck Avenue in Berkeley is currently considered part of the City’s High-Injury Network, a designation made by the Alameda Countywide Transportation Commission, because it has a relatively high concentration of severe and fatal pedestrian and bicycle collisions with automobiles. [High-Injury Network and Proactive Safety Network Report](#), Appendix.

The portion of Russell Street along the project site has long been highly and increasingly used as an officially designated “Bike Boulevard”, and as such, requires special consideration of adverse impacts by project developers and by the City. “[B]icycle boulevards are only appropriate on streets without large trucks or transit vehicles, and where traffic volumes and speeds are already low, or can be further reduced through traffic calming.” [City of Berkeley Bicycle Plan 2026](#), p. 46.

Children commute on bike and foot every weekday on Russell Street to/from two elementary schools (Malcolm X and Sylvia Mendez) and two middle schools (Willard and Longfellow). All of the following concerns, and more, should have been and must be addressed as required by the city’s Bicycle Plan, to protect public health and safety.

–At commute times (morning is school + work, 2-3 pm is school, 5-6 pm is work), it is typical to observe 2 to 5 bikers a minute passing up and down the Russell Bike Boulevard, which corresponds with 120 to 300 bikers an hour for those peak times.

¹ It should be noted that in 2019 the project developer explained to City Council that Russell/Shattuck should not be developed to *five stories* and stated that the City’s discretionary zoning restrictions are sensible - at 3:36:36-3:38:44 in the link below, and particularly at 3:38:06-3:38:16 where the developer stated that if you are at Russell you should not be “sandwiched” behind the Berkeley Bowl. [2019 City Council Hearing](#).

–Delivery driver traffic during meal times (which substantially overlap with commute times) will be significant.

–The project describes over 200 units with minimal kitchens. Per a recent study “70% of college students order food from a third-party delivery platform per week, ordering four times per week on average.” [DoorDash](#).

–It is reasonable to estimate about 150 units ordering 4 times per week, or 600 deliveries a week. That is 85 extra stops per day, concentrated in the morning and evening hours.

–Each one of those delivery drivers has to park, go into the building, find and get to the unit in a very large building with 11 floors, easily 5 to 10 minutes per delivery.

–This implies that the building needs 30 deliveries per hour at peak * 7 minutes average per delivery = 210 minutes of parking per hour. That is in addition to the regular needs of the building (e.g. for loading and unloading of residents, moves into and out of the building, garbage collection, traffic to the businesses at ground level, etc).

–Drivers are often in a hurry, and without proper loading space tend to double park and block traffic. This double parking will be on Russell, due to the traffic volume on Shattuck, blocking the Bike Boulevard. 200 bikers an hour and drivers double parking in peak hours is unsafe.

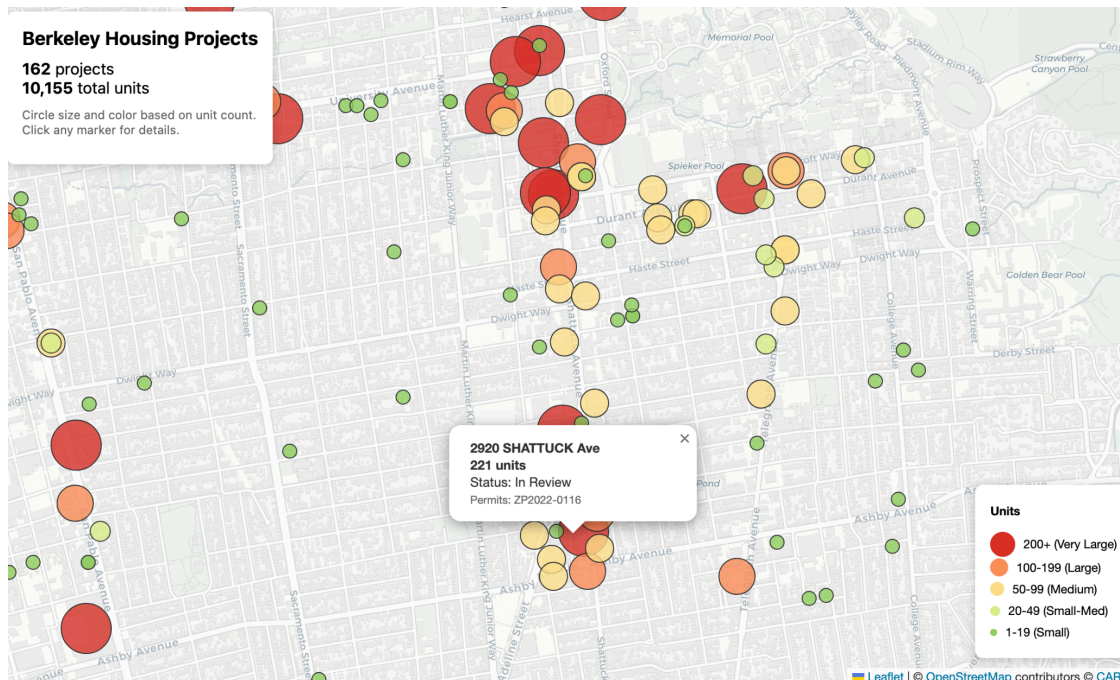
b. Further, the project is situated where there are numerous new and proposed projects. This core area, only a couple blocks in size, may become home to the three tallest of numerous local projects, at 9-11 stories, and will have by far the most units. See cumulative impact discussion in paragraph B below.

By failing to address existing dangers and cumulative impacts, the Report overly relies on thresholds of significance standards. Report, p. 19. Under Section 15064(b)(2), “[t]hresholds of significance, as defined in Section 15064(a), may assist lead agencies in determining whether a project may cause a significant impact. When using a threshold, the lead agency should briefly explain how compliance with the threshold means that the project’s impacts are less than significant. *Compliance with the threshold does not relieve a lead agency of the obligation to consider substantial evidence indicating that the project’s environmental effects may still be significant.*” (emphasis added)

More analysis of existing traffic conditions that will likely be impacted is called for. See the City's [Traffic and Parking Requirements for Development Projects | City of Berkeley](#) and [City of Berkeley Guidelines for Development of Traffic Impact Reports](#), pp. 3-4: "The City requires the analysis of cumulative conditions for larger projects in order to identify whether mitigations in the future are required and the extent to which the project contributes to unacceptable conditions. [...] The assessment of impacts may be based on one or more of the following factors: counts for bicycle and pedestrian movements, location of bus stops, street width, collision history, transit boardings and alightings, and approved land use and transportation plans and capital improvement projects." Id., p. 8. **At a minimum, a full Traffic Impact Study should be conducted.**

B. We strongly disagree that the project passes the "cumulative impact" test under CEQA such that no further analysis is required.

The Report listed only 2 of the relevant major cumulative projects within a 1-mile radius of the project site, and did not meaningfully analyze cumulative impacts at all. Report, p. 36. This is absurd as there are many more nearby projects in development, including very closeby - 1 recently completed 6-story multi-unit family housing project and 2 more 6-story and 7-story mixed-use projects currently under construction within 2 blocks of the project site - and several medium-to-very large projects in the pipeline:



Cummings, L. (2026, June 29). Selected Area of Project Map of Berkeley Housing Projects [Screenshot]. Retrieved from <https://berkeleybuild.com/map.html> on June 29, 2026.

Under Guidelines Section 15065(a), the City is required to find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project “where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: [...] (3) The project has possible environmental effects that are individually limited but cumulatively considerable. ‘Cumulatively considerable’ means that the *incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.*” (emphasis added) “Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” Guidelines Section 15355.

When analyzing the cumulative impacts of a project, the City is required to discuss not only approved projects under construction and approved related projects not yet under construction, but also unapproved projects currently under environmental review and probable projects (e.g., here, Ashby BART) with related impacts or which result in significant cumulative impacts.

CEQA requires the City to undertake a legitimate good faith effort in characterizing the future cumulative condition. CEQA Guidelines Section 15300.2 states that “all exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.” Performing cumulative impact analyses helps to implement the overall goal of CEQA, which is to insert environmental considerations into the planning process as early as possible and provide a sound basis for government decision making. **We request the City to reassess this determination with consideration of all similar developments within a 1-mile radius of the project site.**

C. The Report’s requirements for further environmental assessments and reviews and follow up are inconsistent and confusing, leaving us in the dark about how its public health safeguards will be carried out, see especially pp. 41-46.

1. Most notably, again, the City overly relies on thresholds of significance, despite the fact that the 2017 Phase II ESA it relies on found evidence of a toxin that exceeds standards and drew an incomplete conclusion:

“TPHd was detected in boring B-3 at a concentration of 460 µg/L. This concentration exceeds the 2016 Tier 1 ESL for TPHd of 100 µg/L, and exceeds the

direct contact ESL of 150 µg/L, but is below the ESL for non-drinking water ESL for odor/nuisance of 5,000 µg/L. TPHd was not detected in boring B-1. *This information suggests the TPHd impact in groundwater is limited in extent.* Furthermore, the chromatogram for this sample is not consistent with new diesel and *may represent* [of] aged and degraded diesel.” Report, Appendix E-2, pp. 4-5. (emphasis added)

Despite this alarming finding and limited evaluation, the Report merely notes that “The Phase I ESA noted that a limited diesel-range total petroleum hydrocarbon (TPH-d) impact *had been identified in groundwater* during the 2017 Phase II ESA; however, *GEM Group determined this condition to be localized and below applicable odor and nuisance thresholds.* The Phase II ESA concluded that soil and sub-slab soil vapor at the site did not contain contaminants exceeding applicable residential or commercial/industrial environmental screening levels; *indicating a low risk* for vapor intrusion.” Report, p. 42. (emphasis added)

The Report concludes that the potential for the project to “create a significant hazard to the public or the environment” is “less than significant with mitigation incorporated.” Report, p. 41. It is unacceptable that this determination is based on incomplete background report conclusions merely “suggesting” and “indicating” low risk to public health after finding evidence of TPH-d in excess of allowable standards.

Further, the Report is laden with assumptions that all of the requirements for the next steps it outlines will be carried out with fidelity, without any discussion of monitoring. Report, p. 46. The City should do more than this. It should address how it will impose a mitigation monitoring or reporting program to ensure implementation of the mitigation measures it outlines. Pub. Res. Code Section 21081.6. **The Report’s next steps need clarification. Should the City refuse to require an Environmental Impact Report at this stage, we request the following, including a fully compliant mitigation monitoring or reporting program:**

a. The Report states that a “new Phase I Environmental Site Assessment (ESA) will be prepared” (p. 41), but a page later directs the applicant to contact the City to determine *whether* such a document is required and the timing for submittal. Report, pp. 42-43. **We request clarification that a new Phase I ESA will be prepared, and the timing for its submittal. We also request information about the City’s requirements for conducting a Phase I ESA, and how it will be reviewed, including how the public will be informed when it is prepared and the City’s follow up report.** This is obviously key, as:

“The results of the [new] Phase I ESA will determine whether there is a need for a new Phase II ESA, or whether any additional assessment, remediation or mitigation is required[.] a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?” Report, pp. 41-42.

b. The Report cited requirements of the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay RWQCB), and how the Phase I ESA will be subject to its review, additional assessment, remediation, mitigation, and clearance – as well as the City’s. Report, pp. 41-46. However, earlier in the Report, it states only that “The project could potentially require oversight or approvals from the San Francisco Bay RWQCB.” Report, p. 14. **We request clarification as to the respective roles of the City and the San Francisco Bay RWQCB in this process. We request information about how the public will be informed of both entity’s actions and determinations with respect to this project and how the two entities will work together. What is the timeframe for each entity to review the new Phase I ESA? What is the timeframe for response by the applicant, and input from the public?**

c. Additional confusion arises with respect to the requirements for an “Environmental Site Clearance” on p. 42. Three different entities are listed for the applicant to seek a clearance. **We request clarification as to where this fits in the process - after ESA completion? And if not, how does it relate to the ESA?**

d. Similarly, as to the requirement for a site-specific Soil and Groundwater Management Plan (SGMP), Report, p. 42, **we request clarification as to where this fits in the process - after ESA completion? And if not, how does it relate to the ESA? We request information about whether the San Francisco Bay RWQCB will be involved in its review and if not, why not.**

e. In the Report’s conclusion, again the roles of various entities are confusing. **We request information about the “voluntary oversight agreement” below, and what this means. We also request information about how the City ensures that its requirements are implemented, and how the public will have an opportunity to comment again:**

“Upon submittal of the listed information, and in accordance with the regulatory agency’s voluntary oversight agreement, the TMD or San Francisco Bay RWQCB may require additional assessment, remediation, and/or mitigation activities. These agencies’

determination as to whether the City must take additional measures will depend on information the City does not have at this time, such as the result of an updated Phase I ESA. However, if these agencies require any additional assessment, remediation, and/or mitigation measures, the City's implementation of such measures will reduce any environmental impacts to a less-than significant level." Report, p. 46.

In conclusion, we urge reconsideration because the Report is legally and factually faulty, including that it is vague about important roles and responsibilities of oversight entities to safeguard our public health and safety. The City should require a full Environmental Impact Report or in the alternative, fully address our specified public health and safety concerns and provide the public with explicit clarification as to the next steps as detailed above, including a mitigation monitoring or reporting program as required by law.

Respectfully submitted by concerned neighbors:

Larisa Cummings and Rabiah Kabir, 2913 Newbury St., neighbors directly adjacent to project site

Stephen Kehrer, 2909 A and B Newbury St., neighbor directly adjacent to project site

Mor Goldberger and Julian Garzon, 2911 Newbury St., neighbors directly adjacent to project site

Reed Dillingham, 2903 Newbury St., neighbor directly adjacent to project site

Les Shipnuck, 2071 Emerson St., neighbor w/in 1/4 mi. of project site

Lynn B. Cooper, D. Criminology, 2219 Emerson St., neighbor w/in 1/4 mi. of project site

Janis Ching, 1937 Oregon St., neighbor w/in 1/4 mi. of project site

Paul Dillingham, 1719.5 63rd St.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: You will regret

-----Original Message-----

From: leonard pitt <leonardp@sbcglobal.net>
Sent: Friday, October 2, 2026 2:19 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Cc: liam <sonsofthedesert@gmail.com>; Summer Brenner <summerbrenner@gmail.com>
Subject: You will regret

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.

That giant new building you want at 2900 Shattuck Ave.
Build it, give it time and you will see it's negative effect on the neighborhood.
I can show you giant regrets in Paris and Detroit for starters.
Don't kill the neighborhood with that mega-building.

Thank you,

Leonard Pitt

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 2920 Shattuck project

-----Original Message-----

From: Crystal Brunzell <crystalbrunzell@gmail.com>
Sent: Friday, October 2, 2026 9:43 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: 2920 Shattuck project

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.

Once again I am shocked that the City of Berkeley is breaking all the rules to rush the construction of an 11 story building at 2920 Shattuck. This site has an environmental toxic history but the city is not requiring an environmental review? This vehicular artery is already pretty jammed so the traffic study might suggest it's not a good project. The impact of an 11 story building on the neighborhood will not be positive. The effect on solar panels alone should be a stop sign for the project.

As a citizen of Berkeley I am tired and disappointed that the officials of Berkeley are bending, breaking and skipping the rules that are intended to be a watchdog over construction projects.

Crystal Brunzell
3011 Hillegass ave

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: In favor of "IS-MND shortcut" for building on 2920 Shattuck

From: Steve Fick <stephen.fick@gmail.com>
Sent: Friday, October 2, 2026 8:43 AM
To: Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>
Subject: In favor of "IS-MND shortcut" for building on 2920 Shattuck

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 Berkeley Zoning Adjustments Board,

I am writing in to express my support of green lighting desperately needed density and housing on Shattuck without a multi-year EIR.

There are elements in the community which are seeking to stall the project with a commonly used NIMBY tool, environmental review. Please do the right thing and stick to the plan so we can turn this car dealership into housing and work to relieve some of the challenges of lower income renters in the East Bay

Steve Fick