

**Supplemental
Communications**
(Received before
12 pm
June 3, 2025)

Supplemental Correspondence

From: Rick Maisel <rlmaisel@gmail.com>
Sent: Monday, June 2, 2025 7:15 PM
To: Messner, Faye
Subject: Response to zoning change proposals

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To Whom it May Concern

I am writing to express my concerns about and opposition to the proposed zoning changes, the purpose of which seems to be to pave the way for more "middle (higher and more dense) housing" in zones 1 and 1A. This seems like an extreme measure which will permanently and urbanize the character of Berkeley in order to solve a problem which is already getting solved. Much more housing has been built in recent years in Berkeley. Home prices and rents are both beginning to fall. Berkeley has done more of its fair share of housing development for the region, but can't solve the problem on its own, and shouldn't destroy the character of the community in order to appease the profit driven interests of developers.

I have lived in Berkeley for 45 years. I have been a homeowner for 36 of those years. I have raised my children here and intend to live my remaining days in Berkeley. In order to do this I recently invested \$1,200,000 to completely renovate my 1897 victorian in West Berkeley to make it both habitable and beautiful. That amount represented a sizable portion of my retirement. Most of my windows in my house face west. This zoning change and the adoption of the Middle Housing proposal would allow a developer to tear down the single story home to the west and build a 35ft 3 story structure within 17 ft of my house. This would completely block my sun and sky and possibly shade my brand new solar installation. It would very much ruin the experience of living here, which I have invested so heavily in. I don't understand why the experience and lives of existing homeowners in Berkeley no longer matter. When I did my remodel back in 2021 I had to get consent from each of my neighbors. I had to add an off street parking space for each additional unit I would build. Now all that's gone. Neighbors have no say and no recourse. Developers can have their way at the expense of us long-time Berkeley residents. How is this fair???

I am particularly against the raising of the height limit and moving the backyard offset minimum for 20 ft to 15 ft. 15 ft is devastatingly close for a structure as tall as 35 ft. Would you want to live in a house whose western-facing kitchen, dining room and living room windows faced a 35 ft wall just 17 ft away? Also I think it is absurd to believe that not requiring off-street parking (thus making it very difficult for everyone) to find street parking will encourage people to use public transit; the only think that will encourage that is a regional mass transit system that goes everywhere frequently and inexpensively: That is nowhere on the horizon and in, fact, it is likely that there will be drastic cuts to service in the near future.

Please do not allow greedy homeowners or developers to run roughshod over their homeowner neighbors, and forever destroy the charming character of Berkeley.

Thank you for considering my input.

Sincerely

Rick Maisel
932 Delaware St.

Supplemental Correspondence

From: Karen Fiene <ivypainter57@gmail.com>
Sent: Monday, June 2, 2025 11:21:04 PM
To: Shen, Alisa <AShen@berkeleyca.gov>
Cc: Karen Fiene <ivypainter57@gmail.com>
Subject: Comments for the June 4th Planning Commission meeting

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To: Alisa Shen, Planning Commission Secretary

Hello Alisa,

I have attached some comments regarding the merging of zones R-1A and R-2 that I hope can be included in the summary package for the meeting on June 4th.

Thank you,
Karen Fiene

RE: Planning Commission Meeting, June 4, 2025

Public Hearing: Amendments to the Zoning Map to
Redesignate Parcels Zoned R-1A (Limited Two-Family
Residential) to R-2 (Restricted Two-Family Residential).

As an architect and planner, I appreciate the desperate need Berkeley has for new housing, and I applaud the desire to make that housing inclusive. I also appreciate the many years that the council, zoning board and staff have put into solving this problem.

As a homeowner living in an R-1A zone I'm greatly concerned that this meeting is the first public notice sent to the neighborhood. We are greatly concerned that we have not been a part of the important discussions about middle housing and the major change that would bring to R-1A once it is merged with R-2.

From our reading of the current definition of R-1A and R-2 zones we agree the differences are small on the face of it and understand the reasoning that combining the two zones into one simplifies the planning process.

In addition to that merger though is the plan to dramatically change the kinds of projects that can be built in the R-2 zone and to eliminate any meaningful input by those who would have to live with those projects. Although a public notice is required, the project will receive a zoning certificate approved by staff and will not be appealable to City Council. While I understand that public commentary takes time, it is also critical to include those who have invested their resources and built their lives around their homes and their neighborhoods; it is the very reason that people are drawn to live in Berkeley. At the very least those who care the most about preserving a safe and healthy place to live should be consulted. It could very well end up being a much better project and one that would be embraced by the community.

The proposed new standards we believe go too far and will have too great of an impact

- A tripling of units from 2 to 6
- No permit required for new bedrooms- my neighbor converted a 650 studio into a 3-bedroom unit, is that the intent?
- Street setbacks go from 20' to 5' having a major visual impact along the street
- Height limits go from 2 to 3 stories, which could have significant shadow impact- will studies be required?
- Space between buildings on the site reduced from 16' to 5' for a 3-story building- that's the size of a bathtub!
- Lot coverage from 40-60%
- Reduced open space from 400sf/unit to 150sf/1000sf takes away from natural areas that provide shade, water percolation and habitat for wildlife

- 6 units could add up to 12 cars on the street! The reality is that most people, even if they BART to work, still have a car. Most families on our block have 2 cars with one parked in the driveway

We fear that developers will be incentivized to prioritize profit over good design and that neighbors will have no assurance of a reasonable project outcome.

We respectfully ask that council consider our concerns and address the extreme degree of the proposed changes accompanied by the lack of public input on projects that could irreparably impact the scale and livability of these modestly scaled neighborhoods.

Supplemental Correspondence

From: Toni Mester <tonispann@sonic.net>
Sent: Tuesday, June 3, 2025 8:50:05 AM
To: Shen, Alisa <AShen@berkeleyca.gov>
Cc: All Council <council@berkeleyca.gov>
Subject: Planning Commission 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.

To: Planning Commission and City Council
From: Toni Mester D2
June 3, 2025
RE: Illegitimate notice of public hearing

As resident of the R-1A zone, I received a notice of a planning commission public hearing on June 4 regarding the zoning map amendment to reclassify the R-1A to R-2. The notice does not adequately explain that the consolidation will lead to further zoning changes IF the middle housing proposal is adopted by the Council. As a result, many of my neighbors believe that the middle housing proposal end game for the R-1A is to become part of the current R-2. Two weeks ago, I explained this misconception to the Agenda and Rules Committee and asked that CM Taplin and Kesarwani, who represent the greater area of R-1A west of San Pablo Avenue, send a more complete explanation of the middle housing zoning proposal to their constituents. To my knowledge, there has been no such clarification. Another section of the R-1A lies in Westbrae across D1 and D5.

As a result of this miscommunication, I have spent hours with neighbors trying to explain how the middle housing zoning proposal would impact their properties, and it's been a strain as almost nobody understands how to calculate the number of units that can be built on their parcel or the lots next door using the proposed units per acre standard. After I lead them through the calculation, they are shocked at the increased densities that are proposed. I believe that homeowners have the right to understand the zoning of their properties, and that there will be a tremendous blowback against this Council and future approval of taxes and bonds if you proceed on this course. I speak as an active citizen who served as the treasurer of the Measure F campaign in 2014, increasing the parks tax, and as an advocate for mid-density housing. In 1979 I bought a run-down single family home with the intention of adding a rental unit, which I accomplished in 1986. As a retired adult educator at CCSF dedicated to advancing knowledge in the community, I firmly believe that this zoning proposal has not been adequately explained. Yes, there was outreach on the general concept but not on the particulars of the zoning itself. And we all need to acknowledge that this effort was greatly impacted by the Covid pandemic, which interrupted in person meetings.

I do not know how the general economy will impact housing construction in Berkeley, but the indicators do not encourage a sanguine outlook. So let's pause and get the middle zoning right.

I do not know if the Planning Commission June 4 notice of public hearing is legal, but it is certainly illegitimate.

Supplemental Correspondence

From: E. Papajak <evepapajak@gmail.com>
Sent: Tuesday, June 3, 2025 11:14 AM
To: Messner, Faye; Horner, Justin; Berkeley Mayor's Office
Subject: Input for the planning commission hearing
Attachments: Zoning-input-Papajak.pdf

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.

Attached please find my letter as input for the planning commission hearing.

Thank you for your attention and for your service to the city.

Eve

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E. Papajak
cell: +1 415 374 9388

Eve Papajak

10th Street, Berkeley, CA 94710
evepapajak@gmail.com
June 1st, 2025

Berkeley City Council

2180 Milvia Street
Berkeley, CA 94704

Dear Mayor and Members of the Berkeley City Council,

I am writing as a resident of East Oceanview neighborhood to express my strong opposition to the proposed rezoning of our area from R-1A to R-2.

While I support thoughtful, sustainable development and recognize the importance of increasing housing supply to meet city and state goals, I am deeply concerned that this specific rezoning proposal lacks the necessary planning safeguards. If enacted as currently proposed, it would negatively impact the livability, environmental resilience, and character of our neighborhood.

First, I would like to address language used in the city's announcement, which stated that "under the middle housing **proposed** zoning amendments, the R-1A and R-2 district regulations would be similar enough to justify consolidation." This framing is misleading. These "proposed" regulations are **not currently in effect**, and the use of second conditional phrasing gives the false impression that the impacts of rezoning would be minimal. In reality, under existing regulations, R-1A and R-2 differ significantly, and even if the proposed zoning changes were approved, our neighborhood would still clearly align more closely with the R-1 profile so perhaps a change from the old R1a to the new R1 would be more justified.

Most of the homes in our area are modest, early 20th-century worker cottages averaging 750–800 square feet, with substantial green space. This pattern closely resembles the R-1 neighborhoods in the Berkeley Hills, but our houses are much smaller and seated much more closely together. We tend to know each other better as we walk more instead of driving, share hobbies, and organize neighborhood hikes etc. Yet, Berkeley Hills are not being targeted for rezoning as is allowed to retain its R1 designation. It is unclear why our less privileged neighborhood, with its historic character and green lots, is being asked to shoulder this particular burden of densification, while there is so much more potential for much higher numbers of residential units gains along neglected communication corridors such as San Pablo Ave and University Ave. These areas could shoulder much higher density as they already provide decent public transport, connections to BART, and to UC Berkeley.

The current R-1A zoning in Oceanview already allows for moderate density, supporting both single-family homes and small multi-unit dwellings and we already have plenty examples of those in our current zone. There remains ample opportunity for infill and thoughtful development under this existing framework. A shift to multiunit R-2 would open the door to substantially higher density—without any guaranteed upgrades to infrastructure, green space requirements, parking provisions, or formal mechanisms for community input. This raises several concerns:

1. **Loss of Neighborhood Character:** R-2 zoning permits larger and taller buildings that would overshadow existing homes, diminish architectural continuity, and erode the neighborhood's historic and human-scale character. We see examples of that already along Page street, where extremely tall townhouses have been erected right next to low, old houses whose privacy and sunlight have been completely diminished. Yet, the townhouses are ~1.4M, so provide no real alternative or option to first time buyers and

are “middle housing” by name only. They lower the standard of living while maintaining inflated prices out of reach for so many. They are luxury housing that offers no relief to the housing shortage in our State and our City, that affects people of color, younger families, and homelessness.

2. **Infrastructure and Safety Risks:** Our neighborhood infrastructure—particularly electricity—is not currently equipped to handle increased density. Advancing rezoning without first investing in infrastructure upgrades would place undue strain on essential services and pose safety risks like those seen in Los Angeles.
3. **Livability and Open Space:** Our neighborhood—bounded by San Pablo Avenue, Sixth Street, University Avenue, and Gilman Street—has no public parks¹, creeks, natural features, or community gardens. As such, our private yards serve a critical role in providing open space, greenery, and visual relief. Piecemeal development by individual investors will prioritize profit and will almost certainly result in maximum lot coverage and paving over front and backyards for parking. In the current proposed R2 regulations little is done to require developers to preserve decent amounts of green spaces and it is unrealistic to expect small scale investors building up on a plot-by-plot basis to preserve trees, yards with native species, and habitats for pollinators, let alone leave a decent amount of green space for their residents to be able to enjoy outside breathing space. The City should instead prioritize larger, coordinated development projects—such as the Jones Street project—the scale of which allows for incorporating minimal but vital shared green areas, patios, or internal courtyards. Moreover large scale projects like that can provide additional retail space, which is necessary if we don’t want the increased density to lead to undue traffic because the neighborhood provides no bakeries, corner stores, and other basic services. If we’re aiming at higher population density, we need those kinds of services to be within walking/biking distance so as not to create even worse traffic issues than what we already have. In large scale projects, the city has the opportunity to require a certain percentage of the developed space to be committed to these resources. If left to lot-by-lot development by blindly up up-zoning, we risk losing sunlight, greenery, and privacy to a patchwork of overbuilt and disconnected structures with insufficient commercial amenities.
4. **Environmental Impacts:** In the absence of public green space, our yards are essential for sustaining pollinators, birds, native plants, and other urban wildlife. Uncoordinated development will eliminate tree cover, reduce permeable surfaces, and contribute to the urban heat island effect and stormwater runoff—all at a time when climate resilience should be a top priority. Little of this seems to be addressed in the proposed changes.
5. **Transparency and Community Engagement:** Many neighbors feel this process has been inadequately publicized and lacks meaningful community input. Long-term residents deserve to have their voices heard and respected in decisions that will permanently alter the neighborhood.
6. **Affordability Concerns:** I remain unconvinced that squeezing as much into individual lots as possible will meaningfully improve housing affordability. In practice, we have seen speculative buyers—often absentee corporate investors—outbid prospective homeowners who wish to live here. These developers tend to construct market-rate, high-end rentals while neglecting property maintenance and community cohesion and

¹ James Kennedy Park while of course great to have is only a “park” by name. Large portion of it is buildings and paved courts and does not provide habitat for nature, a substantial walking space or tree mass to address any of the issues and needs I discuss in points 3 and 4.

outcompete families and young people looking to set roots and contribute to our community. This trend will worsen affordability and discourages families from planting long-term roots in Berkeley.

I urge the Council to pause this rezoning proposal and instead pursue a more inclusive, sustainable, transparent, and evidence-based planning process. We can support new housing in a way that prioritizes affordability, environmental justice, and the long-term well-being of our communities—without sacrificing what makes our neighborhoods livable and unique.

Thank you for your attention and for your service to the city.

Sincerely,
Eve Papajak

Supplemental Correspondence

From: kmhperry@sonic.net
Sent: Tuesday, June 3, 2025 11:44 AM
To: Messner, Faye
Cc: lippelaw@sonic.net; zjb1731@comcast.net; drm1a2@sbcglobal.net
Subject: Re: Public Comments on Agenda Item 10A, June 4, 2025, Planning Commission Meeting
Attachments: C001b SENT 060325 letter to Berkeley Planning.pdf

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 Ms. Messner,

Attached, in .pdf format, please find today's correspondence re the above referenced.

Thank you in advance for your attention to this matter.

Kelly

Kelly Marie Perry
Law Offices of Thomas N. Lippe, APC
50 California Street, Suite 1500
San Francisco, CA 94111
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June 3, 2025

By email to: fmessner@berkeleyca.gov

Ms. Faye Messner
Planning Commission Clerk
City of Berkeley, Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Re: Public Comments on Agenda Item 10A, June 4, 2025, Planning Commission Meeting

Dear Ms. Messner:

This office represents Berkeley residents Zelda Bronstein and Dean Metzger, regarding the above referenced matter. I write on their behalf to object to the Planning Commission considering or taking action on Item 10A at its June 4, 2025, meeting.

The grounds for this objection are two-fold. First, the Planning Department's notices of the Planning Commission's public hearing regarding this matter that were mailed, posted, and published pursuant to Government Code §§ 65856, 65091, 65092 and 65094, and Berkeley Municipal Code § 23.404.040 are legally defective because they are substantively misleading. Second, the description of agenda item 10A in the meeting agenda posted on May 30, 2025 fails to adequately describe the matter, in violation of the Brown Act (Government Code § 54950 *et seq.*)

- 1. The notices mailed, posted, and published pursuant to Government Code §§ 65856, 65091, 65092 and 65094, and Berkeley Municipal Code § 23.404.040 are legally defective and misleading.**

The mailed, posted, and published notices state that the matter to be considered by the Planning Commission on June 4, 2025, is "Adoption of a Zoning Map Amendment to Redesignate Parcels Currently Zoned R-1A (Limited Two-Family Residential) to R-2 (Restricted Two-Family Residential)." The notice explains that the Planning Department "has prepared zoning ordinance amendments to encourage "middle housing" (or multi-unit residential development projects that are larger than single-family projects, but smaller than mid-rise and high-rise projects) in the city's low density residential districts" and that "as part of this effort, the City Council has directed staff to consolidate zoning districts when regulatory distinctions between similar districts are minimal." The notice concludes: "Under the proposed middle housing zoning amendments, the R-1A and R-2 zoning districts' regulations would be similar enough to justify consolidation. Staff is therefore proposing to amend the Zoning Map to redesignate all parcels currently zoned R-1A to R-2." (See June 4, 2025, Planning Commission agenda packet, p. 46.)

Ms. Faye Messner
City of Berkeley, Land Use Planning Division
June 3, 2025

Re: Public Comments on Agenda Item 10A, June 4, 2025, Planning Commission Meeting
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The notice thus tells the reader that the only zoning amendment to be considered at the Commission's June 4, 2025, hearing is the redesignation of all parcels currently zoned R-1A to R-2. The notice thus puts the public on notice that if they want to understand the legal effects on this change on land use regulation in the city, they need only review the allowable land uses, permit procedures, and development standards in the *currently existing* R-1A and R-2 zoning districts to see what the differences are.

But this narrow instruction is deeply misleading because it fails to disclose the actual legal effects of the redesignation of all parcels currently zoned R-1A to R-2 in the broader context of pending City Council consideration of the so-called Middle Housing Plan. Under this plan, which was initially scheduled for City Council consideration on April 29, 2025, the city council is considering substantial proposed amendments to the allowable land uses, permit procedures, and development standards in the currently existing R-2 zoning district. In fact, the reason the City Council did not hear the Middle Housing Plan zoning amendments on April 29 is because the Planning Department had failed to provide the notices required by law for the zoning map change now set for hearing by the Commission as Item 10A, on June 4, 2025.

Therefore, in order to understand the true legal effects of redesignating all parcels currently zoned R-1A to R-2, the reader would need to compare the allowable land uses, permit procedures, and development standards in the *currently existing* R-1A zoning district to the *proposed* allowable land uses, permit procedures, and development standards in the R-2 zoning district amendments that are now pending before the city council. These proposed "Middle Housing" R-2 zoning district amendments are set forth at pages 29-34 and 41-42 (sections 12-13 [Proposed amendments to BMC § 23.202.080]) in the agenda packet for the April 29, 2025, city council meeting.¹

These proposed amendments would enact much more dramatic changes in the land use regulations governing parcels in current zoning district R-1A than would be enacted by merely redesignating all parcels currently zoned R-1A to the *currently existing* R-2 zoning district. A summary of development standards that are dramatically different when comparing existing R-1A to existing R-2 versus comparing existing R-1A to proposed "Middle Housing" R-2 is provided in Table 2 of the Item 10A Staff Report for the June 4, 2025, Commission hearing. (See June 4, 2025, Agenda Packet, p. 10.) In short, subjecting existing R-1A parcels to proposed "Middle Housing" R-2 regulations would allow many more land uses with much less public participation in the permit process and much more expansive development standards than would merely subjecting existing R-1A parcels to existing R-2 regulations.

¹See
<https://berkeleyca.gov/sites/default/files/documents/2025-04-29%20Item%2030%20Zoning%20Ordinance%20and%20General%20Plan%20Amendments%20Relating%20to%20Middle%20Housing.pdf>

Ms. Faye Messner
City of Berkeley, Land Use Planning Division
June 3, 2025

Re: Public Comments on Agenda Item 10A, June 4, 2025, Planning Commission Meeting
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Yet the notices that were mailed, posted, and published pursuant to Government Code §§ 65856, 65091, 65092 and 65094, and Berkeley Municipal Code § 23.404.040 fail to notify the public of the true, and vastly different, zoning regulations that are expected to apply to all parcels currently zoned R-1A as a result of redesignating them to the *currently existing* R-2 zoning district.

My clients demand that the Planning Commission cure this violation of the notice requirements by continuing its consideration of Item 10A to a future meeting and by providing timely and meaningful notice of the true legal effects of the proposed zoning map amendment pursuant to Government Code §§ 65856, 65091, 65092 and 65094, and Berkeley Municipal Code § 23.404.040.

2. The description of agenda item 10A in the meeting agenda posted on May 30, 2025, fails to adequately describe the matter, in violation of the Brown Act (Government Code § 54950 *et seq.*)

The agenda posted for the Planning Commission's June 4, 2025, meeting describes Item 10A as follows:

"Public Hearing: Amendments to the Zoning Map to Redesignate Parcels Zoned R-1A (Limited Two-Family Residential) to R-2 (Restricted Two-Family Residential)."

This description is misleading for the same reasons discussed above in relation to the Government Code and Municipal Code notices. (See, e.g., *Moreno v. City of King* (2005) 127 Cal.App.4th 17, 26; *Carlson v. Paradise Unified Sch. Dist.* (1971) 18 Cal.App.3d 196, 200.)

My clients demand that the Planning Commission cure this violation of the Brown Act by continuing its consideration of Item 10A to a future meeting and by adequately describing this item of business in the agenda posted for that meeting.

3. Conclusion.

The descriptions of the zoning amendments to be heard as Item 10A at the Commission's June 4, 2025, hearing, in both the Government Code and Berkeley Municipal Code notices and the agenda itself, fail to notify the public of the true nature and legal effects of the proposed zoning amendments. Therefore, the Planning Commission should cure these violations of law by continuing the matter to a future meeting, by providing timely and meaningful notice pursuant to Government Code §§ 65856, 65091, 65092 and 65094, and Berkeley Municipal Code § 23.404.040, and by adequately describing this item of business in both the notices and the agenda posted for that meeting.

Ms. Faye Messner

City of Berkeley, Land Use Planning Division
June 3, 2025

Re: Public Comments on Agenda Item 10A, June 4, 2025, Planning Commission Meeting
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Thank you for your attention to this matter.

Very Truly Yours,



Thomas N. Lippe