

Jacob, Melinda

Subject: FW: 1515 Derby Ave.

From: Kate Margolis <katemargolis@gmail.com>

Sent: Monday, October 23, 2023 9:22 AM

To: permits <permits@berkeleyca.gov>; Garvey, Brian <BGarvey@berkeleyca.gov>; Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Barry Posner <bposner@scu.edu>; Jackie Schmidt-Posner <jackiesp@gmail.com>; Cary Tiernan <cary.tiernan@gmail.com>; Karen Lee <Leeykaren@gmail.com>

Subject: Fwd: 1515 Derby 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.

To Whom It May Concern,

I am writing to register concerns with the planned construction and permitting process at 1515 Derby St. I am a neighbor at 1518 Carleton, which is an adjoining rear lot to the 1515 property.

Our neighbors and I participated in the first hearing for this property and were quite reassured by the ZAB's response to our concerns and with a seemingly collaborative attitude of the developer. The ZAB built in a period of time in which the designer was encouraged to talk with the surrounding neighbors, to visit our properties to understand impact of the proposed build, and to reconsider how to achieve the desired square footage of the design so that it would be less impactful to the surrounding neighbors environment.

We received one communication from the designer explaining their intent to honor our requests, which included an idea of reducing the total height of the 3 story building by 3 feet and swapping the taller building with the 2 story ADU so that the 2 story rather than the 3 story building is at our fence line. At that time, we raised additional requests to further revise the plans and to visit our properties so they could benefit from better understanding the impact to us. These requests were ignored and we then received a proposed plan aligned with the above, to which we further registered concerns. We received no response. We also received no notification of the upcoming hearing that is occurring this week.

I will reiterate that while the 1515 Derby property is in the back of our lots, the construction is actually occurring in the front yard and only outdoor land space for the for two of the Carleton houses that adjoin. For our property at 1518 Carleton, the proposed build will eat up the only open air space that we have in our back yard, which is an area that we personally redesigned and built with our own hands to create a private outdoor area after our front yard privacy was taken away by the recent new builds to the left of our property.

Thus we are registering strong opposition to this proposed build and to the process that the developer has undertaken that has been dismissive of our concerns and demonstrates a lack of the regard for the surrounding community.

Thank you,
Kate Margolis

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

From: Jackie Schmidt-Posner <jackiesp@gmail.com>

Date: Sat, Oct 21, 2023 at 3:18 PM

Subject: 1515 Derby Ave.

To: <zab@berkeleyca.gov>, <bgarvey@berkeleyca.gov>

Cc: Karen Lee <leeykaren@gmail.com>, Cary Tiernan <cary.tiernan@gmail.com>, Kate Margolis <katemargolis@gmail.com>, Posner, Barry <bposner@scu.edu>, Ashley Hsu <ashley@newavenuehomes.com>

Dear Chairman Duffy, ZAB members and Staff Planner Brian Garvey,

We are writing to express our disappointment in the process of neighborhood outreach with respect to the 1515 Derby permit (#ZP2023-0045). We are part of a group of neighbors on Carleton who have expressed concern about the impacts of the buildings on the light and airspace in our yards. We at 1512, and the neighbors at 1510 Carleton never received notice about this project or the associated ZAB meeting, and were only able to contact the developer and see the plans thanks to our neighbor at 1518, who did receive a notice. We had a meeting with the developer's designer 2 days before the ZAB meeting on August 10th.

Four of us appeared and spoke in person or via Zoom at the ZAB meeting and felt that you, ZAB, heard our concerns. You directed the developer to work with the neighbors and suggested there could be some creative solutions, one of which would be to reverse the position of the SFH and the ADU. We were optimistic about this outcome. However, we have been disappointed since then. Despite communication to the developer from all of the neighbors about a willingness to talk, we received an email several weeks later with two proposed changes (lowering the roof of the SFH by 3-1/2 feet, and reversing position of the SFH and the ADU), and then a copy of the revised plans that had been submitted to ZAB for the October 26th meeting.

We are grateful that those changes have been made (and assume they will be upheld), but wanted to register our disappointment that the developer did not seem interested enough to meet with us to follow up. We wonder whether there might have been some other solutions had we been able to meet. I recall Chairman Duffy asking the developers whether they had viewed the project from the perspective of the neighbors, to which the response was that they did not have access. Following up, we let Ashley (the designer) know that the occupants of 1512 were willing to allow access to see things from the yard that will be most affected, but that never happened.

Further, despite our earlier complaints that 1510 and 1512 Carleton had not received notices about the ZAB hearing in August, we still did not receive notices about the hearing coming up on October 26th. This all causes us to feel less than great about the entire process and that the voices of current Berkeley residents are not fully respected. While the issue of how developers deal with neighbors is more subjective, it seems quite clear that the policy on noticing affected neighbors should be cleaned up to ensure that everyone involved gets the information they need in a timely fashion. We offer this feedback with respect for the service you all provide the city.

Jackie and Barry Posner
Homeowners, 1512 Carleton St.

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Jackie Schmidt-Posner. Ph.D.
Professor of Practice, Community Engagement
Leavey School of Business
Santa Clara University

408-857-9011

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 1515 Derby Ave.

From: Ashley Hsu <ashley@newavenuehomes.com>
Sent: Monday, October 23, 2023 2:08 PM
To: Jackie Schmidt-Posner <jackiesp@gmail.com>; Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Garvey, Brian <BGarvey@berkeleyca.gov>
Cc: Karen Lee <leeykaren@gmail.com>; Cary Tiernan <cary.tiernan@gmail.com>; Kate Margolis <katemargolis@gmail.com>; Posner, Barry <bposner@scu.edu>
Subject: Re: 1515 Derby Ave.

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Dear Brian, ZAB members, and Carleton neighbours,

Thank you Jackie for acknowledging that you are grateful for the changes that have been made! We have been happy to redesign our project to address all your concerns and glad when all of you expressed support for the changes we made.

I would like to chime in for ZAB members and clarify that we were in constant communication after the last ZAB hearing - keeping each other up to date on schedules to work around, and prior to beginning drawing revisions, we floated the ideas we were considering to address the concerns before we began our redesign to make sure the neighbours would be happy. When those design ideas were met positively, we then moved forward to revise the drawings. Then those revised drawings were also received with support.

I can only apologize for missing that there was a specific desire to hold an in-person and on-site meeting. While it was not necessary in our redesign process to visit 1512's backyard since the rear setback is now 26 feet, we would love to take you up on the invitation later on as we start to consider types of native plantings and landscaping elements. We are all about micro-complexes that foster community, so we'd love to design a collective yard and good neighbour gate for all owners and tenants to enjoy together.

Thanks,
Ashley

On Sat, Oct 21, 2023 at 3:18 PM Jackie Schmidt-Posner <jackiesp@gmail.com> wrote:

Dear Chairman Duffy, ZAB members and Staff Planner Brian Garvey,

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Ashley Hsu (she/her)
Project Manager
New Avenue, Inc.
Phone Number 917.536.0327
www.newavenuehomes.com

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