

Zoning board approves new units on Telegraph, Shattuck

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The Nexus at 2539 Telegraph Ave. has been approved. Image: Lowney Architecture

Berkeley's zoning board approved two largely car-free buildings Thursday set to add 92 new residential units to the city's housing stock.

Both of the projects — 70 units on Telegraph Avenue and 22 units on Shattuck Avenue — were proposed by Patrick Kennedy's Berkeley-based Panoramic Interests.

The Telegraph project, dubbed The Nexus, is set to take the place of a 1-story office building where the nationally recognized [Center for Independent Living got its start](#). The center has since moved to a new home at the Ed Roberts Campus and representatives from the organization told the Zoning Adjustments Board on Thursday that a decision on the Telegraph property would help them move ahead with their own plans for the organization's future.

The Nexus, which also has an entrance on Regent Street, is set to reach 6 stories on the Telegraph side, and include about 5,200 square feet of commercial space, some of which could one day be a café. Nine vehicle parking spots are planned for the retail area, and 144 bike parking spots are included. Building residents will not be allowed to seek residential parking permits under existing city rules.

Kennedy said the units are likely to be attractive to students and added, in response to a question from the board, that there are [211 bedrooms planned across the 70 apartments](#). Some speakers raised the specter of whether that might mean more than 400 new residents in the building, if tenants choose to "double up." Kennedy said he would not allow that

under the building's leases, but others wondered whether — should he one day sell the building — it could become an issue under a different owner.

"I think that's highly unlikely, if only because I highly doubt eight people can share one bathroom and maintain civilized relations," Kennedy told the board.

He said the area of Telegraph where the building is proposed has seen no new residential growth in decades, and needs a boost if it hopes to thrive. Much of the discussion Thursday night revolved around efforts by Panoramic to help the building fit in better on Regent, due to the residential zoning on the block.

Kennedy said, in response to neighborhood and zoning board comments, he brought down the height on the Regent side to 4 stories. To compensate for the loss of square footage on those upper floors, however, he increased the building's footprint on that side of the property, which many neighbors said they were not happy about.



Now and then: At left, the current plan for Regent. At right, the project as initially proposed in 2013. Images: Lowney Architecture

Regarding rents, he said [one-bedroom units in the area go for \\$1,900 to \\$2,400](#). But he also noted that construction costs have increased steadily, as well as fees for water connections to the East Bay Municipal Utility District. Kennedy described Berkeley and San Francisco as among the most expensive places in the nation to build housing, and said he could not estimate what rents might be when the project is complete.

Several community members, including a woman who uses a wheelchair, told the zoning board they support The Nexus because it is set to include six fully accessible units, which can be difficult to find in Berkeley. She said she and her husband have two children and have outgrown their unit at the Gaia building; The Nexus is set to offer two-bedroom units that she said will be beneficial to families such as hers.

But more than a dozen Regent Street neighbors took issue with the project and said it was still too big and far out of scale for the block. They also questioned staff calculations related to a state density bonus law that allows developers to build larger projects in exchange for including affordable housing on site. Some neighbors said they are also worried about noise from a roof deck planned on the Telegraph side of the project, and Kennedy agreed to include screening to partially enclose the space to help address that concern.

Neighbors described the project to the board as "disrespectful," "shockingly ugly" and "too big." Some also said the city should be requiring projects to include more affordable housing than the code currently demands, and others said they will lose a small park that has historically been open to the public.

Several members of the Telegraph Avenue business community spoke in favor of the project. Moe's Books owner Doris Moskowitz said she believes projects like The Nexus will help bring vibrancy back to the avenue.

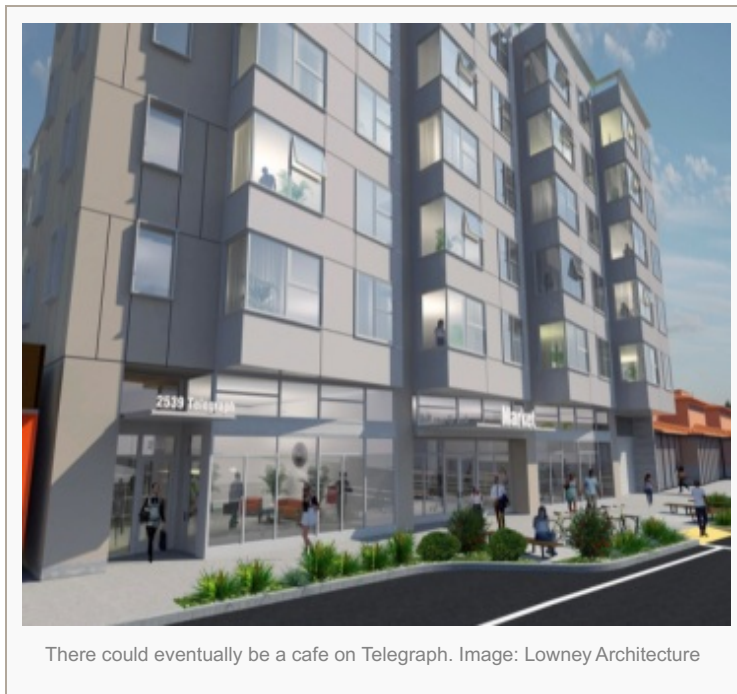
“There’s a reason why the streets are so close together and the buildings are so tall. This is a neighborhood that kind of wants congestion,” she said. “Berkeley needs an exciting downtown. It needs a place [like Telegraph] where people come ... to be seen and participate in civic life.”

Other supporters included bike and public transit advocates who said the project will add density to a major transit corridor, which is likely to help improve service in the future.

Several representatives from the Center for Independent Living urged the board to support the project.

“We at CIL need to know where we stand financially so we can figure out what type of programs we can provide in the future,” Ted Dienstfrey, who noted that it had already taken two years to get to Thursday’s night’s vote.

A CIL staffer described disabled clients who had “languished on waitlists” and “unhappily in institutions” because there isn’t enough appropriate — fully accessible — subsidized housing for them in Berkeley.



Kennedy estimated that the city does not have even 10 fully accessible units, and his project proposes six, all of which will be subsidized.

Another point of contention Thursday night was how CIL’s legacy will be memorialized at The Nexus. Commissioner Sophie Hahn had advocated fiercely for a museum, curated by CIL, at The Nexus. Kennedy said he had discussed options with CIL staff and was happy to work with them. But CIL representatives said they had mixed feelings about how to proceed with a display.

CIL Executive Director Stuart James said he had become frustrated by what he saw as people talking about “memorializing CIL’s history as a means to slowing down or stopping this development.”

He continued: “We are perfectly capable of memorializing our history.... We’re not a dead organization. We live. We serve 1,000 consumers a year.”

James also invited members of the public to visit CIL to see an exhibition at the Ed Roberts Campus, at 3075 Adeline St., that [documents the history of the disability rights movement](#) (through mid-January).

Ultimately, Kennedy agreed to increase various setbacks slightly on the Regent side to fit in better with the block and give a bit more room to neighbors. He also agreed to slightly tweak the Regent façade design to improve the look. Board Chairman Prakash Pinto credited Kennedy with taking zoning board suggestions from June into account, and making significant design changes, particularly on Regent. The board voted 8-0-1, with an abstention by Igor Tregub, to approve the project.

2711 Shattuck

The board then shifted gears to discuss a previously approved project of Kennedy’s on Shattuck Avenue, next to UC Storage, where [he had planned to build a “residential hotel.”](#) Kennedy said lenders just found the proposal “too odd and ... too small of a product type for a bank to lend on.”

In November, he asked the zoning board to allow him to [build the project as studios](#), and forget the residential hotel designation. The 22 units proposed are an average of 300 square feet each. Kennedy proposed a car-share spot on site

but otherwise did not include parking. He said the project's proximity to BART, to the university and to downtown make it an ideal location for a car-free approach. ([See the staff report](#) for more detail.)

Four members of the public opposed the project, and said others had come earlier to speak but left due to the late hour. One said the project did not comply with zoning rules and was too far from transit to be car-free, another said the bathrooms were too small to work for people with disabilities, and another said parking would be a problem, and that the project should have included ground-floor commercial.

Under the residential hotel proposal, the units were set to be affordable to those making 120% of the area median income (AMI), which is known as "workforce housing." Under the studio apartment proposal, Kennedy said 10% of the units — two of them — would be set aside for very-low-income tenants, or those making [50% of the AMI](#). He offered to set aside another 10% "in the spirit of compromise" as workforce housing.

In addition to the affordability issue, the board also spent a fair amount of time discussing the fact that Kennedy did not plan to build an elevator at 2711 Shattuck. Some said they were very concerned about what that might mean for tenants with mobility issues, or tenants with relatives with disability issues. But ultimately, the board sided with Kennedy and acknowledged that the expense of adding an elevator, particularly in such a small building where he is trying to keep construction costs down, outweighed the potential benefits.

Kennedy said he is trying to building the project "as simply and economically as possible so we can keep the rents at the lowest possible level."

Commissioner George Williams said the project represented the philosophy of affordability by design. By keeping the units small, and eschewing features such as an elevator or communal lounge space, the rents could ultimately be cheaper than those offered in more amenity-rich buildings.

Commissioner Tregub said he believes in affordability by design, but felt the lack of elevator would not be the right approach: "What I don't support is discrimination by design."

At times Thursday night's meeting got rowdy, resulting in Chair Pinto calling for a recess in response to outbursts from at least one member of the crowd.

And, though the board often tries to reach a consensus, Commissioner Denise Pinkston bristled in response to some of the suggestions made by other zoning board members in relation to adding more affordable housing into the Shattuck project.

"To spitball it on the podium with no data and no understanding about the economics of the decisions isn't responsible," she said. "We keep doing this more and more."

Ultimately the board voted 6-3 to approve the project, with Hahn, Tregub and Pinto in opposition.

Kennedy said he was pleased with the outcome of Thursday night's meeting, particularly the 8-0-1 vote for The Nexus. He said that may have been "the strongest endorsement" he had ever received for a project in Berkeley.

"It demonstrates the ZAB is mindful of the urgency of bringing back Telegraph Avenue, and addressing the critical shortage of housing, especially truly accessible dwellings," he said.



A rendering of 2711 Shattuck Ave. Image: Lowney Architecture