

**Jacob, Melinda**

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**Subject:** FW: 2211 Harold Way structural alteration permit

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

From: Alan Tobey [<mailto:atobey@gmail.com>]

Sent: Tuesday, August 11, 2015 3:47 PM

To: Zarnowitz, Sally

Subject: 2211 Harold Way structural alteration permit

Twice the Berkeley electorate, via the two Measure Rs, approved the ongoing development of our downtown, including a modest number of "tall" buildings.

As you know there were very few buildable sites that would fit the constraints, and most conceivable larger projects will involve some modifications to existing structures. The Harold Way project is one of these. On a downtown "back street" that doesn't impinge on more prominent Shattuck frontage, this project will simply make better use of existing resources. As such its structural alteration permit should be routinely approved.

The existing is not an exemplary Ratliff design, and as a minor work deserves no absolute protection; the proposed alteration is a sensible one for downtown's approved direction.

Best,

Alan Tobey  
1228 Peralta Ave.

Jacob, Melinda

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**Subject:** FW: Thursday decision on structural alteration permit for 2211 Harold Way

Begin forwarded message:

**From:** Emunah Hauser <[emunahhauser@gmail.com](mailto:emunahhauser@gmail.com)>

**Date:** August 11, 2015 at 3:31:55 PM PDT

**To:** <[SZarnowitz@cityofberkeley.info](mailto:SZarnowitz@cityofberkeley.info)>

**Subject:** Thursday decision on structural alteration permit for 2211 Harold Way

Dear Board,

***Please approve the structural alteration permit for 2211 Harold Way Thursday August 13 at your next LPC meeting!***

Proposed new design respects the area and context and represents a far better use of land than the Hinks Addition currently is doing. Far better examples of the architect's work (Walter Ratcliff Jr.) are preserved in Downtown and other parts of Berkeley. We need housing and greater economic and pedestrian vibrancy in Downtown Berkeley!

Thank you,

Emunah Hauser

**Jacob, Melinda**

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**Subject:** FW: Letter to LPC on the Harold Way Project

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**From:** [adolfo2@comcast.net](mailto:adolfo2@comcast.net) [<mailto:adolfo2@comcast.net>]

**Sent:** Tuesday, August 11, 2015 1:46 AM

**To:** Zarnowitz, Sally

**Subject:** Letter to LPC on the Harold Way Project

To the Landmark Preservation Commission  
City of Berkeley, California  
c/o "Sally Zarnowitz" <[SZarnowitz@cityofberkeley.info](mailto:SZarnowitz@cityofberkeley.info)>

Re: The 2211-Harold Way Project

Dear Landmark Preservation Commissioners--

I would like to support and strongly suggest that you heed the input and advocacy of our stalwart Berkeley citizen, Donald Goldmacher, MD. I strongly request that you read his letter and proceed to the only fair and legal conclusion on the processing of permissions for the 2211-Harold Way Project. This high-rise building project fails the community standards of Berkeley and the heritage of our city center, to quote Donald Goldmacher:

"I urge you to delay any decision at your upcoming meeting on August 13 regarding 2211 Harold Way.

After reading various city documents from the planning department, I am concerned that several issues have been inadequately addressed by staff. Specifically, they are accepting the developer's LEED Gold effort as the best that can be done in terms of environmental mitigation. At a time when we are all painfully aware of the impacts of climate change that are accelerating, the city should be demanding a much more serious investment in making this building a zero net energy building. Additionally, the statement by the developer regarding capturing rainwater does little to mitigate the amount of water this building will require when we are in a period of severe drought.

In as much as your commission is charged with preservation, it seems to this resident that there is little attention being paid to preserving the viability of local businesses in the downtown area. By demolishing the current structure at this address, the Shattuck Cinemas will effectively be shut down for several years, which will create a negative economic impact across businesses in the downtown area who are patronized by those coming to the movies. Nowhere in any of the documents about this project is that issue addressed.

In keeping with the theme of preservation, is it not the duty of this commission to preserve the heritage, character, culture and lifestyle of the city for the benefit of its residents? Is it not your duty to examine what other cities in the bay area are doing with regard to both development and housing? Is it not your duty to consider the ramifications of allowing skyscrapers to be constructed in Berkeley on both current and future generations? We do live on a major earthquake fault. If you have not yet pondered these questions, then it is your duty to delay any decision at this time.

I therefore urge this commission to delay any decisions regarding this project until the above issues are addressed by the city and the developer. Your failure to do so will trigger an immediate appeal to the City Council."

Your Landmark Commission responsibilities are to the people and the heritage of Berkeley. Please proceed with fairness and justice and integrity to those who have only their votes and voices and their lives to live in Berkeley --not to corporate mega-money or special interest or political favoritism-- when you consider the future of our City. Demand a better plan for the 2211-Harold Way Project. Take the time to do things right.

Sincerely,

Adolfo Cabral  
Channing Way  
District 2  
City of Berkeley

**Jacob, Melinda**

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**Subject:** FW: Letter to LPC Commissioners on the 2211-Harold Way Project

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**From:** [adolfo2@comcast.net](mailto:adolfo2@comcast.net) [<mailto:adolfo2@comcast.net>]

**Sent:** Tuesday, August 11, 2015 1:24 AM

**To:** Zarnowitz, Sally

**Subject:** Letter to LPC Commissioners on the 2211-Harold Way Project

To the Landmark Preservation Commission  
City of Berkeley, California  
c/o "Sally Zarnowitz" <[SZarnowitz@cityofberkeley.info](mailto:SZarnowitz@cityofberkeley.info)>

Re: The 2211-Harold Way Project

Dear Landmark Preservation Commissioners--

I would like to support and strongly suggest that you heed the input and advocacy of our Berkeley citizen, the stalwart and legally astute Becky O'Malley. I strongly request that you read her letter and proceed to the only fair and legal conclusion on the processing of permissions for the 2211-Harold Way Project. This high-rise building project fails the community standards of Berkeley and the heritage of our city center, to quote O'Malley's letter:

"You would be seriously derelict in your duties if you allowed the proposed project at 2211 Harold Way to slip past you at next Thursday's hearing. The packet which is before you is, not to mince words, a mess, and it's apparent that you commissioners just don't have the right information to make a decision at this special meeting.

Just one example of how sloppy this staff work is: the section headed "Preservation Permits Required". Amplified music? Alcoholic beverages? How could these possibly be preservation permits? If you're confused, it's not your fault.

Among other things, the EIR which you've been given is not adequate to make a decision. Yes, it has already been "certified" by the Zoning Board---*before* you as LPC commissioners have had a chance to advise them on the implications of demolishing part of a registered landmark. That's just wrong, and possibly illegal.

You should know that any EIR that's approved by a non-elected body (i.e ZAB) can be (and will be) appealed to the elected body that appointed the non-elected commissioners (i.e. Berkeley City Council). But here's the catch: the appeal can't be filed until the notice of decision on the certification is issued, and currently the city's Planning Department is refusing to do this until the ZAB acts on the permits. Catch 22.

You can be sure that as soon as the NOD is issued the so-called EIR on which you're supposed to base your decision will be appealed to the City Council, and if the City Council is negligent in applying the California Environmental Quality Act it could be appealed in court.

One serious problem is that the required public hearing required under city law when there's a proposal to demolish more than 50% of a landmark has not been held or even scheduled. This is a complicated calculation that involves measuring wall area and roof area, and nowhere in your materials do I see any indication that this has been done, either by applicant or by staff.

Your duty on Thursday August 13, at a minimum, will be to ask the staff to review these demolition rules before asking you to approve these permits.

The applicant corporation , or more precisely its consultant, seems to be claiming some privilege for special fast track treatment—even demanding that ZAB use a customized method of calculating significant community benefits. There's absolutely no reason that this project should have less scrutiny that the law requires. The city is not in such dire need of more luxury apartments that a couple of weeks delay will be fatal.

Take the time to do things right. If you "approve" whatever is before you at the special meeting on next Thursday, you will just be exposing the City of Berkeley to unnecessary and expensive litigation."

Your Landmark Commission responsibilities are to the people and the heritage of Berkeley. Please proceed with fairness and justice and integrity to those who have only their votes and voices and their lives to live in Berkeley --not to corporate mega-money or special interest or political favoritism-- when you consider the future of our City. Demand a better plan for the 2211-Harold Way Project.

Sincerely,  
Adolfo Cabral  
District 2  
City of Berkeley

**Jacob, Melinda**

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**Subject:** FW: Support Harold Way!

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**From:** Chris Lee-Egan [<mailto:chrislee.public@gmail.com>]

**Sent:** Tuesday, August 11, 2015 9:29 AM

**To:** Zarnowitz, Sally

**Subject:** Support Harold Way!

Hi,

I saw some anti-Harold Way posts that recommend a protest at the Landmarks Planning Commission as well sending emails to this address.

Instead of that, I am writing to urge **support** for Harold Way: it is environmentally-friendly (infill development is better than exurban sprawl), adds more housing to the downtown core, and is consistent with the city's downtown area plan. Please don't let a few but loud activists speak against the large consensus of Berkeley citizens who voted *for* the Downtown Area Plan and want to see more houses in Berkeley.

Regards,

Chris Lee-Egan  
1130 Hopkins St

August 11, 2015

Landmarks Preservation Commission  
City of Berkeley

Re: 2211 Harold Way Project Endangers the Landmarked Shattuck Hotel and *Should not Be Approved*

Dear Members of the Commission:

**How did our landmarked Shattuck Hotel become an investment opportunity site?**

The Shattuck Hotel was built at the southwest corner of Shattuck Avenue and Allston Way in 1910, and extended on Shattuck to Kittredge Street in 1913. Further additions were built to the west of the parcel in 1926 and in 1958. The Hotel and related structures cover the whole block between Shattuck and Harold Way, Allston and Kittredge.

The complex was turned into three commercial condominium units in 1996, two of which are owned by the project proponent, HSR Berkeley Investments LLC, a Los Angeles investment group. The third is the Hotel, which is owned by another party. I heard from one of the project applicants that the only portions of the first floor of the existing structure that are owned by the Shattuck Hotel are the lobby and the restaurant on Allston Way, and that the ground underneath the building goes with the ownership of the first floor.

If this is true, then the historic Hotel is in the unenviable position of having much of the land underneath it, all but the land under its lobby and restaurant, owned by an investment group which might not be focused on its stability or preservation.

The Hotel seems particularly vulnerable because the City of Berkeley "Environmental Constraints Map" shows a wide swath of liquefaction zone crossing the parcel east to west (see attachment). This zone corresponds with the former bed of Strawberry Creek. Landfill replaced the creek bed when the creek was culverted in the late 19<sup>th</sup> century. So the existing structures were built largely on landfill.

The Geotechnical Feasibility Report commissioned for the proposed Harold Way project in early 2013 reads to me like a warning for the Shattuck Hotel.

Throughout the report, the historic Hotel building is referred to as an "adjacent structure" even though it is connected to the rest of the structures on the parcel, and will be connected in some manner to the Harold Way project. The report discusses the potential for soil liquefaction, but dismisses it as a concern for the new project because excavation for its four basement levels would remove all of the landfill underneath the new project. But the east side of the parcel where the Hotel is located will still contain a liquefaction zone, and the Hotel is not receiving earthquake retrofit work to protect it from the construction impacts right next to – and under it!

The Report states that excavation for the Harold Way project will extend *below* adjacent foundations. It states that under some circumstances "vertical settlement" of the foundation elements of the new building can be expected.

The Report says that shoring and support of the "adjacent settlement sensitive structures" should be addressed with temporary construction support. It recommends that a pre-construction survey and monitoring program be performed that would form a basis for any damage claims. This would suggest that it is not *unlikely* that damage may occur to "adjacent" buildings.

I have to wonder why this particular site was even considered for an 18-story building. It is difficult to imagine a more inappropriate choice of location than one that is:

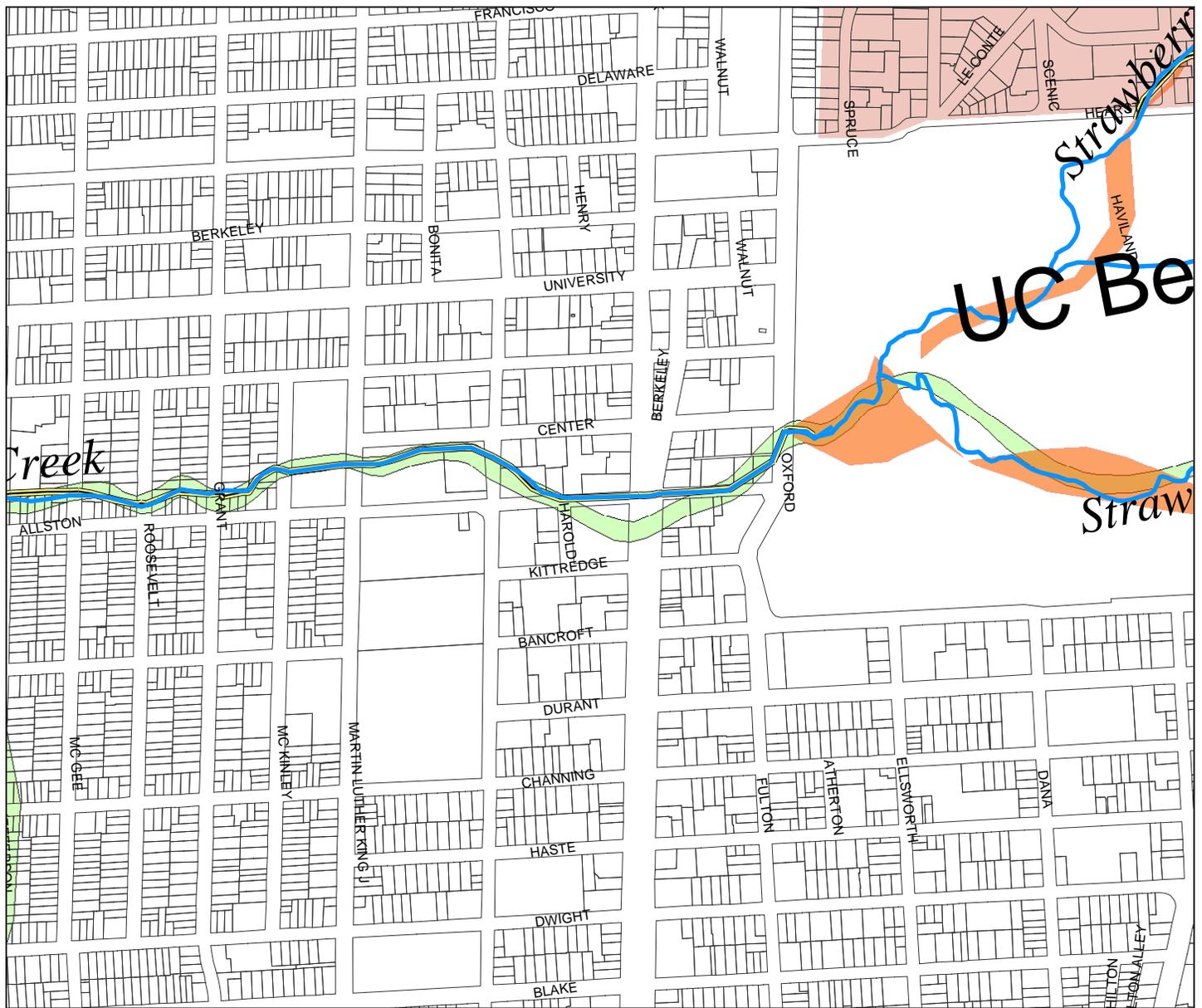
- 1.) on a landmarked site
- 2.) in a liquefaction zone
- 3.) lacking protection for the landmark, yet with multiple factors directly endangering the landmark

Please deny this outrageous proposal. It would be an abrogation of your duties as Commissioners to approve a landmark-endangerment proposal such as this. You are members of the Berkeley's **Landmarks Preservation Commission**, not the LA Investors Wealth Preservation Commission.

Sincerely,

Gale Garcia

Enlargement of section of the City of Berkeley Environmental Constraints Map, showing the Shattuck Hotel parcel. Pale green indicates a liquefaction zone



**Jacob, Melinda**

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**Subject:** FW: Harold Way proposed building

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**From:** Miriam Kasin [<mailto:scribblescribbler@gmail.com>]

**Sent:** Monday, August 10, 2015 1:59 PM

**To:** Zarnowitz, Sally

**Subject:** Harold Way proposed building

I will not be able to attend the meeting, as I am bedridden. But I wanted to express my deep opposition to the proposed tall apartment building on Harold Way. I am a Berkeley native. The building will dramatically alter the quality of life of the city Berkeley is not designed to accommodate tall buildings and the population increase they will bring. The view is essential to the character of the city as well. This building will negatively impact all Berkeley residents.

Thank you for your time.

Miriam Kasin

(510) 524-277

scribblescribbler@ [gmail.com](mailto:scribblescribbler@gmail.com)

363 Panoramic Way

Berkeley 94704

**Jacob, Melinda**

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**Subject:** FW: About 2211 Harold Way

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**From:** Wenk Jenny [<mailto:jwenk69@gmail.com>]

**Sent:** Monday, August 10, 2015 1:15 PM

**To:** Zarnowitz, Sally

**Cc:** Wengraf, Susan

**Subject:** About 2211 Harold Way

Dear Sally and All Landmarks Preservation Commissioners,

Change is frightening.

Our parents resisted changes in their lives, whether it was the new “Modern Jazz” or the way we dressed and danced during our teenaged years. Sometimes our grandparents would remind our parents that resisting change was like trying to stop the wind or the rain. They remembered when they’d tried to get our parents to dress “properly” and act “correctly.” They also remembered how futile their resistance was.

Your job on the Landmarks Protection Commission is to protect History, and history, for future generations. Sometimes that will mean saying an old building should not be removed to allow the creation of a new building no matter how worthy. But other times you have, and will again, recognize that the old building just isn’t significant enough to be protected.

Should you protect “Views of the Bay”?

You’ll have to figure out how many trees need to be cut down both on the University campus and all over Berkeley to do that.

The view from Campanile Way today is a small fraction of what it was when I was a student in the early 1960’s. That’s not because of buildings being built in Downtown Berkley. It is because trees grow taller and larger.

So, unless you’re willing to tell the University and every single property owner in Berkeley to limit every tree to the height it was in the Year of Your Choice, any action you take to stop the construction of 2211 Harold Way will be discriminatory and capricious.

Something else to consider about change and history is Population Growth.

When I was born early in WWII there were roughly 2.3 billion people on earth. We only have estimates since most countries weren’t able to do Census Counts then and the Battle of Stalingrad was still going on.

We all live in a world that today has roughly 7 billion people. And thanks to modern Medicine that number will increase. Just as trees grow taller and larger so people continue to produce children.

One of the reasons those aren’t the only numbers that have changed radically in our lifetimes. The cost of basic housing has increased by several Zeros here in the Bay Area. One simple example is my college educated parents could not afford to buy a \$30,000 house in 1958.

In 1975 I bought a small house in Rockridge for \$32,500. In 1985 I sold that house for \$127,500.

Don't those numbers look quaint now?

Based on the listings in the Sunday newspapers I'm guessing that house I sold in 1985 would sell for at least 7 times as much now, just 30 years later. That outstrips population growth by a very significant margin.

**If we truly value "Diversity" here in Berkeley** as much as we like to claim we do, then we have to increase the number of places for people to live. As long as the supply of homes and apartments is small the prices will be High. **Increase supply and the prices will go down.** You see it happen at the grocery store. It's also true for housing.

So I ask you to support new housing, close to transit, here in Berkeley. Make it possible for some of our children and grandchildren to continue to live in this lovely town with its many tree lined streets and good schools.

Jenny Wenk  
2316 Eunice Street  
Berkeley, CA 94708

**Jacob, Melinda**

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**Subject:** FW: Reject the 2211 Harold Way project

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**From:** Alan K. Lipton [<mailto:infosick@lmi.net>]

**Sent:** Sunday, August 09, 2015 3:25 PM

**To:** Zarnowitz, Sally

**Cc:** [savingshattuck@gmail.com](mailto:savingshattuck@gmail.com)

**Subject:** Reject the 2211 Harold Way project

Dear members of the Landmarks Preservation Commission:

As a Berkeley voter, payer of property taxes, and longtime city resident, I strongly urge you to prevent the approval of the 2211 Harold Way project by any means necessary and possible.

While I am not categorically opposed to all downtown development, approval of this particular project would have an unhealthy impact, both short-term and long-term, on the Shattuck Avenue corridor's business community. Demolishing the Shattuck Cinemas, a magnet for many of the service businesses in the area, would effectively sabotage the livelihood of those businesses as well as the overall culture of the neighborhood.

The 2211 Harold Way project is a bad idea. Surely we, as a city, can do better than this.

In concern and alarm,

Alan K. Lipton  
2100 Marin Ave.  
Berkeley, CA 94707