



Planning and Development Department
Land Use Planning Division

MEMORANDUM

DATE: September 14, 2017
TO: Zoning Adjustments Board
FROM: Leslie Mendez, Senior Planner
SUBJECT: 2190 Shattuck DEIR Comment Submittal by LPC

The Chair of the Landmarks Preservation Commission (LPC) referred the Draft EIR for the 2190 Shattuck Avenue mixed use project (#ZP2016-0117) to the Discussion/Comment agenda of the LPC's regularly scheduled meeting on September 7, 2017. This agenda item was not a publicly noticed comment meeting for the DEIR. To ensure its comments were received by ZAB, the LPC directed staff to provide a transcript of the discussion to the Board.

Attached, please find the transcript of this meeting. Comments and questions raised in the LPC discussion are part of the record and will be answered in the Responses to Comments (RTC) document that staff and the consultant will prepare for the Final EIR.

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CITY OF BERKELEY
LANDMARKS PRESERVATION COMMISSION MEETING
ITEM 6D
2190 SHATTUCK AVENUE
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SEPTEMBER 7, 2017

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>> Okay.

The next item is item 6D, the draft environmental impact report for 2190 Shattuck.

This has been referred to the commission.

And the -- on the website.

We did not receive it in the packet.

We basically have to view it online.

Has anybody submitted any comments on item 6D?

>> Vice Chair, before we get started, we have the EIR consultant and the staff planner here, and if you are interested, I would like to allow for a little bit of time so they can present a little bit about the environmental impact report and an overview of where the project is.

>> Thank you.

>> Just as a reminder, this was put on the agenda at the request of the chair, so we are just being responsive to that request.

So it is not a normal referral, per se, but that is how we put it on the agenda.

>> I didn't hear the question.

You said it was put on the agenda --

>> At the request of the chair.

>> Oh, sorry.

>> Would those involved on this item please come forward?

>> Thank you.

>> Good evening, Mr. Chair and commissioners.

I have been asked to give an overview of the EIR process and where it stands.

Should I keep it brief and give you some context?

>> Can you state your name?

>> Yes, I'll get there in a second.

My name is Abe Leider from Rincon Consultants.

We are helping your staff prepare the environmental impact report.

>> Thank you.

>> So to give a little overview of the project and the EIR process and status and then the inclusion of the EIR.

First I want to give you a -- so you know where the environmental impact report process is.

The notice of EIR was sent in January.

The building was listed on your agenda listed at the end in January.

The existing building was put on for demolition.

There was an EIR scoping session.

The EIR was published and sent out for public review August 10th for a 45-day period that ends on September 25th.

So the project was involved in the existing -- building on the southwest corner of Shattuck and Allston and construction of an 18-story building with 274 residential units above about 10,000 square feet of commercial space on the ground floor and parking being a two-level subterranean garage.

Copies of the draft EIR are available online and --

This project qualifies for a type of streamlined review under CEQA which limits what the -- exactly looks at.

The eligibility for this -- we talk about it -- but it is eligible since the project is an urban site, satisfies performance measures set up by CEQA, and is consistent with the policies of community -- basically, the Downtown Area Plan.

So as part of the environmental impact report, we prepared an in-fill environmental checklist, which you know is an initial study, that screens out the issues that warrant further examination in the EIR.

And based on that checklist, the issue areas studied in the draft EIR are air quality, cultural resources, geology and soils, noise, and traffic.

And significant but minimal impacts were identified in each of these issue areas.

There is one significant unavoidable impact identified in the area of construction noise.

For your purposes, I want to spend a little more time on the cultural resources impacts.

There were essentially three potentially significant cultural resources impacts identified in the draft EIR.

One of them was the -- first of all, I should say that the building itself was determined in the study not to be a historic resource, the Walgreens building.

So the direct demolition of that building was found not to be a significant impact.

But the impact analysis did look at the potential impacts to other historic resources nearby by an introduction into this new structure.

Our documents stated there was a potential impact there, so design measures are recommended as mitigation.

That should help the building be compatible and not have an affect on the adjacent resources in the node, the Shattuck Hotel and others.

That is one impact.

The other impact had to do with vibration impact during construction and -- for example, the Shattuck Hotel is across the street.

We needed a vibration impact study to look at the distance and materials and the exact levels of vibration that are estimated and sound that would be causing damage to the adjacent nearby historic resources.

The third impacts had to do with use from -- and basically the Campanile.

I expect that most of you are familiar with this particular issue about the project and the analysis found that the project would not result in a substantial adverse change to the cultural landscape of the -- of the campus, which is the resource in question there -- themselves have been studied in the EIR -- and they were found to be adverse due to the blockage of the views.

But because of the streamlined EIR, CEQA doesn't allow the city to call it a significant impact.

Although it is disclosed as an adverse impact.

There is also policy inconsistency, inconsistency with the policy by -- in the EIR.

These are discussed in this context.

And just real quickly I'll go on to list the alternatives.

The environmental impact report has to look at alternatives that the project can use to identify and meet the objectives.

The EIR listed a no-project alternative, things stayed the same, and a reduced parking alternative, less trips, less parking available in the underground parking garage.

And as I mentioned, the close of the comment period is September 25th.

And the avenue for submitting comments is written.

It has to be e-mail or letters.

The City website has information, and you will notice you can submit those.

And also verbally on the hearing on September 14th next Thursday at the Zoning Adjustments Board.

The purpose of that hearing is specifically to take comments from the ZAB and vote on the --

The overview.

>> Thank you.

Do you have any questions?

Steve.

>> I have a question.

So I was there for the scoping session -- recognizing the project alternative reduced heights -- and I wanted to ask why that wasn't -- that didn't become an alternative.

>> The in-fill streamlined provisioning says that a reduced project alternative may not be studied, nor offsite alternative.

There was, I believe, some discussion about a smaller building, instead of stepping back, take a bigger mass of the lower area, but it wouldn't have had much of an impact on the view blockage, in my reflection.

However, what I would like to say is those are the cove comments that we hope to get from you and everybody as far as written comments or spoken on the subject when people comment on the EIR.

>> Then we might not get a chance to discuss it.

I guess my follow-up comment is you have this convoluted -- in my view -- convoluted language that is sort of mirroring the Harold Way conversation that says that it is not -- the view impact is not an impact on an historic resource.

Can you clarify the description of Campanile Way as a historic resource or a non-historic resource?

>> I can read to you what our historic resource reference told me, but again, that is a question or a comment that can be made on the draft EIR in a more formal way.

But when I asked them to give some, you know, bulleted background points addressing some of these questions -- first of all, the information is in the EIR.

If you are saying it is lacking or it doesn't really explain it, the City may need to explain it more.

But the 2004 landscape heritage plan identified Campanile Way as a contributing element to the cultural landscape and identified East Bay views as one of the area's defining features.

So the views themselves in the analysis are not historic resources in their own right.

They are a character-defining feature.

So there is an effect tot view should change over time, of course, in a number of ways.

That is not sufficient to reduce the actual historic resource or make it ineligible.

>> How would this change --

>> -- (inaudible).

>> So I still don't -- I guess I see two sides.

I don't see how you acknowledge that it is a character-defining feature of Campanile Way, but there is no historic impact if the view is lost.

>> If you would like a more satisfying answer to that question, I would strongly encourage you submit that -- -- I'm not the person -- -- (inaudible).

>> Well, I just bring up about 35 years of looking at EIRs, I have never seen a final EIR give satisfactory answers to questions raised.

So I did want to say -- can I make a comment at this point?

>> Sure.

>> -- -- if Campanile Way were a historic resource, would your analysis change?

>> If the view of Campanile Way was?

>> Yeah.

>> I don't know.

I would have to ask our experts about that.

Sounds like it, but I wouldn't know -- --

>> And how would -- how would it be defined as an historic resource.

>> That would be a great question that we can answer at a later date with comments.

>> Okay.

So as a follow-up to that, what if something about the nature of the project or resources changes before the final EIR was issued?

Would you then respond to that and make it a -- in the final EIR is that the conclusion?

>> We can definitely look at it and figure that out.

>> I wanted to ask you, you said there's probably no effect on the stability of the adjacent resources, the Shattuck Hotel and the post office.

The creek that runs under the Shattuck Hotel, does that extend all the way across the street there?

>> Within the street corridors, within the street -- between the two buildings.

>> You don't think that a demolition and reconstruction on that same creek bed on the bottom of the Shattuck Hotel -- if shaken from the other side, normally already --

>> It is not stable soil -- -- so that itself is built and has to be remediated through geotechnical engineering.

>> And how can you calculate what the effect of the Harold Way building is going to be?

It seems like that is --

>> Harold Way.

>> Yeah, the building next to the Shattuck Hotel, where the project will presumably be built.

>> The approved project?

>> Whatever.

But the creek is under all of that stuff, and mainly it is under the hotel, and the hotel is a historic building.

And I haven't seen the report, so I don't know how that is calculated, but it seems that it is pretty speculative.

>> -- -- comment on the EIR, or questions.

>> Vice Chair Schwartz, just a quick comment in clarification.

Abe several times has mentioned that the comments need to be submitted.

I just want to say if anybody has anything they think needs to be reflected in the final EIR, the avenue to convey that to the city is either in writing or to the Zoning Adjustments Board next week.

So for example, I'm taking it and I'm hearing all of this stuff, but we are not going to make these official comments that are then going to be responded to in the final EIR.

So just to say it again, anything that has been said tonight, if you want it to be in the final EIR, please put it in writing or attend the Zoning Adjustments Board meeting.

>> Could we make this in the form of a resolution of the commission, that we politely request that this list of considerations that are being addressed -- in the same way that we would -- because I think the letter coming from the commission that reflected the resolution, if

there was a resolution, would have more impact than individual letters going to the ZAB.

So if we passed a resolution saying that we are concerned about whatever it is, then could that be relayed to another body?

I would think it would.

I don't see why it wouldn't be.

>> One way to do that is you could say tonight you are going to send the chair or the vice chair to the zoning board to speak.

>> We can send the person if they wanted to go, but also we could just send them a letter.

My point is if we could as a resolution create a letter to the subsequent bodies.

I don't see why that wouldn't work.

>> You know, I would have to think about that more.

The reason being, when the City released the notice of availability and laid out a public comment path for the city and the community, it said written comments and the Zoning Adjustments Board.

>> Well, suppose I drafted -- are we going to take a break -- we can draft something and you can pass it and you can decide whether or not the communications are transmitted.

>> Sure.

>> Another option might be to form a subcommittee that can draft a letter and submit it to the zoning board and to the EIR comment during the open period.

And then if we vote on it, we could then say the whole commission has approved that letter by a particular vote.

We have done that before, it seems like.

>> And the idea with that would be whatever the letter said, it would have to reflect whatever was said tonight.

So it wouldn't drift, necessarily, between what was conveyed.

>> That is correct.

It doesn't hurt to -- well, the zoning board -- next week --

>> Next Thursday.

>> Next Thursday, so there is really not enough time for a -- (inaudible).

One suggestion for the chair, that we make a written statement.

So I would like to move that we convey to the Zoning Adjustments Board at their hearing next week that we disagree that the Campanile views are not a historic resource and that we ask for a revised or recirculated EIR that studies a reduced height alternative that would mitigate impacts on the views.

And someone can pass around a large picture from the EIR that shows how this building would -- in the view corridor.

>> Similar to Harold Way.

>> The agenda didn't say and the commission may do these things.

The commission can't list every possible thing they want to do.

>> The public has a right to comment.

>> Oh, I'm aware.

It is just we weren't at the point -- we are not going to deny you the right to comment.

Actually, I did make a motion.

So I will withdraw the motion until we have had public comment.

>> And these are on this item.

>> (Inaudible).

>> Are there any other comments from the commission before I ask for comments from the public?

All right.

Carrie, you put it in card.

Is it on this item?

>> Mm-hmm.

I wasn't going to speak, but I thought I would clarify.

I assumed I would say be there to see -- instead, I'm here.

And I had done preparation, because next week it is on the zoning board and I'm on the zoning board.

So I assumed I would be taking notes of the comments that you had and I would relate them.

Because I can tell you after three months being on the zoning board they do not care about cultural resources.

So this is your job.

And I did request this be on the agenda tonight.

It wasn't going to be on the agenda, which is pretty shocking considering that there are impacts to cultural resources and potential impacts to cultural resources.

To answer your question, Becky, Strawberry Creek goes under the middle of the street and is within the creek setback.

Remember a few years ago when you couldn't build within the creek setback?

Well, apparently now you can go up 18 stories.

The original creek bed is underneath the original Shattuck Hotel just on the other side of the street and no one really knows whether or not that is going to have impact from the Harold Way building or this building here.

So these are subjects that in years past we would have had experts who did the EIR in front of us to be able to ask questions, as Becky has seen so many times on this commission, that is not the case tonight.

So we don't have anyone to talk to about the conclusions they came to or the mitigations they are suggesting.

So I did take notes.

I will take those notes with me.

But anything in writing is a good thing.

And like I said, I just don't think the zoning board will look at cultural resources seriously, and I do think it is your duty.

>> Kelly Hammargren.

>> Are we recording tonight?

>> We are, yes.

>> You are recording?

Okay.

It wasn't clear.

There seems to be a problem with the connection with the website and the -- on the city website.

So I can't see everything that I wanted to see.

But as far as the creek is concerned, when we were going over the Harold Way project, it was said that the creek wasn't under Harold Way

anymore and the culvert wasn't near Harold Way, so we didn't need to be concerned about it, that it was over on the other side of the street.

So now that we have 2190, evidently the creek is moved again because now it is farther away.

2190 is closer to Harold Way.

So either -- I don't think it is under the Shattuck Hotel anymore.

It is closer to this building.

So that should have been considered.

As far as the pictures and the places on this building, it should be pretty much dead center in that view.

And we really do need drones to know where this building is going to be.

And according to the projections of the building, that tree to the next to the building, if you go up to the base of Sather Tower, move over to the left, you'll get a view of the top of the Wells Fargo building, which is 178 feet.

And that Wells Fargo building is the same height as the top of the tree that is next to the projection of this building.

And this building is 194 feet, so it is really 16 feet taller than what is within that picture.

So I would suggest to you, all of you, that you actually go up to see the tower and take a look.

All you need to do is just a little bit -- (inaudible).

As far as this not being a historic resource, if you go to the COIT tower, which you would consider a historic building, there is a mural in that building of the bay and of the Berkeley Clock Tower.

So the site and the view is really a historic view, and it was important to implement --

And that is on the first floor.

>> Thank you, Kelly.

John English.

>> Okay.

I have been reading the draft environmental impact and its frankly tortured reasoning, convoluted rationalizing as to why allegedly the view from the Campanile Way from the Golden Gate -- they are trying to say that is not a historic resource.

It is merely an aesthetic resource.

Well, no, it is a terribly important historic resource -- the history of the university and the history of Berkeley.

And the resource is strongly defined.

It is not just the pathway itself that is literally called Campanile Way within part of the campus.

It is also its projection westwards, the air space that projects westward towards the bay and the Golden Gate.

This terribly important place was a vital part of the university's planning back 40 years before Berkeley was incorporated as a city.

When the first campus buildings were built, north and south hall, they flanked the upper end of the pathway, which is now called Campanile Way.

So back to the environmental impact report, which I find is utterly unconvincing on this question, the whole Campanile Way and the vista it involves is a historic resource.

And this project, just look at pages 100-106 -- 109 of the draft environmental impact report.

The visual simulations they show, the new building here would horrendously invade the remaining visible portion of the original vista.

The environmental impact report even tries to address the concern by saying, well, this is much narrower than it was originally because of overgrown trees and shrubs.

Well, you know, simply because the vista is narrower than what it used to be, what remains is all the more priceless.

So I could go on and on about this, however, I would refer you to a February 6th of this year letter from -- addressed to the staff to Leslie Mendez that said much of what I am now saying.

And among other things, that there should be a consideration of having not just a smaller version -- I think it was there for some years -- but for a shorter version of the tower, of the proposed tower.

So I would say that the Downtown Area Plan, although the Downtown Area Plan said that it should be about a total of three, 180-foot tall buildings within the inner core of downtown, that by no means guarantees any particular site.

This particular site is the worst possible place that you would put a 180-foot building.

So I'm trying to -- but having read the EIR, it is utterly inaccurate on this point.

Thank you.

>> The last card I have is Leila Montrose.

>> Good evening.

I'm Leila Montrose. And I'm here on behalf of BAHA.

If you are going to insight me and agitate me while I'm up here, I'm going to get up and speak.

I hope this is being recorded somehow.

I'm a land use attorney, and this is the first time in well over 20 years -- I don't know exactly how many years I have been a land use attorney.

The purpose of a hearing like this tonight under CEQA is to take public comment and to take your comment.

And the EIR preparer is required to answer those questions and comments that come up at the public hearing.

That is the whole purpose of it.

If the final EIR fails to answer each comment and answer each and every question that is asked, be it by the public and by you, it is a failed final EIR and the court will throw it back to the city.

And the reason for that is because the whole purpose behind the CEQA is to make sure that there is a vetting of environmental impacts.

That is the whole idea, is for the public and the decision-makers to have the opportunity to really vet what the

environmental impacts may be and whether the mitigations that are proposed are adequate.

Whether the EIR is adequate.

That's the whole idea of it.

I have never in all of my years of doing CEQA cases ever had an EIR come up in front of a group of decision makers and say, well, that's a good question.

Write a letter to us and, yeah, we will look at that.

That is not the idea at all.

And it is actually the responsibility of the City, not the EIR preparer in the first instance.

What is supposed to happen is there is a recommendation of all of the comments that are made here tonight and all of the questions that you want to ask.

They go into the city planning department.

The planning department then decides.

They can take the recommendations, whatever it may be, and ask that the EIR preparer respond to it.

They can -- the staff can make a list of all the comments.

They can get a transcription and charge the applicant for the cost of the transcription, which is a very typical way of doing it.

So you don't have to write a letter.

You can if you want.

If you want to appear -- it would be better for you to appear in front of the ZAB.

If you want to do that, you can.

But you are not required to.

And if gentleman wants to -- whoever it is, wherever he is -- wants to continue telling people write a letter about that, we don't have to answer it tonight, he does that at his own risk.

And he will have to redo the EIR process from the very beginning because that is what happens when the court sends it back.

You have to start all over again.

It is up to him if he wants to take that risk.

And the only other thing that I suggest your commission do, pass the recommendation system and make a point to ask all the questions on the record that you want to ask and make all the comments that you want to make tonight, and then ask the city staff to let you know that they are recording it and what they plan to do with it.

Thank you very much.

>> Thanks, Leila.

I have some follow-up questions.

>> What am I going to say?

I already said it.

>> So one of the other things that I heard the ZAB say during the scoping session was to use the -- not to use visual simulations.

And here is the EIR, very visual simulations.

And those of you who have been around for a long time will recognize these as sort of visual simulations that were done in the 1980s where you took a little snapshot and you pasted it in the EIR.

So I remember the ZAB saying, put up a drone.

Use GPS and photograph that and create a wire-frame diagram, or something like that, of the building.

So I wanted to ask about the process to develop these visual simulations and how accurate you believe they are and why you didn't put up a physical object that would show the exact lines.

>> We believe that there are accurate photo simulations that are done.

Depending on the way you reference -- (inaudible) -- the standard photo simulation.

>> How does --

>> There definitely is -- drone simulation is a way to do it.

>> The ZAB asked for that.

So you are saying that wasn't necessary?

>> It wasn't done.

>> It wasn't done.

Okay.

So how do you establish where the ground is in an image like this where you cannot see the base of the building?

>> It is done with georeferencing, GIS layers.

And there is an explanation in the EIR.

I tried to find it when I sat down.

And also can explain it more fully in response to comments.

>> -- --

>> It is 180 feet, I believe, plus -- (inaudible).

>> 194 feet.

>> I don't have that right off the top of my head, but there are potential projections.

>> That is a useful thing to know, how tall the building is if you are going to do a visual simulation.

It has to be accurate.

So (inaudible).

I do want to say that I don't know anybody who is against the building -- I'm not against the building --

Because a building on this site would actually be, I think, the biggest housing building in downtown because of the size of the site.

But I am -- a too-tall building on the site, and the city does have the discretion to regulate that.

And as one of our public commenters said, the downtown plan allows three, 180-foot buildings.

It does not mandate it on any particular site.

The city allows those buildings to be -- --

So let me go back to the motion.

Wordsmithed -- --

Does anybody else wish to comment before?

>> Yes.

I just wanted to ask the staff to respond to Ms. Montrose's comment.

Because I would like to know if it is possible to have -- or if we could specifically request that a transcript of this meeting be made in whatever form for the verbal record to be put into the record for the EIR calling for a response.

Because her understanding is the same as mine.

We have asked questions, we have asked questions in a proper venue.

Because the questions all should be answered.

This is an official notification to the EIR process that these questions have been raised tonight.

We would like to have answers.

And I have no objection to belt and suspenders also doing the letter or something, but I would like to get a response from the city staff, if they are not too busy, to this particular request.

>> So I just have to say something.

The LPC does not have -- you are not a decision body over this project.

The process for CEQA for when an EIR is put forward is to go through the decision bodies and have the scoping meetings as well as the comments on the EIR at the public meetings.

If this project requires a structural alteration permit, it wouldn't be before the LPC.

Your chair put this on as a discussion item.

It was on the agenda.

It was not publicly noticed.

We are here as a courtesy and not as a deflector of your answers, but just to give you an overview of the project.

So whether the agenda or discussion, put in a transcript and submitted to the ZAB, I don't know about that.

That would be a question for the secretary to follow up on.

In terms of the fact that was not a noticed hearing.

I'm sure Greg can follow up on that.

>> Would you like to follow up on that, Greg?

>> It wasn't noticed to the public to allow public comment.

>> No, but could a transcript of this meeting be --

>> If the recording is audible and the transcriber could type it up, perhaps.

>> So if we passed a resolution -- in addition to anything else we ask for -- to get you to submit a record of this meeting into the EIR process on our behalf.

Certainly, if you say we are not the decision-making body, we wouldn't submit it as a decision-making body.

We would submit it as a concerned party of the individual sort.

>> Well, I haven't heard the commission make a motion yet.

>> Okay.

I move that the record of this meeting be submitted to the EIR process on this project as the opinion of the members of the committee.

>> Okay.

>> Is there a second?

>> I'll second the motion.

>> So it is a motion to say there will be a transcript.

>> I would like to suggest a friendly amendment that we also send the representative to the ZAB next week to express the record of this discussion to the ZAB.

>> Yes.

I'll second.

>> All those in favor?

Do you accept that friendly amendment?

>> I accept that, yes.

>> Becky has moved that all the comments that were recorded tonight be transcribed and be presented as the opinion of the Landmarks Preservation Commission to the actual environmental impact report comments and to also be related to the ZAB.

Is that right?

>> Yes.

>> And also a member of our commission go to the ZAB meeting and comment accordingly.

>> The seconder of the motion -- all those in favor.

All those opposed?

>> We have one abstention.

Did commissioner --

>> Did you vote.

>> Yes, I did.

>> I'm sorry.

I didn't see it.

Discussion?

>> I would like to make a comment.

That both culturally environmentally, one thing that unites all of the major projects that come through the city seem to indicate that these are buildings for commuters.

And by nature it is an environmental impact because of this, if it is so, involves traffic and emitting surface -- which we have to walk

on top of to get where we are going because it will all be gridlocked because of all the people who live in this town.

As far as the cultural elimination of culture -- and these are places for commuters -- the cultural aspects are going to occur -- going to go to a movie or a restaurant or a bar.

Maybe something else.

But the culture -- these buildings are going to change the culture of the city.

And I think that is a great note.

Berkeley will not be a city.

It will be a theme park with little places that we can act --

>> If I understood the EIR consultant, you suggested that views are aesthetic issues and therefore not the purview of this particular kind of an EIR because it has a checklist EIR, it has special loopholes, I guess you could say.

But the historic resources would be something that should be studied.

And I would argue -- this is on the basis of working at the university for many years -- although I cannot cite chapter or verse because it has been too long since I have looked at any of the documents, that the view from the campus, from the Campanile, was a basic part of the thinking beginning with Frederick -- continuing through the first competition and -- plan, which didn't get implemented in the -- plan, which it did, and every subsequent permutation of the -- plan.

The view is not something that can be detached as an aesthetic concept.

The view is intrinsic to the design of the University of California, Berkeley campus.

And if that isn't historic, perhaps I'm not a lawyer -- I'm a retired architect -- but it seems to be it is very basic, that it is something this commission has the right to consider and it is something that the city must consider.

>> Just a point.

Does the commission wish to amend their prior motion that said everything we just said as part of the record that would also include this?

>> We didn't say "just said."

We said "all of our discussion."

>> The intention is.

>> Yes, before and after the motion.

>> All those in favor of the amendment -- was there a second?

>> Did Chris ask --

>> I thought the comments were going to be recorded.

>> Yes.

And you have a comment?

>> So I saw this on a preview at the DRC.

A point that came up for me was the Downtown Area Plan has a whole section on historic resources.

And while this is not Harold Way, and we are not doing a structural alteration permit and the exterior standings are applicable here, I didn't really see any evidence in the application, drawings, any of the architect's entire was study was that there was really ever any

consideration of the opinion of the district guidelines -- and correct me if I'm wrong -- in downtown where -- you know, there is a mention of the argument is basically the same as the Shattuck Hotel.

My impression was that there wasn't a serious analysis of the historic context.

I would make the recommendation that we now have a historic survey of Shattuck.

And there is a lot of data that was gathered, and that should be considered.

With particular view of the lower --

>> Are there any additional comments from anybody.

>> I would like to see -- I am an even further retired lawyer than Chris is a retired architect, but I would like to see the authority for saying that you don't have to pay any attention to the view shed because it was just an aesthetic element of the whole picture.

I think that would be sort of like the analogy that struck me as the cupola that once fell off the old city hall and there was a big cry -- I think Loni Hancock was mayor -- and there was a big fuss about putting it on.

The cupola is not essential to the building.

It is a little separate thing on top of it and it fell off.

But you couldn't really argue that the building without the cupola was the same building as it was with the cupola because the cupola is only aesthetic.

And if we have a little aesthetic frill on our perception of the aesthetics of the Campanile as a whole, I would like to see the authority that says you can just toss that away.

>> Well, there still remains the question of who goes to the ZAB?

Are you available to go?

>> I would prefer -- because I think you are the most knowledgeable about this case.

>> I would be willing to go if Chris --

>> I can't say whether I'm available right now.

>> Would you go --

>> May we have a motion now as to Steve Finacom being the representative to the ZAB -- sits on the ZAB --

>> I would so move that Steve be our representative to ZAB.

>> Is there a second?

>> I'll second.

>> Shannon seconded.

All those in favor?

And I think we also have two of Becky's motions to include all the comments subsequent to her motion.

Does somebody want to make that motion?

>> I'll make that motion.

>> I'll second.

>> All those in favor?

All right.

I think we are done with item 6D.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: commenet in 2190 DEIR

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

From: S. Entwistle [mailto:sentwistle@att.net]
Sent: Wednesday, September 13, 2017 2:34 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>; LMendez@cityofberkeley.info
Subject: commenet in 2190 DEIR

Honorable Members of Berkeley's Zoning Adjustments Board:

It is inconceivable that the you would consider accepting a proposal for a building this objectionable at this locstion in Downtown Berkeley. At this location, its enormous mass will from most locations destroy Berkeley's long-cherished view directly to and of the Golden Gate. Regardless of what the current zoning ordinance for the downtown area says, you would, each of you, be held accountable by Berkeley's citizenry if you were to permit destruction of part of our heritage.

I urge you to reject outright this DEIR.

Sharon Entwistle
Berkeley