

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: delay the Walgreens highrise vote because city manager made up special treatment for landowners . . .

From: Tree Fitzpatrick [mailto:tree.fitzpatrick@gmail.com]
Sent: Tuesday, January 16, 2018 2:29 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>; Kate Harrison <kate@kateharrisonconsulting.com>; Margots999 via Sustainable Berkeley Coalition <sustainable-berkeley-coalition@googlegroups.com>; Arreguin, Jesse L. <JARreguin@cityofberkeley.info>; Manager, C <CManager@cityofberkeley.info>; Crane, Fatema <FCrane@cityofberkeley.info>
Subject: ZAB: delay the Walgreens highrise vote because city manager made up special treatment for landowners . . .

To ZAB staff: please be sure to distribute copies of this email, on hard copy, to every member of the Zoning Board. It's your job and my right. Thanks!

LPC staff (Ms. Fatema Crane is, I think, the relevant staffer), please distribute hard copies of this email to every member of the LPC, which I believe is part of your job as LPC staffer and my right as a citizen of Berkeley. Thanks.

Our city manager deliberately prevented allowing the LPC to vote on a proposal to landmark the view of the Golden Gate from the Campanile. She asserted a nonexistent special right to special notice of the LPC hearings. Landowners have the same duty as everyone else in Berkeley: it is not up to the city manager to invent special exceptions for anyone. Her duty is to post public notice and it is up to any and all interested parties to track those public hearings they care about.

Because of Dee's shameful municipal-code-ignoring behavior, the LPC did not vote on the request to landmark the Golden Gate view from the Campanile.

And now the ZAB faces a final FEIR to approve or disapprove at its next meeting.

I hope Ms. Ridley Williams (sp?) will give all residents of Berkeley the same kind of special consideration she awarded property owners last week when she forbid the LPC from voting on the historic view of the Golden Gate from the Campanile Way.

Ms. Ridley, I request that you remove the FEIR vote at ZAB this week until after the LPC has had a chance to fairly hold a hearing and vote on the historic landmark status of the Golden Gate view from the Campanile. This is a fair way to compensate Berkeley residents for your unauthorized, even unlawful, invention of special rights of notice for property owners.

Please delay the ZAB vote on the Walgreens high rise until the LPC has had a full, legal and fair chance to hold a hearing on this historic (historic to the whole country, btw!!!) . . . and to vote without Dee and her LPC staffer Fateema blocking the LPC's legal duty to take action and vote.

As Ms. Olson, who was on LPC for 20 years, noted in her public comments at the last LPC meeting, the LPC does not have any legal mandate to let the staff tell them what to do. She read the relevant clauses from Berkeley's Municipal Code and it is clear that the LPC does not weigh property values, property owner interests and the LPC certainly owes no fealty to staffers like Dee trying to make up laws to protect the rich developers at the expense of, um, Berkeley citizens. ZAB staff, in spite of being read the actual and relevant clauses from our municipal code, insisted ZAB could not vote on the petition to landmark this historic view. I am still a bit surprised the LPC commission kow-towed to the staff after Ms. Olson read them the relevant law.

I insist the FEIR vote on the Walgreens high rise be delayed until LPC has had yet another publicly noticed hearing -- no special exceptions for anyone, please. Public notice is public notice and it is disgraceful that Dee keeps getting away with her manipulative stunts to curry favor with the monied developers. Dee, you manage, you do not order policy and just make stuff up to suit your agenda!

ZAB members: you can help undo an injustice, which is the special treatment given to 'landowners' in relation to the LPC petition to designate the view from the campanile as historic (geez, the whole country sees that view as iconic. . who is Dee to suggest otherwise, and is the city manager supposed to advocate? I thought the city manager implemented the policy set by council but our cuttrent manager so often seems to make up policy and then implement her own policy, which is not how Berkeley is supposed to be managed. ZAB: please delay your vote on the EIR for the Walgreens high rise, which will obliterate any view of the Golden Gate* from the Campanile, until the LPC has had a fair, just chance to do their job and vote without meddling from the city manager juking the set up.

Thanks for reading.