



October 14, 2002

City Council
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Re: 2006 University Avenue

Dear Council Members:

You have on your agenda two appeals regarding the construction of a 35 unit, mixed-use apartment building at 2006 University Avenue. Both of these appeals should be dismissed and the Zoning Adjustment Board's decision should be affirmed. Information refuting these two appeals follow:

The appeal from Mr. Friedman, owner of the "Merrill Lynch" building that shares a rear property line with the proposed building is without merit. His appeal points are refuted as follows:

1. **Concern that his property will suffer "irreparable" injury and damage during construction.** Panoramic Interests is the most accomplished developer of infill buildings in Berkeley. We have never damaged an adjacent property and have a long history of mutually beneficial relationships with adjacent property owners. We will meet with Mr. Friedman, prior to the start of construction, to discuss detailed plans. However, because his property is behind our proposed building, we do not expect to require any access on or over his property during construction.
2. **Concern about traffic and parking.** The Darling Florist Building will include 3 parking spaces (a density-bonus concession issued in lieu of fee waivers). Based on the operations of the ARTech Building, located just behind Darling Florists, we expect that the absence of residential parking in the proposed building will not result in any traffic or parking impacts. Indeed, the proposed building will have a better parking ratio than Mr. Friedman's 29,000 square foot office building with four parking spaces. If Mr. Friedman's building is operating successfully with only four spaces, the Darling Florists building will operate successfully with 3.
3. **Concern about trespass.** The existing property at 2006 University does have problems due to its unsecured parking lot. The new building will eliminate this because the ground floor will be completely covered and secured. There are no windows in the rear of the proposed building and no access from the building to Mr.

Friedman's property. Therefore, we do not expect any conflicts between his parking area and our building.

It should be noted that, during the plan approval process, we contacted Mr. Friedman about our project to discuss access and other issues (these letters are attached). Since Mr. Friedman rejected our request to discuss the project, since he failed to participate in the zoning approval process and since his claims have no merit, his appeal should be dismissed.

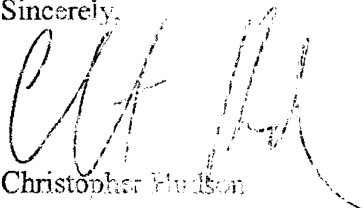
The BAHA appeal is equally without merit. In a separate document, we are requesting that the City Council dismiss the LPC Structure of Merit designation for a variety of reasons. If the City Council dismisses this designation, all of the CEQA and General Plan issues raised by BAHA become moot. The one item in the BAHA appeal not directly related to the LPC action is the claim that 2006 University Avenue is identified as a "contributing structure" in BAHA's May, 1987 Historic Survey of Downtown. In fact, 2006 University is not included as a contributing structure in this survey (the graphic included in the Downtown Plan is not an accurate copy of the BAHA historic survey). Since the building is not identified as a contributing structure, none of their downtown plan or general plan comments are relevant.

It should be noted that three individuals have expressed interest in relocating the structure at 2006 University Avenue to other locations (all in North Oakland) for renovation as a multi-unit housing project. In other words, the building will be renovated and given new life in a residential location more suited to the building's character.

The proposed Darling Florist Building will provide 35 affordable housing units (including 7 low-income units) in downtown Berkeley close to jobs, education and transit. The project was carefully reviewed and approved by the Zoning Adjustments Board (ZAB) and the Design Review Commission (DRC). There was no objection to the project at either the ZAB or the DRC. We are requesting that the city council dismiss the Zoning Adjustment Board appeals and dismiss the LPC decision after conducting a public hearing.

Thank you for considering this letter.

Sincerely,



Christopher Hudson



January 31, 2002

Two Thousand One Associates
C/o Mr. Herb Friedman
50 First Street, Suite 400
San Francisco, CA 94105-2413

Re: 2006 University Avenue

Dear Mr. Friedman:

The Touriel Building, LLC is proposing a development of the property located at 2006 University Avenue in Berkeley, CA. This property is located due north of your 2001 Addison Street property (see attached map). Our plans call for the development of 33 residential units constructed over a ground floor that includes retail and parking. The project will be five stories tall.

During the city review process, the city raised concerns that we preserved the driveway that currently exists on University Avenue. The city asked us to contact you to discuss the possibility of gaining access to our parking from Milvia Street by means of an easement across your parking lot. We believe that there may be advantages to both of our properties by considering such an arrangement.

Could you please call me at 510.665.0300 to discuss this item. We are scheduled for another public hearing in mid February and hope we can talk to you before then. Thank you for taking the time to respond to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Hudson".

Christopher Hudson



PROPERTY MANAGEMENT & INVESTMENT

50 First Street
Suite 400
San Francisco
CA 94105-2413

415/882-9666
FAX 415/882-0954

February 7, 2002

Christopher Hudson
Touriel Building
2116 Allston Way, Suite 200
Berkeley, CA 94704

Re: 2006 University, Berkeley

Dear Mr. Hudson:

In response to your letter of January 31, 2002 requesting a vehicular easement of some sort across our parking lot, let me respond clearly by saying that, frankly, we see absolutely no benefit and a substantial amount of burden were we to consider such a request.

At this point, therefore, I simply want to make very clear that we are not interested in pursuing this further. This is more so the case given the virtual total insufficiency and inadequacy of the details of your project and the specifics of how you would benefit from utilization of the requested easement over our property.

Yours very truly,

Herbert J. Friedman



October 14, 2002

City Council
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Re: 2006 University Avenue

Dear Council Members:

In July 2002, the Landmarks Preservation Commission (LPC) designated the property at 2006 University Avenue as a Structure of Merit. This action by the owner of the property hereby appeal this action and request that the city council hold a public hearing on this item before over-turning the LPC's action.

The facts that support the dismissal of the LPC action and rejection of the Structure of Merit Designation are as follows:

1. Timeliness / Questionable Vote

2006 University Avenue first appeared on the Landmarks Preservation Commission's agenda on October 1, 2001. The LPC was unable to set a date for a referral until February, 2002 - five months after it first appeared on the agenda. The flawed vote was remanded by the City Council and appeared on the LPC agenda again in May 2002. In July 2002 the LPC finally took action on the property in accordance with the Landmarks Preservation Ordinance. Unfortunately, this action was based on information that was not made available to the applicant until the night of the public hearing. In addition, this action required two votes in order to pass (During the first vote, Commissioner Chalmers' substitute commissioner abstained only to change her vote after being questioned about her vote by Chair Olson. It is interesting to note that the chair did not question any other commissioner's vote).

It should be obvious that a property that takes ten months to reach a point where a partially defensible decision can be reached (and then a decision that only gains the bare minimum number of votes) is a marginal property at best.

2. Lack of Architectural Merit

The north façade of the original building at 2006 University Avenue burned off in the 1930's. No photos of the façade exist. The façade cannot be re-created in any way, shape or form. The remaining elevations are simple, unadorned elevations with no real architectural interest. Two professional architectural historians have opined that the building lacks significant architectural integrity to qualify as an historic resource.

In addition, the Landmarks Preservation Ordinance sets forth clear standards that must be met for a building to qualify architecturally as a structure of merit. 2006 University Avenue does not meet these standards. The LPC claims that the building is "compatible with a designated landmark within its neighborhood." However, any casual observer can confirm that a Victorian era wood residential building with a destroyed façade (2006 University Avenue) cannot be compatible with the adjacent, landmark commercial brick building built in 1917 (UC Theater).

Because the LPC's claim that the building has some architectural merit runs counter to two independent reports and because the application does not support any of the architectural standards required to designate a building as a structure of merit the City Council should recognize that the building lacks the architectural quality and integrity to rise to the level of a structure of merit designation.

3. Lack of Historic Significance

Minutes before the July, 2002 LPC meeting, the LPC presented the applicant with a revised landmarks application that included new information about the building's original builder, John Doyle. This information claims that Mr. Doyle was an "important" part of the incorporation of Berkeley. However, Mr. Doyle's name does not appear in either of the two most comprehensive histories of Berkeley's early years. Equally important, the original LPC application notes that the name Doyle does not appear in city registries during the periods before and after incorporation. Mr. Doyle's connections to history are that he may have been one of several hundred signatories to the petition to incorporate as a city (a document that most land owners signed) and that he was a member of the Workingmen's Party.

It should be noted that the Workingmen's Party was a racist, anti-immigrant organization that was formed with the primary goal of expelling Chinese people from California. It certainly does not seem that this historic connection makes Mr. Doyle an "important" figure in the history of Berkeley.

The existing house at 2006 University Avenue is not an interesting, attractive or unique architectural creation. It is not architecturally compatible with adjacent properties. In fact, its sole feature is that it is old. This single feature is not sufficient to qualify the building as a Structure of Merit.

The builder of the house, John Doyle, was alive in the 1870's and 1890's. He apparently joined some organizations and signed a petition that supported the incorporation of Berkeley. He does not appear to have been a leader, visionary or humanitarian that had any important role in the history of the City of Berkeley. As with the building, the simple fact that this person existed is not sufficient to support a Structure of Merit designation.

Based on these facts, the City Council should reject the LPC's action and dismiss the structure of merit designation from 2005 University Avenue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ch Hudson", with a long horizontal flourish extending to the right.

Christopher Hudson
Touriel Building, LLC