

Item 27c: Public Safety Building Tower Study - Communications

1. Betty Alcutt, McKinley Transitional House for Women and Children
2. Chris Knudsen (2)
3. Andrea DuFlon
4. Erica Etelson
5. Arthur and Carol Dembling
6. Carol Maharathy
7. Kirk McCarthy
8. Debra Golata

McKinley Transitional House for Women and Children
2111 McKinley Avenue
Berkeley, California 94703

Berkeley City Councilmembers
2180 Milvia Street
Berkeley, California 94704
September 18, 2003

Dear Councilmembers,

I would like to thank you and the City Manager for your previous actions to study relocating the communications tower public safety building. This tower is within feet of the northern side of the McKinley Transitional House for Women and Children. All of the windows on the northern side of our home look directly onto the antenna that is just a few feet away. It is a view dominated by industrial bars of metal—out of place in a residential neighborhood. The hope of this tower being moved from sight is a positive one for us and our surrounding neighbors.

We at the McKinley house are trying to create a home-like environment for women and children who are coming here from stressful situations. We would very much appreciate the Council's continued support in relocating the tower.

Sincerely,

A handwritten signature in cursive script that reads "Betty Alcutt".

Betty Alcutt, Case Manager of the McKinley House

Dear Berkeley City Council,
thank you for continuing to pursue a solution to the problem of the police communication tower that continues to be an eyesore for my neighborhood and the City Hall area. It would be easy during this time of budget problems to cancel or postpone plans to move or reconfigure the communications system. It would be easy to consider the tower a cosmetic problem better dealt with in times when every child is getting the education they need, and every underprivileged person has the resources available to make their lives better. Even I, who see this monstrosity everyday from my backyard and my bedroom window, occasionally wonder if the money to mitigate our neighborhood problem is money that might be better spent. The money can not be better spent. It is a matter of commitment and trust. The tower must be taken down.

In building the communication tower the city violated the trust it had developed with our neighborhood during the building of the new Public Safety Building. We agreed to allow the building to be placed in our residential neighborhood because of the understanding we had that the city would be responsive to our needs and cognizant of our concerns. For the most part the cooperation we developed is a model of what may be achieved if communications are kept open, each need and concern is at least acknowledged, compromises are made to achieve acceptable solutions to problems, and commitments are kept. Imagine the neighbors surprise when a dot on a building map turned into a hideous multi-story symbol of a police state. It was constructed without public review and without an environmental impact report. The neighborhood complained, and once again the city of Berkeley rose to the challenge of finding a solution; and it was agreed that a replacement for the tower would be found. We thank you for that. We don't expect overnight solutions, but we do insist that process move forward at a reasonable pace, and unfortunately a reasonable pace will require the City Council to continue funding the process at a time when money is in short supply.

I don't doubt that there will be some who will criticize you if you continue to meet the commitment you have with our neighborhood. There will always be important projects that require money, and needs that require attention, but I hope you will all consider the removal of the tower as a commitment on which you cannot renege.

Thank you,

Chris Knudsen

1814 Addison

Berkeley, CA 94703

848-2654

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Dear Dona,

I read through the city report on the tower and found nothing surprising. It was clear to me that the task given to the committee in charge of the alternatives was not properly communicated to them. It appears from the report that the task must have been worded something like: Decide whether proposals for new tower(s) are better than the original design. It seems a straightforward task, and one a competent committee could do in a short time. Both proponents of the current tower and its detractors could agree that the task seemed reasonable. Something went wrong, however, and from the perspective of the neighborhood residents. The task somehow took on a more limited scope, namely: Will the new designs serve the police as well as the original; rather than: Will the new designs provide sufficient mitigation for the residents and still provide the public safety officials with adequate radio coverage.

The report concentrates its review on the effectiveness of the tower as a commutations device in contrast to the tower alternatives. There is no comparison made of the visual neighborhood degrading impacts. The reason for the report is given scant attention.

I have no doubt that the radio tower is a communication marvel. I have no doubt that it works better than those of neighboring cities. It makes intuitive sense to me that anything less obtrusive will be less effective. I believe that something less effective and markedly less intrusive than the original can still be perfectly acceptable to the public safety workers.

There is no argument about the effectiveness of the tower that will sway me. The tower was erected without public review and that is wrong. It was a mistake and it needs to be corrected. I'm sorry that it will cost money, and I'm sorry that a Ford may replace the Cadillac; but Fords are still effective and perhaps the extra money spent will serve, at least temporarily, as an effective reminder that the city must build by the same rules and regulations as everyone else. Furthermore, the city must build with sensitivity to the needs of neighborhoods.

I think the neighborhood strategy should be kept as simple as possible. We allowed the Public Safety building to be built in our neighborhood and we put up with the dust and inconvenience for years. We were shown pictures and the plans and after one false start and a redesign we approved them. We were happy with the building and then suddenly, on a weekend, an ugly tower appeared, destroying the aesthetic appeal of the new structure. We had seen no picture of this tower, saw no environmental review, and it was built during a time when we could not complain and bring construction to a halt. There is no debate amongst the neighbors as to whether it should stay. It must not. *We are willing to negotiate for a reasonable replacement.* The city must find designs that are adequate for public safety and allow us to choose from those designs. If we cannot choose with the help of our City Council member, then the City Council can choose. Under no circumstances must the original tower remain. The previous City Council and City Manager agreed that the tower was a mistake. It is up to this City Council to correct that mistake.

Yours,

Chris Knudsen
1814 Addison
cknudsen@oncologic.net

Kelly, Sherry

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From: Spring, Dona
Sent: Wednesday, October 08, 2003 8:55 PM
To: Kelly, Sherry
Subject: FW: TOWER -meeting Oct. 8th

Please put in communications section of next agenda.

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

From: aduflon@flash.net [mailto:aduflon@flash.net]
Sent: Monday, October 06, 2003 3:19 PM

However, it is my opinion that the only leg we have to stand on is in the information below, which is that the tower is currently an illegal structure, and we want to know what they are going to do to rectify this illegal situation. If any one of us homeowners had had put up an illegal structure, you all know what the outcome would have been, and I think we need to hold the city responsible for this. It doesn't matter what their reports say, the tower is illegal. The information below should be printed out in very large type so that it can't be missed, and should be read out loud at the next pertinent meeting. The only thing "they" need to understand is the illegality of the situation. And I think we need to hen peck the proper authorities until the situation is dealt with from the illegal standpoint. This sets a horrible precedent in city government which will be used against the residents again unless we stop it now.

Andrea DuFlon

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> BACKGROUND: The consultants report regarding studied options for replacing
> the public safety-building tower will be coming to the Council on September
> 18. The surrounding residents have patiently worked in conjunction with
> city staff for over four years to find a different configuration for this
> huge industrial tower which dominates the out door views of the surrounding
> residents. These residents have requested an opportunity to present their
> views to the City Council at a public hearing on this subject before the
> council votes on this matter. There was a break down in the public process,
> which has not yet been rectified. The current tower was illegally
> constructed without any public or commission review or even a permit.
The
> EIR on the project recommended that the tower go to LPC, which did not
> happen. The adopted EIR required that all accessory structures be reviewed
> by Design Review committee, which also did not happen.
>
> A permit was required by state building code, City of Berkeley zoning code

> and by the use permit of this project. The tower construction violated the
> state building code, approved mitigation agreement and use permit for the
> project, which required that, all accessory buildings, location and designs
> go before the zoning board for approval. This 170 ft., 15-story antenna
> structure had no public review of any kind. There were no drawings of the
> tower structure or alternative designs presented in the environmental impact
> review document or at any public meetings because they did not exist. There
> are no drawings of the antenna (as required by the projects use permit) in
> the zoning file of this project. In fact, research has shown that city staff
> themselves didn't know what the structure would look like until it was
> erected. The contractor for the project got a three-page change order and
> he made a selection for the cheapest model; even though the same company
> sold the flag pole structure and recommended that design in a residential
> setting.
>
> The certified environmental impact report stated that there would be no
> visual impact of the proposed antenna! The consultants like city staff
> failed to disclose the impact because they (like the rest of the community
> and decision makers) had no idea what the antenna tower would look like when
> the environmental report was written.
>
> The permit for the project said:
>
> "The building has been designed to minimize bulk as well as minimize shadow
> impacts on the adjacent neighborhood... The design competition criteria
> adopted by the City Council which sought to reduce impacts from the imposing
> structure on the adjacent residential neighborhood which sought to reduce
> impacts from the imposing structure on the adjacent residential neighborhood
> site providing a landscape and parking buffer in this area."
>

Kelly, Sherry

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From: erica etelson [ericadavid@earthlink.net]
Sent: Sunday, October 12, 2003 10:50 PM
To: Kelly, Sherry
Cc: Spring, Dona
Subject: PSB Tower

October 13, 2003

Dear Councilmembers,

I am writing to reiterate my opposition to the current location of the PSB Tower. I have testified several times to Council and have submitted extensive documentation of the health impacts of radiofrequency radiation. (New council members should feel free to contact me if you wish to review the medical literature). The proximity of the Tower to McKinley House and its medically vulnerable residents is extremely problematic from a public health standpoint. It is incumbent on Council to protect the residents of McKinley House and other neighbors from the potentially harmful effects of the massive amounts of radiation emanating from the Tower.

I have reviewed Macro's report on alternatives to the current location. Clearly, there are viable alternatives that Council should instruct staff to pursue. The residents of the neighborhood have waited patiently and worked in good faith with city staff for over three years. The time has come to take the action Council promised--to move the Tower.

Thank you for conducting the public hearing and for your continued attention to this matter.

Sincerely,

Erica Etelson
2244 McKinley Ave.

10/14/2003

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1741 Berkeley Way
Berkeley 94703
October 12, 2003

Berkeley City Council
2180 Milvia
Berkeley

Re: Removing Tower

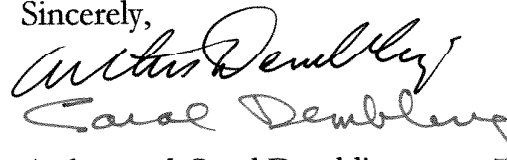
Dear Councilmembers:

If Berkeley ever needs a monument to bureaucratic blundering, we don't have to look further than the city's radio tower. It took extraordinary blindness to stick that thing in our historic civic center. It took Neanderthal obtuseness to plunk it across the street from a residential neighborhood. It took breathtaking carelessness to build it without plans or drawings. It took amazing arrogance to build the second tallest structure in Berkeley without any public review.

A consultant has told the Council that we don't have to live with the bureaucrats' blunder. We can do it differently. We can get the radio services we need without violating virtually every standard of planning, process, and elementary aesthetics that citizens have a right to expect from responsible government. Let's demonstrate the courage and decency for which Berkeley deserves to be known and get rid of this shameful monument.

Thank you for moving forward on this.

Sincerely,



Arthur Dembling

Arthur and Carol Dembling

13 October 2003

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Re: Replacing Civic Center Tower

To the Berkeley City Council:

At last the City Council has the perfect opportunity to undo the terrible wrong that was inflicted on the neighborhood near our Public Safety Building when that hideous tower was put there a few years ago without any public review or process. Now that a consultant's report confirms that we can have the radio service we need from more appropriate installations, we need to bring that thing down pronto. I just count my blessings that that incredible blunder wasn't committed across the street from my house.

To accommodate services that we all depend on, those neighbors have suffered enough. We at least owe them the simple courtesy of a review process that is nothing less than what all the rest of us expect from Berkeley. The city needs to put itself behind an acceptable alternative and make sure that it receives a full public review. Please give your wholehearted support to correcting this monumental lapse.

Thank you.

A handwritten signature in cursive script, reading "Carol Maharathy", followed by a horizontal line extending to the right.

Carol Maharathy
1940 Hearst Avenue
Berkeley 94709

October 14, 2003

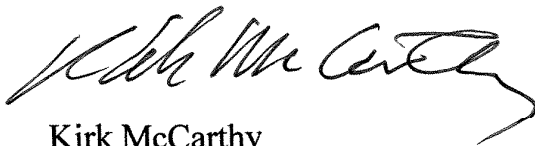
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To the Berkeley City Council:

I want to thank the Council for all you have done to ensure that the radio tower on McKinley Street that was thrown up without permits or public process over a weekend in 2000 will be replaced. The tower's neighbors certainly deserve the same consideration that any of us expect from our city's regulatory processes. The fact that this monstrous thing was built by the city itself only compounds the offense.

I understand that a study has concluded that a replacement system will provide service virtually equivalent to that of the tower and certainly better than what was available for many years from the towers on the old Public Safety Building. I urge you to instruct the staff to submit the appropriate alternative or alternatives to the necessary public review process and bring a long-overdue conclusion to this shameful episode.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk McCarthy", with a stylized flourish at the end.

Kirk McCarthy
1734 Hearst Ave., No. 3
Berkeley 94703

1731 Berkeley Way
October 15, 2003

To Members of the Berkeley City Council:

Berkeley rarely does things half way. When the city built a new radio tower a few years back, it put up the second highest structure in town (only the Campanile tops its 170 feet!), stuck it in a designated historic district, which is also a residential neighborhood, and did it all without so much as a whisper of process or permits! No one ever even saw a plan for this thing before it appeared over a weekend!

Now we have an opportunity to undo this grotesque goof. A consultant has concluded we can get what we need from another system that won't offend everyone who looks at it. Let's at last do the right thing and replace this brute—after we give its replacement the review we give everything taller than a 6-foot fence of course!

Thank you for giving this your consideration.



Debra Golata