

CITY OF BERKELEY
CITY CLERK DEPT

07 JAN 18 AM 11:03

January 16, 2007

Berkeley City Council
c/o Greg Powell
City of Berkeley
2140 Milvia Street
Berkeley, CA 94704

Re: Appeal of 651 Addison Use Permit to Demolish the Existing Structure

Dear Council Members:

This letter is written in response to Gale Garcia's appeal of Use Permit #06-1000067 to demolish the existing building at 651 Addison Street (East Bay Drayage building). The City Council should reject Ms. Garcia's appeal because she elected not to participate in the public process and because the issues she has raised have been addressed during the public process.

Issue 1 - Is the project eligible for a CEQA exemption?

Yes. Section 15301(l)(3) of the CEQA guidelines provides an exemption for the demolition of small commercial structures such as the existing building. It is clear that the demolition of the existing structure will not result in any environmental impacts. Ms. Garcia could have raised any concerns with the exemption during the ZAB process.

Ms. Garcia's projection of some future project is not relevant as no project is yet planned or submitted for this property. A CEQA review will be required when a new building is submitted for the site and the ZAB's action on December 14, 2006 in no way limits the city's ability to review impacts from any future development of the property.

Issue 2 - Is the existing building an historic resource?

No. A detailed historical assessment was prepared by Michael Corbett on March 10, 2006. The report concluded that the existing building was not an historic resource. This report was submitted to the city and considered by the Landmarks Preservation Commission on August 3, 2006. The LPC determined that the building was not an historic resource and elected not to initiate the structure. Further, ZAB considered the LPC's decision in its approval of the demolition, re-affirming that 651 Addison is not an historic resource. Ms. Garcia could have challenged this decision had she chosen to participate in the process.

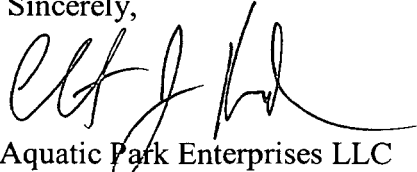
Issue 3 - Will demolition result in a loss of property tax revenue?

No. The existing vacant structure generates no business taxes for the City of Berkeley. Because the building was purchased in its current vacant and condemned state, the value of the property is based on the land and not the structure. Accordingly, demolition of the structure will not result in a reduction in the property's value. Ms. Garcia could have raised this issue had she participated in the ZAB process.

Ms. Garcia has been following this property for quite some time (as evidenced by a letter to David Orth dated April 11, 2006). She should have shared her concerns with the LPC and/or the ZAB rather than wait for a City Council appeal in an attempt to delay the process.

The existing building at 651 Addison Street is a dangerous blight and nuisance. The sooner the structure is removed, the safer the site will become. The city will retain full review powers over any future development of the site. We request that the City Council reject Ms. Garcia's appeal and allow the demolition to proceed.

Sincerely,



Aquatic Park Enterprises LLC
By Hudson McDonald LLC
Manager

Cc: City Clerk, City of Berkeley

January 1, 2007

Members of the City Council
City of Berkeley

07 JAN - 2 PM 2:39
CITY OF BERKELEY
CITY CLERK DEPT.

Dear Councilmembers:

Appeal of Use Permit #06-1000067 to demolish 651 Addison Street, the Drayage Building, and Appeal of the California Environmental Quality Act (CEQA) Certification

This appeal of the Zoning Adjustments Board decision of December 14, 2006 to certify a categorical exemption as adequate CEQA review and to permit demolition of the Drayage Building at 651 Addison Street, is based on the following:

Categorical Exemption is Inadequate CEQA Review

There is ample evidence that a project has been planned for this site. What is the planned project? The Initial Study for the Aquatic Park Streetscape Improvement Project refers to many new developments in this area (see attachment 1). On Page 1 of the Special Meeting Minutes of the West Berkeley Project Area Committee of June 15, 2006, the final paragraph reads in part, "Commissioner Libby asked regarding the adjacent development at Drayage and how close they would be to each other. Both properties are required to have a six-foot set back so that 12 feet shall separate the proposed residences and the **Drayage development**" (emphasis added). Clearly there has been discussion of a project for this site among the Commissioners.

How can the cumulative impact of this project be assessed in relation to the other projects planned for this area, if the applicant refuses to reveal the project? Failure to reveal the plans to develop this site would seem to render this project improperly segmented for CEQA purposes.

The Use Permit states that the project is deemed categorically exempt pursuant to Section 15301 of the CEQA Guidelines. Yet the Discussion of Section 15301 states, "Accordingly, a project with significant cumulative impacts or which otherwise has a reasonable possibility of resulting in a significant effect does not qualify for a Class 1 exemption". This project is improperly segmented *and* has a reasonable possibility of resulting in significant impacts.

Finally, it should be noted that the Drayage Building was identified as significant as a potential City of Berkeley Structure of Merit Landmark property (see attachment 2 and 3) in the West Berkeley Field Survey, jointly undertaken by the Berkeley Architectural Heritage Association and the Landmarks Preservation Commission, to inform the West Berkeley Area Plan adopted by the City in 1987.

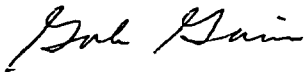
Demolition Might Lead to a Needless Loss of City Property Taxes

Issuing this demolition permit was not in the best interest of serving the public due to the immediate loss of property tax with no guaranty and/or disclosure of a potential replacement structure that would provide additional tax base.

Whatever the unrevealed plans for this site are, they are likely to be dropped some time after the demolition. This site is five feet from a Kinder Morgan jet fuel pipeline which has been designated a Hazardous Facility, and a few feet from the railroad tracks. High intensity uses are not supposed to be placed next to jet fuel pipelines, even those not deemed hazardous.

The logical use for this site is something like a warehouse, exactly what is already there. Permitting the applicant to demolish this historic warehouse building gives him a large property tax break for as long as the land remains vacant. Since the deflation of the real estate bubble is well underway and there are signs that it will continue for many years to come, we might lose city Special Assessment property taxes for a very long time, for no benefit other than to create a blighted vacant lot. Berkeley doesn't need any more blighted vacant lots receiving tax breaks, now that 1122 University and 2041-65 Center Street are fulfilling that role.

Sincerely,

A handwritten signature in cursive script that reads "Gale Garcia".

Gale Garcia
841-5055

attachments

City of Berkeley

E N V I R O N M E N T A L I N I T I A L S T U D Y

9. Surrounding Land uses and Setting:

From the Initial Study for the Aquatic Park Streetscape Improvements Project

Mixed Use-Light Industrial and Commercial land use zoning surround the project site. The part of the project improvements along Fourth Street between Hearst and Addison is commercial with a few restaurants and large parking lots. The southwest end of the site along Addison Street is characterized by mostly light industry, as well as one restaurant and a few commercial businesses. New development is proposed on several lots adjacent to the project resulting in a greater intensity of surrounding uses, elimination of one of two large parking lots, and introduction of new adjacent uses including residential above retail.

10. Other public agencies whose approval is required:

The Landmarks Preservation Commission will be consulted with to determine final mitigation measures for any construction in the right of way within the Shellmound.

11. Summary of ReportsArchaeological/Cultural Resources

A "Section 106 Report" addresses two areas: site archaeology and historic buildings. The first report covered archaeology.

Garcia and Associates, registered archaeologists of San Francisco, worked for almost two years to determine the possible location and extent of Native American shellmound remains within the public right-of-ways near the project. The area of their work extended beyond the boundaries of this specific project area, in the event future streetscapes or other unrelated projects are proposed.

The report concluded:

- That the area where the Ohlone Shellmound was once visible may be "Eligible for the National Register of Historic Places". (The Shellmound area has already been designated as a City Landmark in 2001).
- In the public right-of-way along 4th Street, the archaeologist found two cultural deposits. One was just under two and a half to two and three-quarters feet (2.5 to 2.75 feet) below the street surface and another extended from just over three feet below the surface to over five and a half feet (3.2 to 5.7 feet).
- While the specific shell midden characteristics are not known in the area where these cultural deposits were found, the area will nevertheless be protected from potential disturbance by a two-foot limit on the depth of digging.
- Mitigations should include the retention of a qualified Native American archaeologist or monitor that is retained prior to all grading or digging on Fourth Street between Hearst and University.

BAHA/LPC WEST BERKELEY FIELD SURVEY: PROPERTIES RATED HIGHER THAN "4"
plus Landmarks and State Inventory listings in the "R" zone
400 total significant properties

area	block	address	name	date	architect	desig
A	1 2381	1120 2nd St.	Berk.Munic.Incinerator	1913	Griscom-Russell Co	L 2
B	1 2344	1320 2nd St.	industrial shed	1941	Moore Dry Dock	2
B	1 2344	1328 2nd St.	Pac.Steel-brick office	1943	Alben Froberg	2
O	1 2106	1822 2nd St.	chandlery/Pac.Guano	1920s	unknown	2-4
Q	1 2347	1337 3rd St.	Cal.Ink black ink blg.	1913	Arthur Arlett (b)	L
P	1 1954	2060 3rd St.	East Bay Drayage	1920s		3
Q	1 2360	1235 4th St.	Randy Strong Art Glass	1938+44	Bertel Mork, b	3
Q	1 2346	1300 4th St.	Manasse-Block Tannery	1898ff	H.C.Kidder(b)et al	L
Q	1 2346	1333 4th St.	Cal. Ink boiler house	1920	MacDonald & Kahn	L
Q	1 2338	1409 4th St.	house & shop	191s+76	unknown	3
Q	1 2325	1435 4th St.	Haws/Berk.Tool & Die	1945	Christensen&Lyon,b	3-2
N	1 2317	1510 4th St.	Iglesia El Golgota	1948	Edward H. Buttler	3
N	1 2316	1519 4th St.	house/O.C.Jones Const.	1870s	unknown	2
N	1 2316	1523 4th St.	studio-saltbox	1920s		2-4
N	1 2116	16-- 4th St.	wagon wheel tree	1920s?		S 2
O	1 2099	1809 4th St.	Ghego house	1877c	(Wm.B. Heywood,b)	LS 2
O	1 2114	1824 4th St.	concrete grid forms	1940s		2
O	1 2100	1919 4th St.	Spenger's Fish Grotto	1895c+	unknown	S 2
P	1 1956	2040 4th St.	Celias Rest./Boy Scout	1930s		3
P	1 1959	2123 4th St.	Donohue house	1893c	unknown	S 3
P	1 1959	2125 4th St.	Donohue house	1893c	unknown	S 3
G	1 1945	2300 4th St.	Heinz Mach/Berk.Pump	1907ff	?/1946 Ensor Buel	2
G	1 1946	2370 4th St.	Berkeley Pump-grid fms	1955	Ensor Buel, b	3,2g
G	1 1946	2398 4th St.	Beadazzled-grid forms	1945	Ensor Buel, b	3,2g
G	1 1944	2417 4th St.	brick warehouse	1946	Davis & Robinson,b	3
G	1 1944	2421 4th St.	house-colonial (elab.)	1900s		3-2
G	1 1947	2424 4th St.	P.Coast Chm/Sunlit Fru	1907ff	FT Shea,D Coleman	2
G	1 1947	2428 4th St.	brick w'h/Sunlit Fruit	1910s		3
M	1 2383	1102 5th St.	Frogs Computer/USSteel	1940s		3-2
Q	1 2348	1301 5th St.	Rhodes-Jamieson plant	1940s?		3-4
Q	1 2338	1406 5th St.	2 Weisbrod houses	1919	James Horton	3g
Q	1 2338	1410 5th St.	Haberlan house	1891	Thompson et al., b	S 2
Q	1 2337	1415 5th St.	house-colonial	1900s		3
Q	1 2338	1416 5th St.	Walker-Built house	1943	Paul Hammarberg	3g
Q	1 2338	1418 5th St.	Walker-Built house	1943	Paul Hammarberg	3g
Q	1 2338	1420 5th St.	Walker house/Hammond	1943	Paul Hammarberg	3g
Q	1 2338	1422 5th St.	Walker-Built house	1943	Paul Hammarberg	3g
Q	1 2337	1425 5th St.	Walker-Built house	1943	Paul Hammarberg	3g
Q	1 2326	1435 5th St.	sink fac/Import Auto	1919R+	Petrium Sink Co.,b	3
Q	1 2325	1442 5th St.	Walker-Built house	1943	Paul Hammarberg	3g
Q	1 2326	1447 5th St.	house-Queen Anne/cplon	1890s		3
N	1 2326	1449 5th St.	Golsch house	1890c	Heinrich Golsch, b	S
N	1 2316	1504 5th St.	Doren/LeStrange house	1885c		S 2
N	1 2316	1512 5th St.	Evensen house	1885cR	B.Evensen, b?	S 3
N	1 2315	1513 5th St.	house w matching addn	188s+8s		3
N	1 2316	1516 5th St.	Ehret house/Farallones	1886	E.R. Forsyth, b	S 2
N	1 2315	1517 5th St.	Albert Oleson house	1892c	Albert Oleson, b?	S 2
N	1 2315	1519 5th St.	house-colonial	1910s		3-4
N	1 2316	1520 5th St.	house-colonial/Queen A	1900s		3-4

SIGNIFICANT PROPERTIES IN BAHA WEST BERKELEY SURVEYS

On the following pages is a listing of West Berkeley properties identified as significant in the BAHA/LPC field survey and/or the State Inventory. Information given for each property, from left to right, is:

BAHA/LPC Survey Area. Cards and photos are filed by area: see key map.

Master Plan Study Area. "1" for sites within West Berkeley Plan area (San Pablo Avenue to freeway), "+" for sites beyond (east side of San Pablo, waterfront).

Assessor's block number. BAHA files are arranged by block number.

Address. Only one address is given for each property--usually that used in the building permit records. These are sometimes not the obvious addresses, especially for corner properties. For large factory complexes and some house groups, a single address represents multiple buildings.

Name. Historic and/or popular and/or present business name: for many of the significant properties ("S" or "L" in "Designation" column), more detailed information is in the landmark/State Inventory documentation attached.

Date. Original construction, plus major additions (+) or remodelings (R) that have changed the character of the building. Buildings remodeled less heavily or at an unknown date have R following the original construction date. Unknown, continuing, or uncertain dates are marked by c, ?, ff, or s (eg 1910s).

Architect. Original architect, plus architect of addition or major remodeling when the character of the building has been changed. Builders' names (where no architect is known) are marked "b".

Designations.

- N Listed on National Register of Historic Places
 - E Determined eligible for National Register
 - L City of Berkeley Landmark (D Landmark District)
 - M Structure of Merit
 - S State Historic Resources Inventory
 - site demolished building documented in State Inventory
-
- 1 National Register quality - field survey
 - 2 City Landmark quality - field survey
 - 3 Structure of Merit quality - field survey
-
- 3-4 borderline Structure of Merit
 - 2g part of a landmark-quality group
 - 4ex2 formerly landmark quality, altered or destroyed

This list is on computer disc in dBaseII, and can be sorted or searched for date, architect, location (block), designations, etc.; format can be changed to incorporate new categories of information (e.g. alternate addresses); it might be expanded into a citywide list or joined with lists for other areas.