June 17, 2015
CORRECTED VERSION

Christine Daniel, City Manager
Mayor Bates and Members of the City Council
via e-mail

I am writing to tell you of my strenuous objection to the scheduling of a Council meeting on June 25 to consider significant community benefits that will be required of Downtown building projects over 75 feet. One of those buildings, 2211 Harold Way is not only the largest single building proposed to be constructed in Berkeley, it would be the tallest building (194 feet) in our Downtown, and, as such, has generated considerable interest, to say the least. As you know, 2211 Harold Way is currently under active consideration by both the Zoning Adjustments Board and Landmarks Preservation Commission.

Yet, you have scheduled this item for discussion at 5:00 pm, a time when most residents cannot attend. You certainly must know that many, many residents will want to comment, and those that manage to get there at 5:00 pm will be given a whole one minute to say a few words. Because of this completely insufficient speaking time, many will present written remarks that quite evidently you will ignore, as I have been led to understand, you intend to proceed to take a vote that very night with no time taken to either consider what was said verbally or review what is given to you in writing.

To make matters worse, you well know that the Zoning Adjustments Board (ZAB) is meeting on that same date in Council Chambers where you would normally be meeting. The ZAB meeting starts at 7:00 pm and on their agenda is action to certify the Environmental Impact Report (EIR) regarding 2211 Harold Way. Can this be a coincidence of which no one is aware?

How will ZAB Members even know of your decision regarding community benefits or understand its nuances? Will a staff member drive from your meeting on Sacramento Street to the ZAB meeting on Martin Luther King, Jr. Way, and even find a parking space there in such a short time frame? For that matter how will the people attending and making comment at your meeting now have to rush to another location in time to make comment on the same project at another location? How will ZAB Members be able to fully understand and analyze a project once they do receive the information of your action? The community benefits required of these five tall buildings in the Downtown is certainly part of the EIR from the standpoint of how various parts of a specific proposal can be mitigated and/or would fall into the category of "overriding considerations" where the merits of the project outweigh the adverse impacts. Also, since these five buildings are such an important planning issue, shouldn't the Planning Commission have the opportunity to comment on these benefits?

You have known for the past three years since the adoption of 2010 Measure R, the Downtown Area Plan and Amendments to the Zoning Code in 2012, that the subject of
significant community benefits needed to be addressed. Understandably adopting what they will be is not something you do on the fly, but you can't all of a sudden do it on one night, through the votes of two different legislative bodies, within a few short hours of each other. To do so, is not only unfair, it is undemocratic and stands as an embarrassment to an entire community as well as invites unintended consequences.

Yes, I know the Mayor presented a proposal a few weeks ago, but now is the time that the community has to react to that proposal. Or, who knows, there may be other proposals presented since you have been accepting a lot of supplemental material handed out at the meeting and which give no opportunity for adequate community review. And, as we all now know, yet another design has just been presented which we all are scrambling to understand. Every meeting residents go to, there is a change. At some point, we have to reach an understanding regarding what exactly is under consideration.

There is time to reverse this nightmare schedule so that we can all sit back and call it a mere error, rather than what it appears to be - ramming home a project for the benefit of a wealthy Los Angeles developer.

If you must, keep your schedule for June 25, but allow a reasonable time for public comment at a time when most of the public can be present. On matters of great controversy or community interest, in order to give yourself time to contemplate and fully understand what has been put before you, hear the testimony and take no action until a subsequent meeting. Request that the ZAB reschedule any item on their June 25 agenda having to do with 2211 Harold Way to a time that you have completed your action on determination of significant community benefits for buildings exceeding 75 feet in the Downtown. The Mayor can call a Special Meeting of the City Council to do this.

I greatly appreciate your consideration of this letter, and look forward to your positive action to do the right thing.

Sincerely

Shirley Dean
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cc: Chair Pinto and Members of the Zoning Adjustments Board