

Berkeley Hillside Preservation Group Files Suit to Require Environmental Study of 10,000 Square Foot Structure

Berkeley (May 28, 2010) – The newly-formed unincorporated association Berkeley Hillside Preservation (BHP) filed suit yesterday in the Alameda Superior Court against the City of Berkeley, alleging that the City’s recent approval of a 10,000 square foot residence including a 10-car garage at 2707 Rose Street should not have been exempted from environmental review under the California Environmental Quality Act (CEQA).

Wide community opposition arose when the City failed to require any environmental study of historic, aesthetic, traffic, and geotechnical impacts, and refused even to erect story poles as required by its published guidelines.

The City claims ‘categorical exemption’ from environmental review. But the lawsuit points out that exemptions cannot be used when there is any expert opinion that a project may have environmental impacts. This project not only proposes an exceptionally large home, but also seeks the demolition of a c.1917 Craftsman bungalow designed by master architect Abraham Appleton. There is also expert evidence of unstudied massive grading and foundations required and potential for seismic lurching of hillside fills. It is not a typical low-impact single-family project that merits an exemption.

The Preservation group requests issuance of a peremptory writ ordering the City to set aside its approval of the project pending compliance with CEQA. The requested environmental review will consider impacts relating to grading and excavation, demolition, traffic, and aesthetic impacts.

Susan Nunes Fadley, a spokesperson for BHP, says: “We worked arduously and carefully on our appeal to the City Council, keeping our focus on issues of process and the unstudied impacts of this project. Unfortunately, a majority of the council did not agree with us, and so, after considerable thought, we have now decided that we must look to the court and CEQA to get

these issues properly addressed. We are engaged in this effort not only for the 2707 Rose project, but more broadly for the future of residential development in the City as a whole.”

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