

From: [Fran Cappelletti](#)
To: [Crane, Fatema](#)
Cc: [Riemer, Allison](#)
Subject: Landmark applications
Date: Saturday, April 29, 2023 10:56:10 AM
Attachments: [The Berkeley Marrenners.pdf](#)
[The Berkeley Marrenners.docx](#)
[LELAND STANFORD LEWIS.pdf](#)
[LELAND STANFORD LEWIS.docx](#)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello. I read the landmark application for 910 Indian Rock posted as part of the next LPC agenda and saw that some of the research I provided on the Marrenners was misquoted in the landmark application. I am not sure why it happened, but I think it is helpful that my work immediately follows the landmark application and hope corrections can be acknowledged. Please note the following:

Page 9 corrections:

Robert died in 1938. Emma died in 1955 and her services were held in the house. So he was there for about 22 years and she was there for about 39 years.
The property wasn't sold in 1950, but in 1956.

Page 10 corrections:

While I understand emigrant and immigrant apply to travel to or from other countries, Robert and Emma and family were part of the Gold Rush migration to California. Robert's father both arrived from New York and departed from California and Emma's father arrived from New York and stayed in California. Robert was born in New York and arrived as an adult and Emma was born in California.

I am not aware of any connection between the Marrenners and the City of Berkeley until 1916, when they became residents. However, Southern Pacific was involved with the neighborhood and further research is possible.

Robert was a civil engineer with the Southern Pacific and the Northwestern Pacific Railroads, not a 'high official with the Union Pacific Railroad'. His level of importance to the railroads he did work for deserves further research and consideration.

Page 11 corrections:

My name is misspelled and I was the author of the article, not BAHA.

I contacted the landmark application authors, but I expect the current version is now submitted as part of the public record. I do stand by the six pages I wrote as a stand alone document, but any questions or corrections are welcome if it is part of your review. I am attaching the document, in color. In addition, I did compile a list of projects by the builder of the house, Leland S. Lewis, from the BAHA permit database. It is also attached.

Thanks for considering these comments and corrections.

--

Fran Cappelletti
415 272-4148

LELAND STANFORD LEWIS, ARCHITECT AND BUILDER

Fran Cappelletti, BAHA, April 20, 2023

Lewis was involved in nearly 30 projects between 1909 and 1916 as listed in permit files at BAHA. He worked several times with Ratcliff. He also worked with notable architects, such as May, Dakin, Newsom and Mullgardt. He built for important property owners such as Frederick Koerber, Arthur Shattuck and Anna Head.

Year	Permit No.	Street No.	Street Name	Owner	Architect	Contractor/Builder
1909	58	1512	Grant	Sleath, Kate	NA	Lewis, Leland S.
1909	137	2814	Woolsey	Beachboard, Walter W.	May Frank M.	Lewis, Leland S.
1909	179	2638	Russell	Wolcott, Lee W.	Mullgardt, Louis C.	Lewis, Leland S.
1909	258	2635	Ashby	Koerber, Frederick C.	Lewis, Leland S.	Lewis, Leland S.
1909	2567	2637	Ashby	Koerber, Frederick C.	Lewis, Leland S.	Lewis, Leland S.
1909	360	2635	Woolsey	Gabriel, Mary W.	NA	Lewis, Leland S.
1909	2324	2958	Benvenue	Shattuck, M/M Arthur E.	Dakin, Clarence Casebolt	Lewis, Leland S.
1909	2481	2746	College	Leonard, Jane	Lewis, Leland S.	Lewis, Leland S.
1909	2600	2742	College	Leonard, Jane	NA	Lewis, Leland S.
1910	407	2637	Woolsey	Lewis, Leland S.	N/A	Lewis, Leland S.
1910	589	875	Indian Rock	Graham, Alexander E.	Ratcliff, Walter H.	Lewis, Leland S.
1910	686	26	Alvarado	Sclater, Alexander	Mullgardt, Louis C.	Lewis, Leland S.
1911	1062	2134	Seventh	Lewis, Leland S.	N/A	Lewis, Leland S.
1911	1196	2136	Seventh	Lewis, Leland S.	N/A	Lewis, Leland S.
1911	1328	2138	Seventh	Lewis, Leland S.	Lewis, Leland S.	Lewis, Leland S.
1911	1378	2730	Belrose	Head, Anna	Ratcliff, Walter H.	Lewis, Leland S.
1911	1529	900	Mendocino	Zuckerman, Herbert G.	Ratcliff, Walter H.	Lewis, Leland S.
1911	1571	12	Plaza	Crawford, Elizabeth S.	Ratcliff, Walter H.	Lewis, Leland S.
1912	1926	2111	Los Angeles	Blair, Grace Tracy	Lewis, Leland S.	Lewis, Leland S.
1912	2165	52	Oakvale	Galpin, Julia B.	Newsom, Sydney B.	Lewis, Leland S.
1913	2575	2312	Sacramento	Lewis, Leland S.	Lewis, Leland S.	Lewis, Leland S.
1913	2736	2435	Russell	Boyden, Evelyn K.S.	Lewis, Leland S.	Lewis, Leland S.
1913	2867	1611	Cedar	Lewis, Leland S.	Lewis, Leland S.	Lewis, Leland S.
1913	2966	1615	Cedar	Galpin, Julia P.	Lewis, Leland S.	Lewis, Leland S.
1914	3481	1056	Spruce	Knoll, Mrs. Harry W.	Lewis, Leland S.	Lewis, Leland S.
1914	4161	832	Shattuck	Little, Margaret	Ratcliff, Walter H.	Lewis, Leland S.
1916	5332	910	Indian Rock	Marrenner, R.H.T.	Ratcliff, Walter H.	Lewis, Leland S.
1916	5534	1415	La Loma	Hollis, Caroline N.	Ratcliff, Walter H.	Lewis, Leland S.

In 1908, he was listed at 2119 Addison Street as a salesman for the Reed Realty Company. The building on Addison, still in place, is the Heywood Apartments, a Berkeley Landmark.

A Facebook post by BAHA's Anthony Bruce, describes the preservation of another Lewis house,

"LIBRARY" HOUSE.

In 1975 this house was moved two blocks north from its original site at 2950 Benvenue Avenue, next to the Claremont Branch Library. The house had been taken by the City through eminent domain for demolition in order to provide space for voter-approved expansion of the branch library. But the newly approved Neighborhood Preservation Ordinance prohibited demolition of houses except for residential replacement. To enable the expansion, the house was offered for sale at \$1. At first, there were no takers. Finally, the new owners of the Westenberg House on Benvenue, with its expansive garden of lawn and roses, agreed to move the house to the southern parcel of their large lot. On May 20, the house made its way along Benvenue, and was settled on to its new foundation with the help of Ayen Moving Company of San Leandro and architect Glen Jarvis. (see photo in first comments). After 45 years, the house looks like it has always been there.

The house was designed in 1908 by architects Newsom & Newsom for Virginia Lee Lewis. Mrs. Lewis moved to Berkeley with her adult son, James, after the death of her husband in 1907. Leland S. Lewis, the contractor who built the house and was likely related, moved in with them in late 1908. He did not stay long, as he married in 1909 and he and his wife moved to their own home.

The Newsom brothers, Samuel and J. Cather, are best known for the Carson House in Eureka, the ultimate Victorian house. But the architects kept up with changing styles and by the time they designed Mrs. Lewis' house, they were masters of the Craftsman style. The most memorable feature of the Lewis House was its front porch constructed of clinker bricks, with clinker brick pillars. The bricks did not make the move to the 2800 block of Benvenue, and the porch was reconstructed from wood.

Photo: Anthony Bruce 2020



As noted about, In 1909, he did marry. The bride was Miss Linda Meyer.

San Francisco Call, 16 July 1909

Courtesy of the California Digital Newspaper Collection, Center for Bibliographic Studies and Research, University of California, Riverside, <http://cdnc.ucr.edu>

ALAMEDA GIRL WILL Nuptials of Miss Linda Meyer
MARRY BERKELEYAN and Leland S. Lewis Set
for This Month

BERKELEY, July 15.—Miss Linda Meyer, a charming young society girl of Alameda, whose engagement was recently announced, has set July 28 for her wedding to Leland Stanford Lewis. The service will be read in St. Mark's church of this city, Rev. Edward Lamb Parsons officiating.

Miss Eugene Hallett, the charming sister of the bride elect, will be the matron of honor, while Misses Vivienne Thomson and Elsie Jones, daughter of Prof. William Carey Jones of the university, will act as the flower girls. The groomsmen will be Robert Blake of this city. Following the nuptials will be a wedding reception at the home of Mrs. A. F. Thomson in Benvenue avenue.

Miss Meyer is a great favorite in the bay cities and one of the members of the younger set in Alameda. Lewis is an architect and builder. He and his bride will live in this city.

History of The First Residents of 910 Indian Rock Avenue, Berkeley

Fran Cappelletti, 2023

910 Indian Rock was built for its first residents, Robert Hamilton Taylor Marrenner (RHT) and Emma Lohse Marrenner.

Robert was born in New York in 1857, to Julia and David J. Marrenner. Robert's father, often referred to as D.J., travelled from New York to Gold Rush California for a few years before returning to New York to raise his family and run a glass importing business.

According to advertisements in the Daily Alta California newspapers of late 1849 and early 1850, he was business partner with Robert Hamilton Taylor and J.M. Coughlin in R.H. Taylor & Company. They were dealers in merchandise for fitting parties going to the mines.

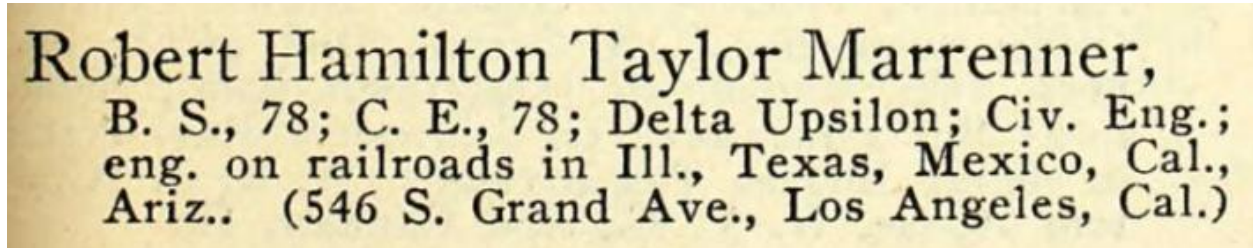
While the partnership was dissolved by June of 1850 to Coughlin, it is notable that the son of DJ was given one of partner's name as first and middle names. Soon after, Taylor and Marrenner purchased interests in the Marysville Herald.

By 1852, DJ returned to New York, where he remained for the rest of his life. According to the 1870 US Census, DJ and his wife, Julia, were in New York City with children Amelia, Eva, James and 12 year old "Robbie", later known as RHT.

R. H. TAYLOR,		D. J. MARRENNER,	
J. M. COUGHLIN.			
R. H. TAYLOR & CO..			
G ENERAL Commission Merchants,			
Sacramento, near Kearny st., have			
on hand a full assortment of the following			
articles :			
Fine wines and li-	Coffee mills, with		
quors	boxes		
Brandy cherries	Tea trays		
Preserved meats	Tea cups & saucers		
Pine apple cheese	Glass tumblers		
Fine Havana cigars	" liquor flasks		
Cavendish tobacco	Earthen pitchers		
Dry goods	" bowls & mugs		
Clothing	Olive oil		
Boots and shoes	English mustard		
Hats	Cayenne pepper		
Hardware	Castile soap		
Tin ware	Family soap		
Blank books	Fancy soap		
Foolscap paper	Shaving soap		
Letter paper	" boxes and		
" stamps	brushes		
Black, blue and red	Razors		
ink	Powder and shot		
Sealing wax	Nails and spikes		
Wafers, envelops	Weights and scales		
Ink stands	Venetian red		
Pocket inks	Spanish brown		
Gold pens	Linseed oil		
Which, with a variety of other goods, are			
offered for sale on liberal terms.			
Parties going to the mines can be fitted			
out with every desirable article.			
9s13 3m			

Daily Pacific News, 13 September 1849, Courtesy of the California Digital Newspaper Collection, Center for Bibliographic Studies and Research, University of California, Riverside, <http://cdnc.ucr.edu>

Robert graduated from New York University in 1878 and started to work for the Southern Pacific Railroad. He was listed with a Los Angeles address and alumni directories noted his rail work in Illinois, Texas, Arizona, California and Mexico.



New York University, General Alumni Catalogue, 1916

Emma Marrenner was born in 1871 to Deborah and Charles Lohse. According to the description of his journal archived by the Society of California Pioneers,

Charles was born April 27, 1824 in New York and later sailed for California in February of 1849. The voyage lasted 8 months, and he arrived in November 1849. In 1851, Lohse went into business trading goods for horses, which he then sold. He left Stockton for Contra Costa County, where he settled on a ranch in Concord and planted peas and walnuts. He was the first to buy a wheat combine in Northern California. He died December 6, 1924 at his daughter's home in Oakland.

The San Francisco Chronicle obituary for Charles, dated December 9, 1924, was titled Centenarian's Funeral Held: Charles F. Lohse Came Around Horn to California in "Forty-Nine". It celebrated his 100 years of life with references to many friends, his Contra Costa ranch and a reported role in the early development of Fresno.

Robert and Emma were married on October 30, 1894, in Alameda County. By this time Robert and Emma were apparently working and living in Porterville, in the Sierra foothills of Tulare County. By 1898, they were living in San Francisco, followed by Los Angeles by 1905.

From 1907 to 1914 they lived in Eureka, with Robert working on the northern portion of the Northwestern Pacific Railroad line from San Francisco to Eureka. This railroad was a joint venture of the Southern Pacific Railroad and the Atchison, Topeka and Santa Fe Railway. Several newspaper accounts detail the construction, including delays and dedications, with Marrenner as the civil engineer involved or in charge.

An early report from 1907 was only the beginning of several years of work for Marrenner.

General Manager B. F. Porter at the local offices of the Northwestern Pacific Railroad Company, has so far received no word from San Francisco pertaining to the commencement of actual construction on the Pepperwood-Sherwood gap.

Chief Engineer R. H. T. Marrenner, who will superintend construction work from this end when the word to start arrives, has been steadily at work in the depot at the foot of Second street with an assistant for the past two weeks. He has been charting the various Humboldt county properties of the Northwestern Pacific railroad and finishing up the office work incidental to the completion of the new track at Scotia. The Scotia cut-off will be ready for the operation of trains possibly by the first of next week.

Humboldt Times, 3 August, 1907, Courtesy of the California Digital Newspaper Collection, Center for Bibliographic Studies and Research, University of California, Riverside, <http://cdnc.ucr.edu>

By 1913, major work was underway in the region, with Marrenner among several contractors on the project, including Bechtal [sic], a young outfit destined for much more as W.A. Bechtel and Company.

RAILROAD EXPECTED TO BE COMPLETED AT END OF YEAR SAY OFFICIALS THOUSANDS OF MEN EMPLOYED

Between Fort Seward, 25 miles north of Island mountain tunnel and Dos Rios, 25 miles south of the big bore, there are nearly 2,000 men, hundreds of teams, several big auto trucks and a number of big steam shovels and donkey engines working to accomplish this result, that Humboldt county may be opened to the world, its products distributed to wider markets, and its beauties made accessible to those who are waiting the opportunity to visit it.

Four Contractors at Work
Fully 1,000 men are at work between Fort Seward and Island mountain tunnel. There are four contractors at work, W. H. Bechtal, W. B. Hunt, A. C. McLean, and Mercer & Fraser, besides the railway company itself, represented by R. H. T. Marrenner, division engineer.
Bechtal has a contract just north of the tunnel for grading the right of way. This contract includes putting in the necessary concrete arches and tunnels. Just north of him Hunt has a similar contract. Then comes the McLean contract, which reaches from Cain rock to Fort Seward. McLean is doing the grading and Mercer & Fraser of this city are doing the con-

Humboldt Times, 19 October, 1913, Courtesy of the California Digital Newspaper Collection, Center for Bibliographic Studies and Research, University of California, Riverside, <http://cdnc.ucr.edu>

The Excavating Engineer

Vol. 10

AUGUST, 1914

No. 11

Difficult Construction on the Northwestern Pacific

Methods employed in building 103 mile link in the mountains of Northern California—
Difficulties encountered in getting equipment on the work, and in handling the slides.

The Excavating Engineer, August 1914, 407, books.google.com.

Another milestone was the connection from Eureka to Fort Seward, Marrenner working on the remaining miles.

EUREKA-FORT SEWARD FIRST TRAINS YESTERDAY MAKE RUNS ON TIME

Humboldt Times, 4 May, 1914, Courtesy of the California Digital Newspaper Collection, Center for Bibliographic Studies and Research, University of California, Riverside, <http://cdnc.ucr.edu>

Track Laying to Begin

The Smythe overland auto service left Fort Seward today on schedule time shortly after the arrival of the train. The last remaining gap in the road is only fifteen or eighteen miles and Chief Engineer R. H. T. Marrenner, who came on the train yesterday from the front, said that track laying would begin by the middle of the week at a point some two miles beyond Fort Seward, the track having already been laid that far out.

For construction purposes the road between Willits and Shively was divided into two sections; the Cain Rock crossing of Eel river forming the division point. R. H. T. Marrenner was placed in charge of the work south of Shively as division engineer, and the work north of Willits is under the direction of the assistant chief engineer.

In the 1930 Census, Robert was still with Southern Pacific, while Emma reported an occupation of artist.

As of this writing in 2023, one of Emma's paintings is available online via auction from liveauctioneers.com.



https://www.liveauctioneers.com/item/147530530_emma-lohe-marrenner-reverse-painted-floral-still-life.

After a long career, Robert retired and passed in 1938,

R. H. T. Marrenner, Engineer, 80, Dies

Robert Hamilton Taylor Marrenner, retired construction engineer, passed away yesterday at his home at 910 Indian Rock Avenue, following several weeks' illness. He was 81 years old, a native of New York City, and had been a resident of Berkeley for the past 22 years.

In 1878, Mr. Marrender entered the employ of the Southern Pacific Company and remained with the organization as a construction engineer until his retirement 10 years ago.

He is survived by his widow, Mrs. Emma Lohse Marrenner, and by two brothers-in-law, Frank M. and Dr. John Louis Lohse.

Funeral services will be held tomorrow morning at 11 o'clock at the Cathedral Chapel of the Grant D. Miller Mortuary, Inc., 2850 Telegraph Avenue, Oakland. Dr. Clarence Reid-enbach, pastor of the First Congregational Church of Oakland, will be the officiating clergyman. Inurnment will be at the California Crematory.

Berkeley Daily Gazette Newspaper Archives December 21, 1938 Page 3

Emma remained in the house for many years after, passing on December 3, 1955, as reported in the Oakland Tribune. Her memorial services were held at 910 Indian Rock Avenue.

To: The Berkeley Landmarks Preservation Commission

Topic: 910 Indian Rock Ave

Date: April 27, 2023

My name is Greg Emerson and I own the home at 910 Indian Rock along with my wife, Jacqueline. I am not a developer or property investor; I am a citizen of Berkeley who has lived here for 25 years, and a husband and father who wishes to invest in this city and raise my family here.

Prior to your decision regarding pursuing an LPC designation for 910 Indian Rock Ave, I think it is important for you to consider four elements

- 1) The history and architectural context of the house: I have done significant research regarding the history of the house, the history of Ratcliff's work, as well as relevant precedents for City of Berkeley Landmarks and Structures of Merit. All of this suggests that numerous structures throughout Berkeley are more important representations of Ratcliff's vast body of work, and more worthy of consideration from the LPC.
- 2) Community concerns: Following the prior LPC meeting I have spent 20+ hours engaging with individual community members who signed the petition regarding this project. The vast majority of these individuals are now supportive of this project, given some meaningful compromises
- 3) Spurious legal claims: The legal claims regarding the ineligibility of the house for SB9 that were previously submitted to the LPC are completely without merit.
- 4) Application due process: The SB9 application has already been approved by the Planning Department, and the demolition permit has been accepted by the Building Department

The history and architectural context of the house:

Prior to making the difficult decision to demolish this house, I made it a point to conduct extensive research on the history of the home and of Walter Ratcliff's life and work. After spending meaningful time studying Ratcliffe's life and work – as well as comparing our house to the many, many Berkeley homes in Ratcliff's collection – it became quite clear that ours was a fairly modest and relatively unremarkable representation of Ratcliff's work. Though 910 was certainly built by an important architecture firm – in my view it does not represent a significant architectural property of its type in the region, an outstanding example of its architectural style, or a noteworthy work of the architect.

Walter Ratcliff built over 600 buildings and over 200 residential homes in Berkeley and the surrounding area in his incredibly prolific 40+ year career. He is best known for his municipal buildings, largely done during his

tenure as Berkeley's first (and only) city architect from 1913-1930. Broadly speaking, his work can be categorized under three types: 1) his municipal and commercial buildings, many of which are recognized as significant architectural works. 2) his significant estates that he built for wealthy and notable residents – including the Albert Montgomery house and the McCormack house in Berkeley. 3) his numerous modest and simple residential homes, many of which were built as “spec houses” in partnership with a developer.

In the Northbrae and Berkeley Heights neighborhoods, the majority of homes built by Ratcliff fall into this third category (a notable exception was the Elmer Buckman house at 920 Shattuck Ave). Ratcliff partnered with the Mason-McDuffie developers to build 12 homes in the Northbrae and Berkeley Heights areas between 1909 and 1916 as people moved to the neighborhood in the aftermath of the San Francisco Earthquake. This was an incredibly active development period for Ratcliff – between 1901 and 1916 roughly 150 commissions bore his name, and nearly 120 of those were for houses. From 1909 to 1912 he designed 20 houses per year, over a third of which were commissioned by investors on speculation. For these more basic and less important homes a significant amount of the architecture work was done by draftsmen he employed at the firm. Per the book *The Architecture of Ratcliff* some of the homes built by Ratcliff during this period “were virtually indistinguishable from standard pattern-book versions produced by Easy Bay contractors.”

My historical research regarding Ratcliff was supported by our own observations of the home itself and observations provided by our architect who has restored historical Berkeley homes. There are many details within the home that suggest it was a very modest development. The interior wood-work on the main floor lacks the detail of more noteworthy period homes. The staircase is extremely basic and unremarkable and lacks any character or detail. Many of the unique interior elements of the original home – including kitchen and bathroom cabinetry - fell into disrepair under a prior owner and were replaced with cheap, contemporary fixtures before we bought the home. Further, there are no meaningful historical records regarding the home – it is not among the 100+ structures mentioned or photographed in *The Architecture of Ratcliff*, nor has it been featured in BAHA tours of Northbrae or Walter Ratcliff homes.

The LPC may be particularly interested in the Lafflin house on Marin as a reference case here, and I studied that home as well as the filing submitted to the LPC covering the Lafflin decision. As the LPC is aware, the Lafflin house was not considered by the LPC for landmark designation and was granted structure of merit designation by a very close vote. This was done with the full support of the homeowners. Aesthetically the Lafflin house is more impressive than 910 Indian Rock in both interior and exterior – in fact, the Lafflin house was featured as a notable home in BAHA's 1994 tour of the Northbrae neighborhood. Further, the rationale used to support SoM designation for the Lafflin home does not apply to 910 Indian Rock. The City of Berkeley filing accompanying the Lafflin decision cited as supporting rationale for the designation:

- 1) (a) The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.
- 2) (b) The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.

A comparison of 910, the Buckman house, and the Lafflin houses reveals the following:

- i. The Lafflin house is a contemporary of the Buckman house, which is a designated landmark. Buckman was built in 1909, Lafflin was built in 1910, 910 was built in 1916. The Lafflin house abuts the Northbrae improvements (Marin Circle, etc), and 910 does not
- ii. The Lafflin house and Buckman house both have Craftsmen exteriors whereas 910 is an English Country exterior. 910 and the Buckman house are not within the same block, street frontage, or group of buildings. The Lafflin and Buckman homes are both two story, whereas 910 is 1.5 stories. The Lafflin and Buckman houses are both approximately 2,900 square foot – whereas the 910 home is approximately 2,000 square feet.

Community Concerns

Upon receiving a petition signed by over 50 neighbors protesting our construction project, we realized that we needed to significantly increase our level of community engagement. Prior to receiving the petition, it was challenging to engage effectively, since the SB9 application process does not include formal community engagement and since we did not know which members of the community had concerns about the project.

Over the course of 20+ hours, I met individually with 30 households on the petition to discuss this project, representing about 50 neighbors. There were several consistent themes across these meetings:

- 1) The primary concern among most neighbors was not the demolition of the house itself, but the "modern" design of the proposed building's exterior. This theme was consistent with the sentiments expressed by most neighbors who spoke at the prior LPC meeting
- 2) Once I communicated flexibility regarding building exterior – and expressed openness to a more historical exterior aesthetic, the vast majority of the neighbors expressed support of the project.
- 3) The majority of neighbors acknowledged that they did not have complete information regarding the project, and also stated that it was not their intention for the petition to be used in an attempt to landmark the building. Many told me that they would like to remove their names from the petition after speaking with me

There are of course neighbor “holdouts” as one might expect, but we believe we have reached a good compromise with the broad Indian Rock and surrounding community by modifying our design plans. We have done this even though the City of Berkeley does not require us to make modifications, but rather because we believe it is the right thing to do as members of the community who are long-term committed to living here.

Spurious legal claims

The legal claims regarding the ineligibility of the house for SB9 are completely without merit. A plain reading of the text of the law – as well as a review of the SB 9 Fact Sheet provided by the California Department of Housing – clearly states that the build of a single-family residence is contemplated and expected under SB9. The bill also clearly states the circumstances under which a home that previously included tenants can be SB9 eligible, and this property meets those criteria without question. The claim that this project will reduce housing is verifiably false. I do not believe this is an appropriate forum to detail the legal considerations here, and the Planning Department is best positioned to speak to the details of SB9 eligibility. I would advise the LPC to largely disregard this item in their consideration.

Application due process

The SB9 application has already been approved by the Planning Department, and the demolition permit has been accepted by the Building Department. Per the Berkeley Planning Department, a landmark application received subsequent a demolition application would not be subject to the provisions of BCG Chapter 3.24.350. As we have a clear path forward with the City, we have already taken on significant expense in architectural fees associated with the next stage of plan development and the permitting process.

Please do not interpret this comment to suggest that we do not value the perspectives of the LPC or the importance of Berkeley’s architectural heritage. Quite the contrary, we researched these topics extensively many months ago – both the history of the house, and the guidelines and precedent of the LPC - in order to get comfortable with the difficult decision to demolish the house. But we are now very far down a rebuilding path and it would be exceptionally challenging and costly to reverse course.

Thank you for your consideration.

Greg Emerson