

ROBIN R. BARAL
SENIOR COUNSEL
DIRECT DIAL (415) 995-6331
E-MAIL rbaral@hansonbridgett.com



January 30, 2024

VIA E-MAIL fcrane@berkeleyca.gov

Fatema Crane
Land Use Planning Division
Landmarks Preservation Commission
2120 Milvia Street
Berkeley, CA 94704

Re: 2274 Shattuck Avenue – Landmark or Structure of Merit Designation for the UA Theater
(#LMIN2023-003)

Dear Ms. Crane:

As counsel for the landowner of the above-referenced site, we submit this letter to state our legal objections to the above-referenced Landmark or Structure of Merit Application. The site is currently vested under state housing law (SB 330), which prohibits the LPC from making a Landmark or Structure of Merit determination while the SB 330 application remains in effect. An equally troubling issue here, however, is that the Landmark Application is riddled with factual inaccuracies and purely conjectural claims regarding the physical condition of the site. Unfortunately, the staff report incorporates and evidently relies upon many of these false statements. More disturbingly, the staff report ignores the detailed findings contained in the 2023 Historic Resources Evaluation, which is the most thorough and detailed survey on record for this site. A decision by the LPC to approve the Landmark Application would therefore constitute a reversible abuse of discretion in violation of California law. Landmarking the site would also defy common sense, particularly with respect to the windowless, graffiti-laden concrete façade on Bancroft and the roof and walls of the theater box, given that nearly the entire theater space has been demolished or significantly altered.

The Housing Accountability Act limits LPC review of the Landmark Application. The LPC's discretion in reviewing the Landmark Application is limited to (1) determining the site is not a Landmark or Structure of Merit; or (2) referring the site to the City's list for future consideration if the SB 330 application lapses.

On July 8, 2020, the Berkeley Office of the City Attorney issued an SB 330 Memorandum, which included the legal directive that "Government Code section 65913.10(a) prohibits the City from imposing additional historic or cultural resources protections..." on a site subject to an SB 330 preliminary application under the Housing Accountability Act ("HAA") (Gov. Code § 65589).¹ The City Attorney concluded that, as a result, the "LPC and the City are prohibited by state law from denying or imposing conditions on a housing development project

¹ See July 8, 2020, Memorandum from Farimah Brown, City Attorney to Jordan Klein, Planning Director (emphasis added), attached hereto as **Attachment 1**.

Fatema Crane, Landmarks Preservation Commission
January 30, 2024
Page 2

based on any cultural or historic resources protections" on a site subject to an SB 330 preliminary application, and that any historic resources information required as part of the preliminary application must be limited to the identification of resources "known to exist" at the time of the application.

Since then, the City has eroded the vesting protections of SB 330 by alleging that a Landmark or Structure of Merit determination may still be made on sites that are subject to an SB 330 application. The City's alleged basis for this is that the legal effect of that determination will only be imposed if the SB 330 application ultimately does not move forward and thereby lapses.²

The City's stated position – that the LPC can designate an SB 330 site a Landmark or Structure of Merit, but then conditionally defer the effect of that determination – violates the vesting protections in the HAA, runs contrary to due process protections required in adjudicative hearings, and constitutes an abuse of discretion subject to reversal by a court.

The LPC's landmarking process is a "quasi-adjudicative hearing," meaning that evidence may be presented, specific findings must be made, and any findings to support a Landmark or Structure of Merit determination must be supported by substantial evidence in the record.³ Courts will invalidate a quasi-adjudicative ruling if it constitutes an "abuse of discretion." An abuse of discretion occurs if the LPC fails to proceed in the manner required by law, fails to adopt sufficient findings, or makes findings that are not supported by substantial evidence.⁴

The plain language of the HAA prohibits the LPC from making a landmark determination while a development application remains vested under SB 330.

Here, an LPC determination that the site is a Landmark or Structure of Merit would be an abuse of discretion in violation of the plain language of the HAA. Historic resource determinations are legally vested when a housing development application is deemed complete:

For purposes of any state or local law, ordinance, or regulation that requires the city or county to determine whether the site of a proposed housing development project is a historic site, the city or county shall make that determination at the time the application for the housing development project is deemed complete. A determination as to whether a parcel of property is a historic site shall remain valid during the pendency of the housing development project for which the application was made.⁵

As applied here, Chapter 3.24 of the City's municipal code authorizes the LPC to determine whether the property is a historic site.⁶ The timing of that determination is strictly limited by SB 330, which requires the LPC to make "that determination" at the time that the SB 330 application is submitted or deemed complete.⁷ The legal effect here is that the LPC only had authority to designate this property as a Landmark or Structure of Merit prior to the filing of the SB 330 application.

² LPC Staff Report, Landmark application #LMIN2023-0003, p. 13

³ Cal. Code Civ. Proc. § 1094.5

⁴ Cal. Code Civ. Proc., § 1094.5(b)

⁵ Cal. Gov. Code § 65913.10(a)

⁶ Berkeley Municipal Code, §§ 3.24.120 – 3.24.160

⁷ Gov. Code § 65913.10(a); as the City Attorney noted, an application is "deemed complete" for purposes of vesting under the HAA when an SB 330 preliminary application or a complete application is submitted (i.e., whichever occurs earlier), as set forth in Government Code § 65589.5(h)(5). (Attachment 1, p. 2.).

Fatema Crane, Landmarks Preservation Commission
January 30, 2024
Page 3

None of the HAA's exceptions to automatic vesting apply in this case.

As noted above, SB 330 prohibits cities from making landmark determinations for the entire time that an SB 330 application remains vested. The only enumerated exception to the automatic vesting provision for historical resources arises if "any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities."⁸ None of these exceptions apply here.

No other exceptions to the vesting protections under the HAA apply in this context. Moreover, the HAA provides exceptions that allow City-wide policies to be imposed after an SB 330 application lapses. Those exceptions, however, do not apply to site-specific determinations, such as the Landmark Application presently before the LPC.

Adjudicative hearings—like those for Landmarks and Structures of Merit—are fundamentally distinct from legislative approvals, such as a rezoning or general plan amendment. Legislative approvals apply city-wide or as general policies for a broader area. Legislative approvals are also subject to an entirely different, more deferential "arbitrary and capricious" standard. Adjudicative decisions, on the other hand, focus on specific properties and projects, and the law has evolved to provide a stronger set of guardrails. The underpinnings of those guardrails are tied to basic constitutional due process protections that apply to everyone, including landowners and real estate developers in the City of Berkeley.

The vesting protections in the HAA and SB 330 are in accord with this fundamental distinction. A "housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application... was submitted."⁹ The HAA's vesting protections for legislative policies include a set of enumerated exceptions where certain policies, such as the imposition of new impact fees, are expressly deemed to apply to a project site if the SB 330 application lapses or does not move forward:

"[SB 330] shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the preliminary application was submitted..." in the following circumstances... [including when a] housing development project has not commenced construction within two and one-half years... following the date that the project received final approval.¹⁰

SB 330's vesting provisions for historic resources, however, were codified in a separate statute (see above on page 2) that prohibits cities from making site-specific landmark determinations once a development application has been determined to be complete.¹¹ "Basic principles of statutory interpretation..." require that the HAA be construed in harmony with this fundamental distinction between legislative and adjudicative approvals, not at cross-purposes.¹²

This distinction is not accidental. The exceptions in the HAA that allow policies and ordinances to be imposed after an application lapses are consistent with the legal underpinnings for legislative approvals. The vesting provisions for historical resources, however, are clearly stated

⁸ *Id.*

⁹ Gov Code § 65589.5(o)

¹⁰ *Id.*, subd. (o)(2)(A)–(E)

¹¹ *Id.*, subd. (h)(5); Gov. Code § 65913.10(a)

¹² *Jones v. Hendrix* (2023) 599 U.S. 465, 478

Fatema Crane, Landmarks Preservation Commission
January 30, 2024
Page 4

to prevent local bodies from making a site-specific, adjudicative determination that could reduce the development potential of a site that is vested under SB 330, with only one limited exception (not applicable here) related to artifacts discovered during construction.

As applied here, an LPC determination in favor of the Landmark Application would violate SB 330. There are no applicable exceptions to state housing law that allow the LPC to render a site-specific landmarking decision but then defer its imposition if the SB 330 application lapses. The HAA and SB 330 therefore prohibit the City from approving the proposed Landmark Application. A determination that there is no Landmark or Structure of Merit on this site occurred by operation of law when the SB 330 project application was submitted and deemed complete.

The City's interpretation of SB 330 runs contrary to the "finality rule," which is a core legal principle governing adjudicative hearings. The City's interpretation of SB 330 increases the risk of litigation and impedes achievement of City and state housing goals.

There is no legal authority for the City's position that the LPC can render a final decision on a Landmark or Structure of Merit determination, but then condition the effect of that determination on the occurrence of a future event, such as the lapse of an SB 330 application.¹³

The City's position runs contrary to the "finality rule," a bedrock principle in administrative law. Under the finality rule, the City must render a final, site-specific decision after all appeals regarding the Landmarking decision have been exhausted. If the LPC makes a Landmark or Structure of Merit determination for this site, an abbreviated statute of limitations to challenge that finding would run from the date that any appeal to challenge the Landmark decision is resolved. Due to concerns about the 90-day or other expedited statutes of limitation, the project owner would have to initiate litigation to prevent an unlawful Landmark determination from affecting future property values and development feasibility for the site, even if the Landmark determination was purportedly not yet "imposed" on the site.

The City's interpretation therefore leads to perverse effects and unnecessarily increases the risk of litigation, given that a Landmark determination would need to be immediately challenged in court even if the City's stated position is that the Landmark determination would not be imposed on this particular project. The failure to challenge a Landmark determination could result in a significant risk that a future challenge, if the SB 330 application were to lapse, would be waived due to the expedited statutes of limitations for challenging final decisions by local agencies.

The purpose of the HAA is to incentivize housing production, while creating incentives such as statutory penalties that are ultimately intended to reduce the likelihood of unnecessary litigation that impedes the production of housing.¹⁴ The City's interpretation of SB 330 impedes the achievement of the state's housing goals in violation of the HAA.

¹³ Continuing Education of the Bar, Administrative Law § 8.62.2

¹⁴ Cal. Gov. Code § 65589.5(a)(2)(L)

Fatema Crane, Landmarks Preservation Commission
January 30, 2024
Page 5

2. The Landmark Application lacks credibility and fails to meet the substantial evidence test. An LPC determination in favor of the Landmark Application would therefore constitute an abuse of discretion under Code of Civil Procedure § 1094.5.

A detailed presentation will be provided to the LPC if this hearing moves forward. It sets out the factual inaccuracies and conjectural claims in the current Landmark Application concerning the physical condition of the site. Moreover, the Landmark Application relies on cherry-picked passages and text from previous surveys that are inserted in a jumbled and misleading manner completely at odds with the criteria and standards used by professionally trained architectural historians. The staff report unfortunately repeats these inaccuracies and relies on previous surveys that are factually incomplete and outdated.

In connection with the zoning application for the site, the landowner engaged an architectural historian to inspect the site and provide a professional evaluation of the historical legacy of the building in its current physical condition. As is typical, those findings have been memorialized in a Historic Resources Evaluation ("HRE"), which is included in the agenda package for this hearing. Notably, the 2023 HRE takes precedence over prior surveys that are more than five years old. The statute creating the California Register requires surveys over five years old to be updated prior to any listing determination.¹⁵ The same principle applies, by extension, to the City's local Landmark and Structure of Merit procedures given that they are functionally similar, albeit with broader scope, to the processes under state law for establishing historical resources.

The HRE concludes that the site does not meet the criteria for designation as a Landmark or Structure of Merit.¹⁶ This finding is based on an assessment that, overall, the building has lost the ability to convey its original architectural value due to the many physical alterations to the Shattuck Avenue façade, the significant alteration and destruction of the original features of the theater, and adjustments to the lobby over time.

The HRE's findings are based on two thorough site visits, in-depth review of all available documentation,¹⁷ the LPC's previous evaluation of similar Art Deco theaters in Berkeley, and detailed review of previous surveys of the site. (As the HRE noted, those previous reviews were often based on informal findings or personal conjecture and did not follow modern methods of evaluation outlined in the HRE.) The HRE also documents numerous physical changes to the site that previous surveys missed and therefore did not take into account. Notably, the only significant survey of the site occurred 45 years ago, in 1978. The numerous intervening physical changes to the building since 1978, combined with the incomplete review and methodology of subsequent surveys, means that the 2023 HRE must take precedence. Based on complete and updated findings, the 2023 HRE concluded that the building has lost its overall historic integrity.

The HRE constitutes substantial evidence and therefore takes precedence over the Landmark Application, which is based on artistic drawings by non-historians, selected quotes and passages from previous, incomplete and outdated surveys, and numerous unsubstantiated assertions about the overall integrity of the building. These include baseless claims that are demonstrably wrong. Unfortunately, the staff report also recites many of the inaccuracies in the Landmark Application

¹⁵ Cal. Pub. Res. Code § 5024.1; 14 Cal. Code Reg. § 4852.

¹⁶ Historic Resources Evaluation for 2274 Shattuck Avenue, December 2023, pp. 20-22

¹⁷ HRE, pp. 3-4

Fatema Crane, Landmarks Preservation Commission
January 30, 2024
Page 6

Regardless of the findings in the HRE, the landowner is working to identify features of the site that merit their preservation.

In summary, the LPC may either (1) deny the Landmark Application or (2) refer the site to the list of eligible properties subject to future consideration if the SB 330 application lapses.

Lastly, the staff report for the Landmark Application includes a flawed finding regarding the five-hearing limit under SB 330. While the report properly notes that a landmark designation would not affect the proposed use permit, the decision to hold a public hearing on the Landmark Application while the SB 330 application is pending necessarily makes this a "public hearing in connection with the approval of that housing development project."¹⁸ SB 330 broadly defines "hearing" to include "any public hearing, workshop, or similar meeting, including any appeal, conducted by the city... with respect to the housing development project."¹⁹ The only hearings excepted from this section are for legislative approvals, such as a general plan amendment, specific plan amendment, or rezoning.²⁰ Again, given SB 330's broad intent to expedite housing development projects, and limited exceptions that do not apply here, the five-hearing rule thus applies to the Landmark Application hearing. As a result, the February 1, 2024 LPC meeting will utilize two hearings subject to the five-hearing rule if the Landmark Application goes forward.

Thank you for considering our comments and please do not hesitate to contact me if you have any questions for the landowner prior to the hearing.

Sincerely,

Hanson Bridgett LLP



Robin R. Baral
Senior Counsel

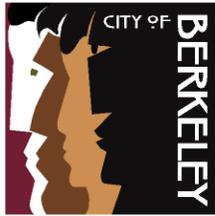
cc: Reina Kapadia, Senior Planner
Sharon Gong, Project Planner
Anne Hersch, Principal Planner
Farimah Brown, City Attorney
Client

¹⁸ Cal. Gov. Code § 65905.5

¹⁹ *Id.*

²⁰ *Id.*

ATTACHMENT 1



Office of the City Attorney

MEMORANDUM

July 8, 2020

To: Jordan Klein, Interim Planning Director

From: Farimah Brown, City Attorney
Chris Jensen, Assistant City Attorney

Re: **Impact of SB 330 on Landmarks Preservation Commission Review of Housing Development Projects**

The Land Use Planning Division has requested an opinion as to whether SB 330 (2019) limits the authority of Landmarks Preservation Commission (“LPC”) to conduct historic resource evaluations of applications for housing projects.

SB 330 applies to any “housing development project,” which is defined as any residential development, mixed-use development with at least two-thirds of the square footage designated for residential use, or transitional housing or supportive housing development. (Gov. Code § 65589.5(h)(2).)

Where the requirements of SB 330 apply, determinations as to whether the site of the proposed project is historic site must be made “at the time the application for the housing development project is deemed complete.” (Gov. Code § 65913.10(a).) That determination “shall remain valid during the pendency of the housing development project for which the application was made unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.” (*Ibid.*)

“Deemed complete” is defined in two different ways in SB 330. Government Code section 65905.5(b)(1) provides that “deemed complete” means “the application has met all of the requirements specified in the relevant list compiled pursuant to Section 65940¹ that was available at the time when the application was submitted.” (Gov. Code § 65905.5(b)(1).) However, Government Code 65589.5(h)(5) states: “Notwithstanding any other law, until January 1, 2025, ‘deemed complete’ means that the applicant has

¹ Government Code section 65940 provides that “[e]ach public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project.” (Gov. Code § 65940(a).)

*Impact of SB 330 on Landmarks Preservation Commission Review of Housing
Development Projects*

July 8, 2020

Page 2

submitted a preliminary application pursuant to Section 65941.1.” (Gov. Code § 65589.5(h)(5).) Until January 1, 2025, section 65589.5(h)(5) controls, “[n]otwithstanding any other law.”

Government Code section 65941.1 defines the requirements for a “preliminary application,” which include information about “[a]ny historic or cultural resources known to exist on the property.” (Gov. Code § 65941.1(a)(9).) Upon providing this information about known historic or cultural resources, along with the other information listed in section 65941.1, the application must be “deemed complete,” as set forth in Government Code section 65589.5(h)(5). Government Code section 65913.10(a) prohibits the City from imposing additional historic or cultural resources protections after this time.

Taken together, these provisions of SB 330 have the effect of divesting the LPC of jurisdiction to require applicants to comply with any cultural or historic resource preservation requirements after the time that a “preliminary application” for a housing development project is deemed complete. LPC and the City are prohibited by state law from denying or imposing conditions on a housing development project based on any cultural or historic resources protections imposed after the date on which the application was “deemed complete,” and any historic resources information required as part of the preliminary application must be limited to the identification of resources that are “known to exist” at the time of the application. Demolition referrals for commercial buildings that are over 40 years old are still required under the Zoning Ordinance, but cannot lead to the imposition of conditions of approval on the project if the LPC acts after the application is deemed complete.

SB 330 does not impact the LPC’s jurisdiction over purely commercial projects or any other project that does not meet the definition of a housing development project under Government Code section 65589.5(h)(2). In addition, SB 330 does not limit the City’s obligation to assess the impact of a proposed project on cultural resources under CEQA and to impose measures to mitigate any adverse impact on cultural resources. (See Gov. Code § 65913.10(c).)



January 28, 2024
Landmarks Preservation Commission, City of Berkeley
Re: Regal UA Theater Development Proposal

Dear Commissioners:

Panoramic Interests has a record of thoughtful, community-serving development in Berkeley. Since 1989, it has built 13 new developments, and renovated two historic buildings, providing 576 new units of housing – 118 for low-income residents -- and dozens of commercial spaces for local small businesses and arts groups.

In its 35-year history, the firm and its buildings have won multiple awards for design, community development, Smart Growth leadership, and historic restoration. In 2013, its renovation of the historic Ennor Building on Center Street won an Award of Excellence from Berkeley Design Advocates, who called it a “loving restoration that brings form and function to a historic building and delights visitors and workers in their everyday experience.” [1]

The firm has experience with theaters and their commercial challenges. Panoramic built a 5,000 square foot movie theater space in the Fine Arts Building that sat empty for twelve years because the operator could not raise funds to operate a single screen theater. In 2005, Panoramic built a theater space for the Marsh Theater in the Gaia Building, which operates today. When Panoramic bought the Regal Theater from UA Theaters, it offered the space to the operator rent-free – but they still shut down operations due to lack of patronage.

An additional challenge is that the UA Regal has never been upgraded seismically. It is not safe for public use and would require massive structural improvements to bring it up to code, at a cost that would not be commercially feasible for a theater or a performance space. As the structural report submitted with this letter demonstrates, seismic retrofitting would also entail substantial demolition of the existing structure.

In contrast, Panoramic’s plan to replace the much-altered concrete structure in the rear with a 240+ unit apartment building is commercially viable and includes a plan to renovate and preserve aspects of the Art Deco lobby, and restore what remains of the original façade. Panoramic has already met four times with BAHA to discuss these plans and looks forward to BAHA’s continuing input. In fact, redeveloping the site as a mixed-use housing and commercial space is the only feasible way to ensure that aesthetic and historic aspects of the theater are restored and can be appreciated by future generations of Berkeleyans.

Panoramic appreciates your consideration and support and looks forward to executing its plan to provide housing and preserve the noteworthy historic features of this building.

Sincerely,

Patrick Kennedy

Exhibit 1

YEAR	AWARDS
1992	Henry Court Project, Pacific Bldr. Conf., Golden Nugget Award, Best Small House Design under 1,200 sq. ft.
1993	Westside Place Project, Berkeley Design Advocates, Award of Excellence for Live/Work Housing
1995	Shattuck Ave. Lofts Project, Ahwahnee Community Design Award of Merit
1996	Excellence in Economic Development, Downtown Berkeley Association
1997	Winner of Spaulding Award from MIT Center for Real Estate, Outstanding achievement & community contribution
1999	Community Champion Award, Local Government Commission, "Commitment to Building Livable Communities..."
2000	Excellence in Design Award -- The Berkeleyan Apartments
2000	Smart Growth Leadership Award, California Main Street Association
2001	Excellence in Design, GAIA Building, Downtown Berkeley Association
2002	Community Service Award, City of Berkeley Chamber of Commerce
2002	Excellence in Design, ARTech Building, Downtown Berkeley Association
2003	Special Commendation, Amer. Inst. Architects (AIA), Cal. Council
2004	Touriel Building, Special Honor " Exceptional Res. Architecture" AIA, Cal. Council
2004	Bachenheimer, Fine Arts & Touriel Buildings win "Award of Excellence", Berkeley Design Advocates
2005	Bachenheimer Bldg. Mixed Use Building of the Year, East Bay Bus. Times
2005	Fine Arts Building -- Residential Building of the Year, East Bay Bus. Times
2005	Touriel Building, Grand Award -- Best in West, Gold Nugget Award, Best Housing 30+ units/acre
2005	Fine Arts Building -- Grand Award -- Best in West, Gold Nugget Award, Best Mixed Use Project
2013	2013 Center St., Award of Excellence, Berkeley Design Advocates – "Loving restoration that brings form and function to a historic building and delights visitors and workers in their everyday experience."
2013	SMARTSPACE® SoMa, 38 Harriet Street, SF – ULI Global Awards for Excellence Finalist
2013	YES! Berkeley Visionary Award, City of Berkeley Chamber of Commerce
2021	2019-2020 Berkeley Design Advocates 14 th Biennial Design Award Honoree, 2539 Telegraph-Panoramic Berkeley

D O L M E N

CONSULTING ENGINEERS INC.

January 24, 2024

Attention: JP Walsh Panoramic Interests
100 Bush Street, Suite 1725,
San Francisco, CA 94104

Re: UA Regal Theater, Berkeley
Recommissioning Report

Dear Mr. Walsh:

This letter provides Dolmen Consulting Engineers, Inc. (“DCE”)¹ initial analysis and overview of the structural conditions and deficiencies at the former UA Regal Theater building at 2274 Shattuck Avenue in Berkeley. It outlines the primary structural impediments to reopening the building for public use, the challenges of doing so while recreating or repairing interior features that were damaged or destroyed during the conversion of the original single-screen theater into a seven-screen multiplex, along with the major capital expenditures that would be required to do so. Lastly, it addresses the feasibility of building a residential high-rise on the property without removing the multiplex portion of the building that fronts on Bancroft Street.

In preparing this analysis, we completed two inspections of the building’s interior and exterior in 2023, reviewed available permit records and as-built plans, and the Historic Resource Evaluation² for the building. In addition, we evaluated potential safety hazards associated with the building’s non-ductile concrete (“NDC”) construction and the condition of its remnant decorative plaster features. We observed numerous conditions that make the building—and its former single-screen auditorium in particular—unsafe for occupancy in its present condition. Specifically:

- **Deteriorated and Damaged Plaster Ornamentation and Ceiling is Prone to Crumbling or Collapse.** Although plaster is a cementitious material, it is fragile and becomes friable over time. It is especially prone to damage by water, structural

¹ Since it was founded in 2000, DCE has performed numerous structural conditions and seismic hazard assessments, and structural design services for clients in the Bay Area and internationally. Our experience includes structural and seismic hazard assessments for pre-1940 residential, commercial, and public buildings, as well as for newer building housing critical energy transmission facilities. DCE has extensive experience in the seismic retrofit of historic buildings, including many unreinforced reinforced masonry building, as well as structural systems for new public assembly buildings, high-rise residential and commercial buildings, and naval docks, among others.

² Left Coast Architectural History *2274 Shattuck Avenue Historic Resource Evaluation Memorandum*, 7 Dec 2023.

movement, vibrations, and direct physical impacts. Both the ceiling and supporting substrate for plaster ornamentation were directly damaged in numerous locations by installation of a new HVAC system and acoustic drop ceiling when the theater was converted to a multiplex. Deep cracks and crumbling in plaster ornamentation are plainly visible in numerous locations, as is damage to its substrate or superstructure. Moisture intrusion is also evident in many locations on the ceiling. Over time, ongoing deterioration could cause heavy plaster projecting features over the stage arch to simply break off.³ In an earthquake, they could collapse catastrophically, raining tons of heavy debris on seating areas below.

- **The Non-Ductile Concrete Building Poses a High-Risk in an Earthquake.** Non-ductile concrete buildings have reinforced concrete frames that are brittle, i.e. they lack the ability to form plastic hinges, and are prone to fail when seismic excitations cause excessive movement.⁴ The City of Berkeley's 2019 Local Hazard Mitigation Plan ("LHMP") notes that NDC buildings "have performed very poorly in recent earthquakes, and have resulted in catastrophic collapses."⁵ The LHMP goes on to identify the UA as a "Potential Non-Ductile Concrete Building."⁶ Our observations confirmed the building is NDC construction. The condition of structural components in the building - exposed rebar rusting in concrete walls, evidence of water/moisture intrusion in the ceiling and load-bearing walls, as well as the suspension of heavy plaster on that structure, make the building increasingly vulnerable over time.

In its current condition, the building is unsafe for occupancy due to 92-year-old plaster that poses a hazard under any circumstance. In a major earthquake, there would be an imminent threat that tons of plaster could crumble onto seating areas below. The City of Los Angeles recently adopted an ordinance mandating the seismic retrofit of existing NDC structures. Numerous other cities and counties across California are considering similar measures.

The City of Berkeley offers grants to the owners of NDC buildings, but the cap on availability (\$160,000) is dwarfed by the costs for both design and hard construction costs that a retrofit would entail. Replacement and reconstruction of large portions of the structure, and its original decorative features, would be required to bring it up to acceptable standards for a high-occupancy theater or performing arts use. A similar restoration of the Geary Theater in San Francisco after the 1989 Loma Prieta Earthquake cost \$27.5 million in 1994 – 1996, the equivalent of at least \$77 million today.

³ See p. 7, Preservation Brief 23, *Preserving Ornamental Plaster*. David Flaherty, U.S. Department of the Interior, National Park Service, Historic Preservation Services.

⁴Preventing Loss and Saving Lives: Earthquakes and Non-Ductile Concrete Buildings in the City of Los Angeles, University of Southern California, School of Policy, Planning and Development, May 4, 2008. p.7

⁵ LHMP at p. B-56

⁶ LHMP, Map 11, p. B-58

Restoring the multiplex to its original single-stage/screen performance space configuration would make it utterly infeasible to build residences above. The roughly 120-foot clear span of the since-partitioned theater, its irregular roofline, and exterior walls would not support residential construction. These issues are more fully explained in the following paragraphs.

1. Heavy Plaster Ceiling Hazard

The original plaster ornamentation surrounding the stage and single-screen theater dates to its construction in 1932. The remaining decorative plaster features in the theater auditorium have largely been covered for more than fifty years, when the theater was first divided into two, then four screens. Our review of existing and upcoming legislation, and the conditions we encountered on site yielded two problematic primary issues.

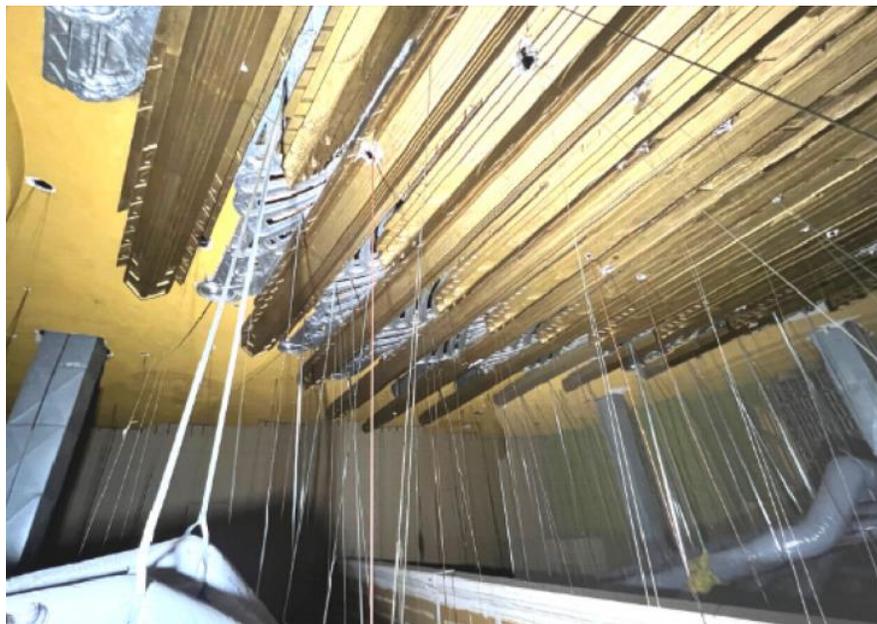
Firstly, it appears that the original plaster ceiling, which has been covered for over fifty years in the main screening room, has been significantly compromised. Ornamental plaster consists of gypsum and lime mixed with water. It can be modelled, cast or molded, incised, stamped and stenciled, and a variety of pigments can be added for polychrome effects. It was typically either molded on site (i.e.: formed on a bench, dried, and installed) or even sculpted in place on a wall or ceiling, or cast in a factory to be transported to the site and applied as a finished unit.

Plaster is a cementitious but fragile and friable material. It is especially prone to damage by water, structural shifting, vibrations, and physical impact. Like flat plaster that is applied to wood or metal lath and relies on the plaster itself, pressed through holes in a lath superstructure (or “keyed”) as adhesive, ornamental plaster is typically applied either to a flat lath and plaster base or to some other perforated or textured superstructure that it can be pressed through to cling when dried. Failure of the substrate or superstructure is often the most common form of damage to the ornamental plaster applied to it, although the ornamental elements themselves are not immune to cracking, chipping, etc., especially if they have any third-dimensionality.

The sculpted and projecting nature of many of the theater's elements makes them especially prone to damage and the physical strain of gravity, existing damage that may conceal other defects, as well as other factors makes their preservation challenging. When the theater was converted to a multiplex, many of the improvements to the main screening room were attached to, and threaded through, the decorative plaster ceiling, compromising its integrity and providing a route for further deterioration. New mechanical systems were installed in the property in 1983 and 1992. The supports for the extensive ductwork associated with these new mechanical systems, and the ductwork itself, were installed through the heavy plaster, further reducing its integrity, and increasing the risk of collapse.



Cracked and spalled plaster in the main auditorium



Ductwork and ceiling supports in the main auditorium



Ductwork and ductwork supports in the main auditorium



Water damage in the ceilings throughout

These successive installations have compromised the structural integrity of the ceiling members and should be addressed before any potential reopening to the public. To upgrade the building's seismic system and repair damage to plaster, these elements would need to be removed and reproduced in their entirety. Past efforts to patch cracked plaster

are visible, but are insufficient with further cracking evident.

The 1989 Loma Prieta earthquake provided us with a very dramatic illustration of the type of failure we are concerned about when the ceiling of the Geary Theater collapsed onto the orchestra seats below. In its existing condition, the plaster ceiling at the UA Regal Theater could fail in the same way as the Geary Theater’s during the 1989 event. Unlike the Geary Theater, the Regal’s heavy plaster ceiling extends over most of the auditorium seating, increasing the risk to occupants.

This excerpt from the Geary Theater’s website describes the failure:

“At 5:04 p.m. on October 17, 1989, disaster struck once again. During the Loma Prieta earthquake, the proscenium arch of the Geary collapsed, ripping a two-thousand-square-foot hole in the ceiling, and crushing the front-of-house lighting bridge and the first six rows of orchestra seats beneath tons of fallen plaster. Miraculously, no personal injuries were sustained.”

Had the earthquake come three hours later when the audience was seated, performers were on-stage and crews behind, “it would have been a real disaster.”⁷



Aftermath of the Geary Theater Collapse, 1989

⁷ *Los Angeles Times*, “Geary Theater Stages Comeback”, January 8, 1996



Aftermath of the Geary Theater Collapse, 1989

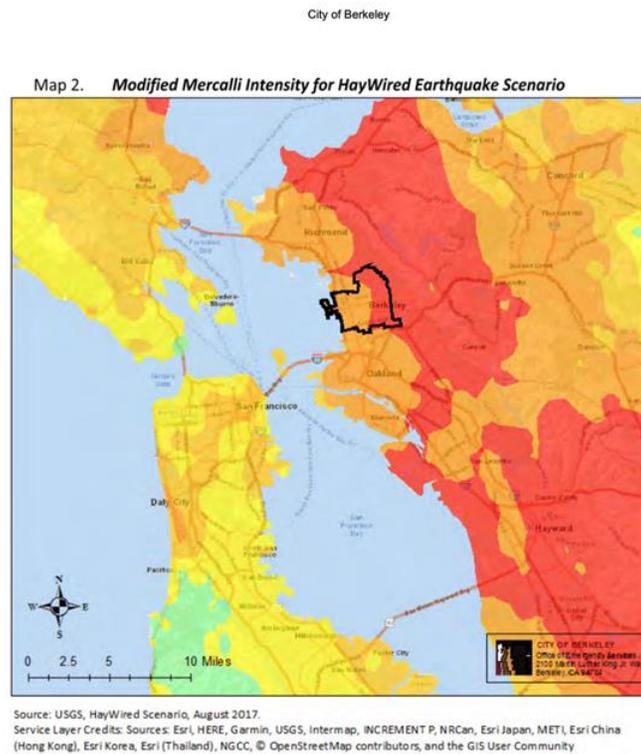
The initial estimate for repair costs proved optimistic: initially estimated at \$12 million - \$14 million, the repair and reopening of the Geary Theater actually took more than six years and \$27.5 million, including \$11.5 million in Federal Emergency Management Association funding and what was described in 1996 as the nation's largest theater capital campaign.⁸

2. Seismic Risk

The 1989 Loma Prieta earthquake measured 6.9 on the Richter Scale and produced 20 seconds of strong shaking south of Santa Cruz. The Geary Theater is approximately 70 miles from Loma Prieta, allowing for significant attenuation of ground motions. The Hayward Fault — just one mile from the Regal — can produce a Richter magnitude 7.0 event. Modeling by the USGS and Berkeley's LHMP predict “violent” or “severe”

⁸ *Los Angeles Times*, “Geary Theater Stages Comeback”, January 8, 1996

shaking throughout Berkeley, with the Regal sitting very near the “violent” shaking zone. We can anticipate much higher ground motions at the Regal Theater than those experienced at the Geary Theater. Those stronger motions may also last up to twice as long as motions experienced in 1989.



2.1 Non-Ductile Concrete, Structural Retrofit

The State of California, and the various counties, cities, and municipalities within California, are preparing for the next seismic event by requiring the strengthening of the most vulnerable buildings in their jurisdictions. Ordinances addressing unreinforced masonry buildings and soft story buildings have already been passed and enforced. The next class of buildings the State is going to address are non-ductile buildings. Los Angeles recently enacted a “non-ductile concrete” strengthening ordinance. The Los Angeles ordinance was brought forward in 2023 after the devastating earthquake in Turkey resulting in 50,000 casualties, largely due to the catastrophic collapse of numerous non-ductile concrete buildings.

San Francisco is close to finalizing a similar ordinance, and other municipalities are following suit. These ordinances address concrete buildings that were built before 1977. The Regal Theater will be subject to any such ordinance in Berkeley. Model ordinances require these buildings to be brought up to 75%-100% of current seismic code, but also require detailed analysis and retrofitting of all elements of the building, such as the heavy plaster ceiling.

NDC's were generally built before 1977, when seismic codes began requiring ductility through the use of special reinforcing steel within reinforced concrete beams and columns. When properly used, the reinforcing steel provides additional elasticity to concrete, allowing it to retain its strength during earthquakes, and preventing collapses like the one shown below.⁹



Figure 1-1. 1971 San Fernando Earthquake, Olive Valley Hospital, was once two stories. Source: World Housing Encyclopedia. http://www.world-housing.net/uploads/101108_111_10.jpg

ASCE 41 is the guideline that these ordinances refer to. That document directs engineers to study all components of the subject building. Here's an excerpt from a commentary on the guideline:

“The seismic evaluation and retrofit design shall pay careful attention to building elements that have little ductility or deformation capacity. Proposed retrofit solutions shall consider ways to provide deformation capacity in non-ductile elements. Retrofit solutions that only add strength and stiffness to a building without protecting non-ductile elements shall be carefully evaluated to understand whether assumed lateral displacement demand might be exceeded, causing unanticipated damage to non-ductile elements.”

⁹ Preventing Loss and Saving Lives: Earthquakes and Non-Ductile Concrete Buildings in the City of Los Angeles, University of Southern California, School of Policy, Planning and Development, May 4, 2008. p.6

While Berkeley does have a non-ductile concrete "grant" program, which provides funding for seismic retrofits, it allocates a maximum of \$160,000 for construction per site.¹⁰ Based on the example of the Geary Theater and assuming work is brought up to ASCE 41 standards, the estimated budget to bring the property into compliance would be approximately \$77 million.¹¹ This is roughly four times greater than the targeted capital raise for tenant improvements in the proposed new California Theater.

Although Berkeley has not yet mandated NDC retrofits, many other cities are moving quickly. San Francisco's ordinance is anticipated to be enacted in the second quarter of 2024. Even if a non-ductile ordinance is not passed, the consequences of inaction are potentially far worse given that significant casualties could occur if the existing building were in use during a magnitude 6.0 or higher earthquake. A prudent property owner would make seismic improvements before inviting the public back to the building. Landowners have been held liable for failing to make these seismic retrofits:

The families of two women who died in Paso Robles in 2003 were awarded nearly \$2 million by a jury, which found that the property owners were negligent for not making the building safer. Even though a city deadline to complete the retrofit was still years away when the earthquake hit, the jury found the owners bore financial responsibility for not retrofitting their building sooner. In 2010 a state appeals court upheld the verdict, finding that the building's compliance with city law "did not insulate owners of [the] unreinforced building from negligence in failing to retrofit."¹²

3. Existing Theater Incompatible with Retrofit or New Construction

Bringing the building in line with seismic and other current building standards would effectively mean demolishing substantially all of the auditorium interior, its roof, and substantial portions of its exterior walls. Any interior decorative features - particularly plasterwork - would have to be replicated; they could not be retained due to the need to reinforce and/or build new walls.

The proposed project consists of 17 stories. The street-facing facade along Shattuck will be restored and the lobby will retain some of its existing features. The residential portion of the property will be located where the existing seven movie theaters are located.

We have assessed the feasibility of constructing a 17-story residential building over the existing structure, while preserving the movie theaters on the ground floor. Typical column

¹⁰ See <https://berkeleyca.gov/construction-development/seismic-safety/funding-seismic-retrofits/retrofit-grants>.

¹¹ Based on a 2.8x construction cost increase over 1996 levels per <https://www.dgs.ca.gov/RES/RESOURCES/Page-Content/Real-Estate-Services-Division-Resources-List-Folder/DGS-California-Construction-Cost-Index-CCCI>

¹² <https://www.arcamax.com/currentnews/newsheadlines/>

spacing for efficient residential concrete construction is 25'-30'. The idea of maintaining a 120' clear span, supporting a highrise residential building above, is unfounded. Even if there were a structural solution, the need for elevators, stairs, MEP, and fire protection services would mean significant volumes of the auditorium would be blocked out to service the tower above. The existing perimeter walls would not be able to carry the additional weight of the new building above, meaning that they would need to be removed. New foundations are needed for the proposed highrise which means that heavy equipment will need to track into the space currently occupied by the auditorium. and their locations limit how many housing units can be built. Additionally, the irregular roof and exterior side walls of the structure would conflict with the proposed floor levels.

Sincerely,



Diarmuid Mac Neill
President

Jacob, Melinda

From: Landmarks Preservation Commission
Subject: FW: United Artists Theater

From: Ann Harlow <annharlow77@gmail.com>
Sent: Tuesday, January 30, 2024 11:18 AM
To: Landmarks Preservation Commission <PlanningLPC@berkeleyca.gov>
Subject: United Artists Theater

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.

Dear LPC commissioners:

I hope you will designate the United Artists Theater building as a landmark at your meeting on February 1. Please vote to landmark the entire exterior of the building and do what you can to encourage the developer to preserve the auditorium, not just the lobby. It is an architectural treasure and especially significant as the last remaining Art Deco movie palace in downtown Berkeley.

The next exhibit at the Berkeley Historical Society & Museum, opening in April, will be about "Berkeley and the Movies." It will include photos of the UA Theater, and I hope we will be able to feature it as a preservation success story—at least a partial one!

Sincerely,

Ann Harlow
President, Berkeley Historical Society & Museum

Jacob, Melinda

From: Landmarks Preservation Commission
Subject: FW: United Artists Theater landmark designation

From: Robert Kehlmann <rkehlmann@gmail.com>
Sent: Tuesday, January 30, 2024 10:55 AM
To: Landmarks Preservation Commission <PlanningLPC@berkeleyca.gov>
Subject: United Artists Theater landmark designation

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.

I'm writing to urge you to designate the United Artists Theatre building as a landmark. At your meeting on February 1, please vote to landmark the ENTIRE exterior of the building, as is supported by local law.

The UA Berkeley is a paragon of Art Deco architecture that, if destroyed, can never be replaced. It was found eligible for the National Register of Historic Places and it is on the California Register of Historical Resources. The city of Berkeley recognizes it as an "architecturally significant" building and a "structure of merit."

It is the LPC's purpose to protect, preserve, and recognize buildings of high historic and architectural value. Few edifices in Berkeley are more deserving of being landmarked than this magnificent Art Deco movie palace from Hollywood's golden era.

Sincerely,
Robert Kehlmann, Former LPC Chairman
2207 Rose Street
Berkeley, CA 94709

Jacob, Melinda

From: Landmarks Preservation Commission
Subject: FW: please save the UC Theater

From: Mark Westlye <mwestlye@yahoo.com>
Sent: Monday, January 29, 2024 5:26 PM
To: Landmarks Preservation Commission <PlanningLPC@berkeleyca.gov>
Subject: please save the UC Theater

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.

I understand that the issue of preserving the UC Theater is ripe, so I write to endorse savijg and restoring it.

Thank you.

*Mark Westlye
Albany, CA*

Jacob, Melinda

From: Landmarks Preservation Commission
Subject: FW: Supporter of UA Theatre as a Landmark

From: Kathy Rogers <krogers988@gmail.com>
Sent: Monday, January 29, 2024 2:26 PM
To: Landmarks Preservation Commission <PlanningLPC@berkeleyca.gov>
Subject: Supporter of UA Theatre as a Landmark

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.

Dear LPC commissioners:

I'm writing to urge you to designate the United Artists Theatre building as a landmark. At your meeting on February 1, please vote to landmark the ENTIRE exterior of the building, as is supported by local law.

**Kathleen Rogers
Oakland Heritage Alliance Member**

Jacob, Melinda

From: Landmarks Preservation Commission
Subject: FW: 2275 Shattuck development application
Attachments: 2024-1-24_BerkeleyUA—OakHerAll.pdf

From: Naomi Schiff <naomi@17th.com>
Sent: Saturday, January 27, 2024 12:36 PM
To: Landmarks Preservation Commission <PlanningLPC@berkeleyca.gov>; Landmarks Preservation Commission <PlanningLPC@berkeleyca.gov>; Gong, Sharon <SGong@berkeleyca.gov>; Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; All Council <council@berkeleyca.gov>; info@panoramic.com
Subject: 2275 Shattuck development application

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.

Dear Staff, Landmarks Commissioners and Development Team,

Please find attached a comment letter regarding the Regal UA Berkeley Theater, from Oakland Heritage Alliance.

Thank you!

Naomi Schiff, Secretary
Oakland Heritage Alliance

Naomi Schiff
510-910-3764 (cell)
528 Jean St.
Oakland, CA 94610
naomi@17th.com



January 25, 2024

(By electronic transmission)

City of Berkeley Landmarks Preservation Commission
Fatema Crane
Land Use Planning Division
fcrane@berkeleyca.gov

Subject: Regal UA Berkeley Theater

Dear Ms. Crane and Berkeley Landmarks Preservation Commissioners,

Oakland Heritage Alliance, our 33-year old nonprofit historic preservation organization, appreciates the opportunity to comment.

We urge you to designate the United Artists Theatre building as a landmark. At your meeting on February 1, please vote to landmark the *entire* exterior of the building, as is supported by local law.

The UA Berkeley is an excellent example of Art Deco architecture that, if destroyed, can never be replaced. It was found eligible for the National Register of Historic Places and it is on the California Register of Historical Resources. The city of Berkeley recognizes it as an “architecturally significant” building and a “structure of merit.”

If we may give examples, Oakland’s Paramount and Fox Oakland theaters were each seen as expendable before people recognized their merit. In each case, restoration has proven an excellent and economically valuable effort, and they are now recognized widely as great assets, important architectural landmarks, well-used and cherished elements of the Bay Area past.

In your role to protect, preserve, and recognize buildings of high historic and architectural value, we urge you to protect the Regal UA theater, a key landmark in Berkeley. It will be well worth it to preserve this magnificent Art Deco movie palace from Hollywood’s golden era.

Sincerely,

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Levy".

Daniel Levy, President

Jacob, Melinda

From: Landmarks Preservation Commission
Subject: FW: Preserve UA Berkeley Theatre

From: Steve Meyers <spmeyers55@outlook.com>
Sent: Saturday, January 27, 2024 12:15 PM
To: Landmarks Preservation Commission <PlanningLPC@berkeleyca.gov>
Subject: Preserve UA Berkeley Theatre

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.

- The UA Berkeley, at 2274 Shattuck Ave., must not be destroyed for an apartment high-rise; and
- The theater is an architectural and civic treasure that must be preserved in its entirety for future generations.

Steve Meyers
1421 Allston Way
Berkeley

Jacob, Melinda

From: Landmarks Preservation Commission
Subject: FW: My letter to the LPC

From: Laura Linden <redchickn@yahoo.com>
Sent: Friday, January 26, 2024 4:41 PM
To: Landmarks Preservation Commission <PlanningLPC@berkeleyca.gov>
Subject: Fw: My letter to the LPC

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.

Dear LPC staff --

Please accept Allen Michaan's letter below for the application to landmark the UA Berkeley at 2274 Shattuck Avenue on the Feb. 1 agenda. It is our understanding that late communications are accepted up until the day before the hearing.

Thank you,
Laura

L²

----- Forwarded Message -----

From: Allen Michaan <amichaan@michaans.com>
To: Spreck Rosekrans <spreckrosekrans@gmail.com>; Greg King <greg-king@comcast.net>; Gary Parks <ptahhotep1@earthlink.net>; Laura Linden <redchickn@yahoo.com>
Sent: Friday, January 26, 2024, 03:57:49 PM PST
Subject: My letter to the LPC

Begin forwarded message:

From: Allen Michaan <allenmichaan@gmail.com>
Subject: UNITED ARTISTS THEATER
Date: January 26, 2024 at 3:55:55 PM PST
To: lpc@berkeleyca.gov, allen Michaan <allenmichaan@gmail.com>

Dear L P C members:

As someone who has spent the past 51 plus years operating movie theaters I urge your group to do everything in your power to save Berkeley's art deco treasure, The United Artists Theater, from destruction.

I built my first theater, The Rialto, in 1972 at 841 Gilman Street in Berkeley at age 19. The Rialto was put together in a warehouse with all recycled materials from theaters around the Bay Area that were facing demolition. As I removed seats, projectors, old carpeting, ornamental plasterwork and vintage light fixtures from those lovely doomed buildings I mourned their fate and wished that I would someday be able to show films in a beautiful vintage movie house.

So many spectacular theaters were destroyed during the period that began with the advent of television in

the 1950s
and the following decades. Sadly precious few remain.
Finally, years later, communities all over the country began to understand the importance of saving and restoring
these wonderful examples of fantasy architecture for the cultural enjoyment of their citizens.
There are dozens and dozens of success stories and I know of no example of any city that regrets having saved
their vintage theater to serve the residents of their community and the surrounding area.
In almost all cases they became the hearts of their downtowns.

The only regrets are for the lost picture palaces which will never again be replicated.
The most notable example in our Bay Area is the San Francisco Fox Theater which loss is lamented to this day. Your neighbor, Oakland, saved both its Paramount and Fox Theaters and both venues are the pride of that city today.
Berkeley has the opportunity for such a success story with the United Artists Theater.

While the creation of new housing is important it should not, in this case, be at the expense of an architectural treasure that can, and should, be rescued and restored to serve the citizens of the Bay Area, remember this theater was deemed eligible for inclusion on the National Register of Historic Places!

I was extremely fortunate to acquire the Grand Lake Theater in 1980, first as a long term lease, and 4 years ago I purchased the property. During those ensuing years I have sold literally millions of admission tickets to moviegoers who were thrilled to be entertained in such a special building.

Please do whatever you can to make this issue a preservation success story rather than another shameful civic failure such as San Francisco endured with the loss of the Fox Theater.

Respectfully,

Allen Michaan
owner
Grand Lake Theater
3200 Grand Avenue
Oakland, Ca.
94610
510 227 2503

Jacob, Melinda

From: Landmarks Preservation Commission
Subject: FW: UNITED ARTISTS THEATER

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

From: Allen Michaan <allenmichaan@gmail.com>
Sent: Friday, January 26, 2024 3:56 PM
To: Landmarks Preservation Commission <PlanningLPC@berkeleyca.gov>; allen Michaan <allenmichaan@gmail.com>
Subject: UNITED ARTISTS THEATER

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.

Dear L P C members:

As someone who has spent the past 51 plus years operating movie theaters I urge your group to do everything in your power to save Berkeley's art deco treasure, The United Artists Theater, from destruction.

I built my first theater, The Rialto, in 1972 at 841 Gilman Street in Berkeley at age 19. The Rialto was put together in a warehouse with all recycled materials from theaters around the Bay Area that were facing demolition. As I removed seats, projectors, old carpeting, ornamental plasterwork and vintage light fixtures from those lovely doomed buildings I mourned their fate and wished that I would someday be able to show films in a beautiful vintage movie house.

So many spectacular theaters were destroyed during the period that began with the advent of television in the 1950s and the following decades. Sadly precious few remain. Finally, years later, communities all over the country began to understand the importance of saving and restoring these wonderful examples of fantasy architecture for the cultural enjoyment of their citizens. There are dozens and dozens of success stories and I know of no example of any city that regrets having saved their vintage theater to serve the residents of their community and the surrounding area. In almost all cases they became the hearts of their downtowns.

The only regrets are for the lost picture palaces which will never again be replicated. The most notable example in our Bay Area is the San Francisco Fox Theater which loss is lamented to this day. Your neighbor, Oakland, saved both it's Paramount and Fox Theaters and both venues are the pride of that city today. Berkeley has the opportunity for such a success story with the United Artists Theater.

While the creation of new housing is important it should not, in this case, be at the expense of an architectural treasure that can, and should, be rescued and restored to serve the citizens of the Bay Area, remember this theater was deemed eligible for inclusion on the National Register of Historic Places!

I was extremely fortunate to acquire the Grand Lake Theater in 1980, first as a long term lease, and 4 years ago I purchased the property. During those ensuing years I have sold literally millions of admission tickets to moviegoers who were thrilled to be entertained in such a special building.

Please do whatever you can to make this issue a preservation success story rather than another shameful civic failure such as San Francisco endured with the loss of the Fox Theater.

Respectfully,

Allen Michaan
owner
Grand Lake Theater
3200 Grand Avenue
Oakland, Ca.
94610
510 227 2503