

**Jacob, Melinda**

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**From:** Landmarks Preservation Commission  
**Subject:** FW: Objection to CEQA exemption findings for 2000 Blake

**From:** Jeffrey Baker <jwbaker@gmail.com>  
**Sent:** Thursday, September 4, 2025 9:48 AM  
**To:** Landmarks Preservation Commission <PlanningLPC@berkeleyca.gov>  
**Cc:** City Attorney's Office <attorney@berkeleyca.gov>  
**Subject:** Objection to CEQA exemption findings for 2000 Blake

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Dear Commissioners and staff of the Landmarks Preservation Commission,

Regarding the proposed designation of 2000 Blake as a structure of merit, which appears on the agenda for the Commission's September 4, 2025, meeting, I object to the finding that the project is exempt from CEQA under § 15061(b)(3). The finding asserts that the project "can be seen with certainty to have no significant effect on the environment". This determination is made without supporting evidence in the record, or any description of the process the Commission, as lead agency, followed to arrive at this conclusion. The Commission abuses its discretion if there is no basis in the record for its determination that a project is exempt from CEQA.

It is easy to see that this project may have substantial effects on the environment. As the application notes, the structure to be preserved is built from carcinogenic panels, and the perpetual maintenance of these hazardous materials presents "challenges", by which the application alludes to hazards to human health. Perpetuation of a cache of structural asbestos in the center of a city raises questions of risk compared to the no-project alternative which would permit the structure to be encapsulated or removed. Therefore the *certainty* that the 15061(b)(3) exemption requires is absent.

Furthermore, the project has the foreseeable consequence of displacing development within and beyond the project area. The project site occupies approximately half an acre in the R-4 zoning district. This is a substantial fraction of the R-4 district. The City, in its 2023 Housing Element and accompanying EIR, relies in part on the capacity of this zone to fulfill its housing needs. The 2000 Blake project seeks to perpetuate the "one-story height" of the project site, which effectively removes the site from the R-4 zone. This is not unknown to the project applicant or the Commission, because the avowed purpose of the project is to foreclose the predicted "demolition and redevelopment" (p. 15). If the purpose of the project is to stop development, then it is contradictory to say that the Commission sees with certainty that the project has no environmental effects. The Commission must study those effects, reach findings of fact, and base its exemption determination on those facts.

To employ the so-called "Common Sense" exemption to CEQA, a lead agency must base its determination on substantial evidence (Davidon Homes v. City of San Jose). There is no evidence supporting the finding of exemption in the case of the 2000 Blake project. Fair arguments exist that the project may well have environmental consequences in terms of human health and displaced development. The Commission should continue the issue, taking no action on the application until environmental review commensurate with these questions has been undertaken. Approving the process without that evidence would be an abuse of the Commission's discretion.

Sincerely,  
Jeff Baker