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Berkeley Balcony was Decorative, Ex-Member of Review Panel Says

By J.K. Dineen, Kevin Fagan and Jaxon Van Derbeken
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“It was definitely not large enough to be what the city would call an ‘open space balcony,’ where groups of people could stand outside,” said Carrie Olson, whose 14-year stint on the review committee termed out last year. “This was meant just to be a place where someone could stand out for bit, get a breath of fresh air. Not for something like 13 people.”



The 176-unit, five-story stucco Library Gardens apartment complex on Kittredge Street in downtown Berkeley came under heavy scrutiny Tuesday morning after six young people, five of them thought to be visiting from Ireland on J-1 student-work visas, fell to their deaths when a fourth-floor balcony collapsed.

Joshua Kardon, a structural engineer in Berkeley, said that while balconies have collapsed in the past, the accident on Kittredge Street was “very disturbing” because it occurred at a newer building.

The investigation, he said, will likely look not only at the condition of the wood framing and its “failure mechanism,” but at how the balcony was designed and built — particularly how water would be kept from rotting the wood — and what was found during inspections.

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He said apartment owners typically don’t post weight limits for balconies and aren’t required to by law. The balcony at Library Gardens, which was about 30 square feet, was designed to bear 60 pounds of weight per square foot, according to a Berkeley city spokesman. That is up to state and city codes.

Library Gardens was developed by Transaction Companies, a local group headed up by John DeClercq, a prominent East Bay businessman who previously headed the Berkeley Chamber of Commerce. DeClercq’s group, which spent more than five years winning approvals for the project, sold it in 2007 for \$75 million to a real estate investment fund controlled by New Jersey-based BlackRock, which manages billions of dollars for pension funds and other groups.

In a statement, BlackRock said, “The loss of young life is truly heartbreaking, and our sincerest condolences go out to all the families and communities affected by today’s terrible accident.”

“Compromised balconies are a frequent source of construction defect lawsuits in stucco-over-woodframe buildings,” according to attorney Tom Miller, whose firm mostly sues condo builders over construction flaws. “Failures typically occur when water penetrates the waterproofing, leading to dry rot and damage to the structural framing, compromising the structure.”

Balconies on two Brisbane condo buildings — called Park Broadway — recently had to be red-tagged until a construction crew could tear off stucco and waterproofing, remove rotted wood framing, and replace wood and reattach balconies to the building.

“Both required extensive repairs, and the (owners associations) have now settled for millions of dollars to remedy the problems,” Miller said. “Fortunately, we were able to catch them before any injuries occurred.”

As is frequently the case with development in Berkeley, Library Gardens was controversial from the start. Some residents felt it was out of scale — it was the largest housing development downtown had seen. Others opposed the project because it eliminated 362 parking spaces popular with patrons of the Shattuck Cinemas next door. Even the developers appealed the project approvals because they didn’t want to comply with the affordable housing requirements it triggered.

Olson said there are “a lot” of similarly decorative balconies around the city, and she would like to see tighter oversight of them.

“It seems that those students were just doing what young people do, crowding onto a balcony,” she said. “But it’s up to us, not them, to make this stuff safe. That’s just what kids do. We have a responsibility, not just as citizens of Berkeley but as citizens of the world who send their children here, to make sure our structures are safe.”

Olson said she abstained from the 2001 vote that authorized the complex.

“That building was difficult to love,” she said. “It’s bland, and in fact we used it as an example of what not to build.”