



LANDMARKS PRESERVATION COMMISSION

ACTION MINUTES

PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

Date: Thursday, September 3, 2020
Time: 7:01 PM
Place: On-Line (No Physical Location)
Attendees: 10

1. ROLL CALL:

Abranches Da Silva
Adams
Allen
Crandall
Enchill
Finacom
Johnson
Montgomery
Schwartz (Excused, Leave of Absence)

2. EX-PARTE COMMUNICATIONS

- A. Commissioner Crandall disclosed she received a call from Mark Rhoades regarding Agenda Item 7 and briefly discussed a potential scholarship and who might run it.
- B. Commissioner Johnson disclosed she had a brief conversation with R.B. Smith regarding People's Park and referred him to the ZAB.
- C. Commissioner Enchill disclosed that he met with Mark Rhoades and discussed other projects in Berkeley that are not before the LPC, as well as other projects outside the City of Berkeley.

3. PUBLIC COMMENT on Non-Agenda and Information Items

None.

4. AGENDA CHANGES

- A. **Consent Calendar**
None.
- B. **Other changes**
None.

ACTION AND DISCUSSION ITEMS

5. Notice of Preparation of Draft EIR for Southside Zoning Ordinance Amendments

Continue a discussion and consider drafting a correspondence re: the Initial Study for proposed zoning amendments in the Southside neighborhood, per a request from Commissioner Finacom.

See materials provided for previous meeting.

** INDICATES THAT THE LANDMARKS PRESERVATION COMMISSION RECEIVED DOCUMENTS (NOTICES OF DECISION, STAFF REPORTS, APPLICATION MATERIALS OR CORRESPONDENCE) AS PART OF THE PACKET THAT WAS DELIVERED PRIOR TO THIS MEETING.

Motion: To adopt Commissioner Finacom's draft letter, with removal of paragraph 2 on the view up Telegraph Avenue toward the Campanile, and designate the Chair to wordsmith the letter and finalize.

M/S/C: Finacom/Enchill

Vote: 5-0-3-1

Yes: Adams, Allen, Enchill, Finacom, Johnson; No: none; Abstain: Abranches Da Silva, Crandall, Montgomery; Absent: Schwartz.

6. 2277 Shattuck Avenue – Structural Alteration Permit (#LMSAP2020-0001) for the Hezlett's Silk Store Building**

Open the public hearing and take final action on a request to complete exterior alterations to the City Landmark building in Downtown, in accordance with BMC Section 3.24.200.

Speakers: 1

Motion: To close the public hearing.

M/S/C: Crandall/Montgomery

Vote: 8-0-0-1

Motion: To approve the Structural Alteration Permit request with recommended draft findings prepared by staff.

M/S/C: Abranches Da Silva/Enchill

Vote: 7-0-1-1

Yes: Abranches Da Silva, Adams, Allen, Crandall, Enchill, Johnson, Montgomery; No: none; Abstain: Finacom; Absent: Schwartz.

7. Advisory Comments on 2019 Blake Street**

Receive an opportunity report from the Ad Hoc Subcommittee in accordance with the Commissioners' Manual, and provide timely advisory comments to City staff about possible commemorations for the Blake Street Hawkeyes theater group.

Speakers: 1

Motion: To request that the Subcommittee meet again in September or October and return to the LPC with a final recommendation.

M/S/C: Finacom/Allen

Vote: 8-0-0-1

8. 2601 Derby Street – Landmark of Structure of Merit Initiation**

Consider a request from Berkeley Architectural Heritage Association (BAHA) to initiate consideration of City Landmark or Structure of Merit designation for a residential property, in accordance with BMC Section 3.24.120.

Motion: To initiate designation consideration, pending receipt of a landmark application.

M/S/C: Finacom/Allen

Vote: 6-0-2-1

Yes: Adams, Allen, Crandall, Enchill, Finacom Montgomery; No: none; Abstain: Abranches Da Silva, Johnson; Absent: Schwartz.

9. AD HOC Subcommittees and Liaison Comments:

10. ACTION: Approval of Action Minutes**

** Indicates that the Landmarks Preservation Commission received documents (notices of decision, staff reports, application materials or correspondence) as part of the packet that was delivered prior to this meeting.

Draft August 6, 2020 Action Minutes

Motion: To approve draft August 6, 2020 action minutes with typographical edits to Agenda items #11 and #12, and an edit to the language of Commissioner Finacom's motion for Agenda item #9.

M/S/C: Finacom/Crandall

Vote: 8-0-0-1

11. INFORMATION REPORTS

12. CORRESPONDENCE

A. Letter from The University of California, Berkeley re: Notice of Preparation of an EIR for a proposed Beach Volleyball Complex at the Clark Kerr Campus**

13. COMMISSIONER ANNOUNCEMENTS

14. STAFF ANNOUNCEMENTS

15. FUTURE COUNCIL CALENDAR ITEMS

16. POTENTIAL INITIATIONS

17. CURRENT LAND USE PROJECTS (BMC SECTION 23B.24.030.B)

18. ADJOURN 9:45 PM

Motion: To adjourn.

M/S/C: Crandall/Johnson

Vote: 8-0-0-1

NOTICE CONCERNING LEGAL RIGHTS

If you object to a decision by the Landmarks Preservation Commission to approve or deny a designation or permit for a project, the following requirements and restrictions apply:

1. You must appeal to the City Council within Fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing to receive a Notice of Decision when it is completed.
2. Pursuant to Code of Civil Procedure, Section 1094.6(b), no lawsuit challenging a City Council decision to deny a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.
3. Pursuant to Government Code, Section 65009(c)(5), no lawsuit challenging a City Council decision to approve (with or without conditions) a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose,

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was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:

- A. That this belief is a basis of your appeal.
- B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
- C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

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