



L A N D M A R K S
P R E S E R V A T I O N
C O M M I S S I O N

S T A F F R E P O R T

FOR COMMISSION ACTION
JUNE 2, 2022

2733 Buena Vista Way – Tuft’s House #3

Structural Alteration Permit #LMSAP2022-0004 to change the roof materials on a City Landmark building in the Hillside neighborhood.

I. Application Basics

A. CEQA Determination: Categorically exempt from environmental review pursuant to Section 15331 of the CEQA Guidelines for Historical Resource Rehabilitation.

B. Parties Involved:

- Applicant: Shane Wakerling
General Roofing Company
3309 Elmwood Avenue
Oakland, CA
- Owners: John A. Edginton and Jane S. Edginton
2733 Buena Vista Way
Berkeley, CA

C. Recommendation: Hold and conclude a public hearing; encourage the in-kind replacement of cedar roof shingles as-of-right and permit the discretionary replacement with synthetic wood-simulated shakes as an alternative.

Figure 1: Vicinity Map highlighting nearby City Landmarks, Districts and Structure of Merit

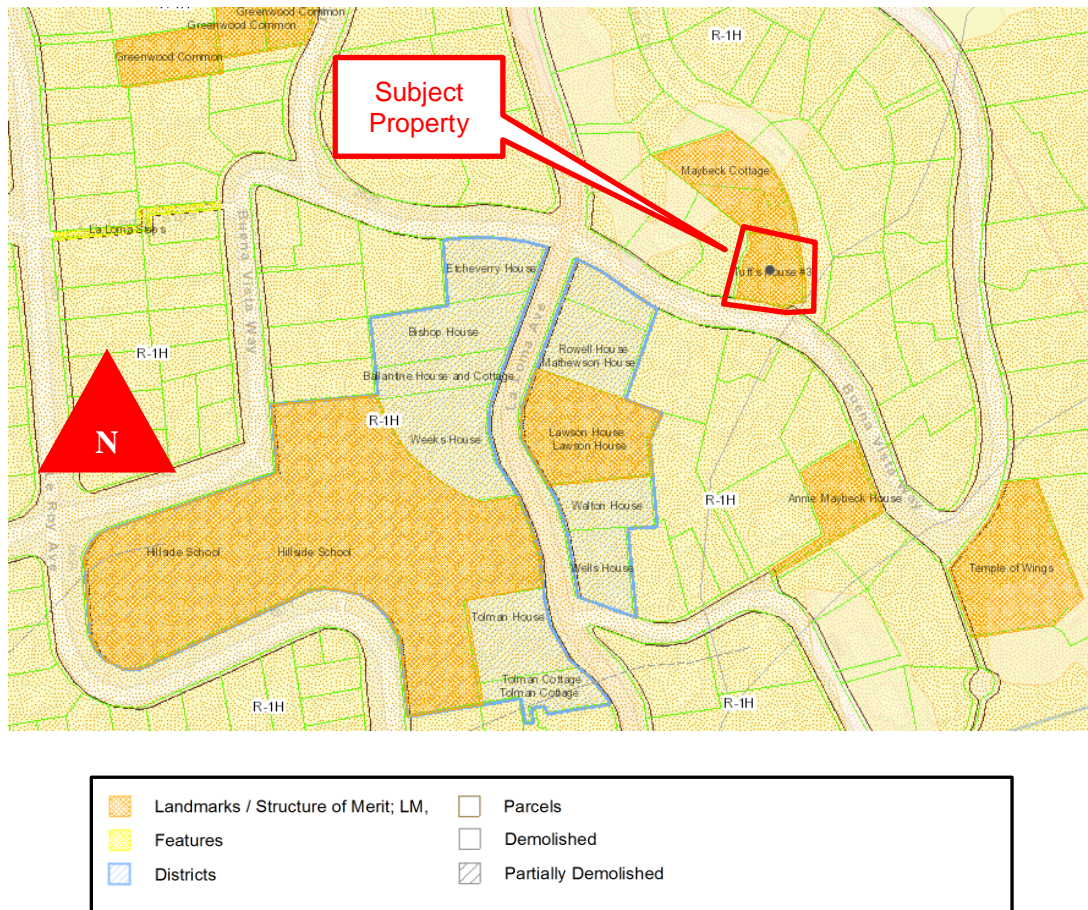


Figure 2: Project Site Plan

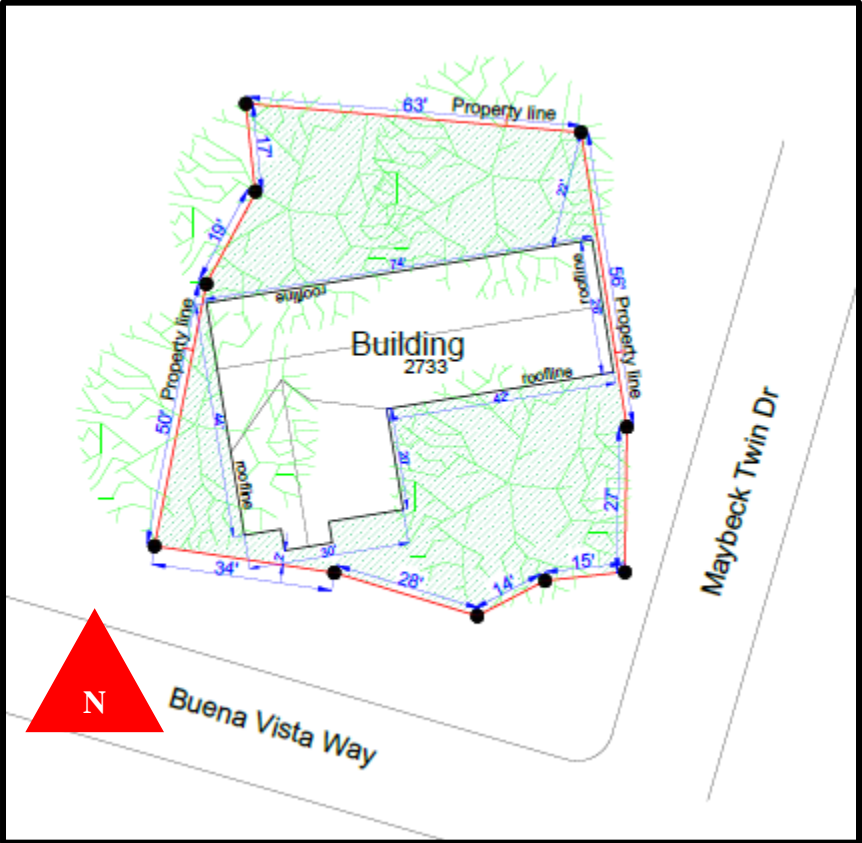


Figure 3: Photograph of Subject Building - January 2022



Figure 4: Photograph of Subject Building – March 2022



II. Background

The subject property is located in the Berkeley Hills neighborhood and features a two-story main building, detached garage and retaining walls within the front yard area. The 1931 structure was designed by Berkeley master architect Bernard Maybeck in the First Bay Tradition style. Upon a request from the property owner, the Landmarks Preservation Commission (LPC) granted the property City Landmark status in 2002; see the designation record included as Attachment 5 of this report.

The main building has experienced only minor alterations since its original construction, and retains all of its character-defining features, including exterior building materials and natural cedar-shake roof tiles.

On March 2, 2022, the applicant obtained an automated Minor Permit #B2022-00929 proposing to replace the roof on the subject main building. After construction commenced, City staff received inquiries from members of the public about the scope of work and its potential to adversely affect the Landmark building's design by altering (rather than replacing) the exterior shingles. In response, staff investigated the circumstances of the property and the permit, and determined that Berkeley Municipal Code 3.24.200 applies to the project and requires Structural Alteration Permit (SAP) approval in order to change the exterior roofing materials.

On April 1, 2022, the Building Official placed the construction work on-hold and then issued a Corrections List on May 1, 2022, explaining that the in-kind replacement of exterior building materials is permitted as-of-right but alterations are subject to prior discretionary approval by LPC.

On May 18, 2022, the applicant submitted the subject SAP application. On or just prior to May 23, 2022, staff mailed and posted advance notice of tonight's public hearing, in accordance with Berkeley Municipal Code (BMC) Section 3.24.230.

III. Project Description

The applicant proposes to replace the previously existing, original cedar wood shakes that comprised the exterior roofing material with synthetic stone-simulated tiles produced by Da Vinci Roofscapes; see Table 1, below.

Table 1: Summary of Proposed Alteration & Staff’s Recommended Alternatives

Historic Material Proposed for Removal	Proposed Replacement Material	Staff Recommendation	
		Preservation Practice (ministerial approval)	Alternative With SAP approval
Cedar Roof Shakes	Synthetic Stone-Simulated Tile	Match the Historic Cedar Shakes	Replacement material that is similar to cedar shakes in texture and tone

The Project Plans and Applicant Statement are provided as Attachments 2 and 3 of this report.

IV. Issues and Analysis

Staff has identified the following relevant criteria pertinent to this request to replacement original roofing materials from the Secretary of the Interior’s Standards for the Treatment of Historic Properties (1977) and the Landmarks Preservation Ordinance (BMC Section 3.24).

A. The Secretary of the Interior’s Standards for Rehabilitation

The Secretary of the Interior's Standards for the Treatment of Historic Properties defines *Rehabilitation* as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.” The analysis below summarizes staff’s findings for this project relative to the Standards #2, 5 and 6, which are directly related to treatments for materials; analysis for all other Standards appears in the Findings for Approval, Attachment 1.

SOI Standard 2

The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

Analysis: The proposal to replace the historic cedar roof shakes with synthetic stone tile would remove a distinctive material from the subject Landmark building and would not retain or preserve the character of this First Bay Tradition building’s roof design.

In order to retain and preserve the character, staff recommends that the applicant replace the historic wood shakes in-kind. Such a replacement would be permissible if the wooden features are prepared with fire-retardant treatments to

achieve a Class "A" roof covering rating. The Building Official has confirmed that wood roofing in designated Urban Wildland Zones may be permitted when installed in Class "A" building assemblies.

However, if the applicant chooses not to replace the historic wood shakes in-kind, then staff recommends that the project include an alternative material that reflects the character of wood shakes to the extent possible and matches the texture and tone of the cedar material.

In this case, Da Vinci Roofscapes, the applicant's chosen supplier, offers a selection of synthetic tiles that resemble the grain pattern of wood shakes and produces the tiles in a range of tones, widths and variations; see Attachment 4 for Materials Information. If the Commission considers favorable action on this request, then staff suggests Conditions of Approval that would require either the replacement in-kind or the installation of an alteration material similar to the Da Vinci simulated wood shake.

SOI Standard 5

Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

Analysis: The original hand-sawn cedar shingles that have been removed are a distinctive feature of this Maybeck residence. They are an example of the craftsmanship that characterizes the Tuft House building design, and their natural finish is yet another defining feature of the First Bay Tradition architectural style. For all of these reasons, the proposal to replace the wood shingles with a synthetic material is specifically discouraged and would not align with this SOI Standard.

In order to minimize the potential impact of such a change, staff recommends that the project replace the shingles in-kind or, alternatively, employ alternative materials that are in keeping with the feeling and visual qualities of wood grain rather than utilizing a material with the simulated appearance of stone.

As discussed in the analysis for Standard 2, above, staff finds that the applicant's chosen supplier may offer more appropriate options for this context; see Figures 5 and 6, below.

Figure 5. Photograph of Existing Shakes & Proposed “Stone” Da Vinci Shake



Figure 6. Photograph of Existing Shakes & “Wood” Da Vinci Shake Alternative



SOI Standard 6

Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Analysis: The deteriorated historic cedar roof shakes can be replaced in-kind and such a replacement would be permitted as-of-right under the pending

Building Permit. Nevertheless, the applicant requests discretionary permission to proceed with a synthetic tile. In order to better align with the directives of this SOI Standard, the synthetic materials must match or resemble the historic shingles in design, color, and texture.

As described under the analysis of SOI Standards 2 and 5, above, there appears to be a product from the applicant's supplier that would better reflect the design, color and texture of the historic shakes when compared to the proposed stone-simulated tile. Therefore, staff recommends that the Commission encourage the applicant to consider the manufacture's option that resembles wood shakes and then require this option as a Condition of Approval.

B. Landmarks Preservation Ordinance (LPO) Standards and Criteria

In order to approve a request for a SAP, the Commission must find that the proposal would not adversely affect the features or special character of the subject structure or property. An analysis of the project with respect to the required findings of LPO is outlined below.

BMC Section 3.24.260, Paragraph C.1

"For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features..."

Analysis: Staff finds that the proposal to replace the cedar roof shingles with synthetic stone-simulated tiles would fail to retain an important architectural element of the Maybeck building. Therefore, the applicant must be strongly encouraged to replace the wood shakes in-kind as "ordinary repair and maintenance," which is permissible as-of-right under the provisions of BMC Section 3.24.220.A.

If the Commission is unable to persuade the applicant to proceed with an in-kind replacement, then the Commission can lessen the potentially adverse effect of the proposed synthetic tile by requiring a synthetic option that would resemble the appearance of wood and the texture of wood grain detail. The applicant's supplier offers synthetic wood shakes in tones that are similar to those of the original cedar shakes; see materials information in Attachment 4.

Staff recommends that the Commission discuss the roofing material options for this installation and advise which would be preferred and necessary to avoid adverse impacts to the subject Landmark building.

"...nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting."

Analysis: As stated previously, the proposed alteration could adversely affect the special architectural and aesthetic value of this Maybeck design, and could be conditioned for discretionary approval in a manner to lessen the affect of the proposed change in materials.

V. Recommendation

Staff recommends that Commission encourage *in-kind replacement* of the historic cedar roof shakes on this Maybeck residence and, further, consider approving this request for a Structural Alteration Permit pursuant to BMC Section 3.24.260, and subject to the attached Findings and Conditions, because:

- 1) The Recommended Conditions of Approval would ensure the installation of replacement synthetic materials that reflect the character of the original cedar shakes; and
- 2) As Conditioned, the project would better align with preservation treatment standards and the LPO provisions for Structural Alterations.

Attachments:

1. [Draft Structural Alteration Permit Findings and Conditions of Approval](#)
2. [Project plans, received May 18, 2022](#)
3. [Applicant Statement, received March 18, 2022](#)
4. [Product Information – Da Vinci Roofscapes synthetic tiles](#)
5. [Notice of Decision, Landmark designation for Tuft’s House #3 \(2002\)](#)
6. [Correspondence received](#)

Prepared by: Fatema Crane, Senior Planner; fcrane@cityofberkeley.info ; 510-981-7413

ATTACHMENT 1

DRAFT FINDINGS AND CONDITIONS

2733 Buena Vista Way – Tuft’s House #3

Structural Alteration Permit #LMSAP2022-0004

Structural Alteration Permit #LMSAP2022-0004 to change the roof materials on a City Landmark building in the Hillside neighborhood.

FINDINGS REQUIRED UNDER CEQA

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, and (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5.

FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR’S STANDARDS

Regarding the Secretary of the Interior’s Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The property will continue its historic use as a residence.
2. The historic character of Tuft’s House #3 design may be preserved through retention of its character-defining and careful replacement of elements, such as the wood roof shingles with matching materials or other materials that resemble the details, textures and colors.
3. The synthetic roof tiles attempt to replicate the appearance of the historic materials and to blend with architectural features and design of Tuft’s House #3; by blending rather introducing conjectural elements, the proposal would not create a sense of false historicism.
4. No changes to this property that have acquired significance in their own right are present or would be affect by the subject proposal.
5. This proposal includes the removal of a distinctive architectural feature and an example of craftsmanship. To lessen the potential impact of this change, the project has been conditioned to require the selection of materials that more closely match the tone and texture of the original hand-sawn wood shingles.

6. The deteriorated wood roof shingles have been removed and the applicant is encouraged to replace them in-kind. Alternatively, the project is permitted to replace the wood material with synthetic tiles that simulate the texture, color and design of the original shakes.
7. The applicant does not propose chemical or physical treatments. However, standard conditions of Structural Alteration Permit approval would require that any chemical or physical treatments be undertaken using the gentlest means possible.
8. This proposal does not require grading or ground disturbance and, therefore, is not likely to affect significant archaeological resources.
9. The project has been conditioned to ensure that the new materials are compatible with the architectural features of the subject building and to resemble the natural historical wood shingles.
10. If the proposed synthetic tiles were removed in the future, they would not permanently impair the integrity or essential form of the Maybeck design.

FINDINGS REQUIRED UNDER LANDMARK PRESERVATION ORDINANCE

10. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that the proposed work is an alternative to in-kind replacement under the circumstances. Specifically:
 - A. The applicant is encouraged to replace the cedar roof shingles in-kind or, alternatively, shall match the appearance of the natural wood materials as closely as possible.
 - B. If in-kind replacement is not undertaken, then replacement with roof tiles that most closely resemble the texture and tone of the original cedar shakes would better preserve the character and aesthetic value of the subject Maybeck residence.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Plans and Representations Become Conditions

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

3. Subject to All Applicable Laws and Regulations

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Zoning Adjustments Board or Zoning Officer, Building and Safety Division, Public Works Department and other affected City divisions and departments.

4. Exercise and Lapse of Permits (Section 23.404.060.C)

- A. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- B. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

5. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS

The following additional conditions are attached to this Permit:

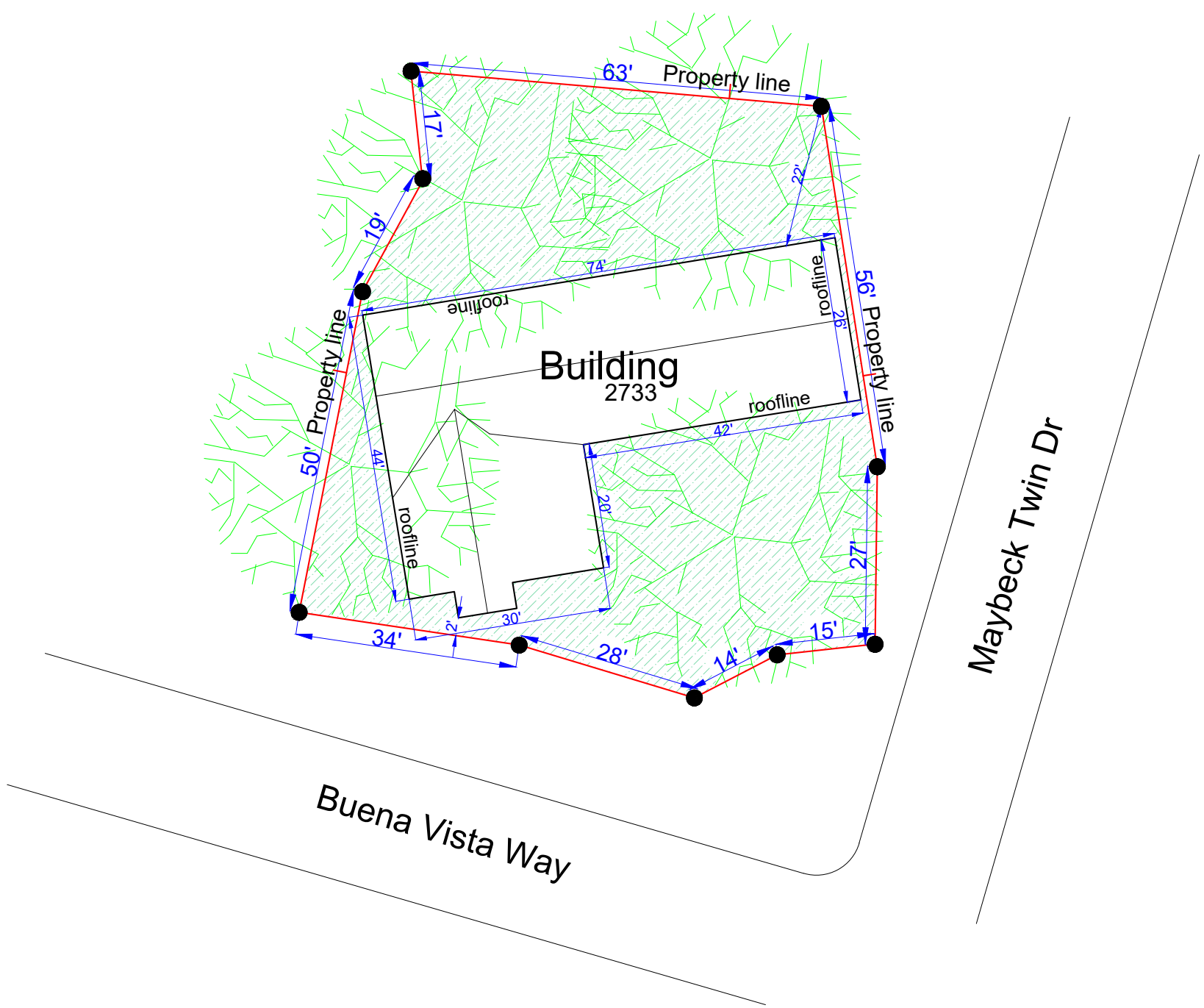
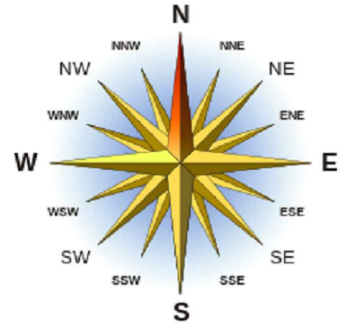
- 10. The proposed project is approved as shown on the drawings dated “received May 18, 2022” subject to the conditions herein.
- 11. No changes can be made to these approved plans without prior approval.
- 12. Repair and replacement of character-defining features. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic

feature in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

13. Chemical or physical treatments, if appropriate, shall be called out in the scope or work for any building permit for this project and shall be undertaken using the gentlest means possible. Treatments causing damage to historic materials shall not be used.
14. Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit color and materials information for review and approval by Landmarks staff, in coordination with the LPC Chair as needed.
15. The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.
16. The applicant is responsible for complying with all the above conditions. Failure to comply with any condition could result in construction work being stopped, issuance of citations, as well as further review by the Landmarks staff, which may modify or impose additional conditions, or revoke approval.
17. All building permit drawings and subsequent construction shall substantially conform to the approved plans as outlined in Condition #1. Any modifications must be reviewed by the Landmarks plan checker to determine whether the modification requires approval.
18. The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

SITE PLAN

Address: 2733 Buena Vista Way
City, State, ZIP: Berkeley, CA 94708
Country: USA
Scale 1":20'





May 17, 2022

City of Berkeley
Landmark Preservation Commission
C/O Fatema Crane
1947 Center Street #3rd
Berkeley, CA 94704

To Whom It May Concern:

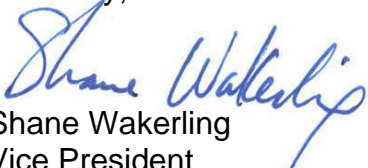
The roof at 2733 Buena Vista Way, Berkeley CA (Tuft's House #3) was inspected on December 1, 2021. It was a cedar shingle roof with another cedar shingle roof underneath. It was in extremely poor condition, with severe rot and deterioration. Due to the roof being beyond its natural life cycle, a replacement was needed to prevent any damage to the structure or interior. Due to a variety of reasons such as insurability (the residence is in a high fire zone), prohibitive cost, building/fire codes and future protection of the structure it was determined that cedar shingles would not be a possible replacement. To keep with the era and other projects by the Architect, Bernard Maybeck, it was decided that best option would be a synthetic slate product. This would keep with the low profile and square look of the original cedar shingle (vs using a thicker shake style) and retain the look of materials used and widely available during the original build.

The Tuft's House #3 is in dire need of a new roof. With a new roof, the building will be protected from the elements, as well as less vulnerable to fire, and no longer allow any water to intrude into the structure. From an aesthetic perspective, it will highlight the beauty of the architecture, which previously looked worn due to the previous roof conditions.

The materials selected for this project are not outside of the buildings period and in fact increase the resilience of the building to natural hazards (especially fire).

If you have questions, or if we can be of further assistance, do not hesitate to call our office during normal business hours.

Sincerely,

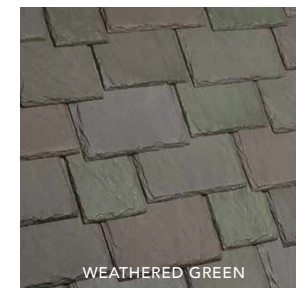
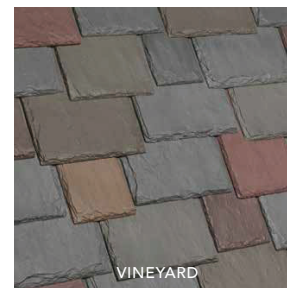

Shane Wakerling
Vice President
General Roofing Company

MULTI-WIDTH SLATE

MULTI-WIDTH SLATE
EUROPEAN



MULTI-WIDTH
SLATE



A perfect match.

The picture of elegance. DaVinci's Multi-Width Slate delivers the highest levels of beauty without the typical challenges of a natural slate roof. Our tiles are engineered to be lighter, to resist impact and to maintain their color longer. It's hard to beat Mother Nature, but DaVinci has done it.

CR ALSO AVAILABLE
IN COOL ROOF COLOR

**YOUR HOME WAS MADE
FOR CEDAR OR SLATE**

DaVinci was made for your home

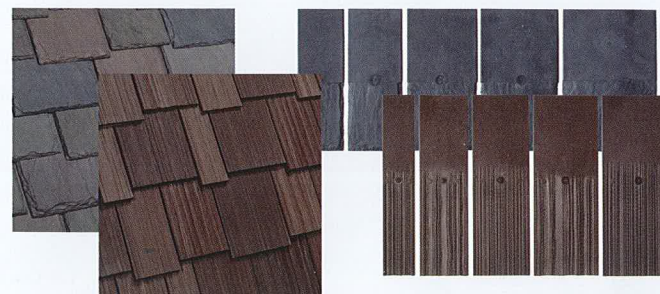


THIS IS FOR KEEPS

It's easy to fall in love with the look of natural slate or cedar shake. Their beauty is at the heart of many architectural styles, old and new. DaVinci gives you the look you want and so much more: resistance to impact, splitting and cracking as well as a Class A fire rating and the peace of mind that comes with a Lifetime Warranty.

Visual **VERSATILITY**

DaVinci offers the beauty of natural slate and cedar shake in different tile options, giving you the ability to meet your aesthetic vision as well as respect your budget.



MULTI-WIDTH

Our most authentic-looking and versatile option, DaVinci's Multi-Width tiles set the high mark for luxury. Laying tiles of multiple widths in a straight or staggered pattern creates the most natural, non-repeating appearance possible.

- MULTI-WIDTH SLATE Page 14
- MULTI-WIDTH SHAKE..... Page 24



SELECT SHAKE

Created from real cedar profiles, Select Shake gives your home the beauty of authentic wood while remaining maintenance-free. The versatile design provides a worry-free, best-in-class roof that speeds up installation with the look of multi-width shake.

- SELECT SHAKE Page 26



SINGLE-WIDTH

Single-width tiles add a budget-friendly touch of tradition to your home in either a straight or staggered pattern. The uniform tile size and impact-resistant composite construction work to reduce waste and speed up installation.

- SINGLE-WIDTH SLATE Page 16
- SINGLE-WIDTH SHAKE..... Page 28



BELLAFORTÉ

The inspired engineering of Bellaforté makes uncommon beauty considerably more attainable. Its innovative design requires less overlap (reducing waste and cost), making it a stylish upgrade that won't bust the budget.

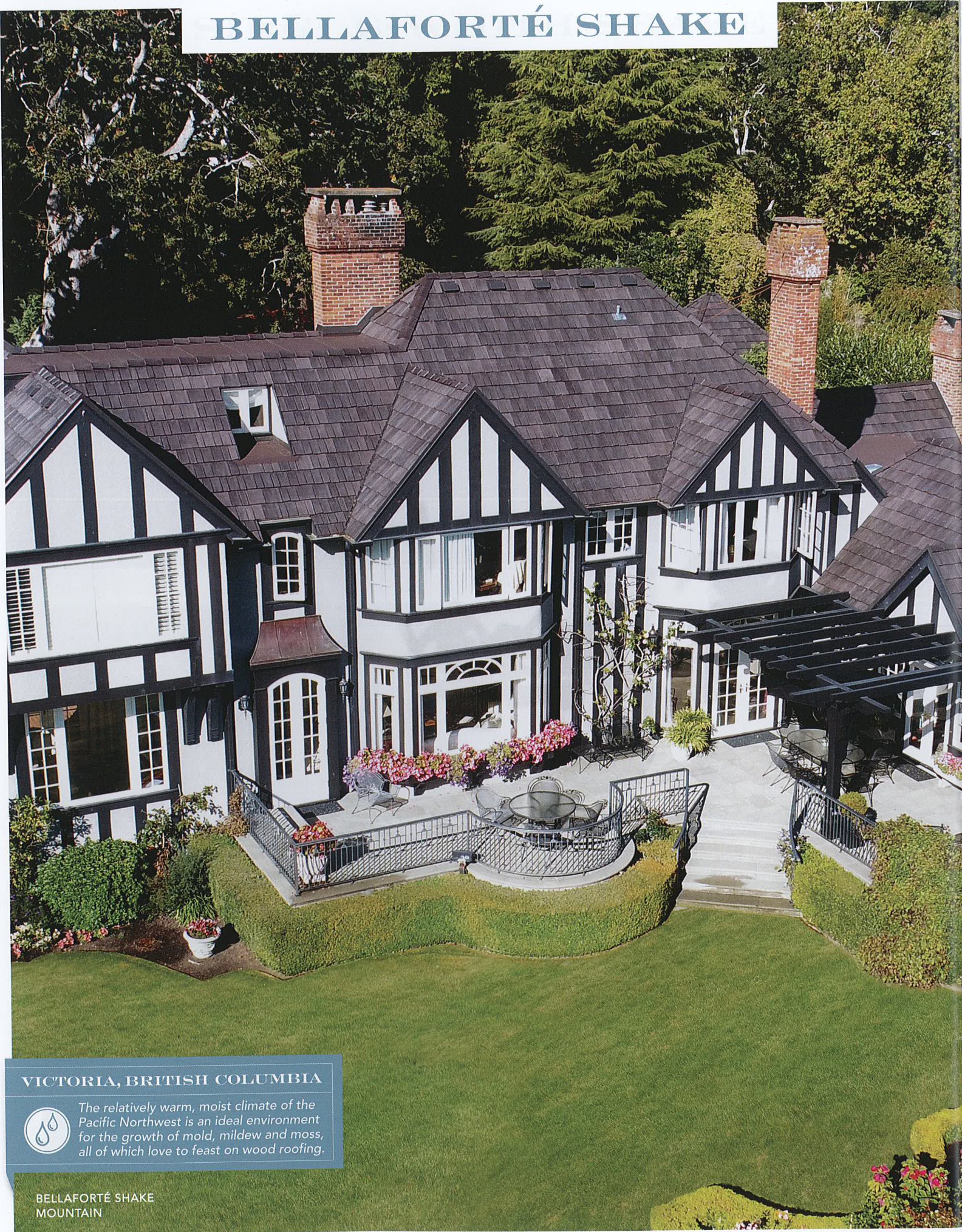
- BELLAFORTÉ SLATE Page 18
- BELLAFORTÉ SHAKE..... Page 30

BELLAFORTÉ SHAKE



Lasting impressions.

It's the little things that make Bellaforté Shake such a remarkable product; the staggered edges, the color variation and the dramatic shadows all contribute to a truly realistic look. No less remarkable is Bellaforté's Lifetime Warranty, streamlined installation and its ability to lift the appearance of your house. It might be the easiest decision you'll face as a homeowner.



VICTORIA, BRITISH COLUMBIA



The relatively warm, moist climate of the Pacific Northwest is an ideal environment for the growth of mold, mildew and moss, all of which love to feast on wood roofing.

BELLAFORTÉ SHAKE
MOUNTAIN



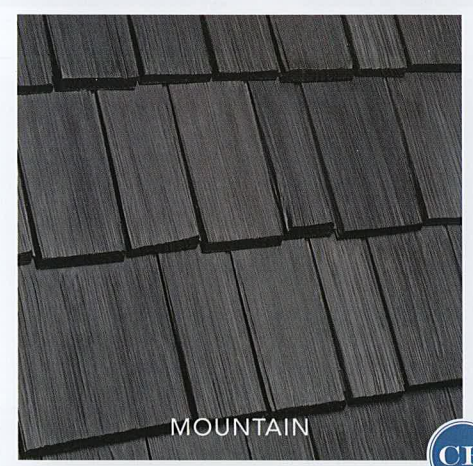
AGED CEDAR



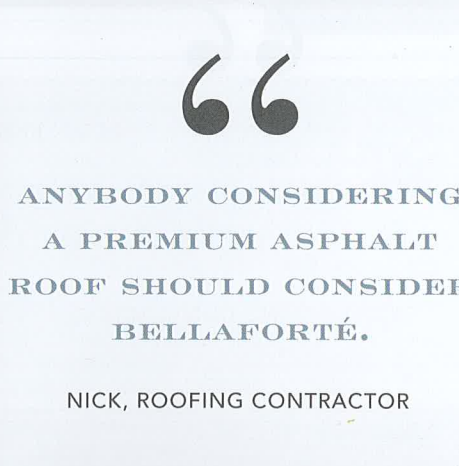
BLACK OAK



MOSSY CEDAR

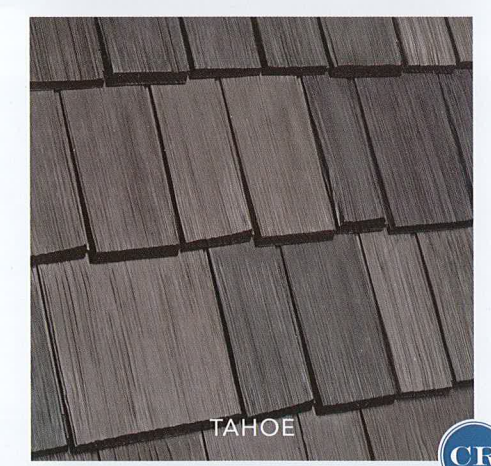


MOUNTAIN



ANYBODY CONSIDERING
A PREMIUM ASPHALT
ROOF SHOULD CONSIDER
BELLAFORTÉ.

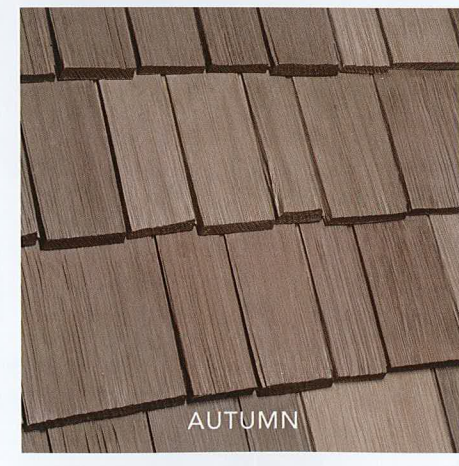
NICK, ROOFING CONTRACTOR



TAHOE



CHESAPEAKE



AUTUMN



WEATHERED GRAY



CR ALSO AVAILABLE
IN COOL ROOF COLOR

NC NATURE CRAFTED COLLECTION™
PREMIUM COLOR

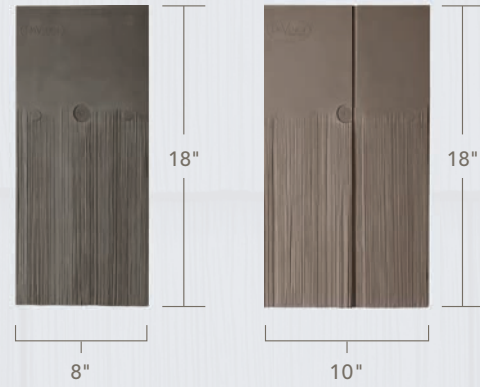
WHAT'S BEHIND THE BEAUTY IS *Genius*

DaVinci Hand-Split Shake Siding ensures that your home can withstand whatever elements test its durability and beauty. Every region of North America presents challenges—Mother Nature's fury is universal. With the damaging effects of sun, hail, gale-force winds, and freeze and thaw cycles, the siding of your home goes through a high amount of strain. The real genius of DaVinci lies in its ability to provide lasting beauty and be a constant source of pride. Our finished, individually-applied tiles endure exquisitely in any climate. Our roofing materials have been tested and trusted for years—and now you can give the rest of your home the same long-lasting elegance.



DaVinci Hand-Split Shake Siding

WIDTHS	THICKNESS AT BUTT	WEIGHT/SQUARE
8", 10"	5/8"	8" (307 lbs)



Building Code & Testing Approvals: ICC-ES ESR-4418; Miami-Dade County, FL; ASTM D7254; and WUI



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MLDVHSSIBRO - 2/2020



HAND-SPLIT SHAKE SIDING

Expanding the legacy of beauty...



Introducing DAVINCI HAND-SPLIT SHAKE SIDING

*With DaVinci, you've got
 artistry and genius on your side.*

The anticipation is over—DaVinci now offers Hand-Split Siding. The tile molds are created from authentic cedar shake, giving any home the beauty of real cedar without ongoing maintenance. With DaVinci, you can achieve your aesthetic goals top to bottom.

DaVinci's Hand-Split Siding provides the craftsmanship and authenticity of natural, hand-split cedar with the advantages of color stability and a lifetime warranty. Our versatile design guarantees you can meet your vision.

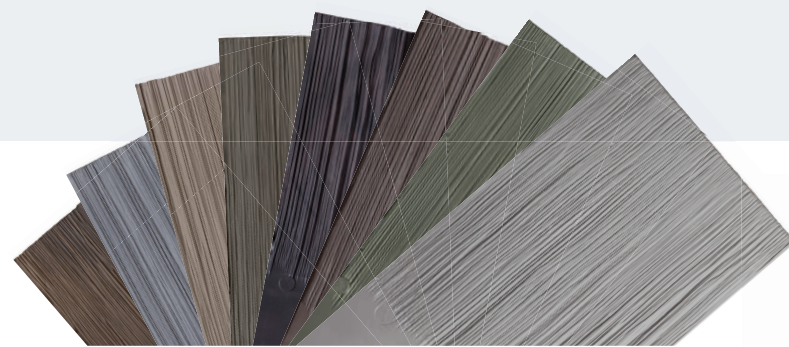
As our name implies, our ability to blend colors and create drama is unparalleled.

ENGINEERED TO LOOK BETTER, LONGER.

*Hand-Split Shake
 vs. Natural Shake*

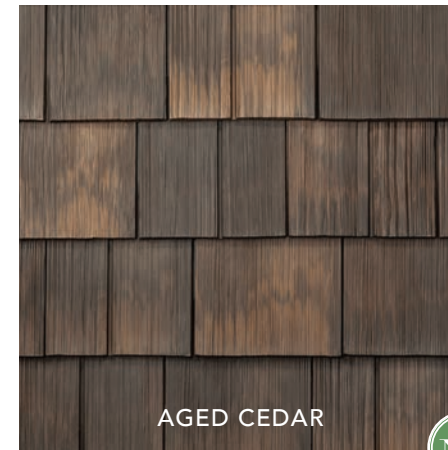
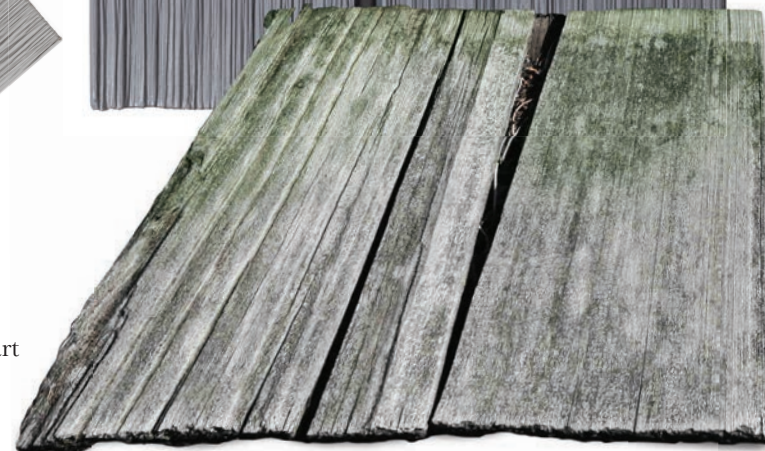
DaVinci Hand-Split Shake Siding gives you the look you love with superior durability for a lifetime. The attributes of authentic cedar disappear over time, whereas our siding tiles are resistant to mold, algae, fire, pests, impact, and salt air. By bringing 20 years of proven performance to a new exterior application, we've engineered siding that stands up to whatever your home may endure. Unlike real wood, Hand-Split Shake Siding does not curl, cup, or split; it is easy to install and never requires painting. When you demand the beauty of authentic wood but require effortless upkeep, DaVinci is on your side.

*Thick construction,
 deep grooves and
 realistic grain
 patterns combine
 to create dramatic
 shadows and
 visual richness.*

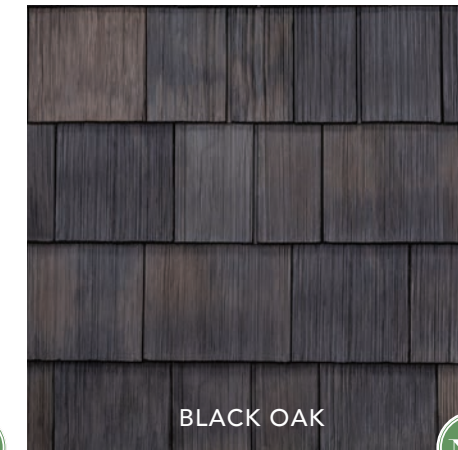


THE COLOR YOU LOVE for a lifetime

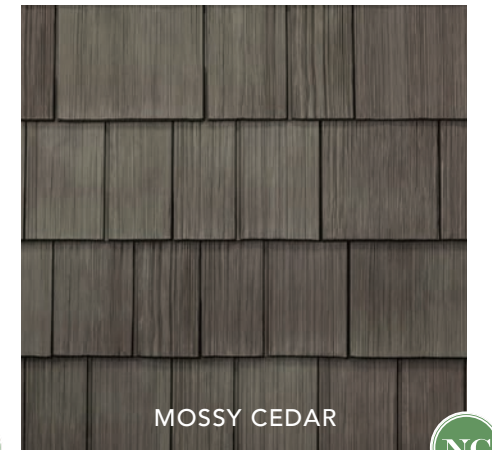
DaVinci tiles are made of virgin resins fortified with state-of-the-art UV stabilizers. The color you pick is the color you keep.



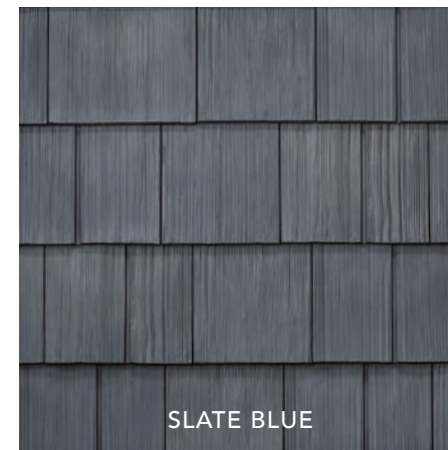
AGED CEDAR



BLACK OAK



MOSSY CEDAR

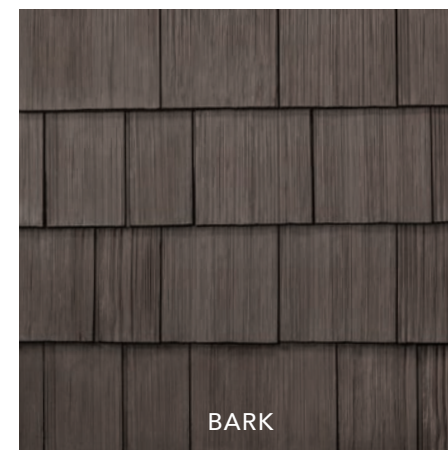


SLATE BLUE

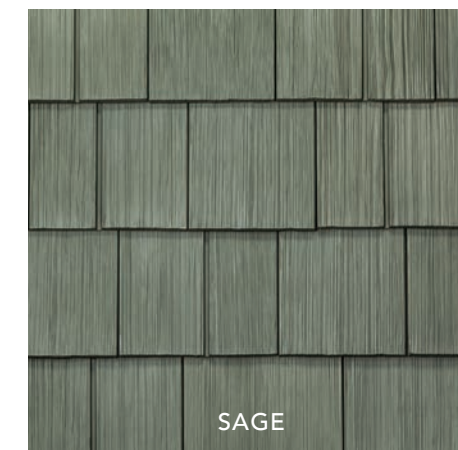
**IF YOU'RE LOOKING
 FOR FLAWLESS
 REPLICATION AND
 TIMELESS BEAUTY,
 DAVINCI SIDING IS
 YOUR PERFECT MATCH.**



TAUPE



BARK



SAGE



GRANITE



NATURE CRAFTED COLLECTION™

Our advanced technology simulates the warmth of a patina with nature-inspired colors while retaining beauty and artistry for decades.

CITY OF BERKELEY
DEPARTMENT OF HOUSING AND DEVELOPMENT

AGENDA ITEM VII.A

CURRENT PLANNING
MAR 5 1990

(APPLICATION REQUESTING DESIGNATION FOR LANDMARK STATUS)

- : Ordinance 4694-N.S. Individual Landmark \$50.00 Historical Dist. \$100.00
1. Name of Property "Annie Maybeck House" State Historic Resource Inventory Survey Code No. #10
 2. Building Site Open Space _____
 3. County Alameda 4. City Berkeley
 5. Street 2780 Buena Vista Way
 6. Vicinity (if rural) _____
 7. Present Occupant Jonas and Marilyn Langer
 8. Present Owner Jonas and Marilyn Langer
 9. Original Owner (if known) Bernard and Annie May beck
 10. Date of Construction 1933 11. Style _____
 12. Architect/Builder Bernard Ralph Maybeck 3. Original Use Home
 13. Historic Value: national state county city neighborhood none _____
 14. Architectural Value: national state county city neighborhood none _____
 15. Notable Garden or Landscaping: yes no _____
 16. Photographs: contemporary _____ historical _____
 dates _____ dates _____
 photographer _____ photographer _____
 repository _____ repository _____
Kenneth Cardwell, BERNARD MAYBECK Artisan, Architect, Arti
 17. Bibliography: Published State Historic Resource Inventory
See Attachment C 18 Page 5 ^{Recor} Jacomena Maybeck Kerna Maybeck Gannon
 Other Bancroft Library, Environmental Design Library
University of California, Berkeley
 18. Block Number 22420. Lot No. 60. 21. Lot Size: frontage 95
 Depth 80 + (159.65 on #2)
 19. Current Zoning Status R1H 23. Adjacent Property Zoning Status R1H
 20. Present Use: residential (single family multiple _____) office _____
 store _____ public _____ other _____ specify _____
 24. Adjacent Property Use (check all that apply): residential (single family multiple _____) office _____ store _____ public _____
 other _____ specify _____

26. Assessed Property Value: current \$75,048 .. ago 10 yrs. ago

Present Condition of Property: exterior: excellent good fair poor
interior: excellent good fair poor
grounds: excellent good fair poor

28. Property Endangered: yes no source, if yes Encroachment

29. Potential New Property Uses:

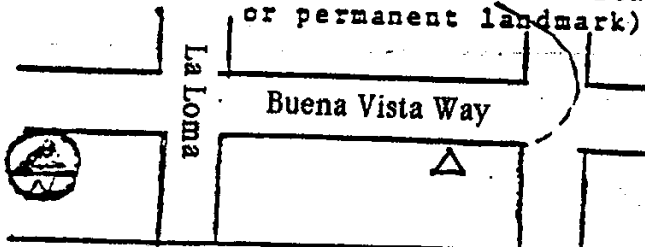
30. History: Briefly describe the historical significance of this proper

See Attachment A 30 Page 3

31. Architecture: Briefly describe th
dicate notable features as well as
clude notable landscaping or natur

See Attachment B 31 Page 4

32. Location Map (nearest intersection
or permanent landmark)

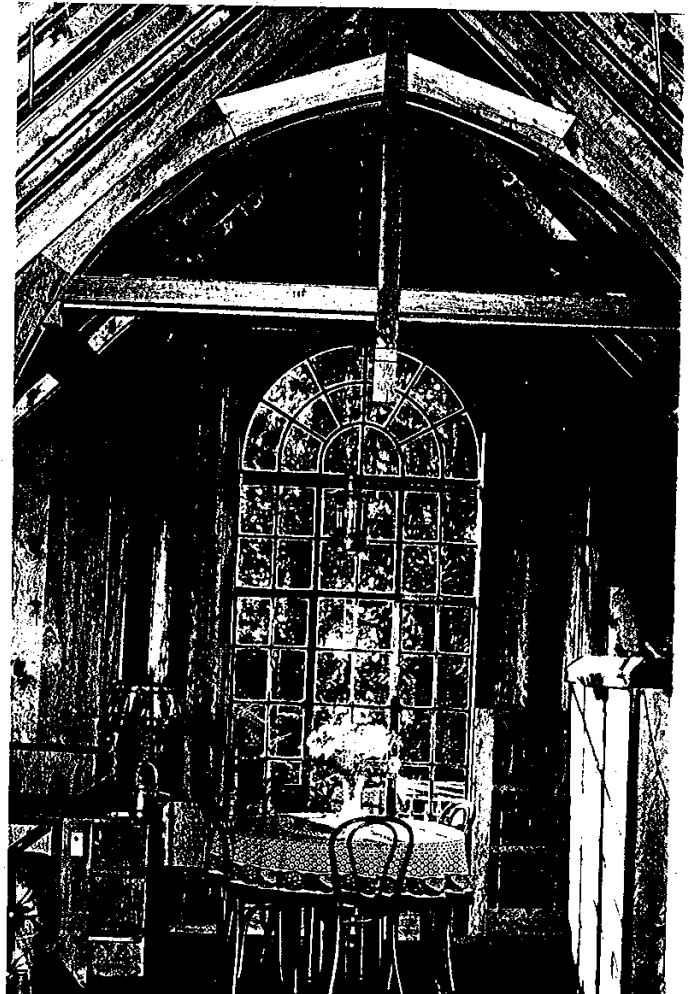


34. Additional Comments or Continuation



35. Recorder: Name Marilyn Langer
Address 2780 Buena Vista Way
Berkeley, California

March 5, 1990



Attachment A 30.

page 3 of 5

Historical Importance of Property

The property at 2780 Buena Vista Way was the last home and garden that Bernard Maybeck designed and built for himself to replace his original homesite that burned in the Berkeley fire of 1923. Constructed in 1933 at his zenith and with no compromise to cliental requirement, it epitomizes his artistic achievement and his vision of the home. It is located in the center of a large tract that was purchased by Bernard Maybeck in 1900 and was known as La Loma Park. He developed this area which is bounded by La Vereda, La Loma, Buena Vista Way and what was then Cedar Street creating studios for himself and additional homes for his family and clients until his death in 1957. We purchased this property directly from Bernard Maybeck's daughter, Kerna Maybeck Gannon. We have spent the 23 years of our ownership maintaining this home in its original state and protecting it from alteration or "improvement".

Biographical Information quoted from Maybeck Family Papers folder at Bancroft Library at the University of California, Berkeley.

"Bernard Ralph Maybeck was born in New York City in 1862. He attended public and private schools there and from 1881-1886 was a student at the Ecole de Beaux Arts in Paris. In 1886 he returned to the United States and began his career as an architect. In 1890 Bernard was married to Annie White. Shortly thereafter, they moved to Berkeley where they resided continuously until her death in 1956 and his the following year.

Maybeck's association with the University of California started about 1894 when he accepted a job teaching descriptive geometry. Soon he was also teaching a class in architecture, and from this grew the College of Architecture. In 1896 Maybeck originated and managed the Phoebe Apperson Hearst competition for a University of California Masterplan. In 1930 he was granted an honary LL.D.

Homes designed by Maybeck are found throughout California. He is credited with many innovations including the widespreade use of reinforced concrete, stucco, and wood, especially redwood. His better known buildings include the University of California Mens Faculty Club, First Church of Christ, Scientist in Berkeley, the Carmel Public Library, Hearst Gymnasium (with Julia Morgan), Principia College at Elsay, Illinois and the Palace of Fine Arts in San Francisco. He drew the general plans for Mills College (with Julia Morgan) and was Associate Architect of the Golden Gate Exposition in 1939."

Architecture

The home, viewed from the street, appears to be a modest lapsed wooden building nestled into the hill surrounding an immense chimney whose poured concrete form imitates the alternating pattern of its redwood and douglas fir siding. Although the house sits on an incredibly steep site, one has the impression when entering on the east and viewing the home from all sides that it offers the equilibrium of a house built on a flat site. An example of the spirit of the Berkeley Hillside Club of which Bernard Maybeck was a founder and President in 1909-1910, he "used what was there. He did not cut into the hill or fill up the hollow but built around the hill on its contour lines one story above and back of the other." One never views more than two of its three stories at one time and the (shingled) roof was "made to look well from above."¹

Maybeck sited his building utilizing the precepts of Andre, the great Landscape Architect who said, "The fundamental law of Landscape Architecture is; in laying out a landscape never take away what is there but group it in with what you add to it." Maybeck's landscaping includes terracing and narrow foot paths to integrate the building with the hill. "To hold the soil and act as wind-breaks there is nothing so cheap or so good as trees. The few native trees that have survived centuries of fire and flood lived because they had chosen the best places. They should be jealously preserved. Bend the road, divide the lots, place the houses to accommodate them."

The plan for the main living floor of the house is that of an open cross plan as found in small country churches in England with bedrooms below extending the house to provide above "a porch on the south for dining and a porch on the north for sleeping". Large windows are placed at the ends of the long south to north axis of the upper floor to "let in all the sunlight possible, not to keep out heat" while two small windows perforate the east or street side of the house to allow for as much light as minimal privacy will allow. The small windows on the eastside of the bedroom floor give way to larger windows on the south and north sides of the bedrooms to allow for more light to be admitted where privacy is assured. The bayside windows are small in the upper main floor reducing glare and not competing with the north south axis of the design while those on the lower floor are larger to give light to smaller, darker rooms. This design would to this day be an appropriate application given the orientation of the property to the direction of the sunlight, the contour of the site, and the provisions of the current Berkeley Zoning Ordinance.

1. All quotations are taken from the Hillside Club publication, 1906-7, Berkeley, California.

Attachment C 18.

Page 5 of 5

Bibliography

California State Historical Resources Inventory.

Cardwell, Kenneth H. Bernard Maybeck. Artist. Architect. Artisan.
Salt Lake City: Gibbs-Smith, 1977.

Gannon, Kerna Maybeck. Personal Communications.

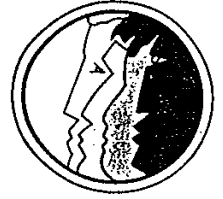
Maybeck Family Papers. Bancroft Library, University of California,
Berkeley.

Maybeck, Jacomena. Personal Communications.

Maybeck Office Papers. Environmental Design Library, University of
California, Berkeley.



City of Berkeley



Landmarks Preservation Commission
Martin Luther King, Jr.
Civic Center Building
2180 Milvia Street
Berkeley, California 94704
Telecommunications Device for the Deaf (415) 644-6915

(415) 644-6570

CITY OF BERKELEY

NOTICE OF DECISION

FOR MEETING OF: March 19, 1990

PROPERTY ADDRESS: 2780 Buena Vista Way

Also Known As: The Annie Maybeck House

OWNER OF PROPERTY: Jonas and Marilyn Langer

2780 Buena Vista Way, Berkeley, CA 94709

APPLICANT: Landmarks Preservation Commission

2180 Milvia Street, Berkeley, CA 94704

WHEREAS, a public hearing has been duly and regularly held upon the above property, and the Landmarks Preservation Commission, being fully advised, has voted to DESIGNATE the following:

It was MSC (Bright/Jones) that the Landmarks Preservation Commission close the public hearing and designate 2780 Buena Vista Way, the Annie Maybeck House a City of Berkeley landmark in recognition of its having been designed by Bernard Maybeck, one of Americas eminent architects, who played an integral role in the establishment of the Bay Area Tradition architectural movement of building with nature, and in recognition of the fact that Maybeck designed the house for himself and his family. Further, the Commission finds that the period of significance for the house is 1933 when a cluster of houses designed by Maybeck were constructed on Buena Vista Way after the 1923 North Berkeley Hills wildfire, in an area commonly known as the "Maybeck District". The Commission also recognizes that the house has unique architectural elements such as a wood sided chimney and structural interior arches and makes use of light in a manner which is typical of the Bay Region style.

Motion Carried: Ayes: Aroner, Bright, Cerny, Jones, Kusmierski, McGlibery, Roha; Nay: -; Abstain: -; Absent: Gordon, Marsh.

NOW, THEREFORE, BE it Resolved by the Landmarks Preservation Commission of the City of Berkeley that the decision is deemed final unless it is reversed, upon appeal, by the Council of the City of Berkeley.

DATE NOTICE MAILED: 4-2-90 THE APPEAL PERIOD EXPIRES AT 5 PM: 4-17-90
FILE APPEAL WITH CITY CLERK BY THIS DATE

cc: City Clerk
Codes and Inspection

ATTEST:

Mark Paez, Secretary

Landmark Structural Alteration Permit (LMSA#2022-0004)

Requesting Permission to Change Roof Materials

May 20, 2022

RECEIVED
MAY 24 2022
LAND USE PLANNING

Ladies and Gentlemen of the Commission:

We respectfully request that you consider several factors in your review of LMSAP#2022-0004. As we outline below, there are *Aesthetic and Safety* considerations, and well as *Legal* considerations in this matter.

Aesthetic and Safety Considerations

(1) First and foremost, we would like to clearly and unequivocally establish that the house is undergoing a painstaking restoration using Bernard Maybeck's original blueprints. Indeed, several interior alterations and additions that were made in the 1960s (by the 2nd owners, Mr. and Mrs. Wright) have been removed in favor of restoring the house to its original architectural specifications and design. The only exceptions to this are the substitutions of newer and/or safer materials for the roof (composite slate) and in the replacement of leaking plumbing pipes and fixtures (using copper rather than galvanized piping).

With regard to the roof renovation (the subject of this hearing), when specifically queried about why she was intervening in this matter at a time well past the legal issuance of the building permit, as well as the purchase of hundreds of thousands of dollars of parts and materials, Ms. Crane clearly stated that she received "*numerous complaints from neighbors*" regarding the destruction of a historical property. We asked Ms. Crane about the identity of these unidentified "neighbors" (so that we could have the builders reach out to them and share the materials), she refused. It certainly odd that a public, government employee would deny a request from a homeowner to actively work with neighbors in collaboration to provide updates and information about an ongoing construction project.

Lacking any specific information about these alleged complainants, we approached each neighbor and HOA grouping in the immediate area and found there were no neighbors or groups who made any such complaint. In fact, the major HOA in our area, the Maybeck Twin Drive Association (of which we are members) stated that not only did

they not complain about the project or the roof, but they strongly supported using a fire safe material--mostly due to the extreme fire danger in this area. Further, using California Public Records Act section 6250 et seq, we filed a request with the City of Berkeley to provide any copies and/or notes related to complaints received. The city responded in full accord with the law, that no such complaints were received. In fact, as stated above, the Maybeck Twin Drive Association delivered a letter in full support of the project (Please review Attachment B).

Clearly Ms. Crane's capricious and vindictive suspension of our (General Roofing) building permit was based entirely on a falsehood and has no basis whatsoever in fact. The facts are indisputable, that the property is being painstakingly restored, using the original Maybeck design.

(2) Specific Historic Preservation code sections describing "materials" provided by Ms. Crane's office clearly indicate that historical structures **MAY** use wooden shingles to preserve character. It does NOT say *MUST USE*. Further, **the selected materials in no way alter the look, feel or character of the structure**. More specifically, there are 10-12 Maybeck-designed homes in what could be considered the "*immediate area*." **Only ONE** of those structures has a wooden shingle roof. Three of the Maybeck-designed properties have slate or composite slate materials. Several others use cheap "tar paper asphalt shingles." (Please review Attachment A). The materials selected for LMSAP#2022-0004 are the absolute best available on the market. These shingles are entirely appropriate and are more fire safe than wooden shingles. **The owners of the property DO NOT elect to use wooden shingles.**

(3) In the book, *Blooming in Winter*, by Pamela Valois, Jacomena Maybeck is quoted as follows: "...**towering eucalyptus trees were cut down to make room for a new Maybeck project, the J. B. Tufts house. Completed in 1931 for the grand sum of \$8,000 it was in Jackie's estimation 'the most elegant and expensive house on the street.'**" The selected roofing materials are entirely in keeping with this description and are absolutely aligned with Mr. Maybeck's architectural vision for this home.

Legal Considerations

1) We were issued a valid, bona-fide building permit to re-roof the house using composite slate. It was submitted, reviewed, accepted, and approved by the City of Berkeley Building Department. Relying on the legally issued permit, we removed the existing roof (91 years old) from the house, purchased materials, and have accepted delivery of those materials. This roof project is costing more than \$350,000 to ensure top-quality materials, the best roofing company, and alignment with both the architect's vision and the best fire safe materials to use in this extreme fire danger area.

In fact, Mr. Maybeck, who had several of his houses destroyed in this area by the 1929 Berkeley Hills fire, was keenly aware that he should use the best materials he could find at the time to prevent homes being destroyed by another devastating Berkeley Hills fire.

At some point Berkeley City employee Fatima Crane “suspended” this building permit and halted construction mid-project. This has caused substantial delays, and left the home without a roof, and very susceptible to weather conditions, including wind, rain, heat, and natural element destruction. Ms. Crane’s suspension of this permit has now caused the house to be in peril and could face structural and foundational damage that may destroy the entire structure and cause permanent harm to this extraordinary structure.

Based on the legal doctrine of DETRIMENTAL RELIANCE the City, and Ms. Crane personally, are liable for all costs associated with the reversal of the initial position.

(2) The area where the residence is located is designated by our insurance underwriters as an extreme *high fire danger* area. They will not insure the house for fire with a wooden roof of any description. It is reckless and irresponsible to put a wooden roof, with or without fire retardant chemical treatment, on this structure in this dangerous and potentially destructive fire damage area. (Please review Attachment C).

The City and Ms. Crane personally, will be entirely liable for any lack of insurance coverage that results from not allowing a composite roof to be put on the building.

(3) During the period this matter is in a “suspended” state (caused entirely by Ms. Crane), and the roof is off the house, the house is not inhabitable as well as vulnerable to wind and rain damage in addition to burglary (which has already occurred during this period, please refer to Berkeley Police Department report number 2022-19651). This intrusion alone caused an estimated \$50,000 to \$100,000 loss of valuable antiques and personal possessions.

The City and Ms. Crane personally, will be entirely liable for any ongoing damage to the structure and/or burglary losses that result from the entirely insecure state the residence is in.

(3) The property owners have a valid contract with General Roofing Inc. to complete a re-roofing project. Stopping that project during the contract period constitutes Tortious Interference in Contractual Relations per California Business and Professions Code Section 16600, (also known as Economic Interference) see also *Pacific Gas and Electric Company v. Bear Stearns and Co.* 50 Cal. 3rd 1118 (1990). Further, The City and Ms. Crane can also be held liable for punitive damages should it be demonstrated

that Ms. Cranes malicious behavior caused the contract to be breached, see *Duff v. Engelberg*, 237 Cal. App 2d 505 (3d Dist. 1965).

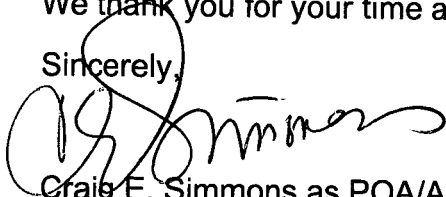
Based on the legal doctrine involving Tortuious Interference in Contractual Relations, The City and Ms. Crane personally can be sued for all related damages.

(4) From a strictly legal perspective, the only circumstances under which a government entity can “take” property and dictate what may or may not happen to that property are under the legal doctrine of Eminent Domain (which is not applicable in this instance) or with a lien filing (which could only affect potential sale proceeds to address a delinquent tax bill) or with a legal contract. The notion that any type of contract (between The City of Berkeley and 2733 Buena Vista Way) exists is false, as there was no consideration of any type offered to Mrs. Edginton at the time of application in 2002 or at any time thereafter. **As such, the authority of the Landmarks Preservation Commission can be challenged in a court of law.** In addition, we have worked with a member of the City Council to understand how we may withdraw from Landmark Status and were informed “no such process exists.” This alone would be struck down in court along several fundamental legal precedents.

All said, we hope the Landmarks Preservation Commission will consider the factors detailed herein and direct the Planning and Development Department to immediately re-instate the building permit to re-roof 2733 Buena Vista Way as originally issued. We know that Mr. Maybeck would be proud of our efforts to fully realize his original 1931 plans he created to design and build this incredible product of his genius, imagination, and innovative use of building materials. We all need to honor his heritage and legacy here in Berkeley.

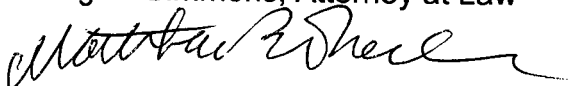
We thank you for your time and your attention to this matter.

Sincerely,



Craig E. Simmons as POA/Administrator for Jane Simmons Edginton and the Jane Simmons Edginton Trust.

Craig E. Simmons, Attorney at Law



Matthew O'Neill Ph. D. Professor of Mechanical Engineering (Ret.)

ATTACHMENT A

PHOTOS OF NEARBY MAYBECK HOMES









ATTACHMENT B

MAYBECK TWIN DRIVE ASSOCAITION LETTER IN SUPPORT

April 6, 2022

Hello Craig and Matt,

Thank you for notifying the Maybeck Twin Drive Association Board of the complaint you received through the City of Berkeley. We are sorry to hear you are experiencing this.

The MTDA Board is not aware of this complaint, nor was a complaint filed by the MTDA Board or by any Board member.

This concern goes beyond the scope of the MTDA, which is, in brief, only to deal with the matters of the physical road and its very near periphery (trees, shrubs, signs, reflectors and drains). Our association has no qualms with your remodel project, and our association has no authority or control over any member's private property.

As always, we open our MDTA Newsletters and meetings to members to share MTDA-related business. We encourage members to resolve other business directly with each other or through appropriate City forums. While we do not consider this issue to be MTDA business, as it was brought to the Board, we will include a mention of it in our upcoming April 10th newsletter.

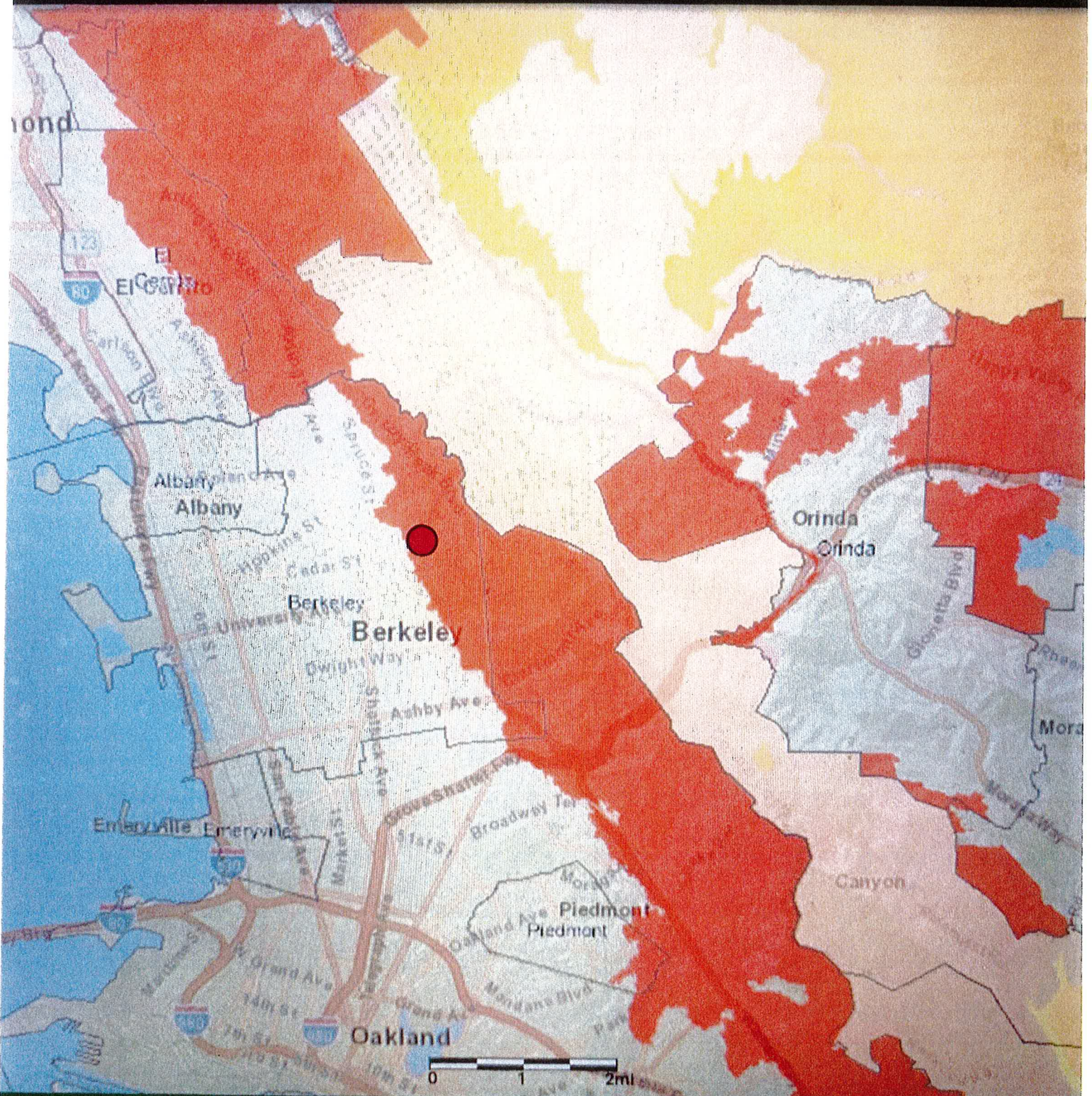
We wish you luck and hope that you can resolve this with the City of Berkeley as soon as possible.

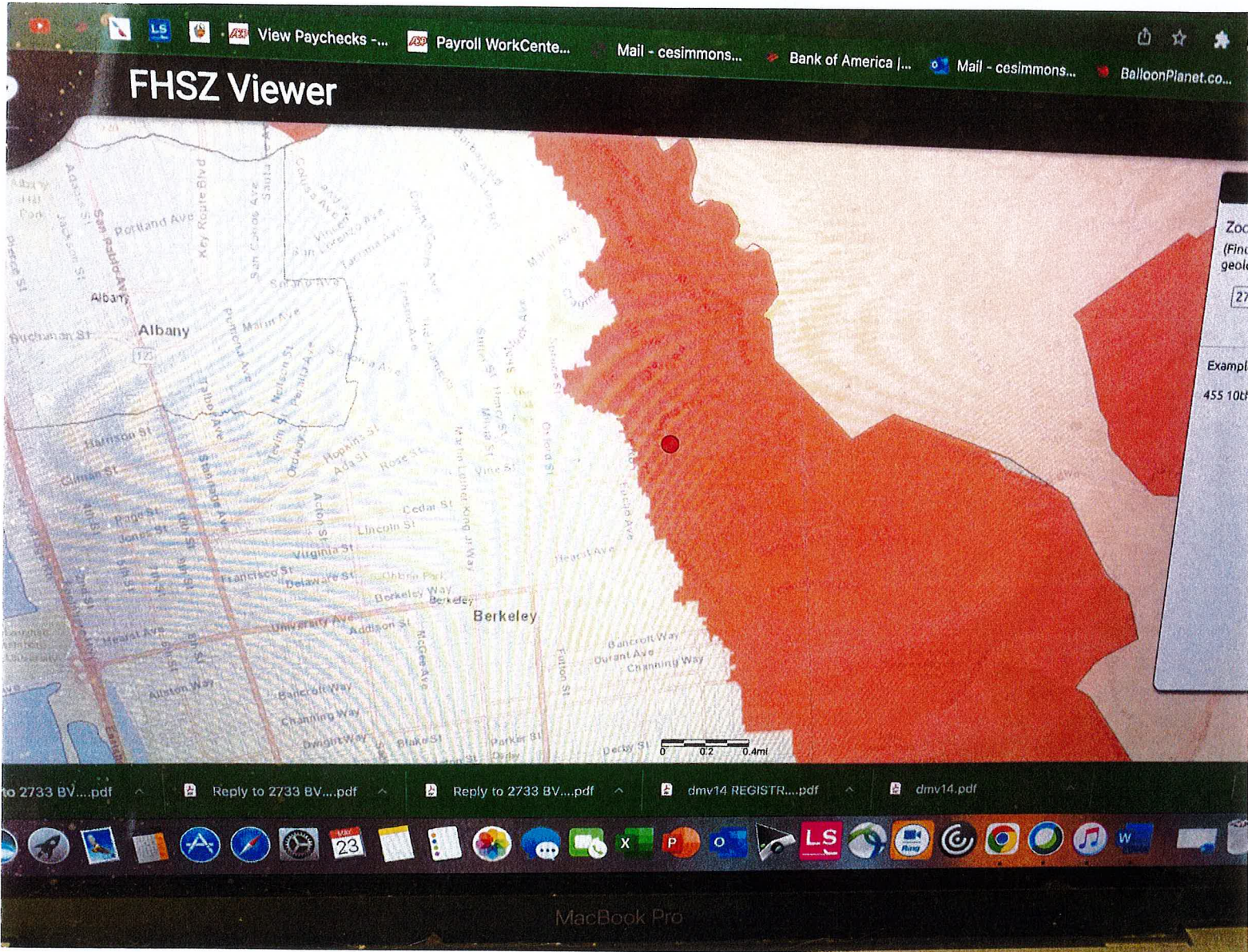
Thank you again and please feel free to reach out to me with any questions or concerns.

Best Regards,
Kathryn, President, and the MTDA Board

ATTACHMENT C

AREA EXTREME FIRE MAP





gis.fire.ca.gov/FHSZ/



View Paychecks -...

Payroll WorkCente...

Mail - cesimmons...

Bank of America |...

FHSZ Viewer



