

LATE COMMUNICATIONS (1)

Landmarks Preservation Commission Secretary
City of Berkeley Land Use Planning Division
1947 Center St., 2d Floor
Berkeley, CA 94704-1113

Re. Structural Alteration Permit (#LMSAP2022-0005)
Spring Estate, 1960 San Antonio Ave., Berkeley 94707

May 28, 2023

To Whom It May Concern,

I am writing to request that the Landmarks Preservation Commission postpone any affirmative decision regarding this Structural Alteration Permit until the owners have demonstrated the capacity to maintain adequately the portion of their property along The Arlington *over time* and until they have rectified the multiple hazardous and dangerous conditions in the same area.

In a previous letter (hand delivered to your offices on August 3, 2022) I pointed out that the sidewalk on The Arlington portion of the property was difficult to navigate due to overgrown vegetation. The owners (partially) rectified that situation before I sent a follow-up letter dated August 24, 2022. However, no maintenance has been performed since then. The owners of this property do not care about their obligation to people who use the sidewalk along this portion of their property (BMC 12.44.050). I note in the agenda packet for the June 2, 2023 meeting elaborate plans for landscaping around the mansion and new garage/pool/pool house. But for all this effort dedicated to landscape design and plant materials, the sidewalk along The Arlington is again heavily overgrown.

In my first letter I referred to debris and garbage dumped along the crumbling stairway, and the traffic cones/caution tape on those stairs. The cones were replaced in early October, 2022 by two vehicle tires which have been sitting there ever since...nearly 8 months. Again, the owners do not care. In the same agenda packet I note, on p. 13 of 16, that “steps, railings, balustrades, and retaining walls around the mansion” are discussed, but not those along The Arlington. Please keep in mind that if the retaining walls (with heavily chained bollards on top) tip over, it is likely that a pedestrian will be injured.

The two buildings on The Arlington (referred to in the commission’s documents as Faculty Quarters and Gymnasium) still have vegetation growing very close to, up against, and into them...conditions which were certainly noted by the inspectors of the Berkeley Fire Department Vegetation Management program and which the property owners should have by now corrected.

The property owners have had approximately 10 months to remedy these problems. They did not. Instead, I note in the agenda packet for the June 2, 2023 meeting that the property owners now agree to rehabilitate the Gymnasium; drawings are included. Is there something about your permit hearings that prevents them from mitigating immediately the fire hazards presently posed? From repairing the retaining walls that line the sidewalk? Can’t their architects and landscape designers recommend competent professionals to deal with this?

When reviewing and taking action on this permit request, I ask that you take into account not only the aesthetics of the buildings but their community context. If it is beyond your purview to consider the present safety of the people who walk The Arlington and the Spring Estate's neighbors, the least you can do is postpone your decision until appropriate City of Berkeley departments (Fire and Building at a minimum) report that the owner is in full compliance with applicable municipal codes and ordinances. (I note on p. 13 or 16 of the agenda packet that a "Building Official" has not yet determined the status of the Gymnasium: this is cause to delay.)

I do not endeavor to prevent the owners of this property from making necessary/desired changes to it. But for them to spend this kind of energy, time, and money on architects and landscape designers (and probably attorneys) to pursue a multi-car garage, pool, and pool house while at the same time ignoring the basic property maintenance and fire safety matters that were brought to their attention in August 2022 is offensive.

I understand that members of the Commission view the mansion as a gem. But if you stand on The Arlington and look at it, the broader truth is that this is a derelict property.

Addendum: May 29, 2023 (Monday, Memorial Day)

This morning I noticed a person clearing the Spring Estate's Arlington sidewalk with a weed trimmer...at least part of it. I returned later to see what had been done. Not all of the sidewalk has (yet) been trimmed, and none of the weed debris has (yet) been swept up. The tires are no longer on the staircase. (I enclose photos I took yesterday and today to illustrate.)

So a few days before the next Landmark Preservation Commission meeting, at which the property owner hopes to have this permit approved, s/he has decided to care about pedestrian safety and to remove the weeds and most visible trash on The Arlington. Given that until this morning there had been no vegetation management since August 2022 and the tires have been on the stairs since October 2022, I presume that they were inspired more by the letter from the resident at 660 Arlington Ave. (included at the end of the 68-page agenda packet for this Thursday's meeting) than any real concern for neighbors or the general public. Unless several trees are removed before the Thursday evening meeting, along with dozens of cubic yards of dead shrubs, ivy, and other vegetation, the Faculty Quarters and Gymnasium remain out of compliance with the Berkeley Fire Department Vegetation Management program. Unless the crumbling retaining walls and staircase are dealt with, safety hazards remain. I know of no exemption from these obligations granted to owners of landmark properties.

Since August 2022, in addition to the details of the Commission's opinions on the aesthetics of alterations to this property I have learned that the Spring Estate owners flaunt their disregard for basic responsibilities. I hope you also see and understand that. Not everyone is naturally a good neighbor: some folks need to be educated. Insofar as I am able to determine, the owners of the Spring Estate are in need of education. Please tell them that they must maintain all areas of their property. Show them the houses alongside and opposite theirs on The Arlington as examples. You can convey – to them and to those of us who have contacted you with valid concerns – that you are serious about the importance of their becoming good neighbors by postponing the approval of this permit until they demonstrate that they function as such.



Add a Caption

Monday • May 29, 2023 • 10:05 AM

Adjust

IMG_4331

Apple iPhone SE (1st generation)

JPEG

Back Camera — 29 mm f2.2

12 MP • 3024 x 4032 • 5.6 MB



Add a Caption

Sunday • May 28, 2023 • 7:56 AM

Adjust

IMG_4329

Apple iPhone SE (1st generation)

JPEG

Back Camera — 29 mm f2.2

12 MP • 3024 x 4032 • 3.6 MB

ISO32 | 29mm | 0 ev | f2.2 | 1/60s





Add a Caption

Monday • May 29, 2023 • Adjust

10:05 AM

IMG_4332

Apple iPhone SE (1st generation)

Back Camera — 29 mm *f*2.2

12 MP • 3024 x 4032 • 6 MB



Add a Caption

Sunday • May 28, 2023 • 7:57 AM Adjust

IMG_4330

Apple iPhone SE (1st generation)

Back Camera — 29 mm *f*2.2

12 MP • 3024 x 4032 • 4.6 MB

ISO25 | 29mm | 0 ev | *f*2.2 | 1/40s





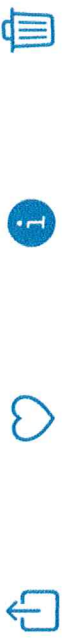
Add a Caption

Monday • May 29, 2023 • 10:05 AM

IMG_4333

Adjust

Apple iPhone SE (1st generation) JPEG
Back Camera — 29 mm f2.2
12 MP • 3024 x 4032 • 3.9 MB



Add a Caption

Sunday • May 28, 2023 • 7:55 AM

IMG_4328

Adjust

Apple iPhone SE (1st generation) JPEG
Back Camera — 29 mm f2.2
12 MP • 3024 x 4032 • 4.5 MB
ISO25 29mm 0 ev f2.2 1/60s



From: [Mick Clarke](#)
To: [Crane, Fatema](#)
Subject: Re: Failure Notice
Date: Monday, May 29, 2023 4:08:49 PM

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Can you please put my letter in public records too , thankyou

[Sent from Yahoo Mail for iPhone](#)

On Monday, May 29, 2023, 4:05 PM, Mick Clarke <metalmick56@yahoo.com> wrote:

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Monday, May 29, 2023, 4:00 PM, MAILER-DAEMON@yahoo.com wrote:

Sorry, we were unable to deliver your message to the following address.

<fcrane@berkeleyca.gov>:

No mx record found for domain=berkeleyca.gov

----- Forwarded message -----

[Sent from Yahoo Mail for iPhone](#)

Begin forwarded message:

On Monday, May 29, 2023, 3:07 PM, MAILER-DAEMON@yahoo.com wrote:

Sorry, we were unable to deliver your message to the following address.

<fCrane@berkeleyca.gov>:

No mx record found for domain=berkeleyca.gov

----- Forwarded message -----

Dear folks,

Will

You please see to saving this theatre, whilst some modern buildings can look nice that's about all they do and after a while they just look like everything else and often don't age well. The art deco style of this theatre alone is well worth saving, thankfully where I'm originally from they have preservation orders on a wide variety of character buildings, this should be done here as it adds to the atmosphere of towns having places from many eras. Once something like this is gone it's gone for good you could never justify the cost of remaking this, I ask please don't tear it down for short term gain of a few \$\$\$\$, 2 yrs later \$\$\$ are gone and you lost unique history.

Thanks for reading , Mick Clarke

[Sent from Yahoo Mail for iPhone](#)

From: [Robert Cooper](#)
To: [Crane, Fatema](#)
Subject: Save the Berkeley United Artists Theatre - Save Downtown
Date: Saturday, May 27, 2023 4:31:07 PM

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 Commission Members,

Back in 1991, I was a member of the Citizens Advisory Committee for San Rafael's Redevelopment Agency. As a member, I successfully lobbied the Film Institute of Northern California (later the California Film Institute) to come to San Rafael and restore the Rafael Theatre. The theatre had closed in 1989 and its future was uncertain. Thanks to the efforts of the California Film Institute, the beautifully restored Rafael Theatre re-opened in April 1999 and has become internationally famous. It not only revitalized downtown San Rafael, Mayor Kate Colin recently told me the theatre is one of the reasons the City has been designated by the California Arts Council as 1 of 14 Cultural Centers in California.

Today, the historic Berkeley United Artists Theatre also faces an uncertain future. As part of the Historic Downtown it is an important and critical component to revitalizing Downtown Berkeley. For almost 25 years, The Rafael Theatre and the California Film Institute have proven that with imagination, innovative programming, education and outreach a classic theatre can provide unlimited opportunities and benefits to the community surrounding it. Since the UA has a stage, the ability to include live performances adds even more incentive to save this incredible resource. Situated so close to the University, it has the potential to become a cultural center that recognizes and celebrated the diversity that is so uniquely Berkeley.

I understand there is a large group of Bay Area residents (500+) working to save this classic structure and I fully support their efforts.

I urge you to do whatever you can to save the Berkeley United Artists Theatre.

Please included me on your lists to be notified of any public meetings regarding the United Artists Theatre located at 2274 Shattuck Ave.

Robert Cooper
811 D Street
San Rafael, CA 94901
rcooperworks@gmail.com

Sent from my iPad

From: [Warren Long](#)
To: [Crane, Fatema](#)
Subject: United Artists Theater
Date: Monday, May 29, 2023 1:02:43 PM

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Hello, Ms Crane.

I write to encourage the preservation of the UA Theater as an historic landmark. As a lifelong resident of the city, I am grieved by the "Selling of Berkeley". It appears that every available square foot of this city is being sold for profit to real estate developers. I fondly remember when Berkeley had a thriving downtown with retail, restaurants, and other businesses.

I hate that there are so few businesses remaining. It was unfortunate when Hink's department store closed and the Shattuck Landmark Theater opened, but at least it was not for the purpose of real estate development.

Several friends and I worked at the UA Theater and have fond memories of a now forgotten downtown.

I urge you and the Landmark Committee to preserve the United Artists Theater.

Sincerely,
Rev. Warren Long
1650 Tyler Street
Berkeley, CA 94703

From: [Garrett Murphy](#)
To: [Crane, Fatema](#)
Subject: UA Berkeley Theater
Date: Monday, May 29, 2023 3:37:05 PM

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As a concerned theater aficionado, I wish to add my opinion to others wishing to see the UA Theater saved and restored to a venue for the arts.

Garrett Murphy

From: [Rose Walts](#)
To: [Crane, Fatema](#)
Subject: Save the UA Theater
Date: Friday, May 26, 2023 2:34:16 PM

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.

To whom it may concern,
Irreplaceable. That is the word that comes to mind when I think about the UA theater in downtown Berkeley. The United States is a young country and we should do all we can to preserve historical buildings like the UA Theater. The building is rich in history with the potential for a rich future. Maintaining the exterior AND the historical interior are vital to art history and understanding the changes in architecture throughout the years. While modernizing the building and adding housing may result in a type of instant gratification, it is not maintainable and will ruin the buildings historical integrity. Modern buildings are not made to last and the damage it may cause to the theater is not worth it. We may live in a time where money is seen as the end all be all, however, money cannot buy our history back. We MUST preserve buildings like this for current and future generations to enjoy and learn from.

Thank you for your time,

Rose Walts
Washington State

From: [Molly Walts](#)
To: [Crane, Fatema](#)
Subject: SAVE THE UA THEATER
Date: Monday, May 29, 2023 4:12:25 PM

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 am writing to you in regards to the exceptional opportunity the city of Berkeley to save an irreplaceable landmark.

While recognizing housing is essential for residents, a sense of community is also important. What better opportunity is there to foster pride and positivity in a living community than having a magnificent historical theater as an anchor ?

Please consider the impact of retaining this building which would allow a myriad of uses for residents and non-residents and create pride of place.

Thank you !
Molly Walts

May 30, 2023

Landmarks Commission members:

I received some thoughtful comments from another LPC member on the recommendations below, and have also re-thought some of the wording myself. I've made some modifications to the text, starting on page two, below. Wording removed is shown in ~~strike through italic~~. Wording added is shown in **bold green**. I've left the original cover note in place below.

I realized from some of the questions I received that it is not completely clear that most of the recommendations here align with the recommendations of the consultant report. Where the recommendations here and in the consultant report closely align, I've prefaced those items with "as recommended by the consultant report". Most of the other items are supplementary to, not conflicting with, the consultant report.

Steve Finacom

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May 24, 2023

To: Landmarks Preservation Commission
Fr: Steven Finacom

Regarding: **Berkeley Civic Center Planning**

For the past three years the City has undertaken a Civic Center planning process. The process has now come to an end, with the conclusion of both its public meetings and its funding.

A report is being submitted by consultants and City staff who managed the planning process. The current schedule is for the report to appear on a City Council agenda in late June—probably the last week of the month—for the Council to comment and adopt the report findings as a basis for next steps.

I've been a long term participant, in part on behalf of the LPC, in the Civic Center planning. The LPC has one of the strongest connections to this process, since it will be reviewing and granting structural alteration permits for any future work on two of Berkeley's most prominent Landmarks, "Old City Hall" (the Maudelle Shirek Building), and the Veterans Memorial Building.

I believe it is important to the process for the LPC to have at least a brief discussion of the findings to date and consultant recommendations and send comments to the Council in advance of its review.

By and large, from a historic preservation standpoint, the process has reached a good point. General public sentiments, and the final recommendations of the consultants, have been that the Shirek Building and the Veterans Memorial Building should be restored and put back into public use, rather than demolished or radically / insensitively altered. This is a big "win".

Below is a series of bullet points that I am suggesting the LPC review, discuss, and hopefully adopt, as a correspondence item to the Council regarding specific aspects of the recommendations.

In order to minimize length, I have not provided extensive written background / context for any of the comments. However, also attached is a graphic summary provided by the City staff and

consultants that lists and illustrates their key recommendations. **If you review the attachment first, most of my suggested comments below will make more sense.**

You'll note in particular that the second comment / recommendation is a procedural one, that the "super subcommittee" of several Commissions continue in operation through the next phases of Civic Center planning and implementation. That would continue to ensure that the LPC is up to date on planning, rather than simply waiting passively for Structural Alteration Permit applications to arrive near the end of the process.

If you have questions for clarification about specific comments below, I would be more than happy to see them in advance. To avoid trespassing into impermissible Commission discussion or deliberations outside of our public meeting, I request you send any questions to me and to the Commission Secretary in advance. I won't respond directly to individuals sending questions, but will respond in public / at our June meeting so everyone hears the questions and my response at the same time.

REVISED DRAFT TO MAY 30, 2023

Members of the City Council:

The Landmarks Preservation Commission has watched with interest, periodic participation, and encouragement, the lengthy planning process for renovation of Berkeley's Civic Center. By and large, from a preservation standpoint, the process has worked and the direction of the recommendations by consultants is generally sensitive to historic issues. We provide the following comments as context for your deliberations on next steps.

The Landmarks Preservation Commission specifically:

1. **as recommended by the consultant report**, calls for and supports, as a general principle, the **restoration, refurbishment, and sensitive adaptive re-use of the two historic buildings in the Civic Center and the park**, rather than their **radical** replacement, demolition, or alteration;
2. supports **continuation of a joint subcommittee of Commission representatives connected to the Civic Center** (including the LPC, Civic Arts, Parks & Waterfront, Disability, and Transportation / Public Works). The ongoing subcommittee has been, and should remain, a useful place to cooperatively discuss civic center issues, interact with staff, consultants, and the public, and advise the Council on planning proposals and projects for the Civic Center. The subcommittee can particularly serve as a sounding board and anchor for the proposed 2024-2007 "*research, schematic design and approvals funding plan, design development*" phase;
3. supports, and **strongly urges the Council to actively prioritize and proceed with further planning and identification of funding for the renovation of the Shirek Building and the Veterans Building, particularly funding for seismic strengthening**. There should be no substantial pause in planning. These are highly important structures that are both historic and useful, and the City should make it a high priority to bring both of them back into full use. Both buildings are currently living on borrowed time, given the high **and-growing** likelihood of a major earthquake in the Bay Area;
4. supports **achieving full accessibility for the buildings, with a design approach that also minimizes impacts / alternations to the main facades**. In particular, the

awkwardly placed zig-zag ramp on the front of the Veterans Building should be redesigned / modified or replaced not only to meet current accessibility standards but to better harmonize with the historic front steps / facade;

5. supports **recommendations of the consultant / staff reports that emphasize restoration and refurbishment of the historic buildings, both inside and out, including original finishes, details, and maintaining general historic interior layout.** The two buildings should be sensitively renovated and for full use through adaptive design, as opposed to insensitive gutting and replacement of the interiors;
6. **as recommended by the consultant report,** supports, in concept, the **addition of infill structures placed behind the two buildings to expand their useable square footage.** Additions should be designed and detailed so they follow the Secretary of the Interior's Standards and do not detract from, compete with, or alter the principal facades of the historic buildings;
7. supports **study and planning that would add maximum sized infill structures to one or both courtyards of the Veterans Building.** Courtyard infill would considerably expand the useable space within the building and its functionality for a large number of simultaneous arts events and activities, and is also best constructed in conjunction with overall building renovations. The courtyards are near-ideal locations for infill structures since new construction there would not have an impact on the visible exterior appearance of the building;
8. **as recommended by the consultant report,** supports the consultant suggestion of **adding a deck / event space to the roof of the Veterans Building,** so long as it is designed in such a way that it is concealed behind the roof parapet and recedes above and behind the historic facade, especially when seen from across the park;
9. **as recommended by the consultant report,** supports **primary use of the Veterans Building for civic arts uses, including performing arts and visual arts. Supports the broadest possible access of arts and community groups to the building;**
rather than exclusive or extensive use of the building for / by a small number of groups / organizations
10. **as recommended by the consultant report,** supports **a primary use of the Maudelle Shirek Building (Berkeley's original town hall) for City and civic meeting and educational use,** including **maximizing the provision of flexible meeting spaces suitable for gatherings of many sizes,** so several meetings can take place at the same time in different parts of the building, and so facilities are provided for hybrid meetings that seamlessly combine virtual and in-person participation;
11. **as recommended by the consultant report,** supports **inclusion of facilities in the Shirek Building for use by Berkeley Community Media and the Berkeley Historical Society & Museum (BHSM).** Both uses are compatible with the history / use of the building. Berkeley Community Media also provides support for civic meetings (such as broadcast of Council and Commission meetings), while BHSM's proposed operation of a museum and history research center would bring users to the building;

12. Supports **City encouragement for a variety of community groups and city programs interested in local history** (such as the History Room in the Public Library) **to work cooperatively to make the Shirek Building a “one-stop” center of local historical education, research, display, and archives;**
13. **as recommended by the consultant report,** Supports, in particular, the **preservation and re-use of specific key historic spaces in both buildings including: within the Veterans Building, the fine auditorium, and four lodge / meeting rooms, and extensive lobby; within the Maudelle Shirek Building, the interior halls and grand staircase, and the historic Council Chambers on the upper floor (the original Council Chamber room is currently proposed as a large hearing room for civic and other meetings such as Commissions that expect a considerable audience).**
14. **as recommended by the consultant report,** supports the **creation of a new, large, multipurpose room addition to the rear of the Shirek Building ~~that can~~ designed to accommodate City Council meetings and large Commission meetings,** as well as serve as space for other types of meeting use and activities. The room should be designed flexibly without fixed / built-in seating or furniture, so it can be easily and quickly adapted to multiple uses;
15. Encourages **consideration of moving Berkeley’s Visitor Center to the Shirek Building** to bring more users, tourists, and visitors to the Civic Center;
16. Encourages **providing both buildings with ‘catering kitchens’ and support infrastructure** so appropriate spaces within them can be used flexibly for civic and rental events such as receptions, social gatherings, and even meals / dinner events;
17. calls for, and supports creation of, **a comprehensive interpretative signage and website program that would educate the public about the history and development of the Civic Center;**
18. **Opposes transferring any substantial amount of existing City office space from elsewhere in the Civic Center to the Shirek Building or Veterans Building.** This would do little or nothing to activate the Civic Center with additional uses / users, and would reduce the availability and usability of the buildings for broader active uses. In addition, an approach that emphasizes “more city staff offices” will simply not resonate with the general public and voters whose support will be essential to future Civic Center renovations; discourages any pre-reservation or design of space in the buildings for programs that do not currently exist;
19. Notes that the Veterans Building was specifically constructed for the use of local veterans organizations, which were large and active at the time it was built. **Permanent reuse plans should recognize that origin and history and provide a means for remaining or future Berkeley veterans organizations to have ongoing and affordable access to meeting / event space in the Civic Center;**
20. Encourages the City to **plan, renovate, and manage the Civic Center buildings so they can be rented**—when not in civic uses such as public meetings or community arts events—for uses, both small and large, from concerts, festivals, and fairs to

meetings, conventions, and conferences. If effectively designed and managed the Civic Center overall can be the location Berkeley has long needed to hold conferences and events, while also producing income for the City;

21. Encourages the City and the Berkeley Unified School District to work together so the **Community Theater on the Berkeley High School campus, which is the largest indoor theater space in Berkeley, can be restored and integrated into Civic Center activities and use;**
22. **as recommended by the consultant report,** generally supports a **design of the park** that: prioritizes maintaining maximum green spaces and existing trees; provides unobtrusive infrastructure (bathrooms, power sources, lighting, etc.) to support multiple uses; emphasizes not only event use, but supports active day to day use of the park spaces by a wide variety of users; reuses rather than unnecessarily demolishes, existing hardscape; emphasizes the park as a harmonious, historic, and generally symmetrical civic space; ~~and~~ brings water back to the fountain; discourages any redesign or physical renovation of the park that unnecessarily detracts from its historic character or is not important for future functionality;
23. **as recommended by the consultant report,** emphatically supports **removal of the intrusive and non-historic parking lot behind 2180 Milvia,** at the east end of the park, and supports integration of this area into the park space overall. A portion of this area could (as plans currently propose) remain hardscape, not for daily parking, but for use as a staging area for larger events within the park;
24. **as recommended by the consultant report,** supports **park design that provides facilities and infrastructure for large gatherings, festivals, and similar events.** Opposes construction of new permanent structures (particularly buildings) in the park space, and encourages event facilities to be designed unobtrusively (for example, **as currently planned it is ~~it should be planned and~~** possible for temporary event stages to be erected in the park, but building big outdoor permanent stage **space** is not desirable since it could displace every day uses / users. The consultant recommendations do not **currently** propose any permanent stages.)
25. Urges that **all existing historic markers and features within the Civic Center (including memorial trees, and memorials incorporated in or affixed to the buildings) be fully identified, maintained, and protected, ~~particularly memorials to veterans.~~** Damaged memorials should be restored and maintained.
26. **Reserves judgment on the possibly of “daylighting” Strawberry Creek within the Civic Center until specific design concepts are further explored and vetted.** The LPC looks forward with interest to any specific studies / proposals for daylighting the Creek and will need to evaluate such proposals for their potential impact on the historic design and character of the park in particular. **The LPC encourages all parties studying daylighting, including the City and private groups, to take into account two key issues:** preserving the overall physical framework / historic character / design of the Civic Center; ensuring ample and adequate access for the public, especially for disabled users, to the buildings and outdoor spaces of the Civic Center.