INFORMATION CALENDAR
September 10, 2019

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Timothy Burroughs, Director, Planning and Development Department
Subject: LPC NOD: 2526 Hawthorne Terrace/#LMIN2019-0002

INTRODUCTION
The attached Notice of Decision for a City Landmark is submitted to the Mayor and City Council pursuant to Berkeley Municipal Code (BMC) Section 3.24.160, which states that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS
The Landmark Preservation Commission (LPC/Commission) has granted City Landmark status to the property at 2526 Hawthorne Terrace. This action is subject to a 15-day appeal period, which began on August 26, 2019.

BACKGROUND
BMC/LPO Section 3.24.190 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying Landmark, Structure of Merit or Historic District status. In order for Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by September 10, 2019. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must rule on the application within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.
ENVIRONMENTAL SUSTAINABILITY
Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION
The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
There are no known fiscal impacts associated with this action.

CONTACT PERSON
Fatema Crane, Landmarks Preservation Commission Secretary, Planning and Development, 510-981-7410

Attachments:
1: Notice of Decision – #LMIN2019-0002 for 2526 Hawthorne Terrace
DATE OF COMMISSION DECISION: July 2, 2019
DATE NOTICE MAILED: August 26, 2019
APPEAL PERIOD EXPIRATION: September 10, 2019
EFFECTIVE DATE OF DECISION (Barring Appeal or Certification): September 11, 2019

2526 Hawthorne Terrace

Landmark application #LMIN2019-0002 for the consideration of City Landmark or Structure of Merit designation status for a residential property in the Hillside – APN 058-2247-002-01

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, APPROVED the following designation:

DESIGNATION: City of Berkeley Landmark

APPLICANT: Mark Hulbert, Preservation Architecture, 443 Seventh Street, Unit 302, Oakland, CA 94612

ZONING DISTRICT: R-1(H), Single Family Residential, Hillside Overlay

ENVIRONMENTAL REVIEW STATUS: Exempt from environmental review pursuant to CEQA Guidelines Section 15061

The application materials for this project are available online at:
http://www.cityofberkeley.info/zoningapplications

1 Pursuant to BMC Section 1.04.070, if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day. Pursuant to BMC Section 3.24.190, the City Council may “certify” any decision of the LPC for review, within fifteen days from the mailing of the NOD. Such certification shall stay all proceedings in the same manner as the filing of a notice of appeal.
FINDINGS AND APPROVED APPLICATION ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 7-0-0-1

YES: ABRANCHES DA SILVA, ADAMS, ALLEN, CRANDALL, FINACOM, O’MALLEY, SCHWARTZ

NO: NONE

ABSTAIN: NONE

ABSENT: CHAGNON

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):
To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley; or by facsimile to (510) 981-6901. The City Clerk’s telephone number is (510) 981-6900.

2. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

3. Submit the required fee (checks and money orders must be payable to ‘City of Berkeley’):
   a. The basic fee for persons other than the applicant is $500. This fee may be reduced to $100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
   b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is $500, which may not be reduced.
   c. The fee for all appeals by Applicants is $2500.

If no appeal is received, the landmark designation will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:
If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you
or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.

2. 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 of your desire to receive a Notice of Decision when it is completed.

3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit 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). 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, 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, your appeal of this decision must including the following information:

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.
LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
LMIN2019-0002
2526 Hawthorne Terrace
August 26, 2019
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PUBLIC COMMENT:
Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

FURTHER INFORMATION:
Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7410 or fcrane@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 2120 Milvia Street, between 8 a.m. and 4 p.m., Monday through Friday.

ATTACHMENTS:
1. Findings
2. Landmark Application, received MARCH 29, 2019

ATTEST:
Fatema Crane, Secretary
Landmarks Preservation Commission

cc: City Clerk
Property Owner:
    Daniel McDonald
    2526 Hawthorne Terrace
    Berkeley, CA 94708

Application Author:
    Mark Hulbert, Historic Architect
    Preservation Architecture
    443 Seventh Street, Unit 302
    Oakland, CA 94612
2526 Hawthorne Terrace
The George D. and Ellen G. Blood Residence(s)
City of Berkeley Landmark Application #LMIN2019-0002

PROJECT DESCRIPTION

Landmark Designation of the property at 2526 Hawthorne Terrace- the George D. and Ellen G. Blood Residence(s)

CEQA FINDINGS

1. The project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.3 of the CEQA Guidelines (activities that can be seen with certainty to have no significant effect on the environment).

LANDMARK PRESERVATION ORIDNANCE FINDINGS

2. Pursuant to Berkeley Municipal Code (BMC) Section 3.24.110.A Paragraph 1.b of the Landmarks Preservation Ordinance, and based on the evidence presented in the Landmark application, the Landmarks Preservation Commission of the City of Berkeley (Commission) finds that the subject buildings exhibit architectural merit as the work of master architect Walter H. Ratcliff Jr. (1881-1973), and outstanding examples of the Tudor Revival architectural style. Some of the identifiable features of the Tudor Revival are the steeply-pitched roofs, tall narrow windows – many with multi-paned glazing – massive chimney crowned with decorative chimney pots, and half-timbering details. This project was developed late in Ratcliff’s career and may represent his most fully realized Grand Tudor design.

FEATURES TO BE PRESERVED

1. This designation shall apply to the subject property and the following distinguishing features shall be preserved:

Main Building – 1495 Euclid Avenue
- Overall exterior, side-gabled building form with front and rear crossing gables, steeply pitched roofs, unpainted stone terrace with monumental front chimney
- Front terrace with unpainted stone walls, steps and paving
- Semi-octagonal, 2-story bay window at front, with slate roof; and wood clad oriel windows at north front, north side and rear
- Painted stucco cladding and ornamental plaster
- Rubble and cut limestone cladding and detailing, limestone casings
- Wood half-timbering and wood trim; exposed wood roof eaves, verge rafters and rafter tails
- Wood entry doors, front and rear, clear finish, bronze door hardware
- Wood, multi-lite glass doors, painted and clear finishes
- Wood windows, true-divided multi-lites, picture windows, leaded glazing
- Brick and unpainted stone masonry chimney at south side; masonry chimneys at roofs
- Roofs and roofing - slate clad roofs, exposed copper roof drainage assemblies, copper and lead flashings
- Rear balcony with wood cap rail, tile deck

Carriage House – 2526 Hawthorne Terrace
- Overall exterior, side-gabled building form with steeply pitched roof, front stair and covered porch
- Stucco cladding
- Wood half-timbering and wood trim
- Rubble and cut limestone cladding and detailing, wood and limestone casings and trims
- Roofs and roofing - slate clad roofs, exposed copper roof drainage assemblies, copper and lead flashings
- Unpainted stone entry stair

Landscape
- Unpainted stone retaining wall at Euclid sidewalk (predates house) and at south side
- Unpainted stone paths, steps and walls at front yard and front terrace
- Unpainted stone paths at rear yard
- Tiled in-ground fountain at rear yard
- Overall character of the informal plantings, trees, and shrubs that frame the main building and views of it from Euclid Avene