



PLANNING AND DEVELOPMENT DEPARTMENT  
LAND USE PLANNING DIVISION

# LANDMARKS PRESERVATION COMMISSION

## ACTION MINUTES

**Date:** Thursday, January 5, 2017  
**Time:** 7:05 p.m.  
**Place:** North Berkeley Senior Center, 1901 Hearst Avenue  
In attendance: approximately 57

The Landmarks Preservation Commission (LPC) packet is available for review at the Berkeley Main Library (2090 Kittredge St.) and the Permit Service Center (2120 Milvia St.)

The Commission consists of nine members appointed by City Council:

**Tom Beil (Chairperson)**, District 5  
**Dmitri Belser**, District 1  
**Shannon Brown**, District 8  
**Steve Finacom**, District 4  
**Christopher Linvill**, District 3  
**Carrie Olson**, District 7  
**Paul Schwartz**, District 6  
**Phil Allen**, District 2  
**Kim Suczynski Smith**, Mayor



### ADA DISCLAIMER

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

***For inclusion in the Commissioners' agenda packet, please submit written comments by Wednesday the week prior to the meeting. One set of "late communications" will be distributed to the Commissioners two days before the meeting. Please submit any material for distribution as "late communications" no later than 12 noon on the Tuesday prior to the meeting. Please be advised: Commissioners do not have an opportunity to read written materials handed out at the meeting.***

### Correspondence and Notice of Decision Requests

- **To distribute correspondence to Commission members *prior to the meeting date* -- submit comments *by 12:00 noon, seven (7) days before the meeting*.** Please provide 15 copies of any correspondence with more than ten (10) pages or if in color or photographic format. This method is strongly preferred.

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

- Correspondence received by 4:00 pm the Tuesday before the meeting will be posted on the Commission web site for review by the Commission and public prior to the meeting. Correspondence received later, and after the meeting, will be posted to the web site following the meeting.
- Any correspondence received after this deadline will be given to Commission members on the meeting date just prior to the meeting.
- Staff will not deliver to Commission members any additional written (or e-mail) materials received after 12:00 noon on the day of the meeting.
- Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Landmarks Preservation Commission Secretary. **Please be advised: You are strongly advised to submit written comments *prior* to the meeting date as Commission members do not have an opportunity to read written materials handed out at the meeting.**
- Written comments or request for a Notice of Decision should be directed to the Landmarks Preservation Commission Secretary.

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.**

**Contact:**

Fatema Crane, Senior Planner, Landmarks Preservation Commission Secretary  
(510) 981-7413 | [FCrane@CityofBerkeley.info](mailto:FCrane@CityofBerkeley.info) | 2120 Milvia Street, Berkeley CA 94704

Request for initiation of Landmark designation on a future agenda lies within the range of action to be considered on each structure or property appearing at any place on the agenda.

**Consent Calendar:** The Consent Calendar allows the Commission to take action, without discussion, on Agenda items for which there are no persons present who wish to speak, and no Board members who wish to discuss. The Consent Calendar may include the following: (1) Approval of previous meeting minutes; (2) Items being continued to another meeting (action will be postponed to another meeting) or withdrawn by the applicant; and (3) Items noticed for public hearing which the Commission decides to move to the Consent Calendar. The Chairperson will announce any additional items proposed for the Consent Calendar at the beginning of the meeting. Anyone present who wishes to speak against one of these items should advise the Chairperson if they request the item be pulled from the Consent Calendar.

## PRELIMINARY MATTERS

1. **ROLL CALL** Please put all cellular phones and ringers on silent during the meeting.  
All present except Belser and Brown; Smith departed 10:10PM, Schwartz departed 10:15PM.

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2. **EX-PARTE COMMUNICATIONS:** In the context of adjudicative matters that come before the LPC, ex-parte communications are those which occur outside of the formal hearing process. LPC members should avoid ex-parte contacts on matters pending before the LPC as much as possible, as they may represent, or be perceived to represent, the receipt of evidence that can unfairly influence a decision on a matter before the Commission. If such contacts do occur, they must be placed in the record and disclosed to all interested parties sufficiently in advanced of the decision to allow rebuttal.
3. **PUBLIC COMMENT on Non-Agenda and Information Items** (Three minutes per person; five minutes per organization, or at the discretion of the Chairperson)  
Speakers: 1
4. **AGENDA CHANGES**  
Action: Move Item 6E to first Action Item.  
M/S/C: Finacom, Schwartz  
Vote: 7-0-0-2; (Yes: Allen, Beil, Finacom, Linvil, Olson, Schwartz, Smith; Abstain: none; Absent: Belser, Brown)
5. **DISCUSSION/COMMENT**
6. **ACTION**
  - A. **Structural Alteration Permit LMSAP#2016-0006 for 2727 Milvia Street, Berkeley Iceland\*\***  
Consider a request to remove and replace damaged flag poles on a City Landmark building  
Speakers: 1  
Action: Approve as built with variations to refine sharp edges of brackets, extend the flag pole beneath to fill gap between the building projection below, to finish the protruding bolts with a decorate cap such as an acorn nut, and to paint the wall.  
M/S/C: Olson, Schwartz  
Vote: 6-1-0-2 (Yes: Allen, Beil, Linvil, Olson, Schwartz, Smith; No: Finacom; Abstain: none; Absent: Belser, Brown)
  - B. **Landmark designation for the property at 2526-2530 Shattuck Avenue\*\***  
Consider a pending application to designate a property in the C-SA district  
Action: Continue hearing to March meeting  
M/S/C: Olson, Finacom  
Vote: 7-0-0-2 (Yes: Allen, Beil, Finacom, Linvil, Olson, Schwartz, Smith; Abstain: none; Absent: Belser, Brown)
  - C. **Landmark designation for the property at 2030-32 Bancroft Way\*\***  
Consider a pending application to designate a residential property in the C-DMU district  
Action: Continue hearing to March meeting  
M/S/C: Olson, Finacom  
Vote: 7-0-0-2 (Yes: Allen, Beil, Finacom, Linvil, Olson, Schwartz, Smith; Abstain: none; Absent: Belser, Brown)
  - D. **Demolition Referral for a proposed development project at 600 Addison Street\*\***  
Review the referral of Master Use Permit ZP#2015-0238 which includes demolition of non-residential buildings over forty years old  
Speakers: 1

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Action: Continue referral consideration to future meeting and request further study of the significance of the Triangle Company, the Dynmo firm, the former Berkeley Beach, LBNL activities at the site, and the architect for 91 Bolivar, Jens Hanson Associates.

M/S/C: Finacom, Olson

Vote: 7-0-0-2 (Yes: Allen, Beil, Finacom, Linvil, Olson, Schwartz, Smith; Abstain: none; Absent: Belser, Brown)

**E. Structural Alteration Permit LMSA#2016-0003 for 2102 Shattuck Avenue\*\***

Consider an application for new signage on a City Landmark building

Action: Move this item to appear last on this Agenda in order to allow for the applicant's arrival

M/S/C: Smith, Schwartz

Vote: 7-0-0-2 (Yes: Allen, Beil, Finacom, Linvil, Olson, Schwartz, Smith; Abstain: none; Absent: Belser, Brown)

*[Discussion resumed later in meeting]*

Action: Approve sign without the coffee company logo

M/S/C: Olson, Beil

Vote: 5-0-0-4 (Yes: Allen, Beil, Finacom, Linvil, Olson, Schwartz, Smith; Abstain: none; Absent: Belser, Brown, Schwartz, Smith)

**F. The Berkeley Rose Garden Pergola**

Consider preparing an LPC correspondence to City Council and the Parks Commission requesting that the reconstruction of the pergola be expedited and that it be rebuilt using Measure T Funds

Action: Send Finacom draft as final letter to Council with minor typographic corrections

M/S/C: Finacom, Olson

Vote: 7-0-0-2 (Yes: Allen, Beil, Finacom, Linvil, Olson, Schwartz, Smith; Abstain: none; Absent: Belser, Brown)

**7. REVIEW OF DRAFT EIR FOR 1900 FOURTH STREET**

Continue review of and provide comments on the Draft Environmental Impact Report for the proposed multi-story, mixed-use development on the Spenger's park lot, a City Landmark site – West Berkeley Shellmound

Speakers: 25

Action: Continue comment session to February meeting

M/S/C: Olson, Linvil

Vote: 7-0-0-2 (Yes: Allen, Beil, Finacom, Linvil, Olson, Schwartz, Smith; Abstain: none; Absent: Belser, Brown)

**8. AD HOC Subcommittee or Liaison Comments:** Opportunity reports on status of projects for which the LPC has established a subcommittee or liaison. (Note: Site will come off the subcommittee list upon approval of a Certificate of Occupancy)

**A. ZAB Design Review Committee (CL)**

**B. Berkeley Rose Garden (TB, PS, KSS)**

**C. LM Initiation Form (KS, CO, DB)**

**D. BART Plaza Project (CO, KS, DB)**

**E. Resiliency Strategy (CL, CO)**

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**9. ACTION: Approval of Action Minutes\*\*** - Approve December 1, 2016 Meeting Action Minutes

Action: Approve

M/S/C: Olson, Linvil

Vote: 4-0-1-4 (Yes: Beil, Finacom, Linvil, Olson; No: none; Abstain: Allen; Absent: Belser, Brown, Schwartz, Smith)

**INFORMATION REPORTS** Commissioners may ask for discussion to be scheduled on a future agenda (per Brown Act, no deliberation or final action may be taken).

**10. Communications**

**11. Chair Announcements**

**12. Staff Announcement: request for information for pending Certified Local Government Annual Report for the Office of Historic Preservation**

**13. Future Council Calendar Items**

**14. POTENTIAL INITIATIONS**

The Commission may establish and maintain an ongoing list of structures, sites and areas having a special historical, architectural or aesthetic interest or value. After public hearings, the Commission may initiate landmark and historic district designations from the list.

- A. 2362 Bancroft Way-Trinity United Methodist Church (3/1/99)
- B. Berkeley High School, Building C, 1920; W. C. Hayes (LE 9/13/99)
- C. John Galen Howard Power Station, UC Campus (CO 4/3/00)
- D. H.C. Macaulay Foundry, 811 Carleton Street (4/3/00)
- E. UC Storage Station, James Plachek, Architect (4/3/00)
- F. "Kittredge Street Historic District" - 2124 Kittredge Street (Elder House and storefront), 2138 Kittredge (Fitzpatrick House and storefront), and 2117 Kittredge Street (A.H. Broad House and storefront) (JK 11/5/2001)
- G. 1842-1878 Euclid Avenue (CO 9-14-07)
- H. Berkeley High School Campus Historic District (SW 1/3/08)
- I. 2746 Garber Street (SW 3/5/09)
- J. 2070 Addison Street (CO 11/16/10)
- K. 100 Berkeley Square (CO 11/16/10)
- L. 124 Berkeley Square (CO 11/16/10)
- M. 134 Berkeley Square (CO 11/16/10)
- N. 1901 Bonita Avenue (CO 11/16/10)
- O. 1920 Bonita Avenue (CO 11/16/10)
- P. 2132 Center Street (CO 11/16/10)
- Q. 1940 Channing Way (CO 11/16/10)
- R. 1920 Haste Street (CO 11/16/10)
- S. 2113 Kittredge Street (CO 11/16/10)
- T. 2124 Kittredge Street (CO 11/16/10)
- U. 2138 Kittredge Street (CO 11/16/10)
- V. 1905 Martin Luther King Jr. Way (CO 11/16/10)
- W. 2122 Shattuck Avenue (CO 11/16/10)
- X. 2150 Shattuck Avenue (CO 11/16/10)
- Y. 2168 Shattuck Avenue (CO 11/16/10)
- Z. 2177 Shattuck Avenue (CO 11/16/10)

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- AA. 2225 Shattuck Avenue (CO 11/16/10)
- BB. 2257 Shattuck Avenue (CO 11/16/10)
- CC. 2270 Shattuck Avenue (CO 11/16/10)
- DD. 2274 Shattuck Avenue (CO 11/16/10)
- EE. 2281 Shattuck Avenue (CO 11/16/10)
- FF. 2414 Shattuck Avenue (CO 11/16/10)
- GG. Terminal Place (alley) (CO 11/16/10)
- HH. 2041 University Avenue (CO 11/16/10)
- II. 2044 University Avenue (CO 11/16/10)
- JJ. 1907 Walnut Street (CO 11/16/10)
- KK. 1922 Walnut Street (CO 11/16/10)
- LL. 1925 Walnut Street (CO 11/16/10)
- MM. 1930 Walnut Street (CO 11/16/10)
- NN. 2482-2498 Telegraph Avenue and 2445-2449 Dwight Way (CO 12/7/11)
- OO. 2301-2315 Telegraph Avenue / 2445-2449 Dwight Way (CO 12/7/11)
- PP. 2328-2346 Telegraph Avenue / 2441-2447 Durant Avenue (CO 12/7/11)
- QQ. 2400-2402 Telegraph Avenue / 2486-2498 Channing Way (CO 12/7/11)
- RR. 2410-2422 Telegraph Avenue (CO 12/7/11)
- SS. 3049 Adeline Street (CO 3/12/12)
- TT. "Manoa Historic District"- 2530 Dwight Way, 2524 Dwight Way, 2503 Regent Street, 2509 Regent Street, 2511 Regent Street, 2515 Regent Street, 2517 Regent Street, 2506 Dwight Way, 2502 Dwight Way/2501 Telegraph Avenue, 2512-2516 Regent Street/2525 Telegraph Avenue (CO 3/12/12)
- UU. 1400 Sixth Street (CO 6/7/13)
- VV. 1409 Scenic Avenue (CO 9/3/15)

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

<http://www.cityofberkeley.info/ContentDisplay.aspx?id=62826>

### Projects proposing demolition of buildings greater than forty years old

#### a. Non-Residential Structures (BMC Section 23C.08.050)

UP2013-0058	(1951 Shattuck)
ZP2015-0045	(2813 Eighth)
ZP2015-0096	(2556 Telegraph)
ZP2015-0229	(3000 Shattuck)
ZP2015-0238	(600 Addison)
ZP2016-0009	(1218 Santa Fe)
ZP2016-0014	(2720 San Pablo)
ZP2016-0020	(2072 Addison)
ZP2016-0117	(2190 Shattuck)
ZP2016-0207	(2527 San Pablo)
ZP2016-0216	(1486 University)

#### b. Residential Structures

ZP2015-0177	(1946 Russell; 2908 Adeline)
ZP2015-0183	(1222 Sixty-Sixth)
ZP2015-0194	(1325 Grizzly Peak)
ZP2016-0025	(1415 Fifth)
ZP2016-0026	(1140 Carleton)
ZP2016-0028	(1155-1173 Hearst)
ZP2016-0098	(2229 Seventh)
ZP2016-0129	(2212 Tenth)
ZP2016-0148	(908 Cedar)

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ZP2016-0179  
ZP2016-0223

(2129 Ninth)  
(2323 Eighth)

**16. NOTICE CONCERNING LEGAL RIGHTS**

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

1. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Current Planning Division in writing to receive a Notice of Decision when it is completed.
2. Pursuant to Code of Civil Procedure, Section 1094.6(b), no lawsuit challenging a City Council decision to deny a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.
3. Pursuant to Government Code, Section 65009(c)(5), no lawsuit challenging a City Council decision to approve (with or without conditions) a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.
4. 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, the following requirements apply:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

**17. ADJOURN**

*The Senior Center closes at midnight and the meeting must adjourn by 11:45 p.m.*

Action: Adjourn (10:36 p. m.)

M/S/C: Linvil, Allen

Vote: 5-0-0-4 (Yes: Allen, Beil, Finacom, Linvil, Olson, Schwartz, Smith; Abstain: none;

Absent: Belser, Brown, Schwartz, Smith)

**2017 LPC Meeting Schedule** - First Thursday of the month or as follows:

January 5, 2017
February 2, 2017
March 2, 2017
April 6, 2017
May 4, 2017
June 1, 2017
July 6, 2017
No meeting in August

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September 7, 2017
October 5, 2017
November 2, 2017
December 7, 2017

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