



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

LANDMARKS PRESERVATION COMMISSION

ACTION MINUTES

Date: Thursday, April 6, 2017
Time: 7:08 p.m.
Place: North Berkeley Senior Center, 1901 Hearst Avenue
Attendees: Approximately 60

The Landmarks Preservation Commission (LPC) packet is available for review at the Berkeley Main Library (2090 Kittredge St.) and the Permit Service Center (1947 Center St.)

The Commission consists of nine members appointed by City Council:

Carrie Olson, (Chairperson), District 7

Paul Schwartz, District 6

Chris Adams, District 5

Phil Allen, District 2

Vacant, District 1

Shannon Brown, District 8

Steve Finacom, District 4

Christopher Linvill, District 3

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 | 1947 Center 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.

** 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.

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: 2
4. **AGENDA CHANGES**
Action: Move Item 6A to occur after Item 6D.
M/S/C: Suczynski-Smith, Schwartz
Vote: 8-0-0-0 (Yes: Adams, Allen, Brown, Finacom, Linvill, Olson, Schwartz, Suczynski-Smith; No: none; Abstain: none; Absent: none)
5. **DISCUSSION**
 - A. **Landmark designation (LMIN2017-0001) for the Dobbins Estate, John Henry Nash House, and the Chapel of the Cross at 2750 and 2770 Marin Avenue****
Discuss and comment on a request to designate three structures at a residential property but take no action
Speakers: 20
Action: Continue the item to May and request that it be on the Agenda as an Action item so that the Commission may further consider four options; 1) approve designation of the property, 2) deny designation of the property, 3) determine the property eligible for designation, or 4) add the property to the list of potential initiations. In addition the Commission requests that the City Attorney provide a recommendation as to which of the above four options would be best. The Commission also requests that the applicant provide a revised site plan that overlays the subject buildings with the seven existing parcels.
M/S/C: Schwartz, Finacom
Vote: 8-0-0-0 (Yes: Adams, Allen, Brown, Finacom, Linvill, Olson, Schwartz, Suczynski-Smith; No: none; Abstain: none; Absent: none)
6. **ACTION**
 - A. **Vice Chairperson Election**
Elect officer per LPO Section 3.24.030 and COB Commissioners' Manual
Action: Elect Commissioner Schwartz as the Vicechairperson
M/S/C: Allen, Suczynski-Smith
Vote: 8-0-0-0 (Yes: Adams, Allen, Brown, Finacom, Linvill, Olson, Schwartz, Suczynski-Smith; No: none; Abstain: none; Absent: none)
 - B. **Landmark designation (LMIN2017-0002) for the property at 2526-2530 Shattuck Avenue****
Continue consideration of an application to designate a residential property
Speakers: 5

Action: Continue hearing to May meeting

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

M/S/C: Schwartz, Suczynski-Smith

Vote: 8-0-0-0 (Yes: Adams, Allen, Brown, Finacom, Linvill, Olson, Schwartz, Suczynski-Smith; No: none; Abstain: none; Absent: none)

C. Landmark designation (LMIN2017-0003) for the property at 2030-32 Bancroft Way**

Continue consideration of an application to designate a residential property

Action: Close the Public Hearing

M/S/C: Adams, Schwartz

Vote: 8-0-0-0 (Yes: Adams, Allen, Brown, Finacom, Linvill, Olson, Schwartz, Suczynski-Smith; No: none; Abstain: none; Absent: none)

Action: Designate this property as a City Landmark

M/S/C: Finacom, Schwartz

Vote: 7-0-1-0 (Yes: Allen, Brown, Finacom, Linvill, Olson, Schwartz, Suczynski-Smith; No: none; Abstain: Adams; Absent: none)

Action: Designate the front building only, and designate it as a Structure of Merit

Substitute M/F: Adams

Motion failed for lack of second

D. Structural Alteration Permit LMSA#2016-0002 for 2126 Center Street**

Consider an application for new signage on a City Landmark building

Speakers: 1

Action: Close the Public Hearing

M/S/C: Schwartz, Brown

Vote: 8-0-0-0 (Yes: Allen, Brown, Finacom, Linvill, Olson, Schwartz, Suczynski-Smith; No: none; Abstain: none; Absent: none)

Action: Approve the two signs with Staff's recommendation that the color of the exterior wall sign surroundings match to the existing façade

M/S/C: Schwartz, Adams

Vote: 7-0-1-0 (Yes: Allen, Brown, Finacom, Linvill, Olson, Schwartz, Suczynski-Smith; No: none; Abstain: Adams; Absent: none)

7. 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 (CA, CO, PS, KSS)

C. LM Initiation Form (CO, SF)

D. BART Plaza Project (CA, SF, CO)

E. Resiliency Strategy (CL, CO)

F. CLG Annual Grant (CA, CO)

Action: Replace Commissioner Suczynski-Smith with Commissioner Finacom on the Berkeley Rose Garden Ad-Hoc Sub-Committee

** 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.

M/S/C: Schwartz, Allen

Vote: 8-0-0-0 (Yes: Allen, Brown, Finacom, Linvill, Olson, Schwartz, Suczynski-Smith; No: none; Abstain: Adams; Absent: none)

8. ACTION: Approval of Action Minutes** - Approve March 2, 2017 Meeting Action Minutes

Action: Approve

M/S/C: Schwartz, Allen

Vote: 8-0-0-0 (Yes: Allen, Brown, Finacom, Linvill, Olson, Schwartz, Suczynski-Smith; No: none; Abstain: Adams; Absent: none)

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).

9. Chair Announcements

10. Staff Announcements

A. 42nd Annual California Preservation Foundation Conference – May 10-13, 2017

B. Parks, Recreation & Waterfront Update re: Measure T Funds for Rose Garden Pergola

C. State Historic Preservation Office Certified Local Government Requirements

11. Future Council Calendar Items

1. 1335 Shattuck Avenue Landmark Initiation Designation LMIN#2016-0002 Notice of Decision – April 28, 2017

12. 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)

** 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.

- 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)
- 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)
- WW. 1301 Shattuck Avenue, Live Oak Park (CO 2/2/17)
- XX. 1905 Martin Luther King Jr. Way (CO 3/2/17)

13. 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)
ZP2017-0003	(2510 Channing)
ZP2017-0004	(2009 Addison)

** 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.

B. Residential Structures

ZP2015-0177	(1946 Russell; 2908 Adeline)
ZP2015-0183	(1222 Sixty-Sixth)
ZP2015-0194	(1325 Grizzly Peak)
ZP2016-0025	(1415 Fifth)
ZP2016-0028	(1155-1173 Hearst)
ZP2016-0098	(2229 Seventh)
ZP2016-0129	(2212 Tenth)
ZP2016-0148	(908 Cedar)
ZP2016-0179	(2129 Ninth)
ZP2016-0223	(2323 Eighth)

14. 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.

15. ADJOURN

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

Action: Adjourn (11:11 p.m.)

M/S/C: Schwartz, Allen

Vote: 8-0-0-0 (Yes: Allen, Brown, Finacom, Linvill, Olson, Schwartz, Suczynski-Smith; No: none; Abstain: Adams; Absent: none)

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

May 4, 2017

** 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.

June 1, 2017
July 6, 2017
No meeting in August
September 7, 2017
October 5, 2017
November 2, 2017
December 7, 2017

** 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.