



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

LANDMARKS PRESERVATION COMMISSION

ACTION MINTUES

Date: Thursday, July 6, 2017
Time: 7:06 p.m.
Place: North Berkeley Senior Center, 1901 Hearst Avenue
Approximately 16 attendees

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 (Vice Chairperson), District 6

Chris Adams, District 5

Phil Allen, District 2

Tom Beil, District 1

Shannon Brown, District 8

Steve Finacom, District 4

Christopher Linvill, District 3

Beck O'Malley, 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.
All Commissioners present.

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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)

4. **AGENDA CHANGES**

Action: Establish a Consent Calendar, add agenda items 6B and 6D to Consent Calendar, and open and then continue the hearings on these matters without discussion as recommended.

M/S/C: Finacom/Beil

Vote: 9-0-0-0

5. **DISCUSSION/COMMENT**

A. **1486 University Avenue (Use Permit #ZP2016-0216) – Demolition Referral**

Continue consideration of a Use Permit demolition request for a mixed-use building over 40 years old in accordance with BMC 23C.08.050

Refer to materials provided previously on May 4, 2017.

Action: Take no action per BMC and comment as follow for the record:

1486 University Avenue is a design by Carl Fox and one of a relatively small number of Fox buildings constructed in Berkeley. The Fox Brothers are recognized as some of Berkeley's best practitioners of "Storybook" architecture and a number of their buildings are designated City of Berkeley Landmarks. "Fox Court", immediately adjacent to 1486 University Avenue, is not only a City Landmark but on the National Register of Historic Places. Although altered on the ground floor, 1486 University Avenue still retains much of its original architectural character and contributes to the overall ensemble of Fox buildings on this block and along a four block stretch of central University Avenue.

A large new building replacing 1486 University and also occupying the corner parking lot could, if insensitively designed, easily overwhelm and impact Fox Court.

To avoid this impact, we recommend that the ZAB take the following actions in relation to the project proposed for 1486 University Avenue:

- 1) Require that the new building have a partial setback above the second floor at its northwest corner (along University Avenue) adjacent to Fox Court.
- 2) Consider a varied facade design for portions of the University Avenue frontage of the new building to create a portion of the facade that would recall or replicate the original Fox design for 1486 University. Combined with a modest setback of the upper floors at this corner, this would have the effect of making the new building read from the street as multiple structures, not one monolith several times larger and taller than Fox Court.
- 3) Require the project to pay for and place a historic plaque on the University Avenue sidewalk frontage describing the history of 1486 University Avenue

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including its architecture and its association with the Berkeley Co-op and Twin Pines Savings & Loan.

M/S/C: Finacom/Allen

Vote: 9-0-0-0

B. 835 Folger Street (Use Permit #ZP2017-0029) – Demolition referral**

Consider the request to demolish a building used for commercial purposes that is more than 40 years old in accordance with BMC 23C.08.050.

Action: Continue to next meeting and request further research of the site music history

M/S/C: Finacom/Allen

Vote: 9-0-0-0

C. 1740 San Pablo Avenue (Use Permit #ZP2017-0014) – Demolition referral**

Consider the request to demolish structures that are more 40 years old at a former gas station in accordance with BMC 23C.05.050.

Commissioner Allen recused; no comment, no action per BMC.

6. ACTION

A. 1915 Fourth Street Structural Alternation Permit (#LMSAP 2017-0004) – Spenger’s Fish Grotto

Continue the hearing on a request to add new storefronts and windows on the public elevation of City Landmark building.

Materials to be delivered.

Action: Approve SAP per Subcommittee’s recommendation with additional stipulations and Conditions of Approval related to: the style, size and location of signage; maintaining unobstructed glazing; salvaging and storing portholes for re-use, if possible, within southern end of public façade; and requiring the Subcommittee to approve paint design on site.

M/S/C: Olson/Adams

Vote: 8-1-0-0; Yes: Adams, Allen, Beil, Brown, Finacom, Linvill, Olson, O’Malley; No: Schwartz; Abstains: none; Absent: none.

B. 2740 Telegraph Avenue Structural Alteration Permit (#LMSAP 2017-0002) – Rose Garden Inn**

Open the public hearing on request to complete exterior building changes on a City Landmark property but conduct no discussion and then continue the matter pending receipt of application materials.

Action: Continue without discussion, per Consent Calendar.

C. 1905 M L King Jr. Way Landmark or Structure of Merit designation (#LMIN 2017-0004) of a residential property – Charles H. Spear House**

Continue the hearing on a request to designate a property as a City Landmark.

Action: Designate property as a City Landmark and add a low, picket fence with gate at front property line to the features to be restored if possible

M/S/C: Finacom/Schwartz

Vote: 9-0-0-0

D. 2500 Shattuck Avenue Landmark or Structure of Merit designation of a commercial property

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Open the public hearing on this matter in accordance with BMC/LPO Section 3.24.130 but conduct no discussion and then continue hearing to October 5, 2017 to permit preparation and submittal of the requisite application.

Action: Continue without discussion, per Consent Calendar.

7. ACTION: Annual Election of Commission Officers – Chairperson & Vice Chairperson

Elect officers in accordance with BMC/LPO Section 3.24.030 and the City's Commissioners' Manual.

Action: Re-elect current Chairperson Olson and Vice Chairperson Schwartz

M/S/C: Allen/Beil

Vote: 9-0-0-0

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 (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)

G. Measure T-1 (PA, SB, SF)

H. 1915 Fourth Street #LMSAP 2017-0004 (TB, CL, CO, PS)

9. ACTION: Approval of Action Minutes - June 1, 2017 Meeting Action Minutes**

Action: Approve Draft Action Minutes with a correction to the Action for Item 5A (Maybeck Church comments) to insert "... *and potential minor encroachment permit for portion of Bowditch Street to provide relief to wisteria roots.*"

M/S/C: Adams/Beil

Vote: 8-0-1-0; Yes: Adams, Allen, Beil, Brown, Finacom, Linvill, Olson, Schwartz; No: none; Abstain: O'Malley; 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).

10. COMMUNICATIONS

A. Correspondence from Daniella Thompson re: corrections to existing Landmark designations

B. Correspondence from Daniella Thompson re: suggested LPO amendments

11. CHAIR ANNOUNCEMENTS

12. STAFF ANNOUNCEMENTS

A. Substitute Secretary for September 7, 2017 meeting

13. Future Council Calendar Items

A. 2030-32 Bancroft Way Landmark Designation LMIN#2017-0003 Notice of Decision – date to be determined

B. 2126 Center Street Structural Alteration Permit LMSAP#2016-0002 Notice of Decision

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– date to be determined

C. 2526-2530 Shattuck Avenue Landmark Designation LMSAP#2016-0002 Notice of Decision – date to be determined

D. 3228 Adeline Street Structural Alteration Permit LMSAP#2017-0003 Notice of Decision– date to be determined

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. 1901 Bonita Avenue (CO 11/16/10)
- K. 1920 Bonita Avenue (CO 11/16/10)
- L. 1940 Channing Way (CO 11/16/10)
- M. 1920 Haste Street (CO 11/16/10)
- N. 2414 Shattuck Avenue (CO 11/16/10)
- O. Terminal Place (alley) (CO 11/16/10)
- P. 2041 University Avenue (CO 11/16/10)
- Q. 1907 Walnut Street (CO 11/16/10)
- R. 1922 Walnut Street (CO 11/16/10)
- S. 1925 Walnut Street (CO 11/16/10)
- T. 1930 Walnut Street (CO 11/16/10)
- U. 2482-2498 Telegraph Avenue and 2445-2449 Dwight Way (CO 12/7/11)
- V. 2301-2315 Telegraph Avenue / 2445-2449 Dwight Way (CO 12/7/11)
- W. 2328-2346 Telegraph Avenue / 2441-2447 Durant Avenue (CO 12/7/11)
- X. 2400-2402 Telegraph Avenue / 2486-2498 Channing Way (CO 12/7/11)
- Y. 2410-2422 Telegraph Avenue (CO 12/7/11)
- Z. 3049 Adeline Street (CO 3/12/12)
- AA. "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)
- BB. 1400 Sixth Street (CO 6/7/13)
- CC. 1409 Scenic Avenue (CO 9/3/15)
- DD. 1301 Shattuck Avenue, Live Oak Park (CO 2/2/17)
- EE. 2750-2770 Marin Avenue, Pacific Lutheran Theological Seminary (LPC 5/4/17)
- FF. 100 Berkeley Square (SF 6/1/17)

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

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

ZP2015-0045	(2813 Eighth)
ZP2015-0096	(2556 Telegraph)
ZP2015-0229	(3000 Shattuck)
ZP2015-0238	(600 Addison)
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)

B. Residential Structures

ZP2015-0177	(1946 Russell; 2908 Adeline)
ZP2016-0025	(1415 Fifth)
ZP2016-0028	(1155-1173 Hearst)
ZP2016-0098	(2229 Seventh)
ZP2016-0129	(2212 Tenth)
ZP2016-0179	(2129 Ninth)
ZP2016-0223	(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.

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17. ADJOURN

10:22 p. m.

Action: Adjourn

M/S/C: Allen/Schwartz

Vote: 9-0-0-0

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