



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

LANDMARKS PRESERVATION COMMISSION

MEETING AGENDA

Date: Thursday, October 5, 2017
Time: 7:00 PM
Place: North Berkeley Senior Center, 1901 Hearst Avenue

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:

Zach Carter, 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
Becky O'Malley, Mayor



ACCESSIBILITY INFORMATION / ADA DISCLAIMER

This material is available in alternative formats upon request. Alternative formats include audio-format, braille, large print, electronic text, etc. To request alternative formats, please contact the Disability Services Specialist Ella Callow at: Email: ecallow@cityofberkeley.info; Phone: 1-510-981-6418; TTY: 1-510-981-6347, and allow 7-10 days for production of the material in an alternative format.

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 Ella Callow at: Email: ecallow@cityofberkeley.info; Phone: 1-510-981-6418; TTY: 1-510-981-6347, 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.

** 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 and Notice of Decision Requests

- **To distribute correspondence to Commission members *prior to the meeting date* -- submit comments *by 12:00 noon, Thursday prior to 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.
- Correspondence received by between noon the Thursday the week before the meeting and noon Tuesday the week of the meeting will be posted on the Commission web site for review by the Commission and public prior to the meeting. Any correspondence received after noon on Tuesday the week of the meeting and before noon on Thursday the day of the meeting, will be made available at noon that Thursday.
- Any correspondence received after this deadline will be given to Commission members on the meeting date just prior to the meeting. Correspondence received later, and after the meeting, will be posted to the web site following 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 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.

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1. **ROLL CALL** Please put all cellular phones and ringers on silent during the 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)
4. **AGENDA CHANGES**
5. **DISCUSSION/COMMENT**
 - A. **835 Folger Street (Use Permit #ZP2017-0029) – Demolition referral**
Hear a verbal report from the Subcommittee and continue consideration of the request to demolish a building used for commercial purposes that is more than 40 years old in accordance with BMC Section 23C.08.050.
New materials to be provided at meeting.
 - B. **40 Southampton Avenue & 41 San Diego Road referral – John Hinkel Park****
Provide comments on a City Parks, Recreation & Waterfront plan to make ADA path improvements and replace recreational equipment at a City park that is also a Landmark, in accordance with BMC Section 3.24.310-320.
6. **ACTION**
 - A. **2740 Telegraph Avenue Structural Alteration Permit (LIMSAP #2017-0002) – the Rose Garden Inn****
Continue the hearing and take action on a request to make exterior alternations at a City Landmark property and then take action on this request, in accordance with BMC Section 3.24.230.
 - B. **2500 Shattuck Avenue Landmark or Structure of Merit designation (LMIN#2017-0007)****
Open the continued hearing on this matter, in accordance with BMC Section 3.24.130, but take no action and then continue the hearing to the meeting of February 2018 to allow for receipt and analysis of the pending Landmark application.
 - C. **4 Greenwood Common Mills Act Contract application (LMMA#2017-0001) – Durhing Residence****
Consider a request to enter into a Mills Act contract with the property owners of City Landmark, in accordance with Government Code Sections 50280 et. Seq., as authorized by Berkeley City Council per Resolution No. 59,355 – N.S., and make recommendations to City Council for action on this request.
 - D. **Adopt meeting calendar for 2018****
Consider dates for the regular LPC meetings that will occur in calendar year 2018 and then adopt a calendar, in accordance with the City's Commission Manual.

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- E. New Ad Hoc Subcommittee on the topic of possible amendments to the Landmarks Preservation Ordinance**
Establish a Subcommittee to study the matter of possible ordinance amendments per a previous Communication received July 6, 2017.
- F. Election of Commission Chairperson**
Elect officer per BMC Section 3.24.030 and the City of Berkeley Commissioners' Manual.
- 7. AD HOC Subcommittee or Liaison Comments:** Annual certification of Subcommittees and 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)
C. Landmark Policies and Procedures (BO, 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)
- 8. Approval of Action Minutes****
A. July 6, 2017
B. September 7, 2017
- 9. 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 Berkeley Architectural Heritage Association](#), received September 28, 2017
B. [Late Communications for 835 Folger](#), received October 5, 2017.
- 11. CHAIR ANNOUNCEMENTS**
- 12. STAFF ANNOUNCEMENTS**
A. Reminder: State Office of Historic Preservation (SHPO) Training website contains links to previous SHPO training sessions and announcements about upcoming events. Following tonight's meeting, staff will email each Commissioner the link that is provided below:
http://ohp.parks.ca.gov/?page_id=24681
- 13. FUTURE COUNCIL CALENDAR ITEMS**
A. **2526-30 Shattuck Avenue (LMIN #2017-0002) Landmark designation appeal to City Council – TBD**
B. **2524 Dwight Way Structural Alteration Permit (LMSAP#2016-0007) Notice of Decision – TBD**

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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),
- G.** 2138 Kittredge Street (Fitzpatrick House and storefront), and 2117 Kittredge Street (A.H. Broad House and storefront) (JK 11/5/2001)
- H.** 1842-1878 Euclid Avenue (CO 9-14-07)
- I.** Berkeley High School Campus Historic District (SW 1/3/08)
- J.** 2746 Garber Street (SW 3/5/09)
- K.** 1901 Bonita Avenue (CO 11/16/10)
- L.** 1920 Bonita Avenue (CO 11/16/10)
- M.** 1940 Channing Way (CO 11/16/10)
- N.** 1920 Haste Street (CO 11/16/10)
- O.** 2414 Shattuck Avenue (CO 11/16/10)
- P.** Terminal Place (alley) (CO 11/16/10)
- Q.** 2041 University Avenue (CO 11/16/10)
- R.** 1907 Walnut Street (CO 11/16/10)
- S.** 1922 Walnut Street (CO 11/16/10)
- T.** 1925 Walnut Street (CO 11/16/10)
- U.** 1930 Walnut Street (CO 11/16/10)
- V.** 2482-2498 Telegraph Avenue And 2445-2449 Dwight Way (CO 12/7/11)
- W.** 2301-2315 Telegraph Avenue / 2445-2449 Dwight Way (CO 12/7/11)
- X.** 2328-2346 Telegraph Avenue / 2441-2447 Durant Avenue (CO 12/7/11)
- Y.** 2400-2402 Telegraph Avenue / 2486-2498 Channing Way (CO 12/7/11)
- Z.** 2410-2422 Telegraph Avenue (CO 12/7/11)
- AA.** 3049 Adeline Street (CO 3/12/12)
- BB.** "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)
- CC.** 1400 Sixth Street (CO 6/7/13)
- DD.** 1409 Scenic Avenue (CO 9/3/15)
- EE.** 1301 Shattuck Avenue, Live Oak Park (CO 2/2/17)
- FF.** 2750-2770 Marin Avenue, Pacific Lutheran Theological Seminary (LPC 5/4/17)
- GG.** 100 Berkeley Square (SF 6/1/17)
- HH.** 741 Cedar Street (CO 7/6/17)
- II.** 745 Cedar Street (CO 7/6/17)
- JJ.** 749 Cedar Street (CO 7/6/17)
- KK.** 2212 Fifth Street (CO 7/6/17)
- LL.** 837 Folger Avenue (CO 7/6/17)
- MM.** 1517 Fourth Street (CO 7/6/17)
- NN.** 808 Gilman Street (CO 7/6/17)
- OO.** 830 Gilman Street (CO 7/6/17)
- PP.** 832 Gilman Street (CO 7/6/17)
- QQ.** 836 Gilman Street (CO 7/6/17)

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- RR. 1018 Pardee Street (CO 7/6/17)
- SS. 1336 Sixth Street (CO 7/6/17)
- TT. 1345 Sixth Street (CO 7/6/17)

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

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

- 2556 Telegraph ZP2015-0096
- 3000 Shattuck ZP2015-0229
- 600 Addison ZP2015-0238
- 2720 San Pablo ZP2016-0014
- 2072 Addison ZP2016-0020
- 2190 Shattuck ZP2016-0117
- 2527 San Pablo ZP2016-0207
- 1486 University ZP2016-0216
- 2510 Channing ZP2017-0003
- 2009 Addison ZP2017-0004
- 1740 San Pablo ZP2017-0014
- 835 Folger ZP2017-0029
- 2580 Bancroft ZP2017-0083

B. Residential Structures

- 1155-1173 Hearst ZP2016-0028
- 2229 Seventh ZP2016-0098
- 2212 Tenth ZP2016-0129
- 2129 Ninth ZP2016-0179
- 2323 Eighth ZP2016-0223
- 2621 Tenth ZP2017-0043
- 2527 Glen ZP2017-0060
- 912 Cedar ZP2017-0109
- 2851 Buena Vista ZP2017-0145

16. ADJOURN

The Senior Center closes at midnight and the meeting must adjourn by 11:45 PM

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

November 2, 2017
December 7, 2017

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 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 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

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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. 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, 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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