



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

LANDMARKS PRESERVATION COMMISSION

MEETING AGENDA

Date: Thursday, May 2, 2019

Time: 7:00 PM

Place: 1947 Center Street, Multi-Purpose Room (Basement Level)

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:

Matthew Abranches Da Silva, District 7

Christopher Adams, District 5

Phil Allen, District 2

Roya Chagnon, District 1

Kathleen Crandall, District 3 (Leave of Absence)

Steven Finacom, Chairperson, District 4

Becky O'Malley, Mayor

Paul Schwartz, Vice Chairperson, District 6

Vacancy, District 8



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, April 24th, 2019*.** 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.
- 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, Landmarks Preservation Commission Secretary
(510) 981-7410 | LPC@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**
 - A. **Consent Calendar**
 - B. **Other changes**
5. **ACTION**
 - A. **[2140 Shattuck Avenue – Structural Alteration Permit \(#LMSAP2018-0004\) application for the Chamber of Commerce/Wells Fargo Building**](#)**
Open the public hearing and consider a request to make exterior alterations at a City Landmark property, in accordance with BMC Sections 3.24.220 and 23E.12.020.
 - B. **[1915 Fourth Street – Structural Alteration Permit \(#LMSAP2019-0003\) application for Spenger’s Fish Grotto**](#)**
Continue the public hearing and consider a request to make exterior alterations at a City Landmark property, in accordance with BMC Sections 3.24.220 and 23E.12.020.
 - C. **Report to City Council on Commission Activities**
Consider preparing and sending a supplemental report to City Council on the Commission’s activities and achievements during the previous year, in accordance with BMC Section 3.24.090.
6. **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 (SF)**
 - B. **Berkeley Rose Garden (CA, PS)**
 - C. **Landmark Policies and Procedures (BO, SF)**
 - D. **Resiliency Strategy (KC, BO)**
 - E. **Grants (CA, SF)**
 - F. **Measure T-1 (PA, SB, SF)**
 - G. **2740 Telegraph - Structural Alteration Permit (CA, SF)**
 - H. **2626 Bancroft Way & 2625 Durant – UC Berkeley Referral (SF, PS)**
 - I. **1440 & 1450 Hawthorne Terrace – Pending Landmark Applications (SF, BO, PS)**
7. **ACTION: Approval of Action Minutes**** – April 4, 2019 Meeting Action Minutes

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8. **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. **CORRESPONDENCE**
- A. [Email transmittal from Richard Jackson re: the UC Upper Hearst Development Project, received April 6, 2019](#)**
10. **COMMISSIONER ANNOUNCEMENTS**
11. **STAFF ANNOUNCEMENTS**
- A. **City staff's comments to UC** re: Supplemental DEIR for the Upper Hearst Development, dated April 12, 2019 (456 pages; provided as *web link* only) – document can be found at: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_LPC/2019-04-12-City%20of%20Berkeley%20Comments%20on%20UC%20SEIR%20Final.pdf
12. **FUTURE COUNCIL CALENDAR ITEMS** - none
13. **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. 1925 Walnut Street (CO 11/16/10)
- T. 2482-2498 Telegraph Avenue And 2445-2449 Dwight Way (CO 12/7/11)
- U. 2301-2315 Telegraph Avenue / 2445-2449 Dwight Way (CO 12/7/11)
- V. 2328-2346 Telegraph Avenue / 2441-2447 Durant Avenue (CO 12/7/11)
- W. 2400-2402 Telegraph Avenue / 2486-2498 Channing Way (CO 12/7/11)
- X. 2410-2422 Telegraph Avenue (CO 12/7/11)
- Y. 3049 Adeline Street (CO 3/12/12)
- Z. "Manoa Historic District"- 2530 Way, 2524 Dwight Way, 2503 Regent Street, 2509 Regent Street, 2511 Regent Street, 2515 Regent Street, 2517 Regent Street, 2506

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- Dwight Way, 2502 Dwight Way/2501 Telegraph Avenue, 2512–2516 Regent Street/2525 Telegraph Avenue (CO 3/12/12)
- AA. 1400 Sixth Street (CO 6/7/13)
 - BB. 1409 Scenic Avenue (CO 9/3/15)
 - CC. 1301 Shattuck Avenue, Live Oak Park (CO 2/2/17)
 - DD. 2750-2770 Marin Avenue, Pacific Lutheran Theological Seminary (LPC 5/4/17)
 - EE. 100 Berkeley Square (SF 6/1/17)
 - FF. 741 Cedar Street (CO 7/6/17)
 - GG. 745 Cedar Street (CO 7/6/17)
 - HH. 749 Cedar Street (CO 7/6/17)
 - II. 2212 Fifth Street (CO 7/6/17)
 - JJ. 837 Folger Avenue (CO 7/6/17)
 - KK. 1517 Fourth Street (CO 7/6/17)
 - LL. 808 Gilman Street (CO 7/6/17)
 - MM. 830 Gilman Street (CO 7/6/17)
 - NN. 832 Gilman Street (CO 7/6/17)
 - OO. 836 Gilman Street (CO 7/6/17)
 - PP. 1018 Pardee Street (CO 7/6/17)
 - QQ. 1336 Sixth Street (CO 7/6/17)
 - RR. 1345 Sixth Street (CO 7/6/17)
 - SS. 601 Ashby Avenue (PA 2/1/18)
 - TT. 1013 Pardee (BO 9/6/18)
 - UU. 1940 Haste Street (LPC 10/04/18; upon relocation of historic building)
 - VV. 2222 Fifth Street (LPC 12/6/18)

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

The weblink below connects to a table of all current discretionary zoning applications pending in the City of Berkeley. The list is regularly updated by City staff, and is linked here in accordance with BMC Section 23B.24.030 (Zoning Ordinance). Any property from the online list for which a permit is being sought may be taken up at a future meeting and added by the Commission to the "Potential Initiations" list. Further below are the addresses of projects that seek to demolish buildings (residential or commercial) over 40 years old. Permit applications for properties where full removal is not sought are not individually listed, but may be found in the on-line table.

<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)

3000 Shattuck Avenue	ZP2015-0229
2720 San Pablo Avenue	ZP2016-0014
2190 Shattuck Avneue	ZP2016-0117
1486 University Avenue	ZP2016-0216
2701 Shattuck Avenue	ZP2016-0244
1110 University Avenue	ZP2017-0035
2198 San Pablo Avenue	ZP2018-0112
1000-1010 Carleton Street	ZP2018-0116
1014-1016 Carleton Street	ZP2018-0116
1020 Carleton Street	ZP2018-0116
2710 Tenth Street	ZP2018-0116
2352 Shattuck Avenue	ZP2018-0135
3051 Adeline Street	ZP2018-0156

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2325 McGee Street	ZP2018-0181
1835 San Pablo Avenue	ZP2018-0220
2150 and 2176 Kittredge St.	ZP2019-0027
2023 Shattuck Avenue	ZP2019-0041
800 Dwight Way	ZP2019-0046
1035 Heinz Avenue	ZP2019-0047

B. Residential Structures

1155-1173 Hearst Street	ZP2016-0028
1923 Ninth Street	ZP2018-0226
3129 Lewiston Avenue	ZP2019-0015
1641 Seventh Street	ZP2019-0026
2795 San Pablo Avenue	ZP2019-0048

15. ADJOURN

The building will close at 11 PM and, therefore, the meeting must adjourn not later than 10:45 PM.

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 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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