



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

LANDMARKS PRESERVATION COMMISSION

ACTION MINUTES

Date: Thursday, January 7, 2016
Time: 7:00 p.m.
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 (2120 Milvia St.)

The Commission consists of nine members appointed by City Council:

Christopher Linvill, Chair
Tom Beil, Vice-Chair
Dmitri Belser
Shannon Brown
Austene Hall
Carrie Olson
Paul Schwartz
Kiran Shenoy
Barry Fike



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:

Landmarks Preservation Commission Secretary

(510) 981-7410 | szarnowitz@cityofberkeley.info | 2120 Milvia Street, Berkeley CA 94704

Request for initiation of Landmark or Structure of Merit 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 silence cellular phones during the meeting.

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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 LCP 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 Chair)
4. **AGENDA CHANGES**
 - A. Consent Calendar
 - B. Other Changes

AGENDA ITEMS

5. CONTINUED PUBLIC HEARINGS

A. 2556 Telegraph Avenue

Landmarks Preservation Commission Landmark Initiation (LMIN#2015-0003) to consider designation of the structure located on the above property as a City of Berkeley Landmark. **CEQA:** Exempt

Continued from November 5, 2015 **

Public Comment: 28

Motion Carried: Shenoy, Schwartz

Action: Deny Designation as Landmark

Vote: 7-2-0-0; Opposed: Hall and Olson

B. 2700 Bancroft Way**

Structural Alteration Permit (LMSAP#2015-0008) to install eight new enclosed rooftop antennas within a ten (10) foot six (6) inch tall enclosure and associated four (4) foot tall equipment enclosure on the roof of an existing building constructed in 2005 on the site of a designated City of Berkeley Landmark, Westminster Hall. **CEQA:** Exempt

Continued from December 3, 2015**

Public Comment: 1

Motion Carried: Schwartz, Belser

Action: Approve Structural Alteration Permit (LMSAP) for alternative rooftop topiary design with equipment enclosure to the rear of rooftop.

Vote: 8-0-1-0; Abstained: Linvill

6. PUBLIC HEARINGS

A. 3051 Adeline Street**

Structural Alteration Permit (LMSAP#2015-007) to install a commercial storefront for a restaurant on the south exterior frontage of a City of Berkeley Landmark, Hull Undertaking Co. Complex. **CEQA:** Exempt

Public Comment: 0

Motion Carried: Olson, Shenoy

Action: Approve Structural Alteration Permit (LMSAP) with conditions

Vote: 9-0-0-0

BUSINESS ITEMS

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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 (AH)**
 - B. **Survey (AH, CL, PS)**
 - C. **2211 Harold Way (The Residences at Berkeley Plaza) (AH, PS, TB)**
 - D. **Berkeley Post Office (AH, SB)**
 - E. **BESO Subcommittee (AH, CL, SB)**
 - F. **Berkeley Rose Garden (TB, PS, KSS)**
 - G. **BART Plaza (AH, DB, CO)**
 - H. **Brookside Gate (TB, CO, AH, SB)**

8. **Action Minutes****

- A. December 3, 2015 Meeting Action Minutes

Motion Carried: Olson, Hall

Action: Approve minutes

Vote: 8-0-0-1; Absent: Fike

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. **Communications**

10. **Chair Report**

Future agenda item discussing potential landmark initiations and process

Commissioner Future Agenda Item requests:

- LPC subcommittee re: short-term rental regulation impacts on landmarks (PS)
- Appointment of LPC member to attend planning commission meetings (CO)
- Discussion on ways and means of conducting historical resource survey work (SB)

11. **Staff Announcements**

- A. 2517 Regent Street

- B. December 15, 2015 Council Referral: Revise LPC Appeals Process to mirror ZAB

12. **Future Council Calendar Items**

2532 Durant LMSAP NOD	Pending ZAB Use Permit NOD
2597 Telegraph LMSAP NOD	Pending ZAB Use Permit NOD
2777 Shattuck LMIN	January 26, 2016
2101 Shattuck LMSA	January 26, 2016
1065 Ashby LMSA	January 26, 2016

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. McCauley Foundry at Carleton and 7th Streets (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),

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- 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.** 1950 Addison Street (CO 11/16/10)
 - K.** 2070 Addison Street (CO 11/16/10)
 - L.** 100 Berkeley Square (CO 11/16/10)
 - M.** 124 Berkeley Square (CO 11/16/10)
 - N.** 134 Berkeley Square (CO 11/16/10)
 - O.** 1901 Bonita Avenue (CO 11/16/10)
 - P.** 1920 Bonita Avenue (CO 11/16/10)
 - Q.** 2132 Center Street (CO 11/16/10)
 - R.** 1940 Channing Way (CO 11/16/10)
 - S.** 2121 Durant Avenue (CO 11/16/10)
 - T.** 1920 Haste Street (CO 11/16/10)
 - U.** 2113 Kittredge Street (CO 11/16/10)
 - V.** 2124 Kittredge Street (CO 11/16/10)
 - W.** 2138 Kittredge Street (CO 11/16/10)
 - X.** 1905 Martin Luther King Jr. Way (CO 11/16/10)
 - Y.** 2122 Shattuck Avenue (CO 11/16/10)
 - Z.** 2150 Shattuck Avenue (CO 11/16/10)
 - AA.** 2168 Shattuck Avenue (CO 11/16/10)
 - BB.** 2177 Shattuck Avenue (CO 11/16/10)
 - CC.** 2225 Shattuck Avenue (CO 11/16/10)
 - DD.** 2257 Shattuck Avenue (CO 11/16/10)
 - EE.** 2270 Shattuck Avenue (CO 11/16/10)
 - FF.** 2274 Shattuck Avenue (CO 11/16/10)
 - GG.** 2281 Shattuck Avenue (CO 11/16/10)
 - HH.** 2414 Shattuck Avenue (CO 11/16/10)
 - II.** Terminal Place (alley) (CO 11/16/10)
 - JJ.** 2041 University Avenue (CO 11/16/10)
 - KK.** 2044 University Avenue (CO 11/16/10)
 - LL.** 1907 Walnut Street (CO 11/16/10)
 - MM.** 1922 Walnut Street (CO 11/16/10)
 - NN.** 1925 Walnut Street (CO 11/16/10)
 - OO.** 1930 Walnut Street (CO 11/16/10)
 - PP.** 2482-2498 Telegraph Avenue and 2445-2449 Dwight Way (CO 12/7/11)
 - QQ.** 2301-2315 Telegraph Avenue / 2445-2449 Dwight Way (CO 12/7/11)
 - RR.** 2328-2346 Telegraph Avenue / 2441-2447 Durant Avenue (CO 12/7/11)
 - SS.** 2400-2402 Telegraph Avenue / 2486-2498 Channing Way (CO 12/7/11)
 - TT.** 2410-2422 Telegraph Avenue (CO 12/7/11)
 - UU.** 3049 Adeline Street (CO 3/12/12)
 - VV.** "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)
 - WW.** 1400 Sixth Street (CO 6/7/13)
 - XX.** 1409 Scenic Avenue (CO 9/3/15)
 - YY.** 2508 Ridge road (CO 12/03/15)

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14. 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 (LPC referral / BMC Section 23C.08.050)**

ZP2014-0045	(1950 Addison)
ZP2015-0007	(2129 Shattuck)
ZP2015-0021	(810-824 University)
ZP2015-0043	(1500 San Pablo)
ZP2015-0096	(2556 Telegraph)
ZP2015-0138	(650 Cedar)
ZP2015-0229	(3000 Shattuck)
ZP2015-0550	(2025 Center)

B. Residential Structures

ZP2015-0015	(1940 Haste)
ZP2015-0032	(2510 Tenth)
ZP2015-0045	(2813 Eighth)
ZP2015-0087	(1310 Haskell)
ZP2015-0141	(1030 Grayson)
ZP2015-0160	(2214 MLK Jr)
ZP2015-0177	(1946 Russell)
ZP2015-0180	(1524 Stuart)
ZP2015-0183	(1222 Sixty-Sixth)
ZP2015-0196	(1336 Milvia)

15. 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

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right to claim that your property has been taken, both before the City Council and in court.

16. ADJOURN

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

Motion Carried

Action: Adjourn meeting

Vote: 9-0-0-0

2016 LPC Meeting Schedule First Thursday of the month or as follows:

January	Thursday 1/07/16
February	Thursday 2/04/16
March	Thursday 3/03/16
April	Thursday 4/07/16
May	Thursday 5/05/16
June	Thursday 6/02/16
July	Thursday 7/07/16
August	Recess
September	Thursday 9/01/16
October	Thursday 10/06/16
November	Thursday 11/03/16
December	Thursday 12/01/16

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