

L A N D M A R K S
P R E S E R V A T I O N
C O M M I S S I O N

S T A F F R E P O R T

FOR COMMISSION ACTION
FEBRUARY 2, 2023

1911 Fourth Street – Spenger’s Fish Grotto

Structural Alteration Permit #LMSAP2022-0014 to install two temporary structures immediately adjacent to a tenant space within a City Landmark property.

I. Application Basics

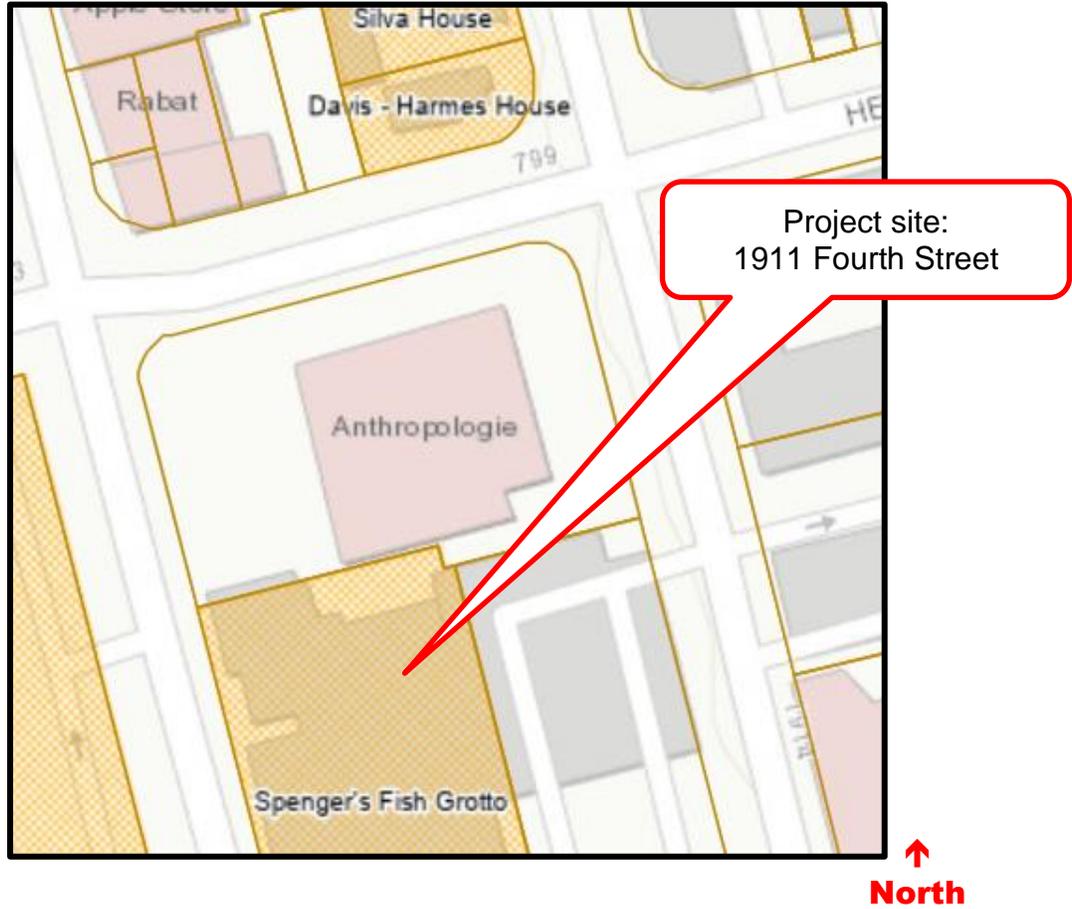
- A. Zoning District:** West Berkeley Commercial District (C-W)
- B. CEQA Determination:** Categorically exempt from further environmental review pursuant to Section 15331 of the CEQA Guidelines for Historical Resource Rehabilitation.

C. Parties Involved

- Applicant & Architect: Olin Cohan
Masaya Trading Company
3820 Charlotte Avenue
Nashville, TN 37209
- Property Owner: Jamestown Urban Management
1700 Montgomery Street, Suite 215
San Francisco, CA 94111

- D. Recommendation:** Open & conclude hearing; take favorable action.

Figure 1: Vicinity Map – highlighting nearby City Landmarks and Structures of Merit



 Landmarks / Structure of Merit; LM,	 Parcels
 Features	 Demolished
 Districts	 Partially Demolished

Figure 2 : Overall Site Looking West– Existing Conditions at subject tenant space, Site Photo, Attachment 3

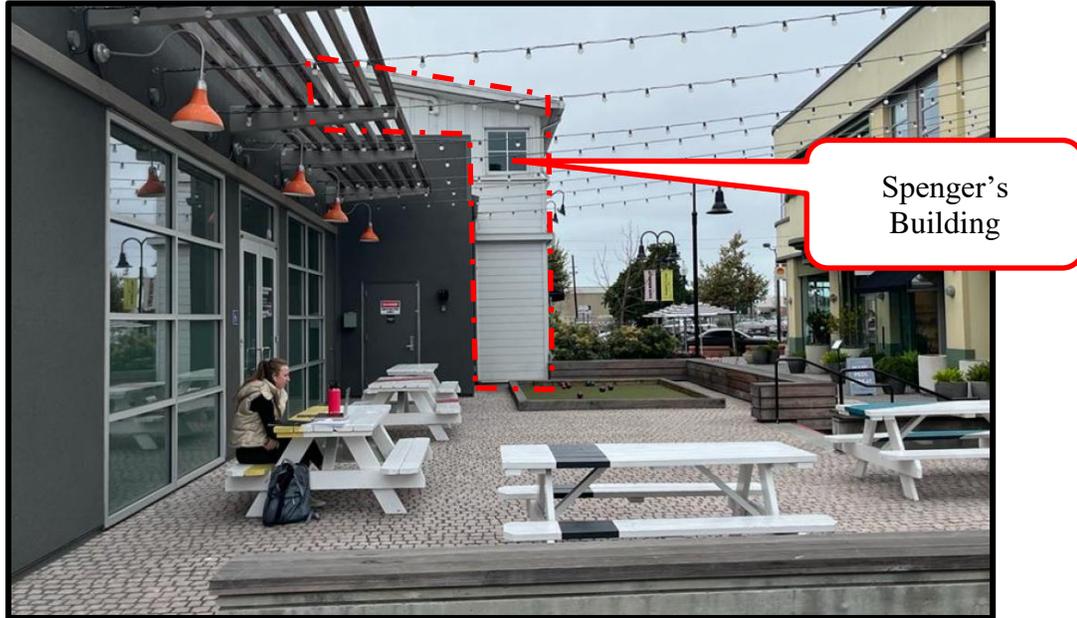


Figure 3 : Overall Site Looking South– Existing Conditions at subject tenant space, Site Photo, Attachment 3



Figure 4 : Proposed Site Plan – Project Plans, Attachment 2

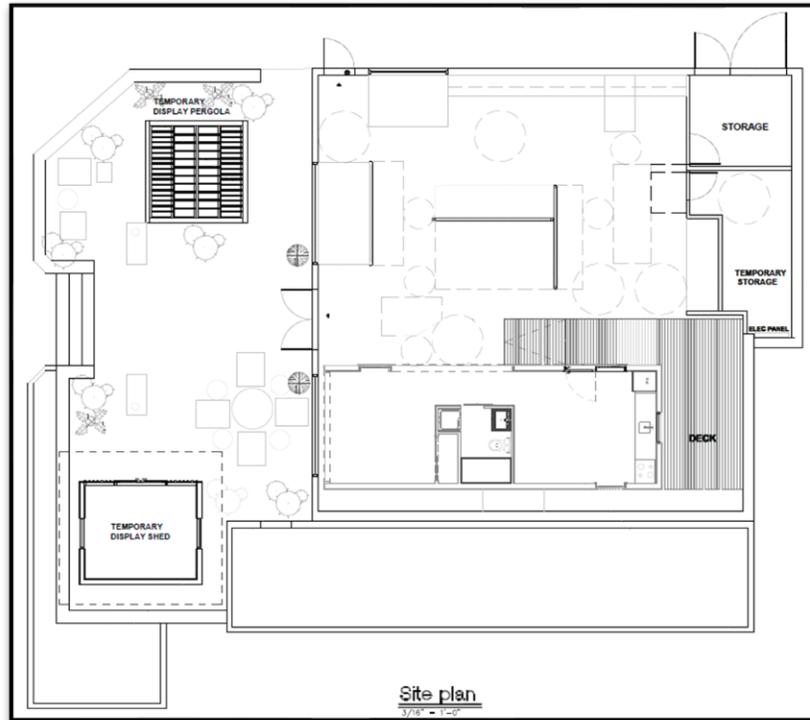


Figure 5 : Temporary Display Shed – Project Plans, Attachment 2



Figure 6 : Pergola – Project Plans, Attachment 2



II. Background

This project is located on the east side of the 1900-block of Fourth Street between University Avenue and Hearst Street. This property is zoned Commercial West Berkeley (C-W) and is surrounded by similarly zoned parcels.

The original, "Pioneer Victorian" building at 1915-1919 Fourth Street was constructed in 1892 as a residence in the Oceanview community and later converted and expanded in into a retail commercial building known as Spenger's Fish Grotto. Alterations and later additions in the 1930s, 1960s and as recently at 2014 have resulted its current form, which contains a total of approximately 23,000 sq. ft. of commercial space.

This building appeared on the State's Historic Resource Inventory and, in 1988, became a City of Berkeley Landmark primarily for its connections with the Oceanview neighborhood and waterfront development in early West Berkeley and potential to yield archeological information about the Ohlone Shellmound site.

The subject tenant space is located in the 2014 addition at the interior of the lot. Permits for storefront renovations, tenant improvements, and signage programs were previously approved by the Commission.

Chapter 3.24 of the Berkeley Municipal Code (BMC) mandates that the Landmarks Preservation Commission (LPC) review any exterior modification to a Landmark site which requires City permits and then grant a Structural Alteration Permit (SAP) for such

work. On December 23, 2022, the applicant submitted the subject SAP application requesting permission to erect temporary accessory structures on a City Landmark property.

On or before January 23, 2023, staff mailed and posted ten-day advance notice of tonight's hearing, in accordance with Berkeley Municipal Code (BMC) Section 3.24.230.

III. Project Description

The SAP applicant is preparing to open a new retail business in the subject tenant space selling pre-fabricated structures and outdoor furnishings. They are requesting SAP approval to temporarily display samples of these large items in the terraced patio immediately adjacent to the subject leased space. See site photographs provided as Figures 5 and 6, above. The tenant has secured an 18-month lease for the space, at the conclusion of which the structures would be disassembled and removed.

No structural or landscape changes would be made to the existing building or terrace area nor to the building facade. The most notable exterior upgrades would include the placement of a temporary teak display shed on the northwest corner of the parcel and pergola at the Northeast corner of the parcel. Structural details and site plan have been included above for reference.

For project details and architectural drawings, refer to the Project Plans, Attachment 2, and the Applicant's Statement, Attachment 3.

IV. Issues and Analysis

Staff has identified the following relevant criteria pertinent to this project from the Landmarks Preservation Ordinance (BMC Section 3.24), the Secretary of the Interior's Standards for the Treatment of Historic Properties (1977) and the Downtown Design Guidelines.

A. Landmarks Preservation Ordinance (LPO) Review Standards and Criteria

In order to approve a request for an SAP, the Commission must find that the proposal would not adversely affect the features or special character of the subject structure or property. Staff believes the applicant's proposal would not result in adverse effects for this historic resource as described below, and offers the following findings in accordance with the LPO:

- **BMC Section 3.24.260, Paragraph C.1:** *"For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features..."*

Analysis: The proposed project would construct temporary structures that would be used for display in the patio area of the subject tenant space for the duration of the applicant's 18-month lease. Neither structure would require any permanent structural alterations to the subject building nor to the landmarked building, thus would not pose an adverse effect to the architectural features of the Landmark. Staff has included a condition that holds the applicant responsible for the removal of the structures and any necessary repairs to the patio surface at the conclusion of their lease. See Condition #10 of the Findings and Conditions (attachment 1).

- **BMC Section 3.24.260, Paragraph C.1:** *"...nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting."*

Analysis: As stated above, the proposed temporary structures would be located in the exterior patio and would not later the exterior of the building or any architectural features of the landmark.

Therefore, this request is found to be beneficial owing to its expected improvements and consistency with the LPO standards and criteria for permit approval.

B. The Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards (SOI) for the Treatment of Historic Properties defines *Rehabilitation* as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."

The applicant's proposal represents a *Rehabilitation* project because it proposes temporary structures for an outdoor display in the patio area ancillary to the permitted retail establishment, which supports the historic commercial use of the Landmark parcel. The analysis below summarizes staff's findings for this project with respect to the most relevant SOI Rehabilitation (Rehab) Standards.

- **SOI Rehab Standard 1:** *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.*

Analysis: The Spenger's Fish Grotto has historically served as commercial space, which would be unchanged by this application.

- **SOI Rehab Standard 2** The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

Analysis: The two structures proposed in this application would be placed in the patio area of the subject tenant space and would not structurally alter the building that houses the tenant space, nor the historic structure, and would not impact the spatial relationship of the two buildings.

A complete list of the Secretary of the Interior Standards for Rehabilitation can be found at the following link: <https://www.nps.gov/articles/000/treatment-standards-rehabilitation.htm>

C. City-wide Directives from the Downtown Design Guidelines

The City has established a practice of using the adopted Downtown Design Guidelines (2012) to inform its review of commercial building alterations throughout the various commercial districts in Berkeley.

Façades (Pages 27-31)

- **Guideline 2:** *Refrain from false historicism. Do not trivialize or mimic Landmark or Significant buildings.*

Analysis: The design and scale of both the temporary display pergola and shed reflect a modern aesthetic that is similar to the non-historic 2014 Spenger's Paseo building expansion where subject tenant space is located. They do not make any visual reference to the historic landmark.

For all of these reasons, staff concludes that the Commission could approve this request for Landmark alteration.

V. Recommendation

Staff recommends approval of this request for a Structural Alteration Permit pursuant to BMC Section 3.24.260 and subject to the attached Findings and Conditions because the proposed project would:

- 1) Construct temporary accessory structures that support the historic use of the site; and
- 2) Adhere to the standards of the Landmarks Preservation Ordinance and best practices for exterior alterations to historic properties.

Attachments:

1. Recommended Structural Alteration Permit Findings and Conditions of Approval
2. Project plans, received December 23, 2022

3. Applicant Statement, received December 23, 2022
4. Site Photographs, received December 23, 2022
5. Landmarks Preservation Commission Notice of Decision for Spenger's Grotto

Prepared by: Desiree Dougherty, Assistant Planner, ddougherty@cityofberkeley.info; 510-981-7431

Reviewed by: Fatema Crane, Principal Planner; fcrane@cityofberkeley.info ; 510-981-7410

ATTACHMENT 1

FINDINGS AND CONDITIONS

1911 Fourth Street – Spenger’s Fish Grotto

Structural Alteration Permit #LMSAP2022-0014 to install two temporary structures immediately adjacent to a tenant space within a City Landmark property.

CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, and (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5.

SECRETARY OF THE INTERIOR’S STANDARDS FINDINGS

Regarding the Secretary of the Interior’s Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The proposed project does not require a change of use. The property will retain its historic commercial use.
2. The project avoids removal of distinctive materials and any alteration of features that characterize the property. The project scope is limited to the construction of two temporary accessory structures in the outdoor patio located directly adjacent to the subject tenant space. No demolition or alteration to the building façade is proposed.
3. The project proposed two modern designed structures, a pergola and a display shed. Because these structures are contemporary and temporary, they will not result in a false sense of historical development.
4. The subject property does not feature changes that have acquired significance in their own right.
5. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize the Spenger’s Grotto will be preserved as the scope will not touch the historic structure.

6. As conditioned herein, if deteriorated historic features will be affected by this request, then they would be repaired or replaced to match the materials, design, and finishes of the original items.
7. The applicant does not propose chemical or physical treatments. However, standard conditions of Structural Alteration Permit approval would require any chemical or physical treatments to be undertaken using the gentlest means possible.
8. The project does not have the potential to affect any archaeological resources because the applicant proposes no excavation.
9. The proposed new work is designed with complimentary, high-quality materials in simplified, contemporary style employing colors and finishes that harmonize with the design elements of the existing non-historic building. Owing to these aspects, new work will be sufficiently differentiated from the historic design.
10. If the proposed improvements were removed in the future, they would not permanently impair the integrity or essential form of the subject building.

FINDINGS FOR APPROVAL

1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve and enhance the characteristics and features specified in the designation for this property. Specifically:
 - a. The proposed area of scope is limited to the outdoor space located on the andmarked parcel, but not a part of the landmarked structure. No changes are proposed on the landmarked building.
 - b. The proposed project would provide temporary display opportunities for the subject tenant space and would be removed once the lease of the space has come to term. There are no aspects of this proposal that would be detrimental to the character of the landmarked commercial building.

STANDARD CONDITIONS

The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Plans and Representations Become Conditions

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

3. Subject to All Applicable Laws and Regulations

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

4. Exercise and Lapse of Permits (Section 23B.56.100)

- A. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- B. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

5. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

ADDITIONAL CONDITIONS

The following additional conditions are attached to this Permit:

- 6. The proposed façade upgrades are approved as shown on the drawings dated “received December 23, 2022” subject to the following conditions.
- 7. No changes can be made to these approved plans without prior approval.
- 8. **CITY PERMITS.** This Structural Alteration Permit (SAP) approval is contingent upon approval of the requisite Use Permit and Public Work Permit for the project scope.
- 9. **PLANS COMPLIANCE.** Construction and building permit plans shall substantially conform to the Structural Alteration Permit (SAP) project plans dated/received **December 23, 2022.**

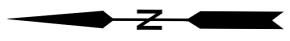
10. **REMOVAL OF TEMPORARY STRUCTURES.** Applicant shall be responsible for disassembly and removal of the pergola and shed at the termination of their lease and for any necessary repairs to the patio surface.
11. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
12. **COLORS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit color and materials information for review and approval by Landmarks staff, in coordination with the LPC Chair as needed.
13. **CLEAR GLASS.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass, or includes signage, shall be indicated on all drawings, and shall be reviewed for approval by Landmarks staff.
14. **DETAILS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit pergola and display shed details for review and approval by the Landmarks plan checker.
15. **LIGHTING.** Prior to Landmarks plan checker sign-off of the building permit set of drawings, the applicant shall submit lighting details showing all existing and proposed site and building lighting. Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
16. The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.
17. The applicant is responsible for complying with all the above conditions. Failure to comply with any condition could result in construction work being stopped, issuance of citations, as well as further review by the Landmarks staff, which may modify or impose additional conditions, or revoke approval.
18. All building permit drawings and subsequent construction shall substantially conform to the approved plans as outlined in Condition #1. Any modifications must be reviewed by the Landmarks plan checker to determine whether the modification requires approval.
19. The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation,

payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

20. **Repair and replacement of character-defining features.** Repair and replacement of character-defining features. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
21. **Chemical Treatments.** Any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.

MASAYA TENANT IMPROVEMENT PATIO PLAN AUP/SAP SUBMITTAL

1911 FOURTH STREET, SUITE 104
BERKELEY, CA 94710



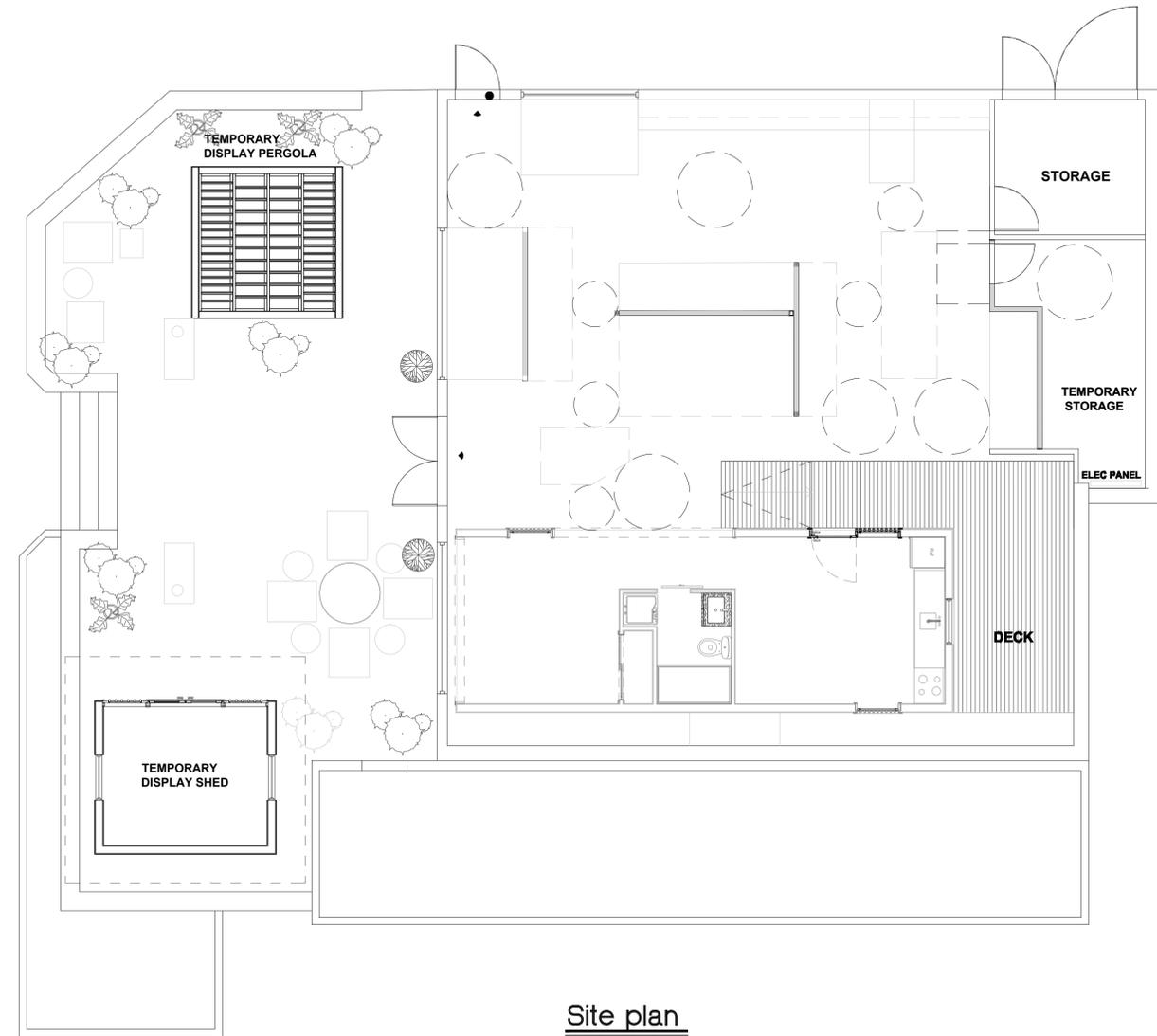
PATIO AREA NOTES:
Current bocci ball court and picnic table to be removed.

Temporary sustainably grown teak display shed and pergola will be placed in existing patio area with NO structural or landscape modifications.

Loose furniture collections to be presented and available for public use, to be secured after hours with security wire and locking system.

Cornhole game to be provided for public use and offered for sale. To be stored inside after hours.

Planters to be included throughout patio area to match planters or similar across the shopping mall. Large, weighted planters to be specified for security purposes, smaller planters to be store inside after hours.



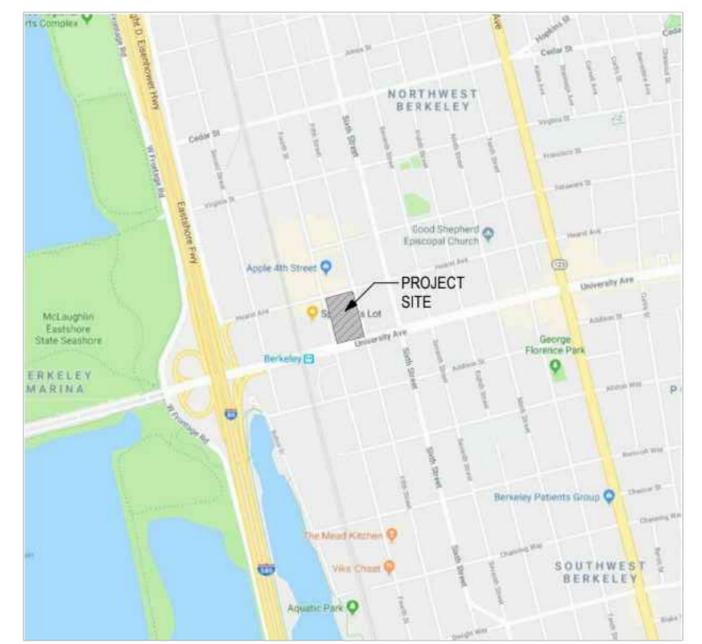
Site plan
3/16" = 1'-0"

SHEET INDEX:

ARCHITECTURAL	
Sheet #:	Contents
AUP 1.0	Vicinity & Site plan
AUP 2.0	Landscape plan
AUP 3.0	Elevation display shed
AUP 4.0	Elevation display pergola



VICINITY MAP



LOCATION MAP



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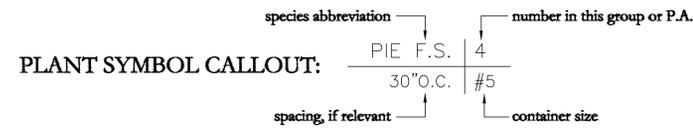
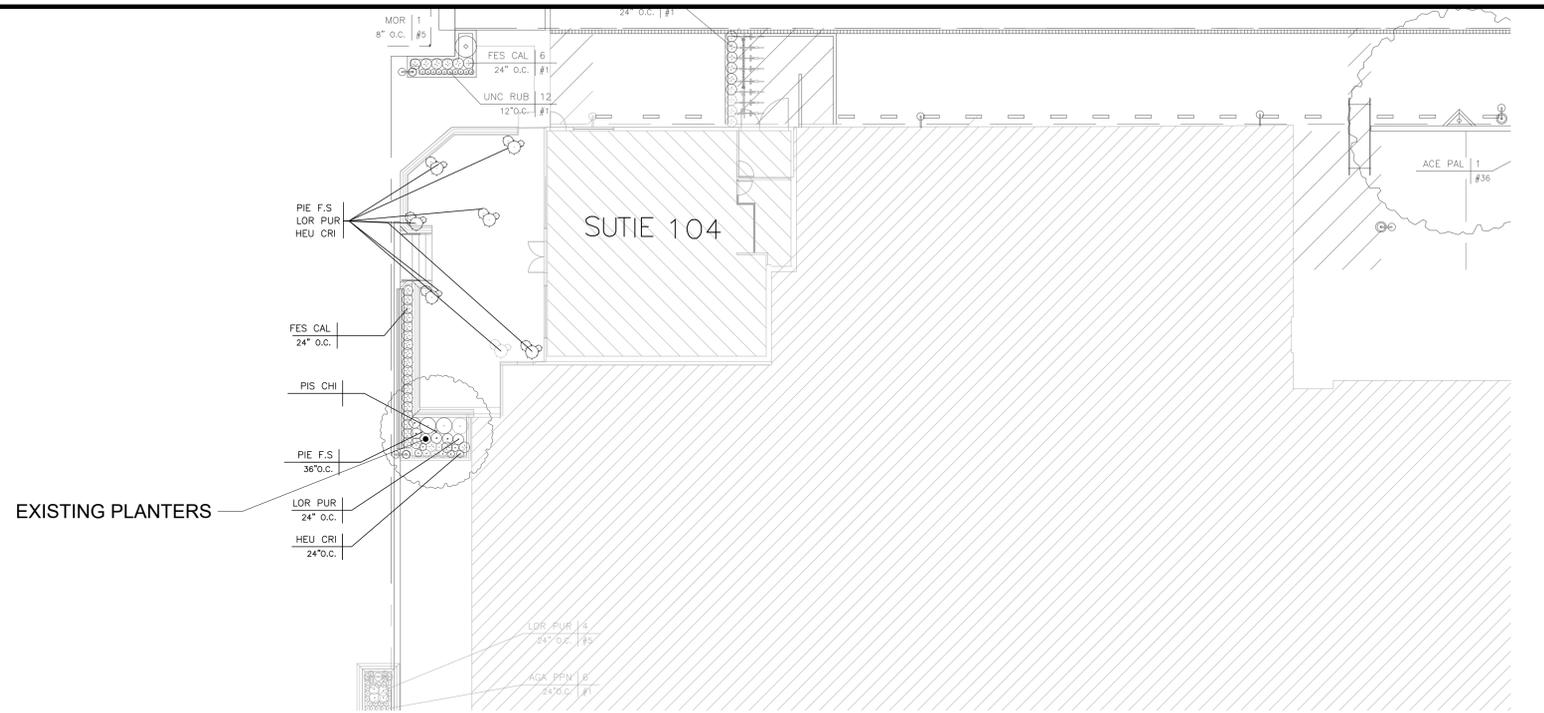
1911 4th St, Suite 104 TI
AUP/SAP Submittal
Vicinity & Site plan

SUBMITTED
1/23/2022

DATE: 1/23/2022

SHEET NO.:

AUP1.0



Landscape Plan
3/16" = 1'-0"

SYMBOL	SCIENTIFIC NAME	COMMON NAME	FORM	MAX HT	MAX SP	SUN	PS	SD	WATER	36"	#15	#5	#1	NOTES
TREES			TREES											
PIS CHI	PISTACIA CHINENSIS	CHINESE PISTACHE	TREE	30-60	30-60						1			
SHRUB			SHRUB											
PIE F.S.	PIERIS JAPONICA 'FLAMING SILVER'	LILY-OF-THE-VALLEY SHRUB	SHRUB	4	4		X		Med		27			3' O.C.
LOR PUR	LOROPETALUM CHINESE 'PURPLE PIXE'		SHRUB	1	4-5	X	X		Med		19			
PERENNIALS			PERENNIALS											
HEU CRI	HEUCHERA HYBRID 'CRIMSON CURLS'	CORAL BELL 'CRIMSON CURLS'	PERENNIAL	1.5		X	X		Low				40	
GRASSES AND SEDGES			GRASSES AND SEDGES											
FES CAL	FESTUCA CALIFORNICA	CALIFORNIA FESCUE	GRASS/RUSH/SEDGE	2-3	1-2	X	X		Low				274	

SHRUB



PIERIS JAPONICA 'FLAMING SILVER'
LILY-OF-THE-VALLEY SHRUB



LOROPETALUM CHINENSE 'PURPLE PIXE'

PERENNIALS



HEUCHERA HYBRID 'CRIMSON CURLS'
CORAL BELL 'CRIMSON CULS'

GRASSES AND SEDGES



FESTUCA CALIFORNICA
CALIFORNIA FESCUE



3360 SANSONE CT
SANTA ROSA, CA 95403

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1911 4th St. Suite 104 TI
AUP/SUP Submittal
Landscape plan

SUBMITTED
12/23/2022

DATE: 12/23/2022
SHEET NO.:

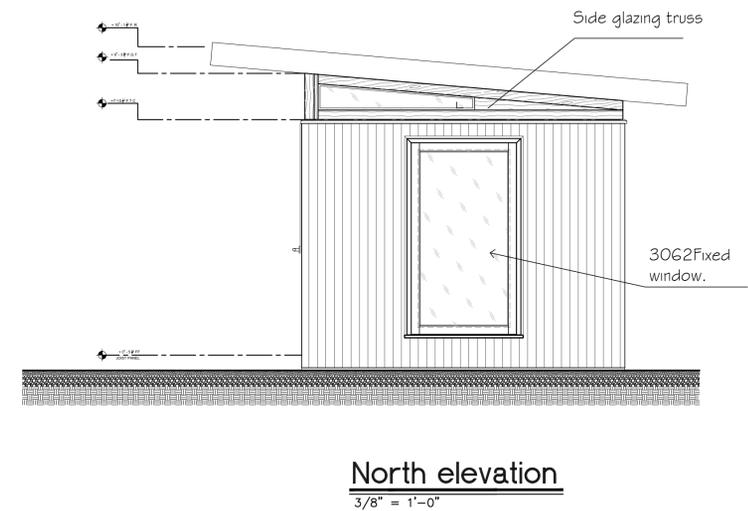
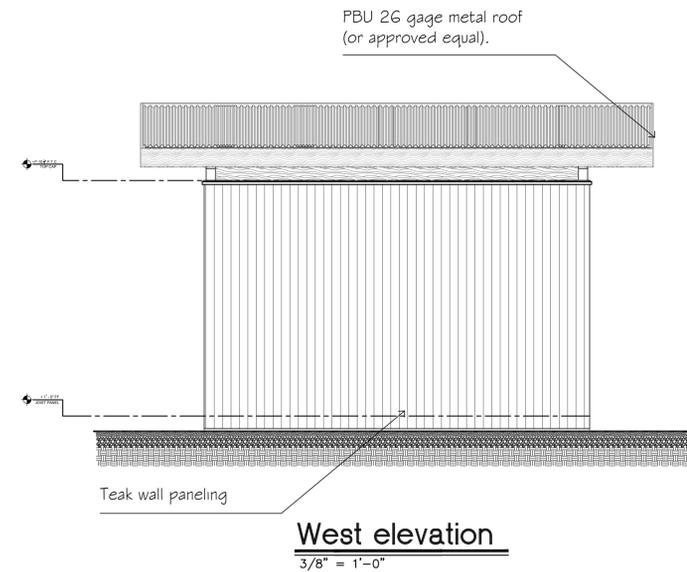
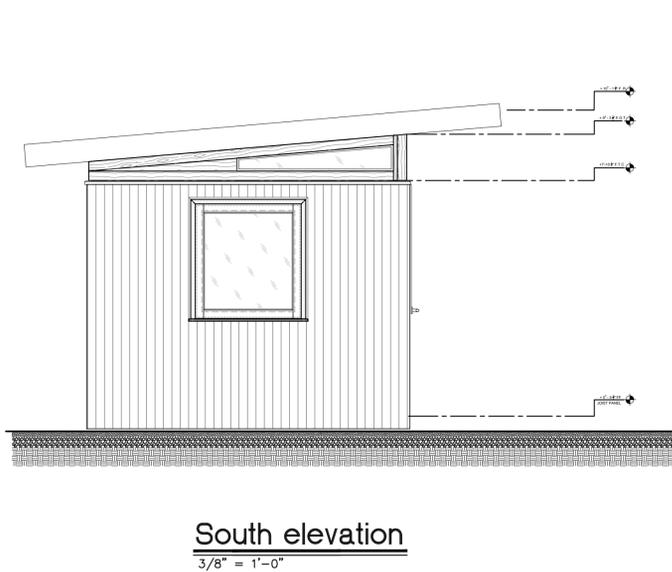
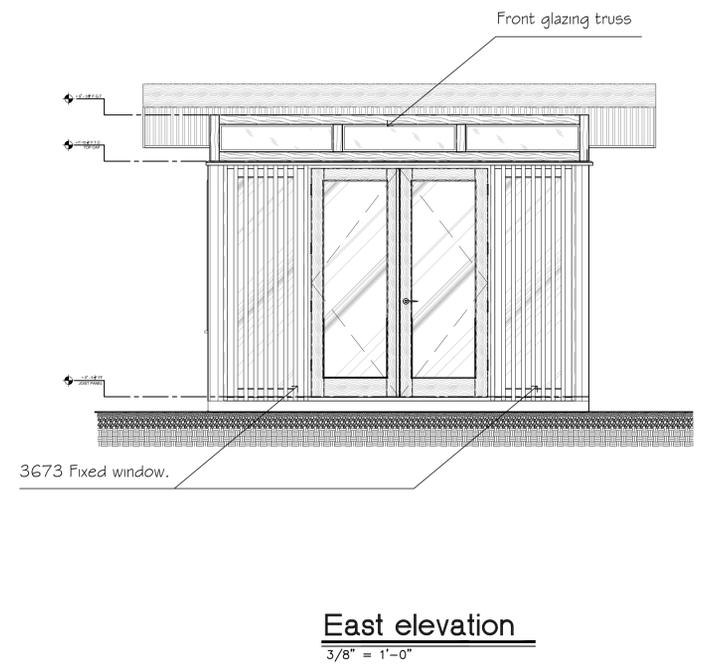
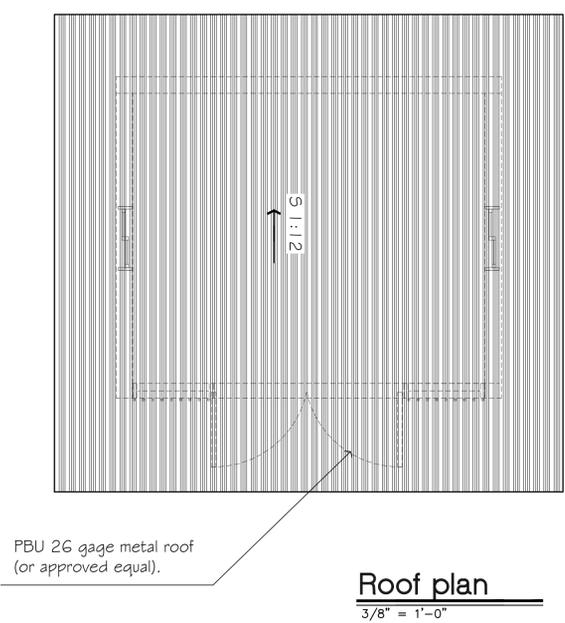
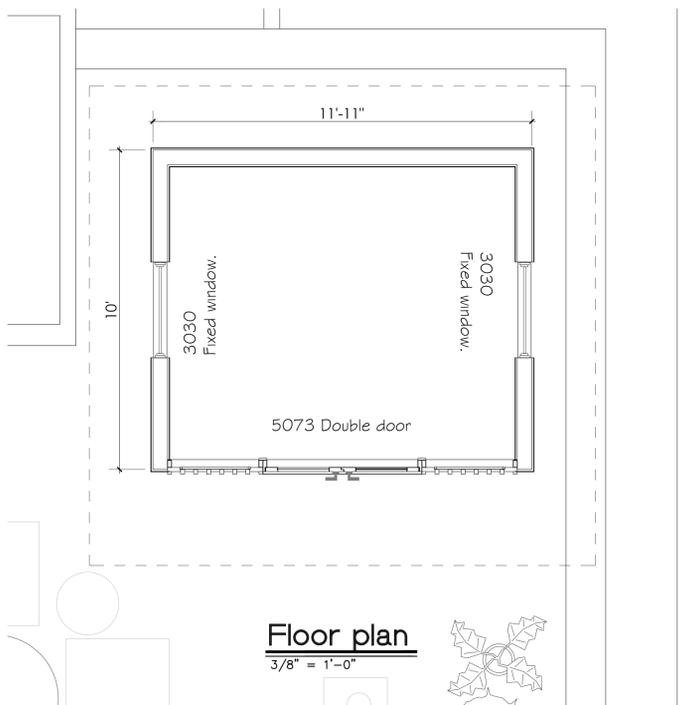
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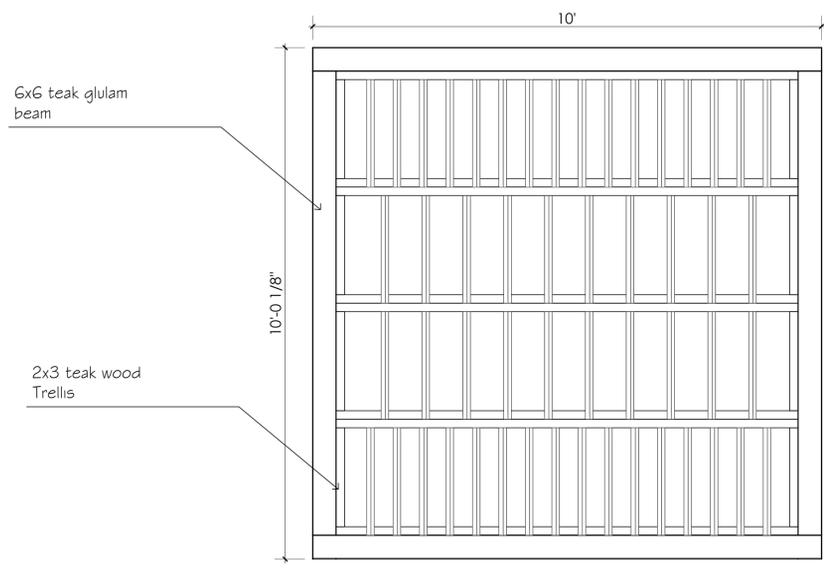
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1911 4th St. Suite 104 TI
AUP/SUP Submittal
Elevation display shed

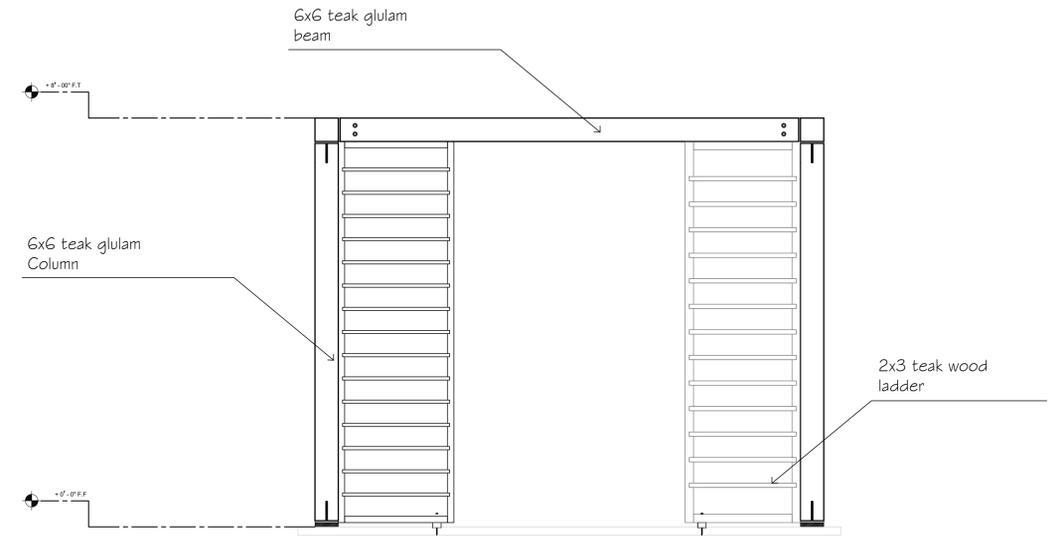
SUBMITTED
12/23/2022

DATE: 12/23/2022
SHEET NO:
AUP 3.0

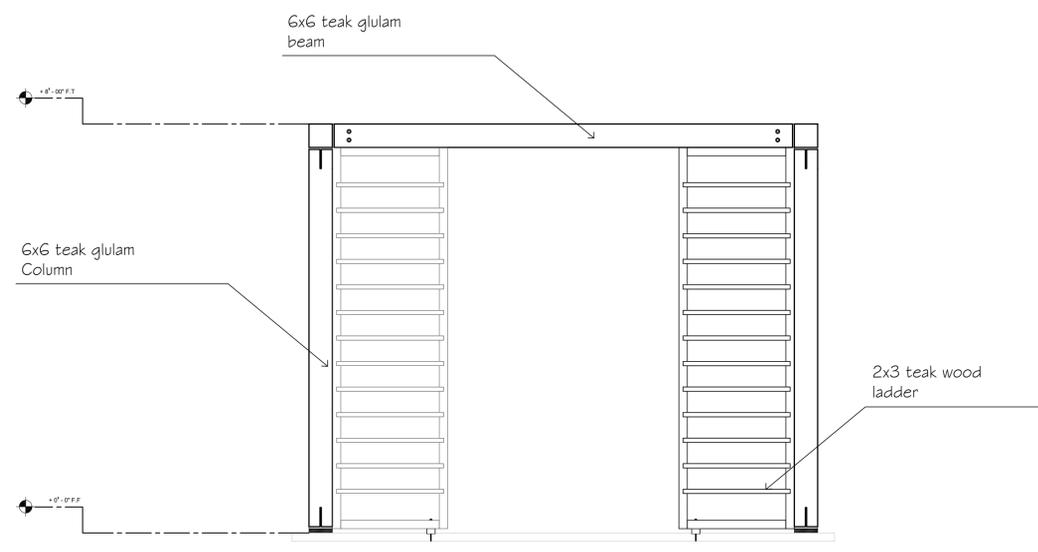




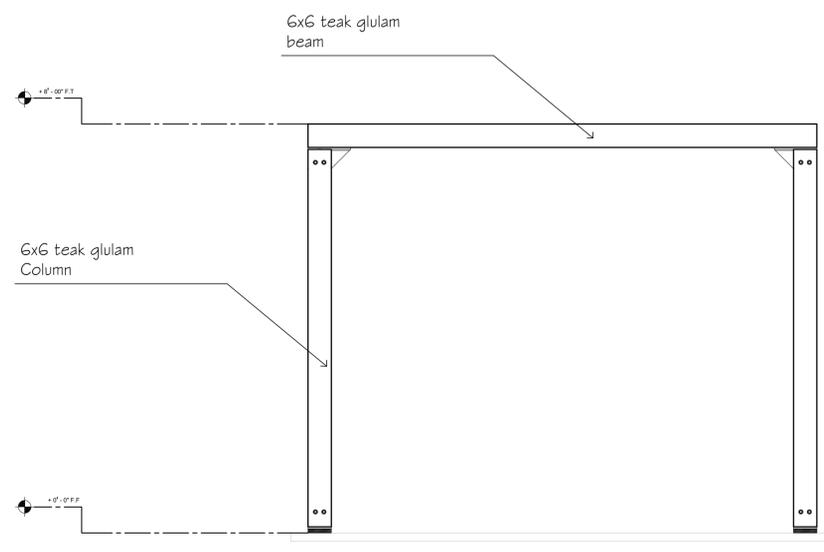
Floor plan
3/8" = 1'-0"



East elevation
3/8" = 1'-0"



West elevation
3/8" = 1'-0"



North Elevation
3/8" = 1'-0"

masaya * **homes**

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1911 4th St., Suite 104 TI
AUP/SUP Submittal
Elevation display pergola

SUBMITTED
12/23/2022

DATE: 12/23/2022
SHEET NO:
AUP 4.0

APPLICANT STATEMENT

MASAYA TENANT IMPROVEMENT PLAN AUP/SAP SUBMITTAL

Project Applicant: Masaya Trading Company
Project Address: 1911 4th St, Unit 104, Berkeley CA 94710

Upon approval of the AUP/SAP by the City of Berkeley Land Use Planning Department, a temporary teak display pergola and temporary display shed will be placed in the existing patio. No structural or landscape changes will be made to the existing area. Loose furniture collections will be presented and available for public use and will be secured after hours with a security wire and locking system. The displays and the furniture collections are crafted of sustainably grown teak wood.

A cornhole game will be provided for public use and offered for sale. It will be stored inside after hours.

Planters will be included throughout the patio area to match planters or similar throughout the shopping mall. Larger, weighted planters will be used for security purposes, and smaller planters will be stored inside after hours.

For additional information, please see Spenger's & Fourth Street Retail Onsite and Offsite landscape plan.

**MASAYA TENANT IMPROVEMENT PLAN
AUP/SAP SUBMITTAL**

EXISTING AND PROPOSED SITE PHOTOGRAPHS

1. North View of Suite 104



2. East Entrance of Suite 104



3. North View of Suite 104



4. Exterior of Sustainably Grown Teak Temporary Display Shed



5. Exterior and Interior of Sustainably Grown Teak Temporary Display Shed



6. Sustainably Grown Teak Temporary Display Pergola

Teak Pergola : Pérgola de teca de 10' x 10' x 8' con soportes de acero y contrahuellas de HDPE
10' x 10' x 8' teak pergola with steel brackets and HDPE risers



Se muestra con dos enrejados verticales. Los enrejados verticales están insertados 0.5"
Shown with two vertical trellises. Vertical trellises are inset .5"

CITY OF BERKELEY
Ordinance #4694 N.S.
LANDMARK APPLICATION

Spenger's Fish Grotto

1. **Street Address:** 1915-1955 Fourth Street
County: Alameda **City:** Berkeley **ZIP:** 94705
2. **Assessor's Parcel Number:** 057-2100-00806
Dimensions: 184 feet X 125 feet
Cross Street: University Avenue
3. **Is property on any survey?** Yes
State Inventory: Yes **National Register:** No
4. **Application for Landmark Includes:**
Building(s): Yes
Landscape or Open Space: Yes
Other: Entire Property
5. **Historic Name:** None
Commonly Known Name: Spenger's Fish Grotto
6. **Date of Construction:** 1890
Factual: No, yet an 1892 Block Book shows Johann Spenger as owner.
7. **Builder:** Unknown
8. **Style:** Wood-frame, Working-Man's Pioneer Cottage
9. **Original Owner:** Johann Spenger
Original Use: Single-family residence/ grocery store
10. **Present Owner:** Frank Spenger Co.
Address: 1919/1921 Fourth Street, Berkeley, CA. 94710
Present Occupants: Owners
11. **Present Use:** Commercial/Residential
12. **Present Condition of Property:**
Exterior: Good
Interior: Good
Grounds: Good
13. **Description**
The Spenger's Fish Grotto is a sprawling complex with rooms added onto an original pioneer home. According to family accounts, the house of Johann Spenger was built by the pioneer himself. Whether the house had been moved to the site (which was common in those

days) or if it had been constructed on the site is a subject of debate. The site itself was opened up for development in 1881. We know this because Spenger's cottage sits on the land which was once called Willow Grove Park. The park was large; it included two full city blocks. (Exhibit A) In 1881, Fourth Street was carved through the middle of the park, just a few months prior to the closure of the park. (See Exhibit B) The eastern half of the park was subdivided into small lots, including Johann Spenger's; while the western side of the park only had two property owners. The earliest property record which shows Johann Spenger as the owner of the original pioneer site is an 1892 Block Book. (See Exhibit J, which includes a series of maps to show the evolution of the property over time). Johann Spenger is not listed in the West Berkeley Directory of 1878/79. However, the 1896 Berkeley City Directory lists Johann (now called John) Spenger as living on Fourth Street and operating a general merchandise store.

The house is a combination ground-level grocery store with living quarters on the second floor. The house is typical of the period. It has a gabled roof with returns. It has 8 ½-inch channeled siding, typical of other pioneer houses located in the Delaware Street Historic District. The modest detailing is an example of what historic consultant Sally B. Woodbridge calls Greek Revival, or what another consultant, William P. Coburn, A.I.A., calls vernacular/Classical Revival. A similar house at 802 Delaware Street (the Alphonso House, built 1878) has the same type of gabled roof with slight returns (see exhibit C). The similarity in design suggests an earlier date than 1890 for the Spenger cottage. Other similar examples (some without the returns) are also included (Exhibit D, E, and F). The style is best described by the first consultant: "The strong but simple cornice molding with slight returns at the gable-end corners but without brackets reflects the Greek Revival." (Exhibit G) A late-1920's or early-1930's photo of the pioneer house is included. (Exhibit H), as well as a more recent photo which shows the 1975 Oyster Bar addition to the south of the original restaurant. (Exhibit I) A series of Block Book maps also documents the evolution of the Spenger property over time. (Exhibit J)

14. History

A Chronology of the History of Ocean View, Willow Grove Park, and the Spenger House and Grocery Store

- | | |
|------|--|
| 1858 | 57 people reside in Ocean View, next to the Bay. The area is open farm land with a few homes along the Contra Costa Road (currently San Pablo Avenue). |
| 1873 | The Berkeley Land and Town Improvement Association is incorporated for the creation and opening of new streets in a large tract of land at Ocean View. The Association erects a windmill that extracts fresh ground water for the residents of Ocean View. |
| 1874 | A ferry service from Berkeley to San Francisco is created at the Municipal Wharf at the end of University Ave. |
| 1875 | Willow Grove Park is the central park for residents of Ocean View. The large park includes the land currently occupied by Spenger's Fish Grotto and adjacent parking lot. Strawberry Creek flows through the park, between fifth and third streets, and Bristol (currently Hearst) and University. |
| 1877 | The main line Central Pacific Railroad into Ocean View at Third St. and University Ave. is constructed. |

- 1878 The east (the University of California) & west (Ocean View) areas of Berkeley are incorporated as a city by an act of the state. Total population: 1,617.
- 1881 Fourth Street is cut through Willow Grove Park. A few months later the park is closed.
- 1887 The central pavilion at Willow Grove Park burns down.
- 1890 Johann Spenger sells fish caught fresh from the Bay at his new house and shop near 4th and University, at the site of old Willow Grove Park. The living quarters are above the small one-room grocery store. A horse car line runs down University. Total population of Berkeley: 5101
- 1891 The horse car line is electrified.
- 1892 Block book shows Johann Spenger's pioneer property adjacent to Strawberry Creek. The Willow Grove park is gone, with the land subdivided and owned by many landowners. Ocean View industries expand along the Bay to the west of Spengers. The largest is the gigantic Standard Soap Works south of University Ave. which produces a half million bars of soap per week. More nearby is the Heywood and Jacob's lumber yard at Second St. between Delaware and Bristol (Hearst Ave.). And the Niehaus Planing Mill occupies a twenty-acre site on the waterfront.
- 1893 An electric-car line from East Berkeley (the Downtown) Station connects with the West Berkeley Station. Cars leave every 30 minutes. The West Berkeley station is at Third & Delaware and Third & University. From here easy connections are made to Oakland and San Francisco.

Johann Spenger, patriarch of the pioneering Spenger family, came to the Bay Area in the late 19th century from Germany. According to Frank "Bud" Spenger, Johann's grandson, "Grandpa came here in 1865 and worked as a fisherman on the Bay. He came here to Berkeley and built the pointed house you can see from the front. Well, that's his home."¹

Johann Spenger sold fresh fish which he caught in the Bay and in Lake Merritt. In an oral history, Johann's son, Paul, described how easy it was to catch fish in the Bay.² Even without a boat, one could use a fishing rod at Berkeley's beach and haul in a lot of fish. His father was a great "hook and line man." Now the beach is gone, along with much of the original shoreline.

The Spenger family is a direct link to an earlier time when Berkeley had a strong connection to the Bay and its resources. According to Paul Spenger, even the sand of Berkeley's once large beach was all sold and hauled away by the early entrepreneurs who owned the land along the waterfront. Much of this sand was mixed in the mortar used in constructing the chimneys for houses in Victorian times in West Berkeley. (It made poor mortar due to the high salt content.)

According to Paul Spenger, the family originally lived in a Victorian house at the foot of Addison Street right at the edge of the shoreline. As the shoreline eroded, the house became increasingly in danger of falling into the Bay. So the family had the house moved up Addison to Sixth Street where it sits today on the southeast corner.

¹ Carter, James, "Grotto's longtime patrons have fond memories," Berkeley Voice, September 10, 1998.

² Paul Spenger Oral History, BAHA office.

The Spenger house we know today on Fourth Street, the center of the restaurant, was likely built sometime between 1870 and 1892. (The 1870 date could be possible if the house had been moved to the site, which was developed after 1881). While extant records for it date back to 1892, the house's simplicity, its lack of Victorian ornamentation, the wide board channel rustic redwood siding, the placement of the windows and the simple gabled roofline and returns would suggest that it may have been built much earlier. Its similarity to the Alphonso House (built 1878) at 802 Delaware Street would suggest the possibility of earlier construction, possibly by the carpenter, Alphonso himself, who built many of the houses in the area.

Nevertheless, by 1892 the property does appear on the Block Books showing it on the north side of Strawberry Creek.³ The property is narrow, with only room for the small house. (A later Block book shows Frank Spenger as the owner of most of the western half of the block, with one lot acquired to the south of the pioneer cottage.⁴ The cottage was three blocks from the edge of the shoreline. Nearby a large vernal pond extended from 4th to 7th Street between University and Addison. In the winter, neighborhood residents crossed wooden bridges and walkways to avoid the flooded dirt roads. (The vernal pond no longer exists due to shifts in the water table as a result of the 1906 Earthquake.)⁵

For several decades, the Spengers continued to fish out of their little house on Fourth Street. (Two block maps actually show a net storage shed behind the house, as well as a place to cook crabs.) They enjoyed a maritime lifestyle so prevalent in West Berkeley at the time.

It is well to recall the old shoreline and the natural environment near Spenger's. Just to the west of the property, at the end of University Avenue, was the Municipal Ferry Wharf (constructed in 1874). And there was a second wharf at the end of Delaware Street, the Heywood and Jacobs Lumber Wharf (1853). Strawberry Creek flowed between the two wharfs to the Bay. The creek was a natural route from the Spenger cottage to the Bay. Frank Jr. recalls that he and his buddies had a great time shooting ducks in Strawberry Creek and then going downstream to dig up clams near the bay.

It is also well to recall the town of West Berkeley in the early days of incorporated Berkeley, 1878 to ca. 1890. Many early city offices were located in West Berkeley. The building that housed Berkeley's first "city hall" was the old Workingmen's Hall at 6th and Delaware (later moved to 7th between University & Addison). The City Clerk's office, the Town Constable and the City Jail (called "The Blue House") were located next to Storck's Market on University between 4th and 5th Street. And Brennan's Livery Stable was just across University from Spenger's next to the West Berkeley Hotel. If one closes one's eyes, one can just imagine this bustling shoreline with a ferry slip at University Avenue and train station at Delaware Street, the shoreline extending in a graceful arc from Strawberry Creek on south. The coming of the freeway, Aquatic Park and the Marina, all in the 1930's, welcome modernizations at the time, make it difficult to see that original shoreline.

The Spenger's modest house did not blossom into Spenger's Fish Grotto until 1933. According to Frank Spenger Jr., the actual restaurant wasn't spawned until the end of Prohibition. The story goes that, at the time, Frank Sr. (Johann's son) wanted to get a liquor license; but to do so required the establishment of a full-service restaurant. Berkeley was a "dry town" from 1909 to 1939. Earlier, between 1868 and 1909 there had been established a ban on the sale of liquor

³ 1892 Block Book, BAHA office.

⁴ 1905 Block Book, updated to 1921, BAHA office.

⁵ Cianciarulo, Wilhelmina F. Bolsted, "Berkeley As I Knew It in Early Days," Transcript from Ken Stein Collection.

within a 2-mile radius of the campus, an effort to protect the students from the ravages of liquor. This placed all saloons west of San Pablo Avenue. Later the limit was reduced to a one-mile limit. This placed the saloons west of Sacramento Street. Thus West Berkeley had many saloons in the early days. Somehow students and others found their way to West Berkeley. In 1890, there were 28 bars.⁶ Frank's brother, Paul, recalled some of the many colorful bars in the area, which were usually located on corners with corner entrances. Many of these were later converted to residences and many can still be seen throughout West Berkeley's neighborhoods. One of the larger ones was the Frenchman's Casabonne's, at 6th and Delaware.

In the 1930's the environment around the place had changed dramatically with the many WPA government projects (designed to put people back to work) including the construction of Aquatic Park, its west embankment being the Eastshore Highway (now I-880). The Park and road (although welcomed at the time) virtually destroyed all that remained of the original shoreline; however, remnants can still be seen on the east side of Aquatic Park. The easy access to the water once enjoyed by the Spengers and other families had been removed. Another major impact to Spenger's immediate site was the building of the freeway overpass and the culverting of Strawberry Creek. A 1911 Block map (updated to 1928) shows how the creek just to the south of Spenger's is covered up with a cabinet shop and planing mill, as well as a lumber business.

The original 1933 restaurant included five tables, and a 12-ounce glass of beer cost a dime.⁷ The business took off from the beginning, the fish being supplied by Spenger's maritime operation in Tamales Bay and elsewhere. The business grew by leaps and bounds and by the 1970's Spenger's was one of Berkeley's highest grossing commercial enterprises. Much of the growth of businesses on Fourth Street beginning in the 1980's was due in large part to the success of Spenger's. By 1993, the small restaurant had turned into a sprawling complex with 200 employees serving 2,200 meals on a slow day.⁸

15. Context

One of the reasons for the huge success of Spenger's Fish Grotto is its location close to a central transportation hub. People traveled long distances to get to Spenger's. Even before the construction of the 880 Freeway, the trains and other forms of public transportation had their stops very close to Spenger's. The site is also in the heart of West Berkeley, close to the old business district on Delaware Street and the industrial zone from Ashby to Gilman below Fourth Street which thrived from 1853 until World War II. Certainly the most outstanding land use feature of West Berkeley in this time was its mixed use nature which spanned the time from its earliest settlement days (Everding's Grist Mill next to Everding's house and the houses of his employees; churches, schools, houses, stores and factories all mixed together on any given street: until the advent of the City Manager form of government and zoning in the 1920's. Somehow, despite being in the middle of what the City designated a "Special Industrial" zone, Spenger's always thrived as a commercial restaurant. The presence of heavy industry, steel castings plants, a paint factory, a soap factory, a lumber yard and trains passing every hour or so at its front doorstep, Spenger's has continued to survive and draw large crowds of patrons who love to eat there and are willing to wait sometimes up to two hours for a table. It has only been in recent years that patronage began to decline.

Some of the historical context has already been discussed. Many of the extant Victorian houses in the immediate neighborhood are included in the State Historic Resources Inventory and

⁶ Works Progress Administration, Berkeley, the First 75 Years, Willis Foster, Ed., Gillick Press, 1941.

⁷ Saekel, Karola, "Spenger's: A Family Affair," San Francisco Chronicle, January 27, 1993.

⁸ Ibid.

several are designated City Landmarks. These include the Delaware Street Historic District, the Heywood House (1878) at 1808/11 Fifth Street, the Silva House (1875), the Davis-Harmes House (1890), as well as the Heywood-Ghego House (1877) on Fourth Street. The combination of a ground-floor shop and a second-story living quarters is typical of buildings of the area, especially the Delaware District: "From the 1880's on, Delaware between Fourth and Sixth Streets exemplified the combined residential and commercial shopping street of the typical American working class district."⁹ The Spenger pioneer house was close to Delaware Street; it shows similarities in design and function. One merely needs to go sit in the main dining room of Spenger's and look up at the redwood rafters to see the underpinnings of the house above and get a feel of this Victorian structure.

To examine Spenger's significance within the context of the later history of the area, one must recall that the area suffered a decline in the post-World War II era due to red-lining, racial segregation, restrictive deed covenants in real estate and declining property values. Many properties were controlled by absentee landlords who allowed several of the houses in the area to become run down and dilapidated. One notable case was the Samuel Heywood House at 812 Delaware Street which had been owned by a doctor who lived elsewhere and allowed the house to fall to rack and ruin. Finally, members of the nearby Hispanic church were allowed to completely demolish the building. This was an unfortunate turn of events since Sam Heywood was one of Berkeley's most important early pioneers and businessmen. Many other homes suffered similar fates. Owners were responding to the City's plans to create an "Industrial Park" in the area. They felt the City would pay them handsomely for the land, notwithstanding the presence of declining housing stock. The City finally declared many of the houses "blighted" and began demolishing many of them as part of the West Berkeley Redevelopment Project (begun in 1970) and its ill-fated Industrial Park. Neighbors and their allies throughout the city joined forces to defeat this project (the cry was "Save Ocean View!") but not before 40 houses (many historic) had been demolished including the original pioneer cottage of Capt. James Jacobs on Delaware at 4th Street, the oldest house in Berkeley until its demise in the 1970's.

During this time Spenger's bought up several of the older houses including the Heywood House and the Davis/Harmes House, and it is to Spenger's credit that those houses still exist to this day. In addition, when Spenger's developed the block across the street into a parking lot, it had the few houses located there moved rather than demolished, showing some concern for preserving its surrounding neighborhood.

16. Significance

In Sally B. Woodbridge's Survey of the West Berkeley Redevelopment area, both the site of the old Willow Grove Park and the grocery store/home of Johann Spenger are identified as significant to the history of Ocean View: "These buildings and sites date from about 1854 to the turn of the Century, the period in which West Berkeley contributed most significantly to the development of the town of Berkeley."¹⁰ This landmark application includes the portion of Willow Grove Park which is the land and the underground creek of the Spenger's property. Archeological digs might reveal artifacts that tell us about the natural and manmade features of the historic park and creek. Other artifacts might relate to the Native American people who once lived along the bay at Strawberry Creek for several thousand years until they left in about 1500.. A large ancient

⁹ Woodbridge, Sally B., West Berkeley Industrial Park BRA Project: Cultural Resources Survey Report Submitted to the City of Berkeley Redevelopment Agency, August 31, 1978.

¹⁰ Ibid.

native shellmound has been documented at the estuary of Strawberry Creek, near 2nd St. A dig was made in the 1950's by the UC Archeology Department and registered with the State Historic Resources Office in Sacramento. The dig was in between buildings at Truitt & White Lumber Co. The shellmound is large and begins several hundred feet west of Spenger's.

The pioneer house itself is a rare example of a combined store/living quarters arrangement of the working class era of 19th Century Ocean View. A few similar examples are found in the Delaware Historic District. The restaurant, which is an addition to the pioneer house, is also an important historic resource, since it is an increasingly rare example of Berkeley's once strong connection to the Bay and its plentiful fisheries.

The Oyster Bar addition on the south side of the restaurant was completed in 1975; (see Exhibit H and Exhibit I). The 1892 Block Map shows Strawberry Creek in the lot of the new addition. Landmark designation should include the land, the creek, the original gabled house in the center of the complex and any ancillary constructions that the Commission feels contribute to the flavor and heritage of this important site. Development at the site must take into consideration the presence of the underground creek and any Native American artifacts. It is also important to consider the historic use of the site as a restaurant, its use by neighbors as well as regional patrons, as a hub for transit lines (to this day there are two AC Transit bus stops and an Amtrak station adjacent) and its place in the natural topography of the surrounding West Berkeley area. Spenger's is one of the last buildings built along the original shoreline that has survived to this day and a reminder of early life in Berkeley.

Historic Value: City Yes Neighborhood Yes
Architectural Value: City Yes Neighborhood Yes

17. Is the property endangered? Yes

Explain: The restaurant is closing. There is the threat of demolition.

18. Photographs & Illustrations:

A late 1920's or early 1930's photo of Spenger's Fish Grotto

A photo from the Spenger's menu, which shows the southwest corner of the restaurant with the 1975 Oyster Bar addition

Architectural drawings of similar pioneer cottages in the Delaware Street Historic District

Maps of 19th Century West Berkeley.

Block book maps.

Color photographs, taken September 17, 1998.

19. Bibliography:

Ferrier, William Warren, *Berkeley, California -- The Story of the Evolution of a Hamlet Into a City of Culture and Commerce*, Berkeley, 1933.

WPA Writer's Program: *Berkeley, The First Seventy-Five Years*, Gillick Press, Berkeley, 1941.

Bishop/Langley Directory, 1878/9.

Block Books, BAHA office.

Cianciarulo, Wilhelmina F. Bolsted, "Berkeley As I Knew It in Early Days," Transcript from Ken Stein Collection.

Paul Spenger Oral History, BAHA office.

Saikel, Karola, "Spenger's: A Family Affair," *San Francisco Chronicle*, January 27, 1993

Carter, James, "Grotto's longtime patrons have fond memories," *Berkeley Voice*, September 10, 1998.

Woodbridge, Sally B., *West Berkeley Industrial Park BRA Project: Cultural Resources Survey Report Submitted to the City of Berkeley Redevelopment Agency*, August 31, 1978.

Coburn, William P., A.I.A., *Master Plan for the Delaware Street Historic District*, prepared for Hardison, Kamatsu, Ivelich and Tucker, Architects for the West Berkeley Redevelopment Project, Berkeley, California.

Historic maps of Oakland Township and Berkeley from the Bancroft Library and the Map Room.

Husted's Oakland, Alameda and Berkeley, Directory: 1892 - 1920. At Oakland Library.

20. Recorder:

Stephanie Manning, 2107 5th Street, Berkeley, CA 94710.
Doug Morse, 1220 Burnett Street, Berkeley, CA 94702.

21. Recorded: September 1998

37

Exhibit A

See map on next page

3

LIST OF SITES AND BUILDINGS

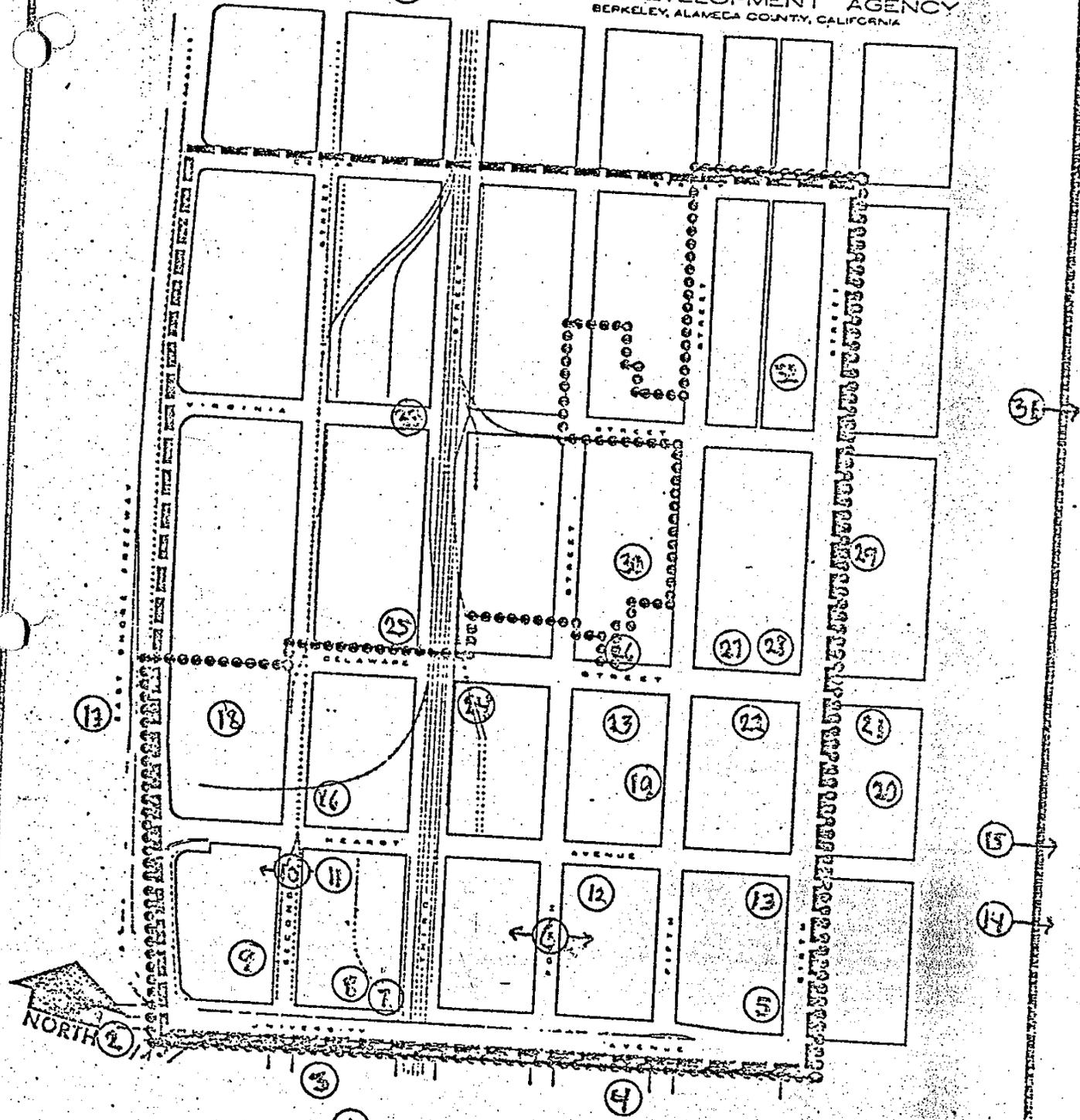
1. Standard Soap Works, site of
2. Jacob's Landing, later Ferry Wharf and Municipal Wharf, site of
3. O'Neil Glass Works, still existing
4. Offices of the Advocate and the B.L.T.I.A., site of
5. Sisterna Hall, site of
- 6. Willow Grove Park, site of
7. Franklin House, first residence of Niehaus, Schuster and Wheelan, site of
8. El Dorado Oil Works, site of
9. Wheelan Flour Mill, site of
10. Pioneer Starch Works and residence of John Everding; site of
- 11. Pacific Guano and Fertilizer Co., site of
12. Spenger's house and grocery, site of
13. S.A. Penwell Residence, site of
14. Westminister Presbyterian Church, still existing
15. Church of the Good Shepherd, still standing
16. West Berkeley Planing Mill, site of
17. Lumber Wharf, Heywood and Jacobs, site of
18. West Berkeley Lumber Co./Z.B. Heywood & Co./Ford and Taylor, site of
19. Charles Heywood House, still standing
20. 7th Street School, still standing
21. Higgins Store and Post Office, still standing
22. Samuel Heywood Residence, site of
23. First Heywood family Residence and Office, site of
24. Southern Pacific RR Depot, site of
25. Baronides Hotel, site of
26. Captain James Jacobs Residence, site of
27. D.R. Wentworth Shoe Factory, site of
28. The West Berkeley Garden, Casabonne's, still standing
29. Ernest Rammelsberg Residence, site of
30. Joseph Alphonso Residence, still standing, moved
31. Ocean View School, San Pablo and Virginia, site of
32. August Rammelsberg Ranch and Residence, site of
33. Pure Carbonic Co., site of
34. Glove Factory and Tannery, site of
35. California Watch Co./Wentworth Boot and Shoe Co., site of

These buildings and sites date from about 1854 to the turn of the Century, the period in which West Berkeley contributed most significantly to the development of the town of Berkeley. Further research may reveal other significant sites; the information presently available on the existing resources will, in all likelihood, be expanded. This map and its marked resources should be regarded as a base for further research to produce an educational document which will communicate the history of this most significant area to the public.

Joodbridge, Sally B. West Berkeley Industrial Park BRA Project: Cultural Survey Report Submitted to the City of Berkeley Redevelopment Agency, August 31, 1978.

Exhibit A

REDEVELOPMENT AGENCY
BERKELEY, ALAMEDA COUNTY, CALIFORNIA



--- PROJECT BOUNDARY ---
— EXISTING STREET PLAN —
..... FEDERALLY AIDED AREA

Boundary Map
Figure 4: West Berkeley Industrial Park



Exhibit B

WILLOW GROVE PARK per BERKELEY DAILY ADVOCATE :

Feb 1881

".....one of the finest grounds this side of the Bay notwithstanding the opening of 4th Street. The proprietor intends to fix up the grounds in fine style for the pleasure parties. The square formed by opening of the street will be kept intact for the present, and trees and shubbery planted and walks laid out. ~~xxx~~ J.W. Hink considers the opening of the street a high-handed proceeding and intends to prosecute the town for damages..."

Sept 11, 1979 "... a small, but very sociable and enjoyable picnic of colored folks took place on Monday last at Willow ~~Grove~~ Grove Park.."

1881 "...Hink's improvements removed by opening of 4th at Willow ~~Grove~~ Grove Park."

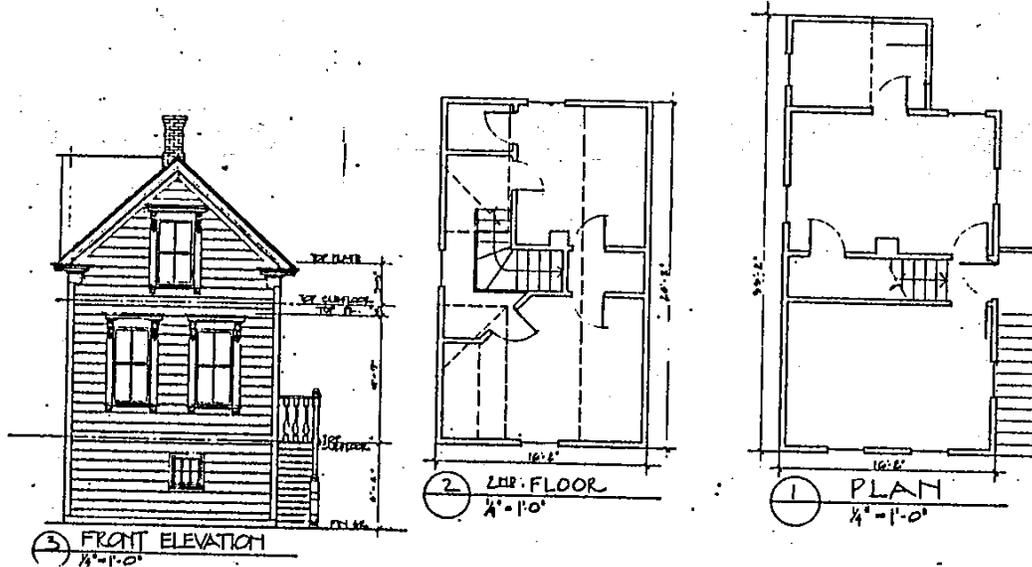
~~Max~~

March 5, 1881. "...We shall have no Willow Grove Park in Berkeley this summer... The Willow Grove Park was about the only attraction for visitors to West Berkeley from the metropolis and its closing will divert the loose change of excursionists in another direction..."

ADD in 1879 issue: ~~FRANKLIN HOUSE~~

FRANKLIN HOUSE an Emperor Norton supervise barbaru
corner University & Railroad Avenue
\$5.00 per week
wines, liquors & cigars

Exhibit C



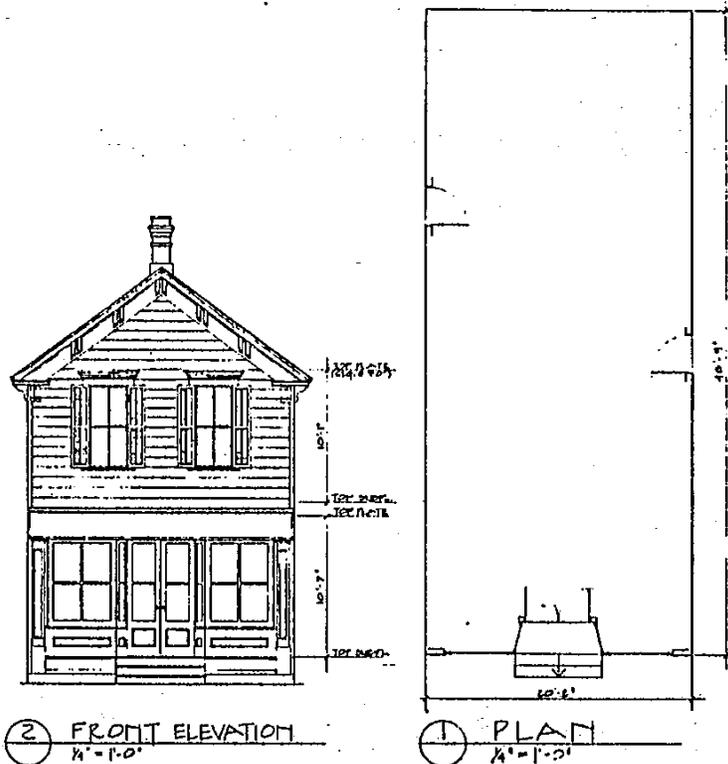
802 DELAWARE STREET

DESCRIPTION

802 Delaware Street (now on temporary blocks on the east side of the 1700 block of 5th Street) is a one-and-one-half story gabled house whose style is vernacular/Classical Revival. There are soffited eaves and eave returns, and the front elevation has window facings and cornices which are unusually elaborate for so modest a building. The building is of wood frame construction, and is sheathed in 8 3/4" wide channel rustic siding. In plan, the house is organized around a central stair hall with a room on each side on each floor. The small shed roof over the front door, and the extensions off the kitchen are later additions, but the existing fabric of the original building appears totally unaltered. The house once sat on a slightly raised basement, and its chimney must be rebuilt; these details can be recaptured from early photographs.

Coburn, William P., A.I.A., Master Plan for the Delaware Street Historic District, Berkeley, CA.

Exhibit D

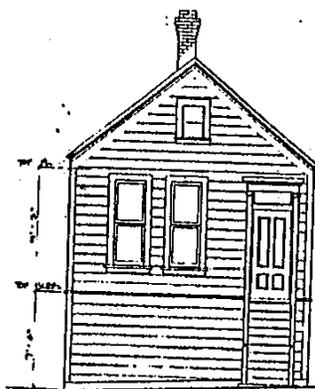


800 DELAWARE STREET

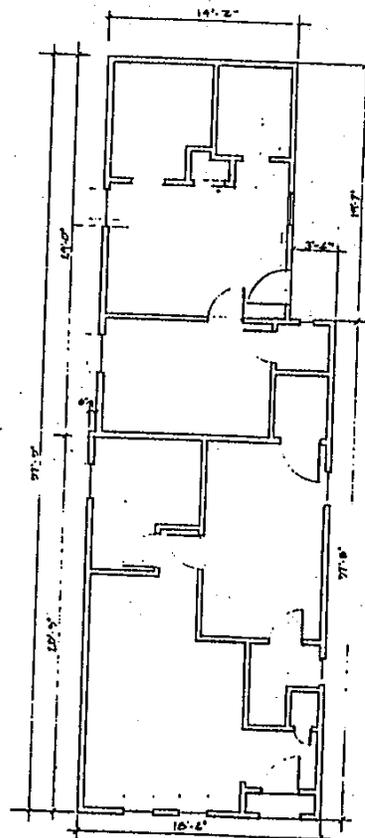
DESCRIPTION

800 Delaware Street (now located at 834 Delaware Street) is a two story, wood frame Classical Revival building with commercial facilities on the ground floor, and residential quarters above. The eaves are soffited, and early photographs show eave returns and paired brackets, since removed. The original channel rustic siding is currently concealed under asbestos shingle siding. Early photographs also reveal a chimney (no longer extant) and pilasters at the ground floor. The extension at the entry to the second floor entry is a later addition, and a photograph taken when the building once stood on this site shows the stair from the second floor leading to the rear, rather than to the front,

Exhibit E



2 FRONT ELEVATION
1/4" = 1'-0"



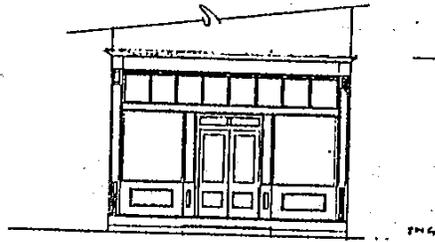
1 PLAN
1/4" = 1'-0"

807 DELAWARE STREET

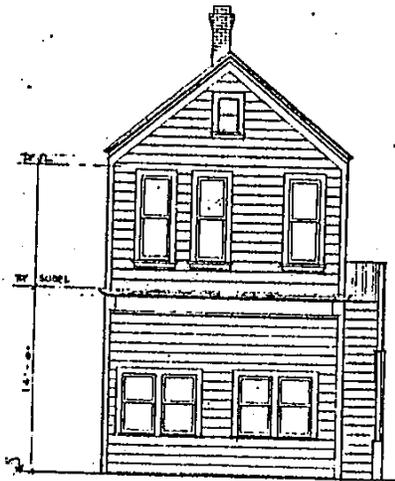
DESCRIPTION

807 Delaware is a one story, raised-basement, vernacular/Classical Revival residence very similar, but not identical to, the building next door (see notes on 805 Delaware Street). The structure is wood frame, and the building is sheathed with 8 $\frac{1}{2}$ " channel rustic. The gabled roof has a soffited overhang with ornamental mouldings at the gable ends, but no overhang at the side except for mouldings. There is a small, carefully detailed porch at the

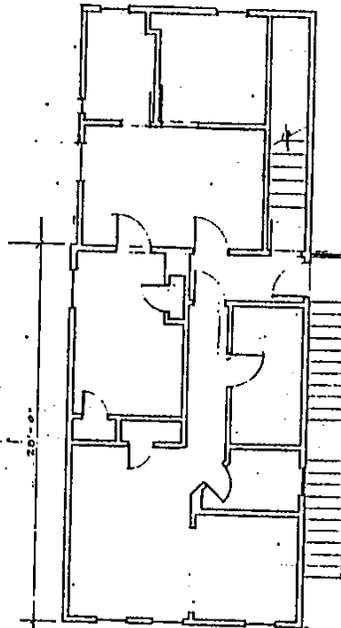
Exhibit F



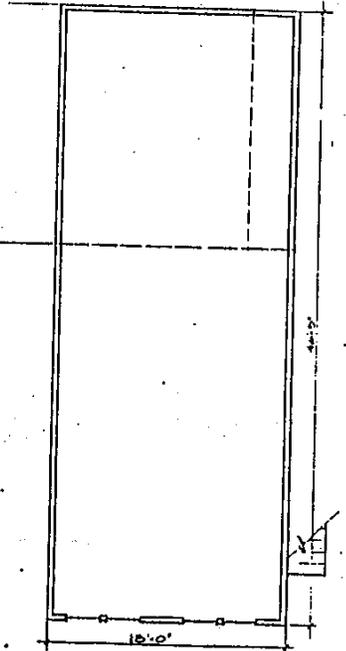
④ FRONT ELEVATION (RECONSTRUCTED)
1/4" = 1'-0"



③ FRONT ELEVATION (EXIST'G)
1/4" = 1'-0"



② 2ND FLOOR PLAN
1/4" = 1'-0"



① PLAN
1/4" = 1'-0"

805 DELAWARE STREET

DESCRIPTION

805 Delaware Street is a two story vernacular/Classical Revival building with commercial space on the ground floor, and two living units above. The building is of wood frame construction, with $8\frac{1}{2}$ " channel rustic siding on the upper floor, and V groove siding below. The gabled roof has soffited overhangs with ornamental mouldings at the gable-ends, but no overhangs

WENTWORTH/MCEVOY HOUSE
805 Delaware
Berkeley, California
Built: c.1875

WENTWORTH/KROLL HOUSE
807 Delaware
Berkeley, California
Built: c.1893

Yr. _____
3 SHL _____
Sig _____
Fed _____

Photo: taken c.1960 (courtesy Marion Hammond Collection)

HIST
IDENTIF

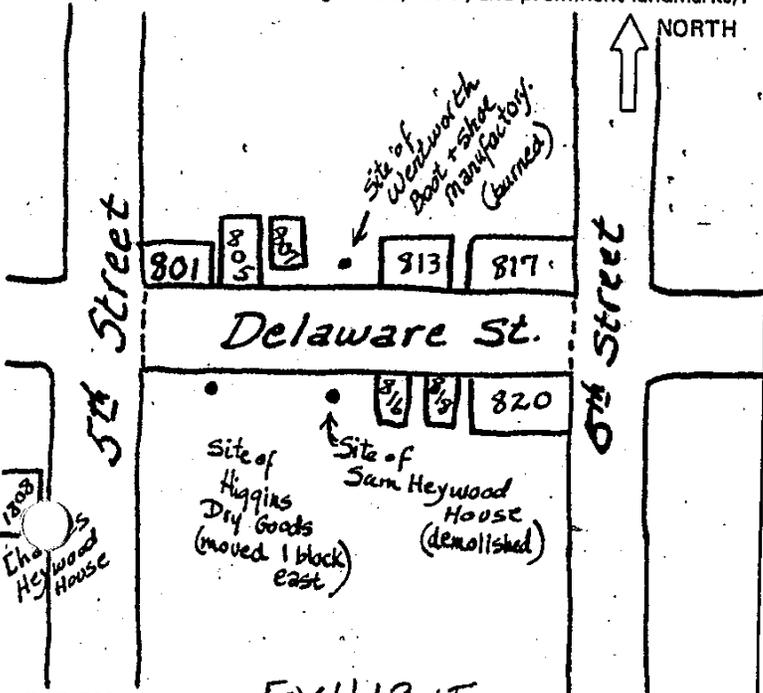
1. Common name: The Delaware Streetscape
2. Historic name, if known: Delaware Street
3. Street or rural address: '800 block of Delaware Street
City: Berkeley ZIP: 94710 County: Alameda
4. Present owner, if known: Berkeley Redevelopment Agency Address: 2180 Milvia, Civic Center
City: Berkeley ZIP: 94704 Ownership is: Public Private
5. Present Use: not in use Original Use: commercial-residential street
Other past uses: horse car transportation line

DESCRIPTION

6. Briefly describe the present physical appearance of the site or structure and describe any major alterations from its original condition: This one block is located within a six-block area of the federally funded re-development project entitled West Berkeley Industrial Park (Calif.A-6) which has been only partially realized. Once five blocks from the East shoreline of the San Francisco Bay, it is now additionally separated from the Bay by Interstate 80 and the Berkeley Marina. The ground is continuously flat rising slightly toward the East Berkeley Hills. Originally in the 1870's the street was built up on both sides with small houses and small store front buildings which usually housed the family either above or behind. All the structures were aligned close to the sidewalk with little, if any, front yard and little space between them. Today on the North side of the street there are five remaining structures and on the South three remaining structures all suggesting the simple "pioneer" Victorian typical of Ocean View in the 1870's. The block is unique from other surrounding streets in that it has no major 20th C. structural intrusion. Because the street was closed in 1975 to accommodate a future industrial site, the streetscape has an added sense of antiquity - like an early California ghost town. All eight structures have been abandoned and boarded up. Three of the eight have been seriously damaged by fire, but not

7. Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):

8. Approximate property size:
Lot size (in feet) Frontage beyond repair.
Depth _____
or approx. acreage 1.9348.



9. Condition: (check one)
a. Excellent b. Good c. Fair
d. Deteriorated e. No longer in existence
10. Is the feature a. Altered? b. Unaltered?
11. Surroundings: (Check more than one if necessary)
a. Open land b. Scattered buildings
c. Densely built-up d. Residential
e. Commercial f. Industrial
g. Other
12. Threats to site:
a. None known b. Private development
c. Zoning d. Public Works project
e. Vandalism f. Other weather & fire
13. Date(s) of enclosed photograph(s): _____

Woodbridge, Sally - see Cultural Survey Report
sited for Exhibit A.

26

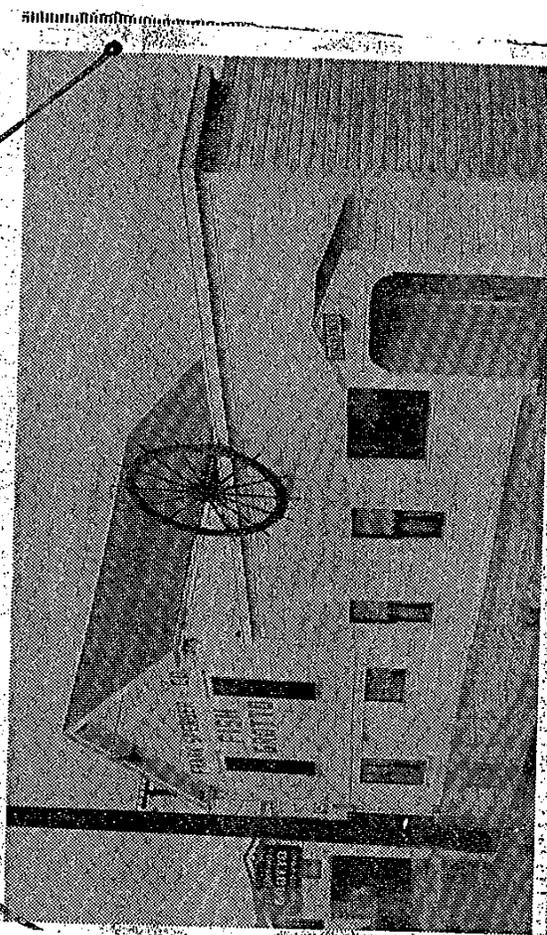
quite possible that the plans for both of these buildings came from one of the many carpenter's pattern books commonly produced by lumber mills following eastern examples or brought west by the carpenters themselves as part of their stock in trade.

Designing from pattern books was common practice in the early building period on the west coast. In the absence of licensing or any kind of certificating procedure, "architects" usually trained themselves as carpenter-builders, taking their design ideas from pattern books and other available publications. On the modest budget level of the Ocean View population the most logical source of design motifs would have been the nearby lumber mills. Some twenty-six carpenters lived in the area bounded by Cedar and University from the waterfront to Sixth Street. Many of them were active in building homes. For example, Joseph Alphonso, a Portugese immigrant who was listed in the Alameda County Register of 1878 as a cabinet-maker employed at the West Berkeley Planning Mill, built his house in that year at 1738 Fifth Street (the house has since been moved temporarily to 1731-33 Fifth Street). This small building (illustration #5) previously referred to in connection with the Higgins store, is a good example of west coast vernacular design in transition from the Greek Revival to the still Classic but more ornamented Italianate Style. The strong but simple cornice molding with slight returns at the gable-end corners but without brackets reflects the Greek Revival. The flat window heads also reflect the earlier mode, but the consoles supporting them and the side strips of the frames which drop below the sills are more in keeping with the Italianate. Even the Gothic Revival is echoed here in the rather narrow form of the house and the high-peaked roof with central cross-gable. This building has been nominated to the National Register, but is awaiting a permanent site.

No other buildings by Alphonso are known at this time, but three cottages erected in 1878 by John Helwig using the services of carpenters C.W. Davis and E.R. Forsyth are still identifiable. These stand at

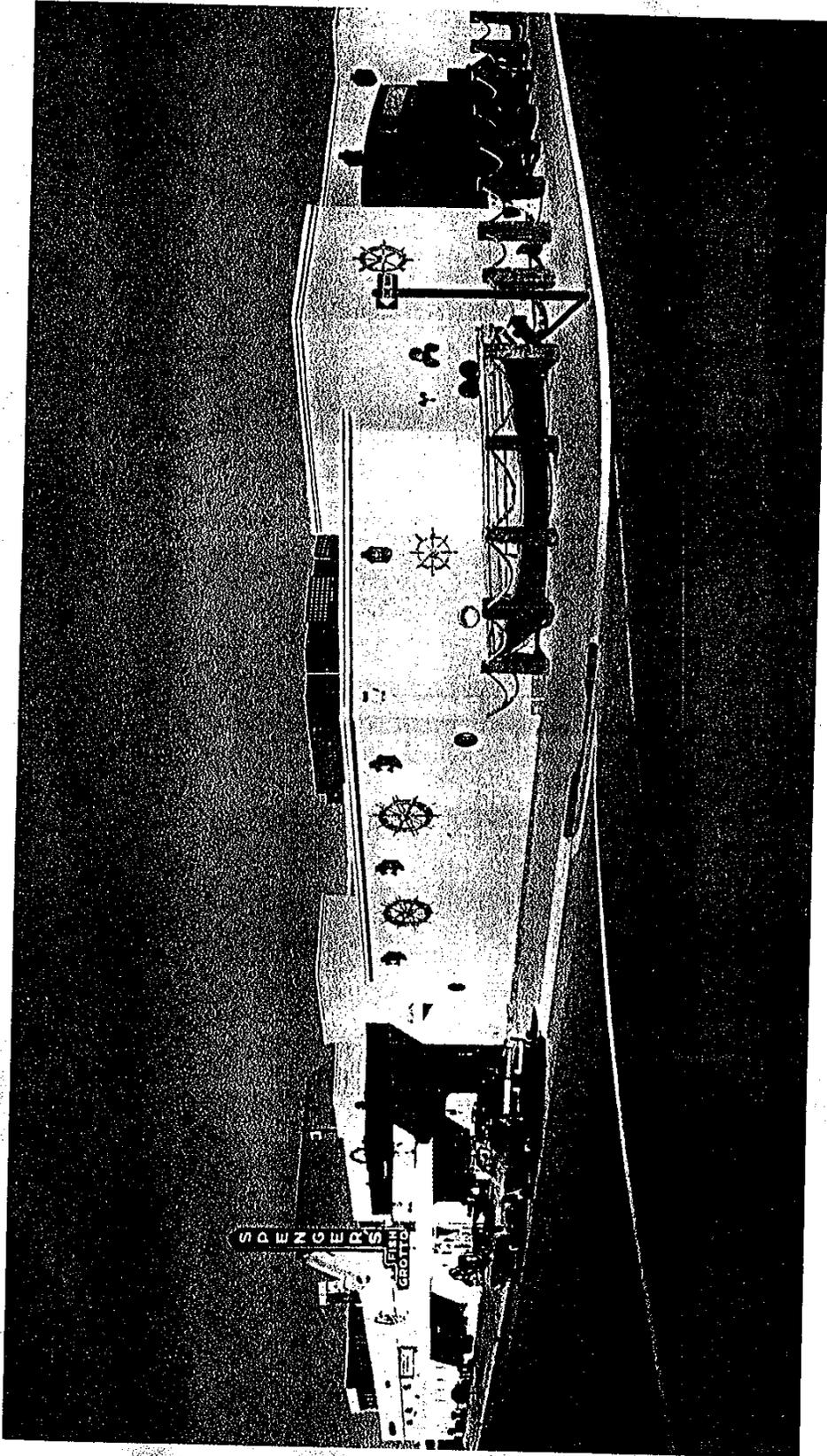
Exhibit G

B.D.G.
8/10/73



ORIGINAL — The start of Spenger's Fish Grotto is pictured above. As near as can be ascertained, the picture was taken in the late 1920's or early 30's and shows the beginning of what is now one of the largest restaurants west of the Mississippi. The restaurant was started by Frank Spenger, Sr., who died Tuesday and was buried yesterday. The present Spenger's on Fourth Street is a monument to the industry of the Berkeley native and civic leader.

Exhibit H



Spenger's Colorful History

IN 1865, JOHANN SPENGER arrived in this country at the age of 17 from BAVARIA. He settled in West Berkeley at the site of this structure. He built his home here and opened a little one room country store. FRANK SPENGER, SR. (Johann's son)

TODAY TWO GENERATIONS continue to operate their Grotto in the traditional family manner—with fish-from their own boats, supplemented by delectable sea foods from all parts of the world,

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

(State use only)
 Ser _____ Site _____ Mo. _____ Yr. 636
 UTM 10/561770/41 220 NR 3 SHL _____
 Lat _____ Lon _____ Era _____ Sig _____
 Adm _____ T2 _____ T3 _____ Cat _____ HABS _____ HAER _____ Fed _____

HISTORIC RESOURCES INVENTORY

Exhibit J
IDENTIFICATION

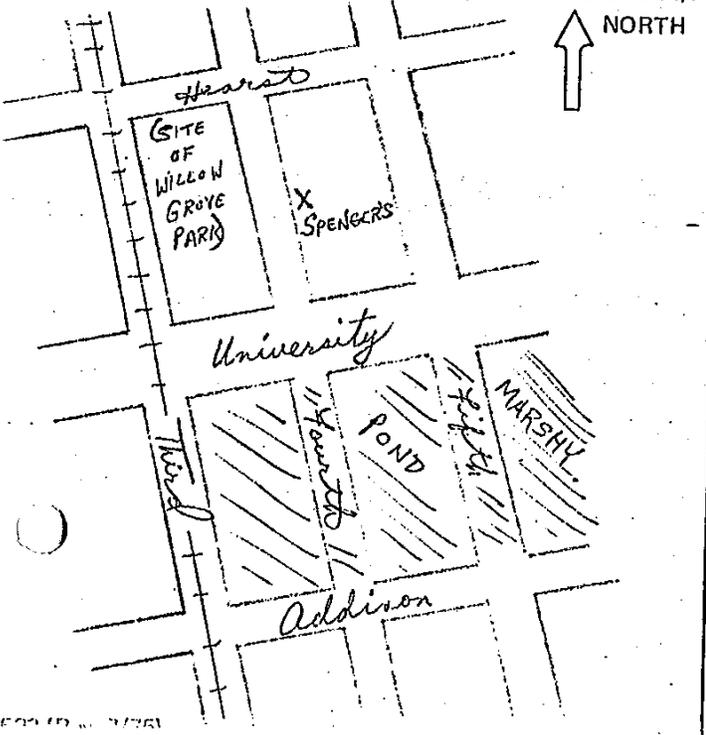
ee
he
llowing
storic
aps.

- Common name: Spencer's Fish Crotto
- Historic name, if known: Spencer House and Market
- Street or rural address: 1919/1921 Fourth Street
 City: Berkeley ZIP: 94710 County: Alameda
- Present owner, if known: Frank Spenger Co Address: 1919 Fourth Street
 City: Berkeley ZIP: 94710 Ownership is: Public Private
- Present Use: commercial/residential Original Use: residential/commercial
 Other past uses: _____

DESCRIPTION

6. Briefly describe the present physical appearance of the site or structure and describe any major alterations from its original condition:
 The Spenger House is a raised-basement wood-frame cottage that has been converted from a Victorian house into a fish restaurant. The ground floor of the original house has been converted into a dining room and no one knows what is on the main story. The restaurant has been expanded to the left and right with wood-frame additions (single-story except over the fish market is Mrs. Spenger's penthouse where she lives.) The original structure still maintains some of its original integrity in the form of long narrow windows capped by hoods and a gabled roof with returns. The wood siding is still intact. But the lower part of the total structure has been made to look a bit like a ship from olden days (pre1900s) and it takes a careful eye to distinguish the evidence of Spenger's roots.

7. Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):

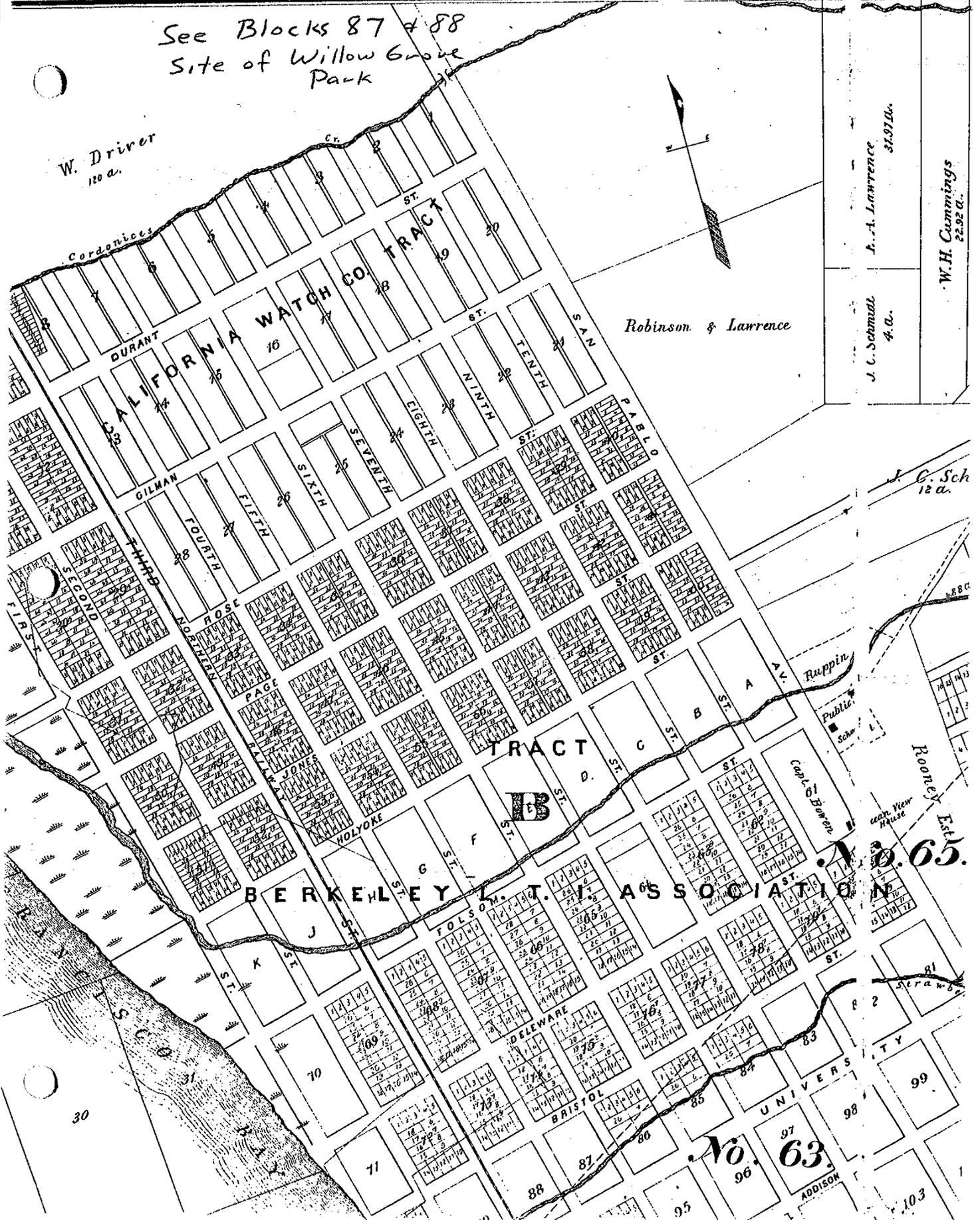


- Approximate property size:
 Lot size (in feet) Frontage 184'
 Depth 125'
 or approx. acreage _____
- Condition: (check one)
 a. Excellent b. Good c. Fair
 d. Deteriorated e. No longer in existence
- Is the feature a. Altered? b. Unaltered?
- Surroundings: (Check more than one if necessary)
 a. Open land b. Scattered buildings
 c. Densely built-up d. Residential
 e. Commercial f. Industrial
 g. Other
- Threats to site:
 a. None known b. Private development
 c. Zoning d. Public Works project
 e. Vandalism f. Other

SEVENTEEN

1878 Historical Atlas of Alameda County
The Mission & West Oakland

See Blocks 87 & 88
Site of Willow Grove
Park



W. Driner
120 a.

Robinson & Lawrence

J. A. Lawrence
21,970 a.

W. H. Cummings
22,922 a.

J. C. Sch
12 a.

Roney's Estate
65

63

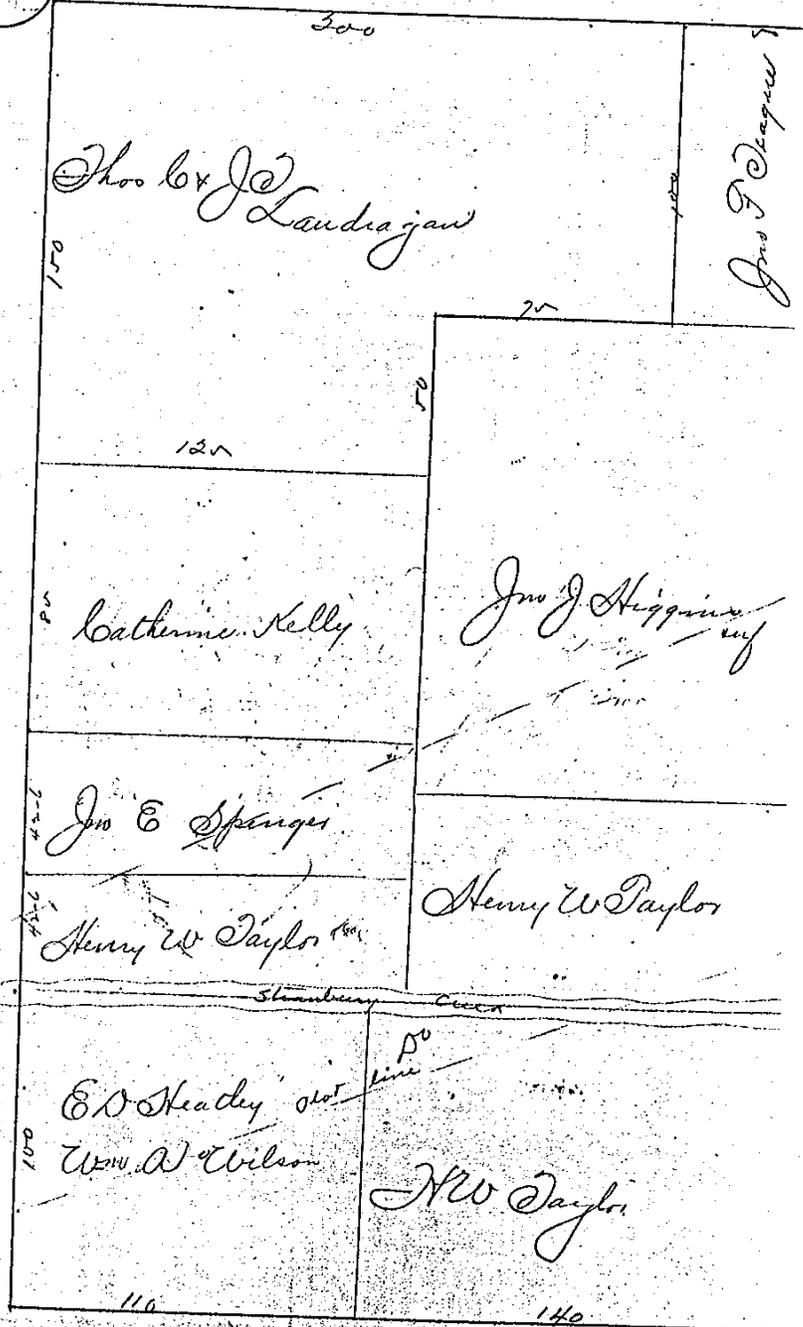
63

ADDISON

1892

87

BRISTOL



FOURTH

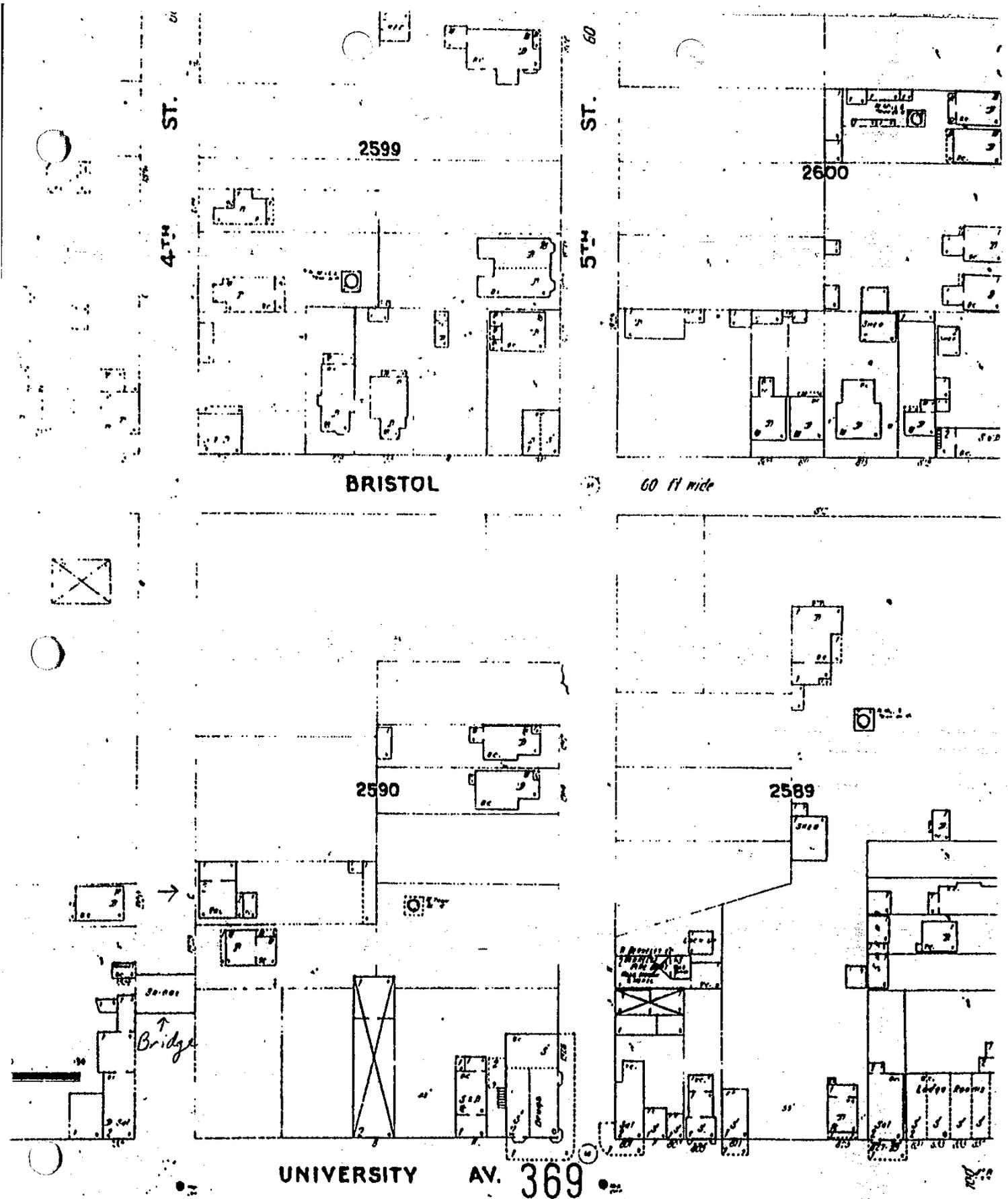
UNIVERSITY AVE.



U.S.G.S. TOPOGRAPHICAL
1899 Map (section),
showing structures in
West Berkeley. The long
wharf extends out from
University Avenue.

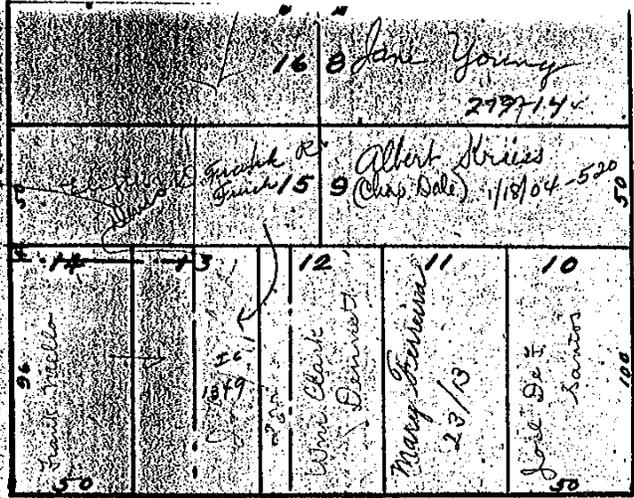
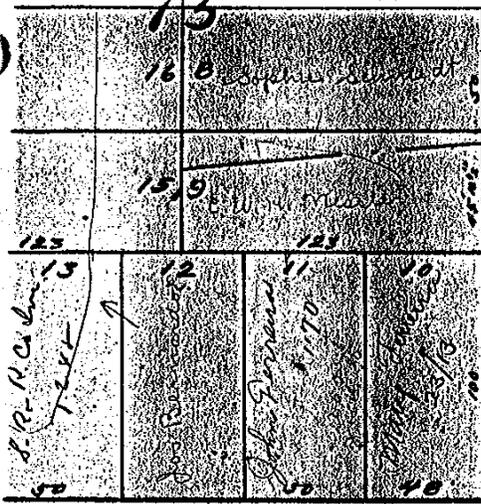
(Courtesy Bancroft
Library, Univ. of Calif.)





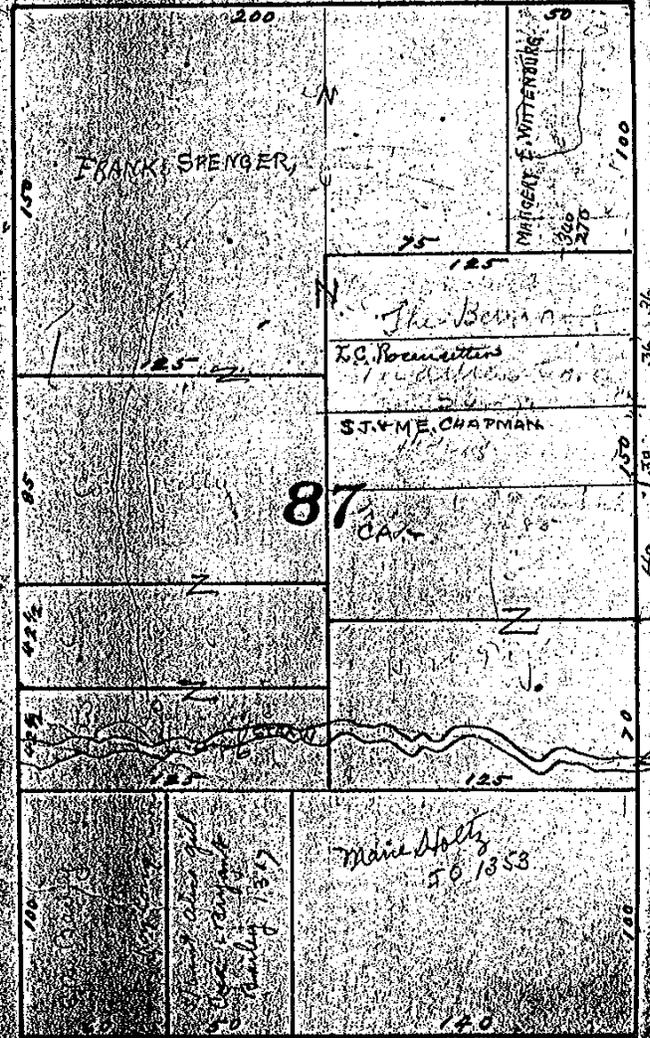
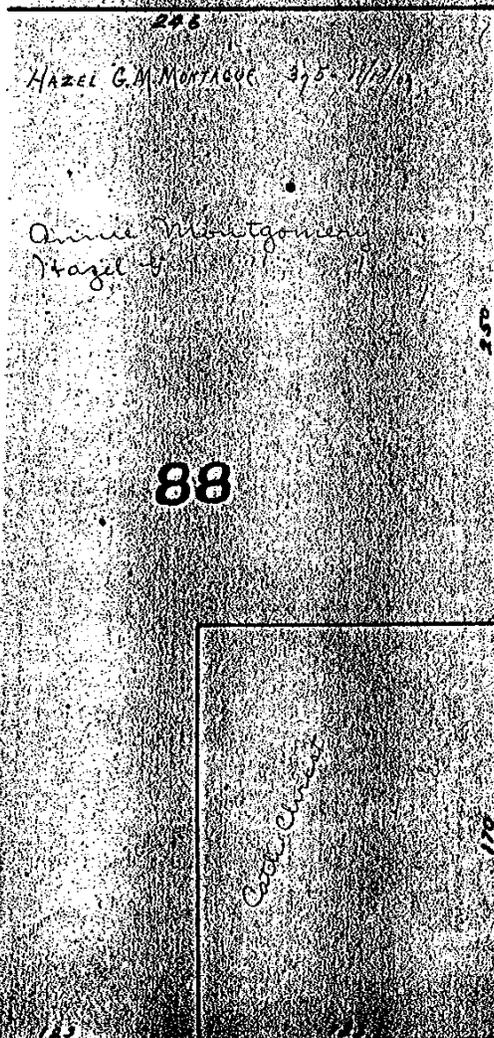
↑ Spenger's Cottage
(Note: the bridge over Strawberry Creek 1903)

1905 book, updated to 1921



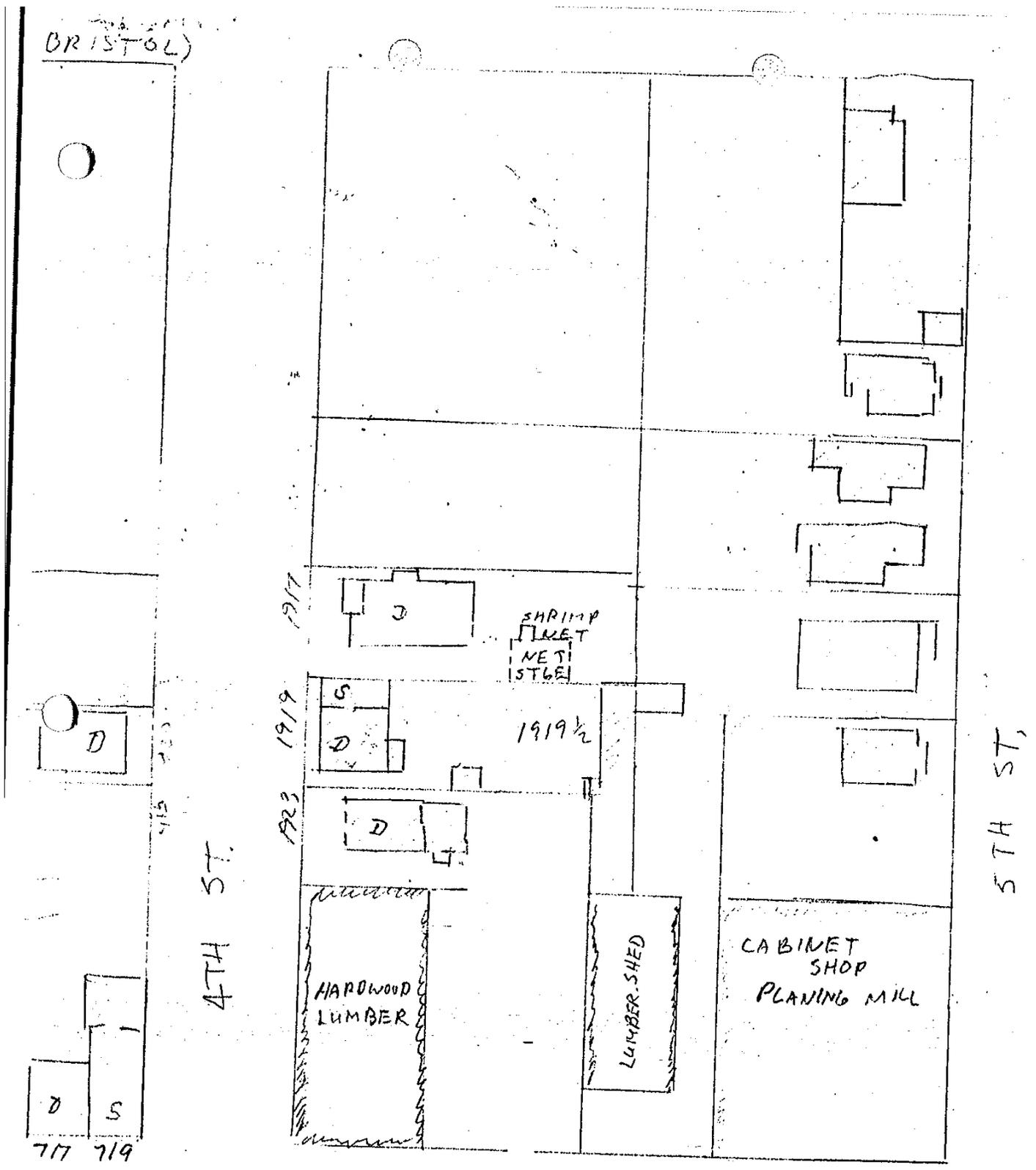
HEARST
BRISTOL

ST.

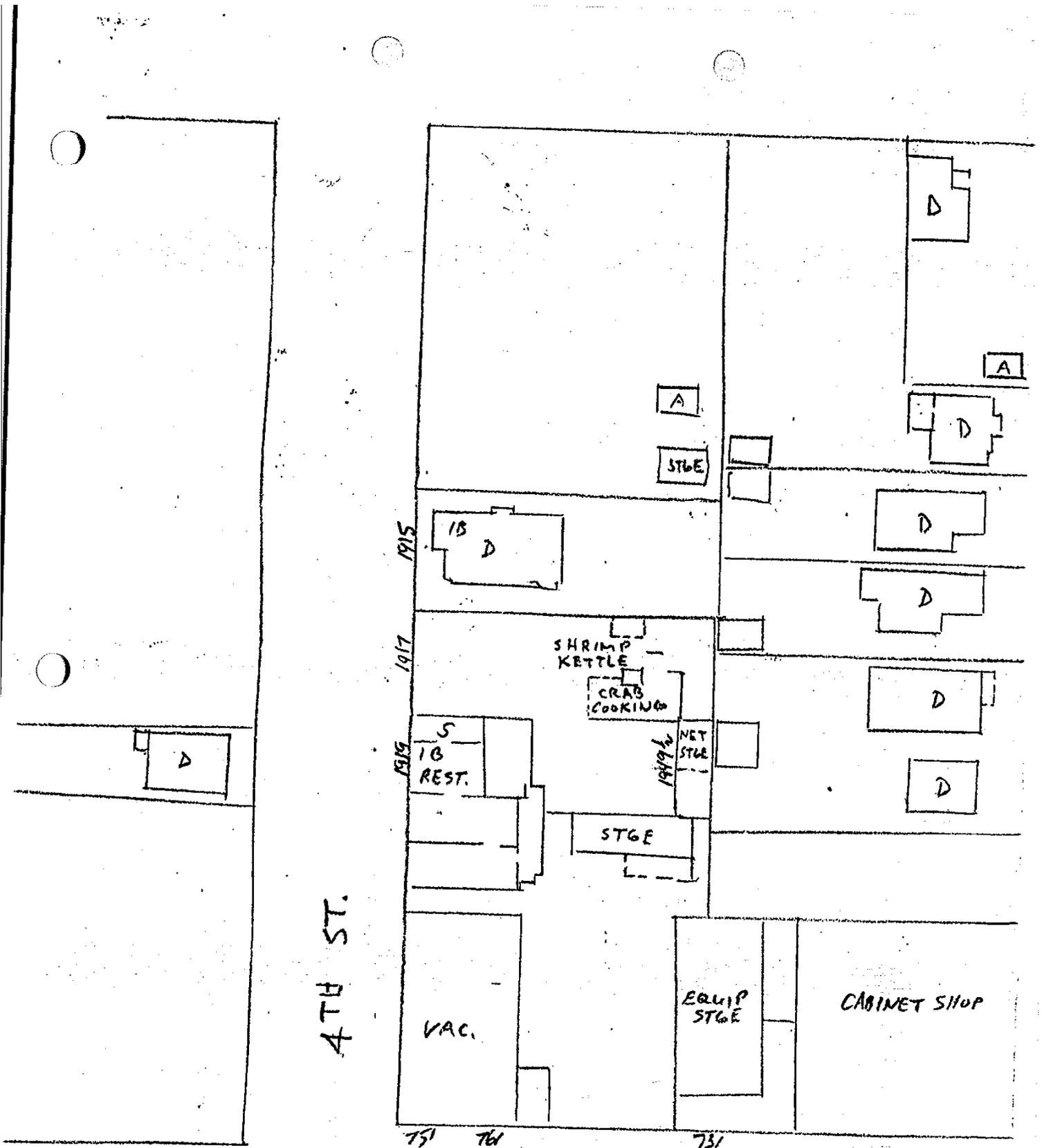


UNIVERSITY

AVE



Sanborn Map - traced
1911 - updated to 1928



UNIVERSITY

Sanborn Map - traced

1929 updated to 1941

INDEXED

CITY OF BERKELEY
USE PERMIT

RESOLUTION NO. 3143

Granting ~~Bying~~ FRANK SPENGER COMPANY a permit to use the property
at 1915 FOURTH STREET
for AN ADDITION TO EXISTING DWELLING, IN THE M DISTRICT

WHEREAS: The Board of Adjustments of the Planning Commission of the City of Berkeley, State of California has considered the application of FRANK SPENGER COMPANY requesting permission TO MAKE AN ADDITION TO EXISTING DWELLING TO BE USED AS A BANQUET HALL WITH PARTIAL SECOND STORY TO BE USED FOR LIVING QUARTERS TO BE OCCUPIED BY MANAGER

In accordance with Chapter 20 of Ordinance No. 3018 N.S., the Zoning Ordinance of the City of Berkeley, and

WHEREAS: The said Board of Adjustments finds that the establishment or maintenance of the use for which application is made ~~will~~ ^{will not} be injurious to property or improvements or detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of such use.

NOW THEREFORE BE IT RESOLVED: That said Board of Adjustments hereby grants the issuance of said Use Permit subject to compliance with all other city ordinances, including such other licenses and permits as may be required and further conditions as follows:

1. CONSTRUCTION MUST BE IN ACCORDANCE WITH PLANS SUBMITTED WITH THE APPLICATION BEARING ZONING PERMIT STAMP DATED MAY 19, 1954.
2. ALL NECESSARY PERMITS MUST BE OBTAINED FROM THE BUILDING DEPARTMENT BEFORE CONSTRUCTION IS STARTED.
3. CONSTRUCTION MUST BE TO THE SATISFACTION OF THE BUILDING INSPECTION SUPT.

UNLESS THE RIGHT GRANTED BY THE PERMIT IS EXERCISED WITHIN 6 MONTHS FROM DATE OF ISSUE THE PERMIT WILL EXPIRE. THE PERMIT MAY BE EXTENDED UPON WRITTEN APPLICATION MADE PRIOR TO EXPIRATION DATE.

Regularly passed and adopted by the Board of Adjustments of the Planning Commission of the City of Berkeley, State of California on

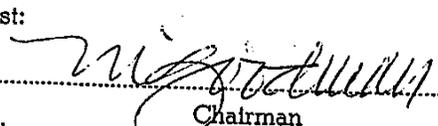
the 19TH day of MAY, 1954, by the following vote:

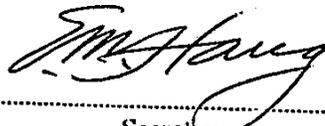
Ayes: Commissioners MARSH, MITCHELL AND CHAIRMAN GOODMAN

Noes: Commissioners NONE

Absent: Commissioners DE MELLO

Date: MAY 20, 1954

Attest: 
Chairman


Secretary

CITY OF BERKELEY

USE PERMIT

APPLICATION

TO THE BOARD OF ADJUSTMENTS OF THE PLANNING COMMISSION OF THE CITY OF BERKELEY:

The undersigned hereby applies for a USE PERMIT in accordance with Chapter 20 of Ordinance No. 3018 N.S., the Zoning Ordinance of the City of Berkeley and submits the following for your consideration:

1. That Frank Spenger Company is the owner of certain real property located in the City of Berkeley, State of California, and more particularly described as follows:

1915 Fourth Street

2. That said real property is now located in a Industrial - M. - District.

3. That the applicant desires a Use Permit to allow the establishment of the following property use:

Construction of a Banquet Hall with a partial second story to be used

as living quarters in connection with management of the Banquet Hall

and the adjoining Restaurant.

4. That the following statements and evidence are submitted to show why the Use Permit should be issued: (Attach plans, sketches, exhibits, etc., as may be necessary.)

Statement and Sketches

I hereby state that I am the applicant of this application; that owner of the property hereby approves this application and that the foregoing statements and answers herein made and all data, information and evidence herewith submitted is in all respects, to the best of my knowledge and belief, true and correct.

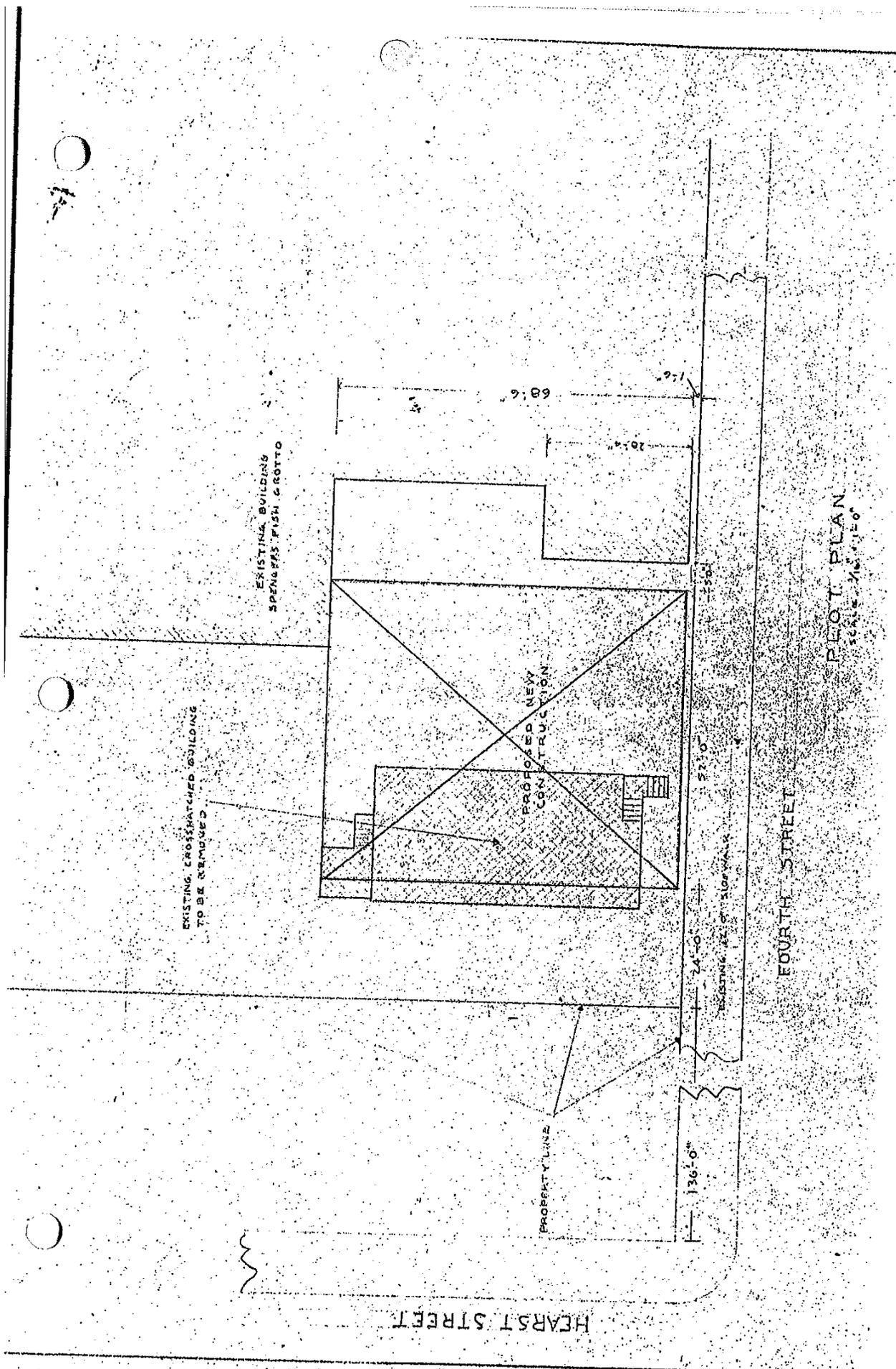
Applicant's Signature Frank Spenger

Address 1917 Fourth St

Phone Bank 7-7745

Date APR 29 1954

NOTE: Plans required to accompany the application unless otherwise instructed by the Planning Commission or an employee thereof; an accurate Plot Plan showing location of all existing and proposed buildings, yards, driveways, general floor plans, front and side elevations—all drawn to scale and fully dimensioned for new or additional improvements.



PLOT PLAN
SCALE: 1/8" = 1'-0"

RESOLUTION NO. 558

WHEREAS, the Community Redevelopment Law (Part I, Division 24, of the Health and Safety Code of the State of California) created the Redevelopment Agency of the City of Berkeley, which Agency is authorized to transact business and exercise its powers pursuant to Resolution No. 38,310 N.S. of the Council of the City of Berkeley, adopted May 9, 1961 and Resolution No. 41,364 N.S. of the Council of Berkeley, adopted July 26, 1966.

WHEREAS, by Ordinance No. 4,271 N.S. adopted July 20, 1967, the said Council gave final approval to the Redevelopment Plan for the West Berkeley Industrial Park Project Area, which Plan and Project Area are described in said Ordinance; and,

WHEREAS, the Redevelopment Agency of the City of Berkeley has adopted variance procedures by Resolution No. 172, dated July 10, 1969 pursuant to said Plan; and,

WHEREAS, Frank Spenger Company filed an application for variance dated February 18, 1975, said application hereto attached as Exhibit A; and,

WHEREAS, the City of Berkeley has conducted a hearing concerning said application, pursuant to said variance procedure; and

WHEREAS, the Redevelopment Agency of the City of Berkeley finds that a literal interpretation and enforcement of the restrictions and limitations imposed by the Redevelopment Plan with respect to the construction proposed in said variance application will result in unnecessary hardships for the prospective leasee, practical difficulties or consequences inconsistent with the general purposes and intent of the Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Redevelopment Agency of the City of Berkeley that a variance be granted to Frank Spenger Company pursuant to the February 18, 1975 application for variance filed by said firm.

BE IT FURTHER RESOLVED, that such granting of said variance shall be subject to the following conditions:

1. Said variance shall apply only to Frank Spenger Company and it shall become null and void upon change of ownership.
2. Frank Spenger Company shall complete pursuant to the plans approved by the Redevelopment Agency of the City of Berkeley, improvements designed to enhance the appearance of the existing property, in accordance with the provisions of the adopted Redevelopment Plan.
3. Frank Spenger Company shall operate and maintain the premises in accordance with the provisions of the adopted Plan.

4. There shall be executed by Frank Spenger Company and the Redevelopment Agency of the City of Berkeley an Owner Participation Agreement.
5. There shall be approval by the Redevelopment Agency of the City of Berkeley of a revised landscaping plan which would be consistent with City Council action with respect to the reconstruction of the segment of Fourth Street between University Avenue and Hearst Avenue.

RESOLUTION NO.

Dated March 10, 1975

Adopted by the Redevelopment Agency of the City of Berkeley by the following vote:

Ayes: Garrett, Goodman, Yamasaki, Chairman Ruth

Noes: Nisbet

Absent: Gordon

Thomas S. Ruth *WRJ*
Chairman

Attest: Thomas M. Cook
Secretary

222-251 25M SETS 8/77

*For D
Garry M*

CITY OF BERKELEY

Memorandum

*Fourth St ?
File*

File: Sts.-Fourth
x: 517 #4
x: 2053

TO CITY ATTORNEY
Attention: CHUCK TRIEBEL

DATE March 3, 1975

FROM DIRECTOR OF PUBLIC WORKS

SUBJECT: BUILDINGS SUBJECT TO INUNDATION

Thank you for investigating our request of February 19, 1975, concerning flooding of Spenger's Restaurant.

During a 100-year storm the flow of Strawberry Creek will be approximately 1,500 cubic feet per second. The capacity of the Strawberry Creek channel between San Pablo Avenue and Second Street is approximately 600 c.f.s.

In my opinion, 900 c.f.s. will be coming down University Avenue, and it will be flowing up to two feet deep above the gutter. This will come on the frequency of once every 100 years, causing a probability of flooding into the new Spenger's Restaurant should it be constructed less than two feet above the street surface.

ROY E. OAKES
Director of Public Works

By: *Wm J. Dabel*
WM. J. DABEL
Ass't. Director of Public Works

WJD:bb

cc: Inspection Services
Redevelopment Agency Director

RECEIVED

MAR 1975

INSPECTION SERVICES

RESOLUTION 414

WHEREAS, the Community Redevelopment Law (Part I, Division 24, of the Health and Safety Code of the State of California) created the Redevelopment Agency of the City of Berkeley, which Agency is authorized to transact business and exercise its powers pursuant to Resolution No. 38,310 N.S. of the Council of the City of Berkeley, adopted May 9, 1961 and Resolution No. 41,364 N.S. of the Council of the City of Berkeley, adopted July 26, 1966.

WHEREAS, by Ordinance No. 4,271 N.S. adopted July 20, 1967, the said Council gave final approval to the Redevelopment Plan for the West Berkeley Industrial Park Project Area, which Plan and Project Area are described in said Ordinance; and,

WHEREAS, the Redevelopment Agency of the City of Berkeley has adopted variance procedures by Resolution No. 172, dated July 10, 1969 pursuant to said Plan; and,

WHEREAS, Frank L. Spenger has filed an application for variance dated November 2, 1973, said application attached hereto as Exhibit "AV"; and

WHEREAS, the Redevelopment Agency of the City of Berkeley has conducted a hearing concerning said application pursuant to said variance procedures; and

WHEREAS, the Redevelopment Agency of the City of Berkeley finds that a literal interpretation and enforcement of the restrictions and limitations imposed by the Redevelopment Plan with respect to the construction proposed in said variance application will result in unnecessary hardships for the prospective lessee, practical difficulties or consequences inconsistent with the general purposes and intent of the Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Redevelopment Agency of the City of Berkeley that a variance be granted to Frank L. Spenger pursuant to the November 2, 1973 application for variance filed by said person.

BE IT FURTHER RESOLVED, that such granting of said variance shall be subject to the following conditions:

1. Said variance shall apply only to Frank L. Spenger, and it shall become null and void upon change of ownership.
2. Frank L. Spenger shall complete, pursuant to the plans approved by the Redevelopment Agency of the City of Berkeley, improvements designed to enhance the appearance of the existing property in accordance with the provisions of the adopted Redevelopment Plan.
3. Frank L. Spenger shall operate and maintain the premises in accordance with the provisions of the adopted Redevelopment Plan.
4. Frank L. Spenger shall agree to execute an Owner Participation Agreement with the Redevelopment Agency of the City of Berkeley prior to issuance of a building permit by the City of Berkeley for the proposed improvements.
5. The variance shall not become effective until the expiration of 30 days after the filing of the notice required by Section 21108 and 21152 of Public Resources Code.

*Bill A
Com Jerry M-*

*JH file
A*

FRANK SPENGER COMPANY
1919 FOURTH ST., FOOT OF UNIVERSITY AVENUE
BERKELEY, CALIFORNIA 94710
TELEPHONE (415) 845-7771

February 6, 1974

1919-4

1919-4th

Department of Public Works
City of Berkeley
2134 Grove Street
Berkeley, Calif. 94704

Attn: Mr. William Dable

Dear Mr. Dable:

We are aware that the floor level at Spenger's is below the projected flood plain. This has been a condition which we have lived with for many decades.

We prefer to build the new waiting area on the same level as the other public rooms to avoid the problems and liabilities of ramps and steps and assume the risk of possible flood damage.

Very truly yours,

FRANK SPENGER COMPANY

Frank Spenger

Frank Spenger, Jr.

cc: Roy Oakes (Director of Public Works, City Hall
Allston & Grove, Berkeley 94704

John S. Atkins (Director, Inspection Services Department
City Hall, Allston & Grove, Berkeley

RECEIVED
FEB - 7 1974
INSPECTION SERVICES

204-01

Plan Checking Fee _____
Bldg. Permit Fee _____
TOTAL 82

CITY OF BERKELEY

Building Inspection Department

APPLICATION FOR BUILDING PERMIT

Additions, Alterations and Repairs

Application is hereby made to the Building Inspection Department of the City of Berkeley for Permission to Add to, or Alter, or Repair a group G; Type V; _____ / _____ Story; _____ Room Building

Present use of building Restaurant & Bar Families _____ Rooms _____

Proposed use of building Same Families _____ Rooms _____

Located at 1919 - 4th St Berkeley 10

All provisions of the Building Code will be complied with in the erection, alteration or repairing of said building whether specified herein or not.

Valuation of proposed work: Include all labor and material \$1,000.00

Building to be occupied as _____ by _____

WRITE PLAINLY FULL DESCRIPTION OF WORK TO BE DONE

Small sketches may be drawn on the back of this sheet

Remove front wall section to left of main entrance - Build new foundation and wall section 3'-0" out to conform with wall on right side of main entrance. Roof and finish to match rest of wall.

Name of Owner Frank Sprngel Co. Address 1919-4th St Telephone Ber-7-7245

Name of Architect or Designer F.H. Amis Address 619 Ventura St, Richmond

Name of Engineer _____ Address _____

Name of Builder Hudson Const. Co. Address 1949A-4th St Telephone Ber-7-5861

State License No. 139737 Workmen's Compensation Insurance Policy or Certification Filed Yes No _____

City of Berkeley License No. 44219

Expires 12/31/53 - Renewal - 1/1/54

We I hereby agree to save, indemnify and keep harmless the City of Berkeley and/or its employees, against all liabilities, judgments, costs and expenses which may in any wise accrue against said City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley.

Hudson Const. Co. - Carl A. Hudson
Signature of Owner, Agent or Builder.

Fire Zone No. 1. 2. 3.

FOR DEPARTMENT USE ONLY

1919 - 4th St
Number Street

Permit No. 114562

Date Issued JAN 12 1954

BLOCK BOOK NO. _____

PAGE _____

ISSUED BY Don Schrey



CITY OF BERKELEY

USE PERMIT

APPLICATION NUMBER

- UP 7252 - ADMINISTRATIVE

NAME

LOCATION

EUGENE ANGELL FOR SPENGER'S RESTAURANT

1919 - 4th STREET

USE PERMITTED

TO DEMOLISH A BUILDING AT THE NORTHEAST CORNER OF 4th STREET AND UNIVERSITY AVENUE AND REPLACE IT WITH A BUILDING CONTAINING A MUSEUM, COCKTAIL LOUNGE AND WAITING AREA.

GENERAL CONDITIONS

1. THAT ALL NECESSARY PERMITS AND CLEARANCES SHALL BE OBTAINED FROM ALL CONCERNED AGENCIES AND DEPARTMENTS OF THE CITY, COUNTY, AND/OR STATE;
2. THAT THE PLAN SUBMITTED WITH THE APPLICATION SHALL BE FOLLOWED AND THAT ALL OF THE ASSURANCES AND COMMITMENTS CONTAINED IN THE ORIGINAL APPLICATION SHALL BE MET EXCEPT AS THEY MAY BE MODIFIED BY THE SPECIAL CONDITIONS LISTED BELOW;
3. THAT THE RIGHTS GRANTED UNDER THIS USE PERMIT SHALL BE EXERCISED NOT LATER THAN

December 14, 1974

SPECIAL CONDITIONS

THE USE PERMIT DESCRIBED HEREINAbove HAS BEEN DULY GRANTED BY THE ^{Zoning Officer} ON ^{December 14, 1974} PURSUANT TO THE AUTHORITY CONTAINED IN CHAPTER 20, ORDINANCE 3018 N.S., THE ZONING ORDINANCE OF THE CITY OF BERKELEY, CALIFORNIA, AND THE VOTER - MANDATED ORDINANCE KNOWN AS THE NEIGHBORHOOD PRESERVATION ORDINANCE, AND ALL OF THE FINDINGS REQUIRED BY THE SAID ORDINANCES HAVE BEEN MADE.

DATE

December 14, 1973

Robert B. Humphrey

ZONING OFFICER, CITY OF BERKELEY
SECRETARY, BOARD OF ADJUSTMENTS

USE PERMIT 7252
1919 - 4th STREET

DECEMBER 14, 1973

Eugene F. Angell, Architect, has made application for Spenger's restaurant to demolish a building at the northeast corner of 4th Street and University Avenue and replace it with a building containing a museum, cocktail lounge and waiting area. Use Permit is required by section 12.1 of the zoning ordinance for expansion of the commercial use in the M District.

The new building will contain 6000 square feet replacing the building currently occupied by the florist and gift shop to provide more waiting area for patrons of the existing dining area of the restaurant. It will not result in additional dining facilities, but allow this old, established Berkeley eating place to afford better service to customers. The parking area to the rear will not be affected.

The property lies in the West Berkeley Redevelopment Project Area, and the Berkeley Redevelopment Agency also has jurisdiction. Variances have been requested and granted by the Agency from the requirement for an average 10' setback from street property lines, conditional upon improvements in landscaping and design of the main parking areas.

The Board of Adjustments was consulted and under the circumstances, agreed to handling of the matter as an administrative use permit. The proposal is not environmentally significant or harmful and a negative declaration will be filed. An Environmental Impact Report has been filed for the larger redevelopment project.

It is determined that the proposal will not be detrimental and the Use Permit is hereby approved.

Robert B. Humphrey
Zoning Officer

Draft, Nov. 3, 1972

3. A variance is requested from Article V, Paragraph C, Subparagraph 1, Ordinance 4271 N.S. to allow:

The following building lines which are located less than 10 feet from the street right-of-way line to remain:

- a. The west wall of the restaurant.
- b. The east wall of the warehouse fronting on 5th Street.
- c. The north wall of the post office building.
- d. The north wall of the car wash building.

4. A variance is justified by the following unnecessary hardship, practical difficulties, or consequences inconsistent with the general purposes of the Plan.

- a. The relocation of the existing west wall would cause a major disruption to the existing operation and also change its existing historical appearance.

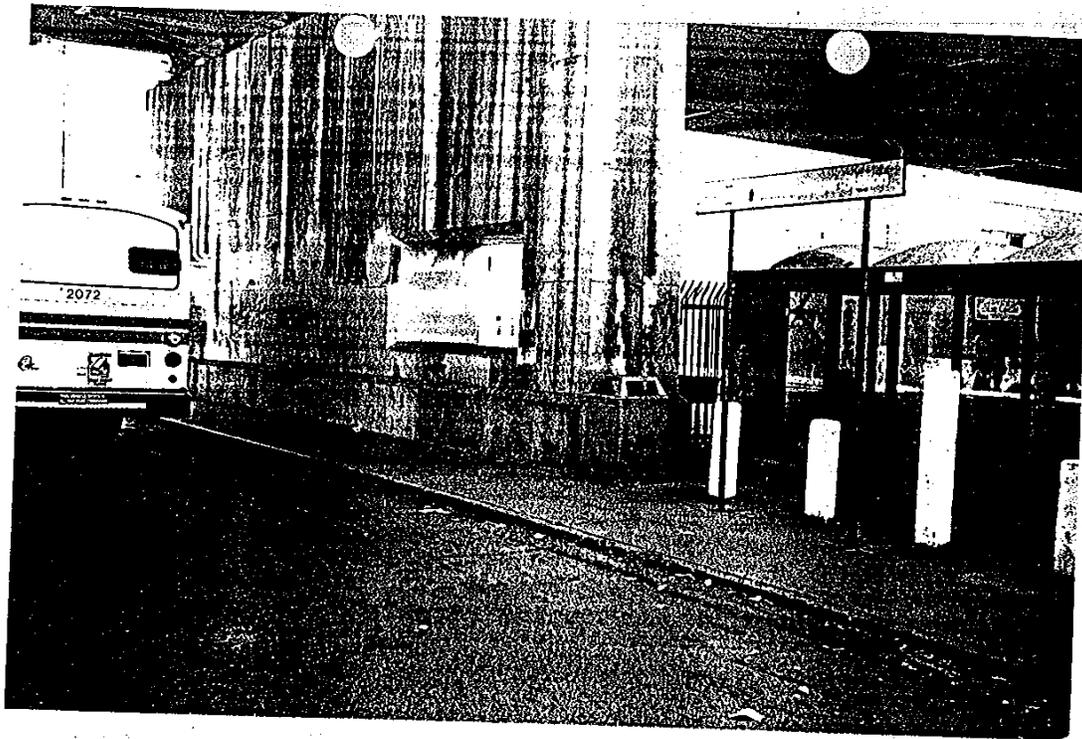
Agreement has been reached not to reduce the present 12 foot sidewalk to the 6 foot standard of the Industrial Park Plan. This will allow for better tree planting and more imaginative landscaping techniques to be used as indicated in the enclosed Landscaping Plan.

- b. The east wall of the warehouse frontage on 5th Street is set back about five feet and only takes up approximately 25 percent of the total lineal 5th Street frontage. Consideration will be made to balance off the present setback discrepancy in any future development.
- c. The present tenants' lease runs to July 15, 1974 and any change in the location of the north wall would adversely effect all parties concerned.

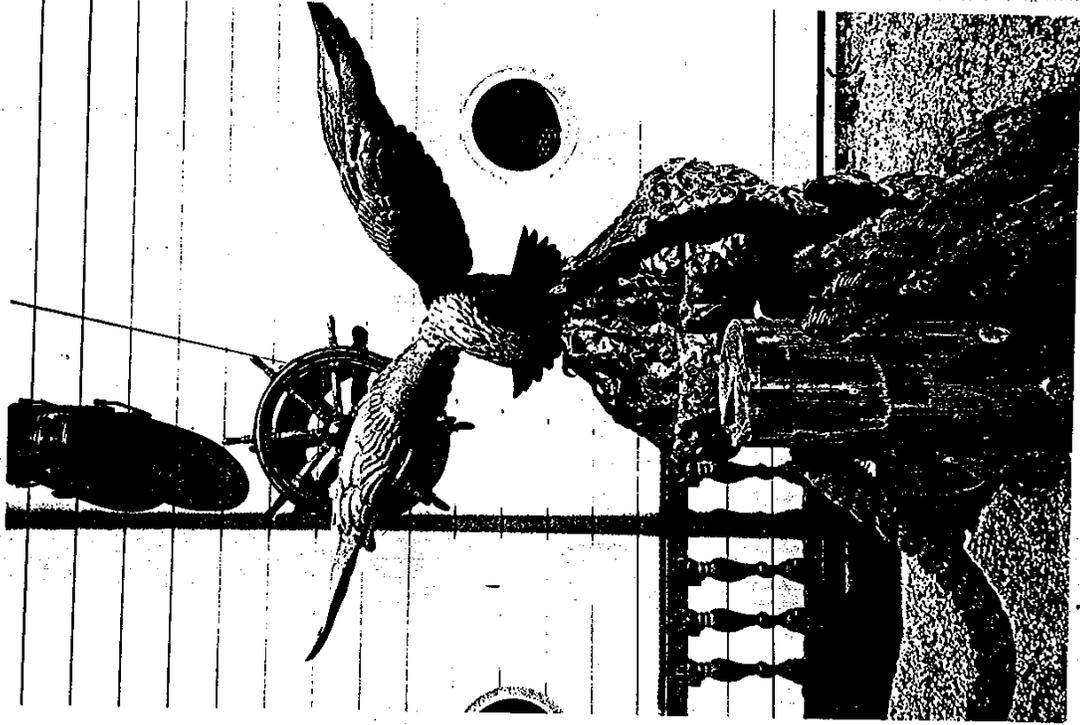
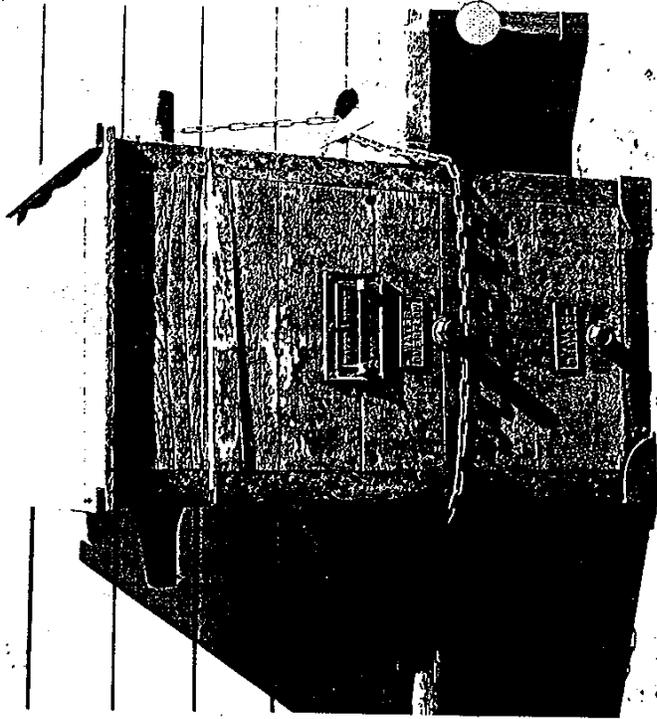
The wall was especially located to provide for the main public space and entrance for this tenant in this custom-designed building. This variance to be restricted to the present use.

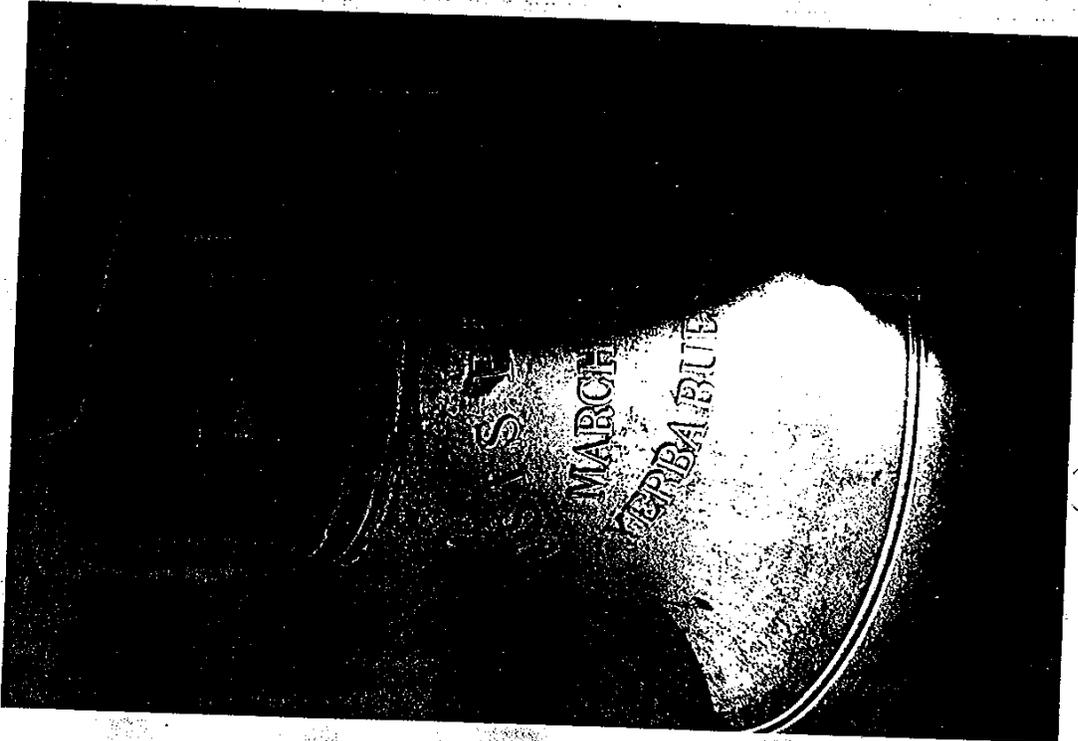
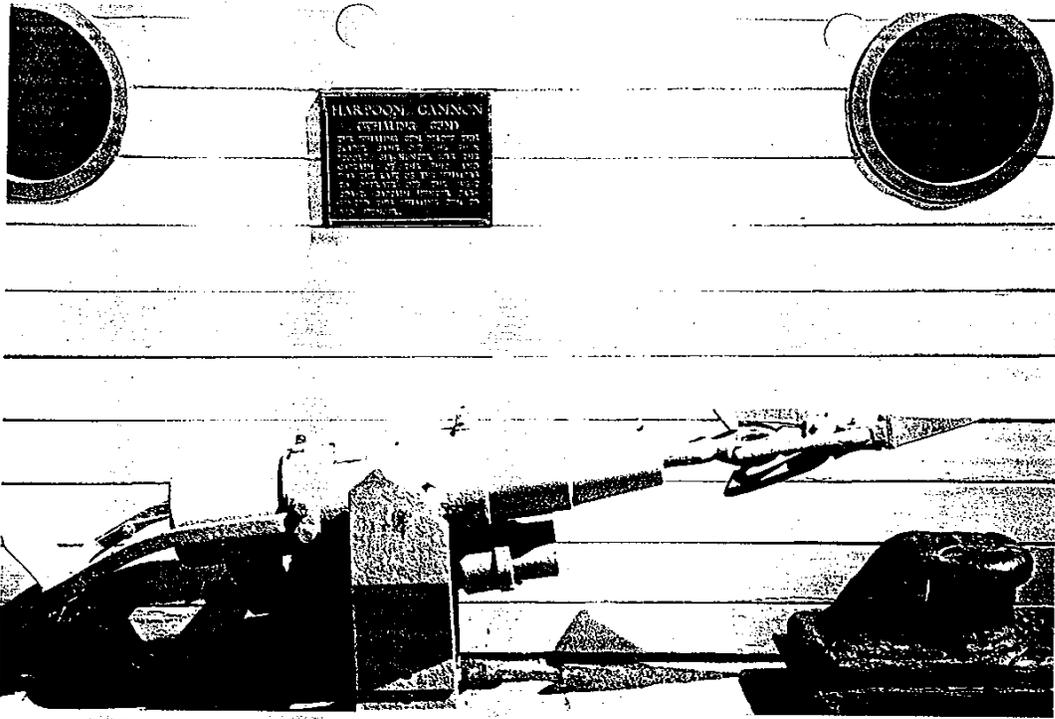
- d. A prohibitively high cost for plumbing and mechanical alterations would result relative to the cost incurred in relocating the north wood frame wall of the car wash building.

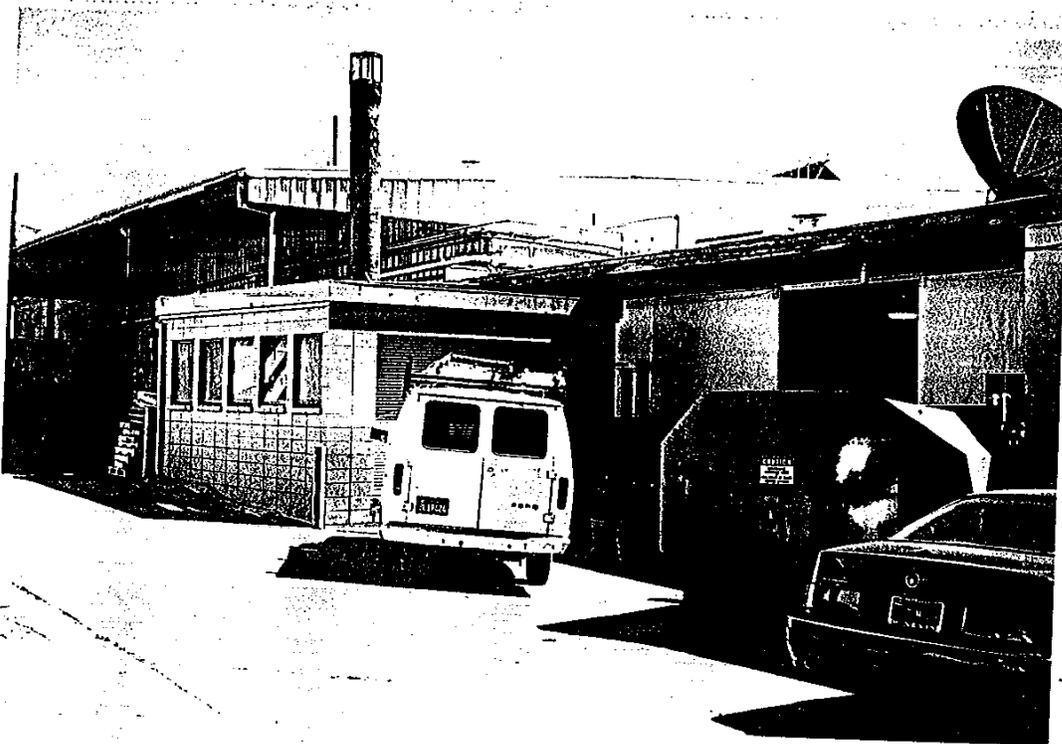
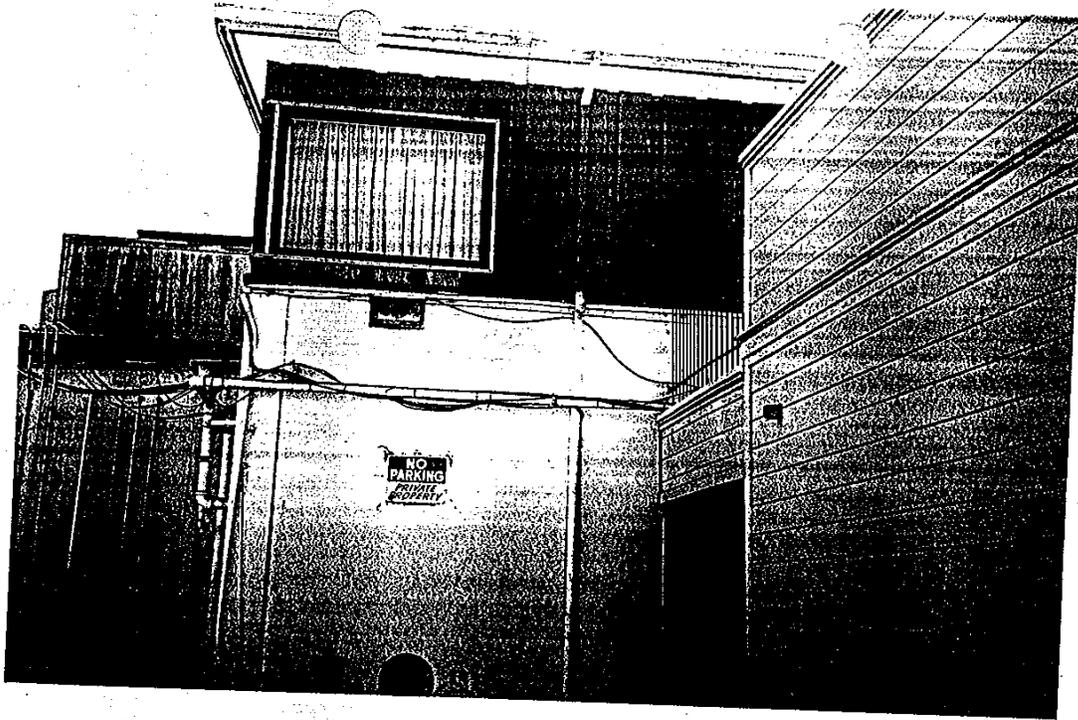
Taking into consideration the reported low rating of the building condition and the above mentioned costs it is therefore proposed that the existing operation in its present form and location would be phased out in the future development plan.

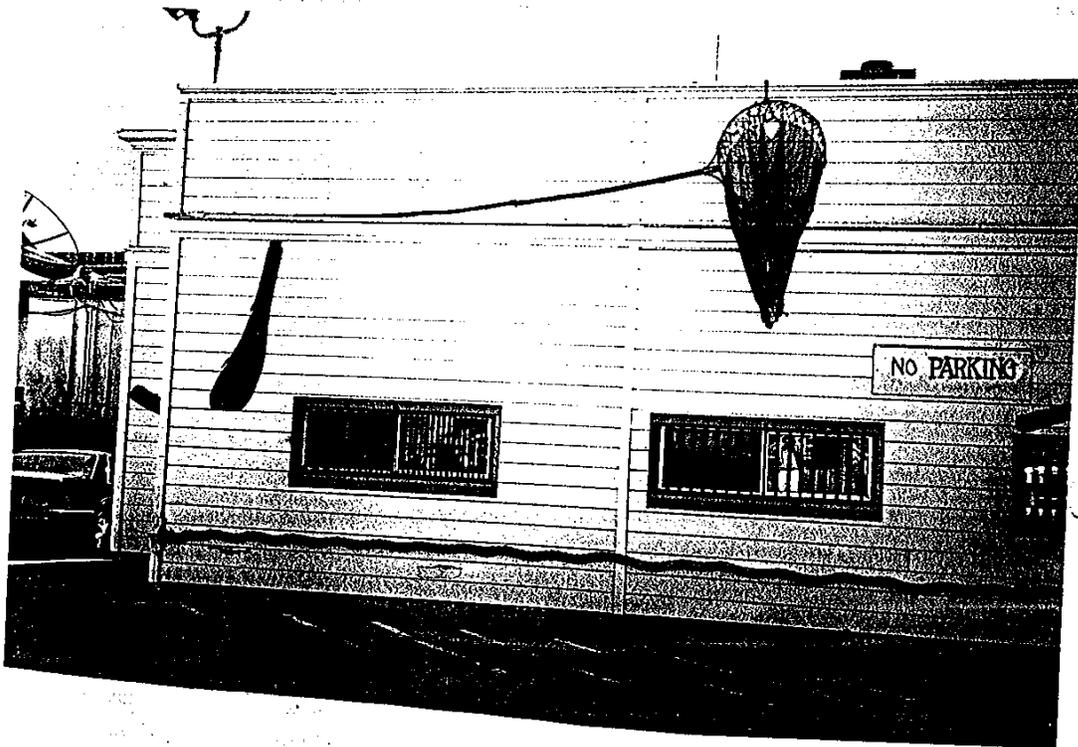
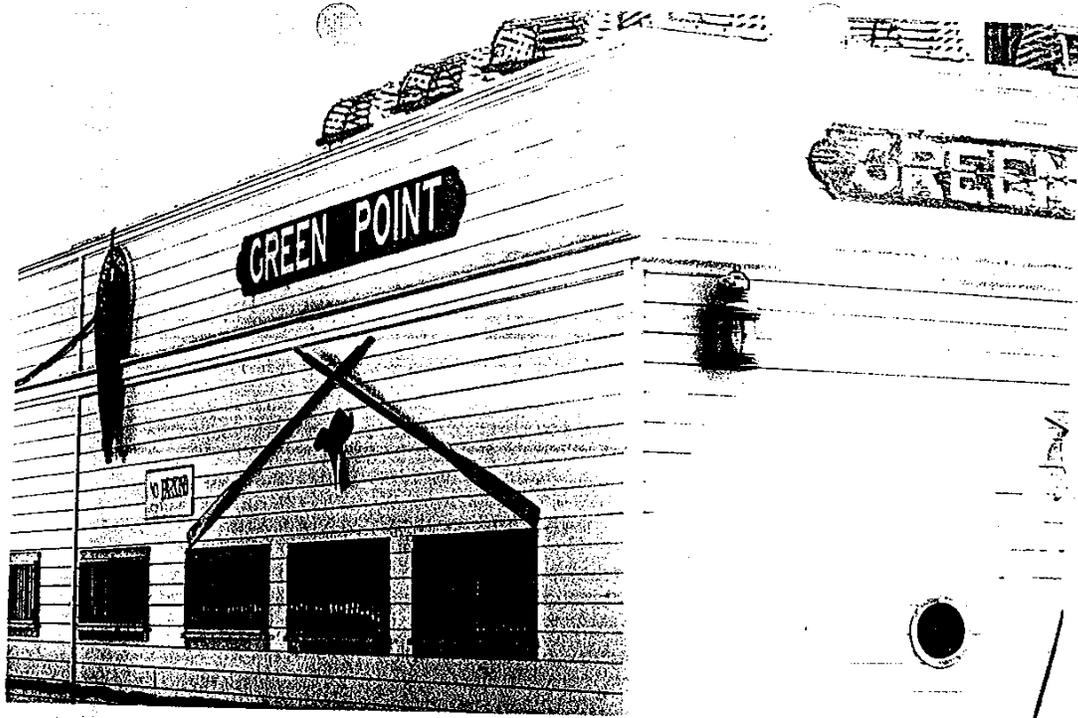


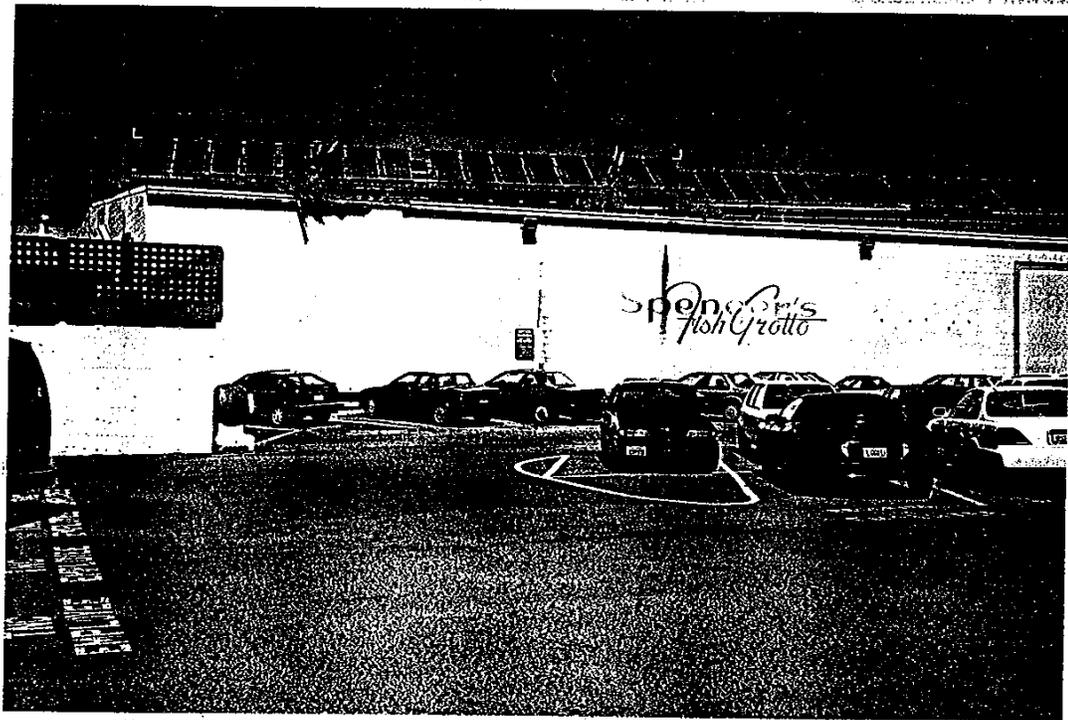
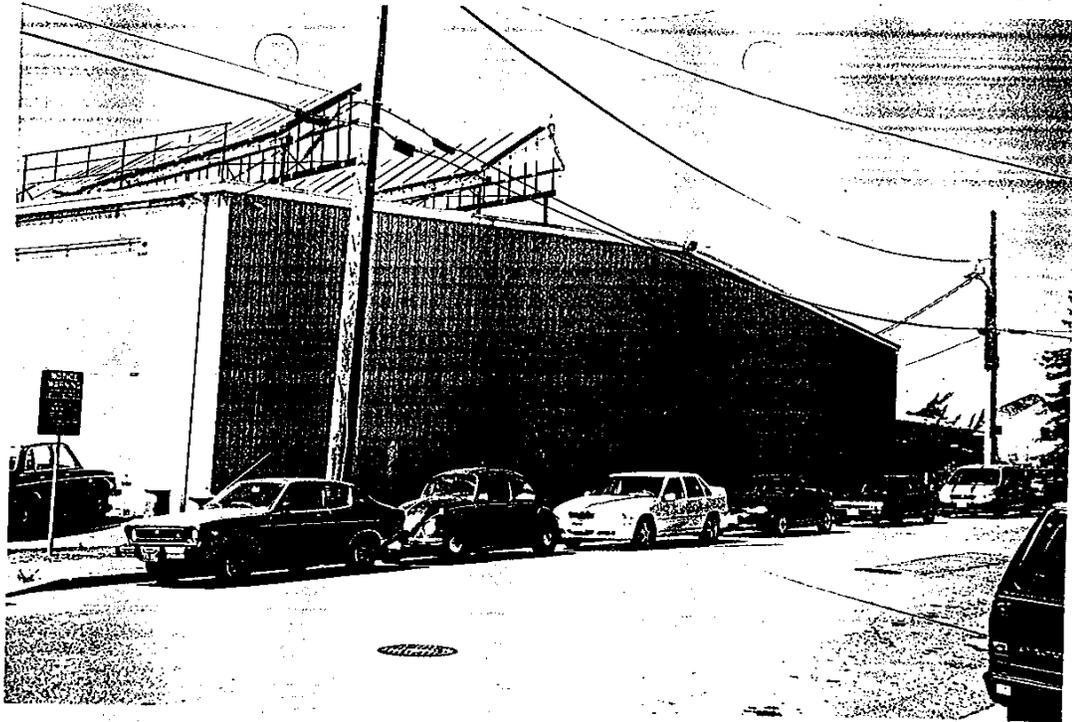
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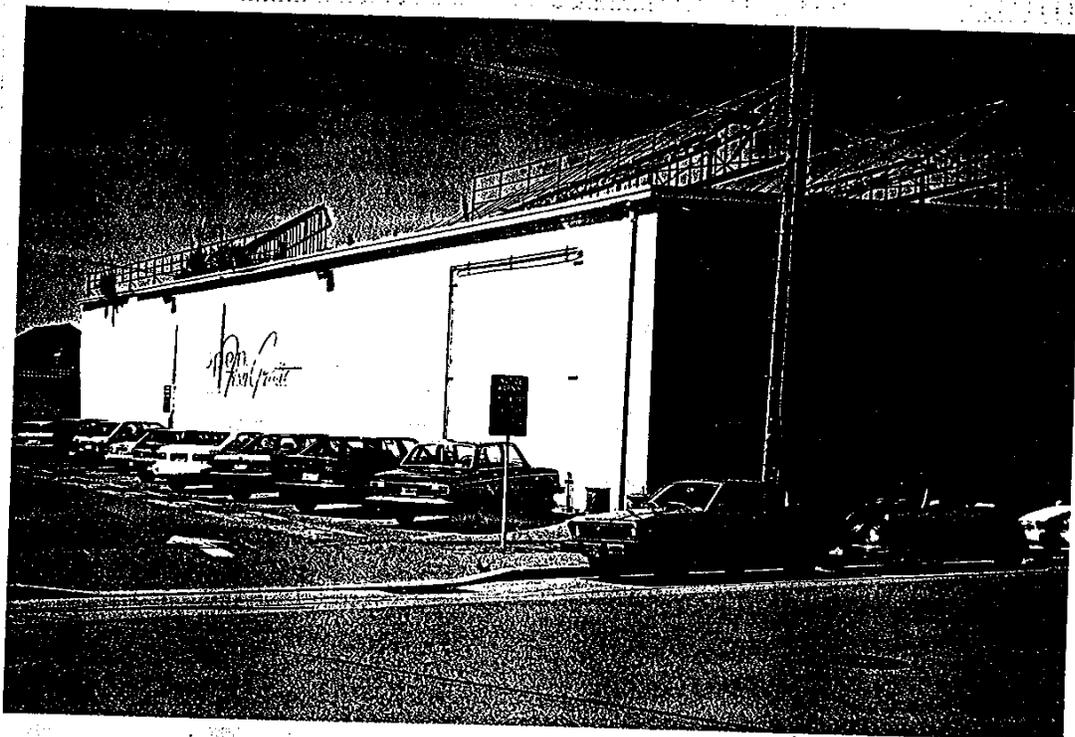
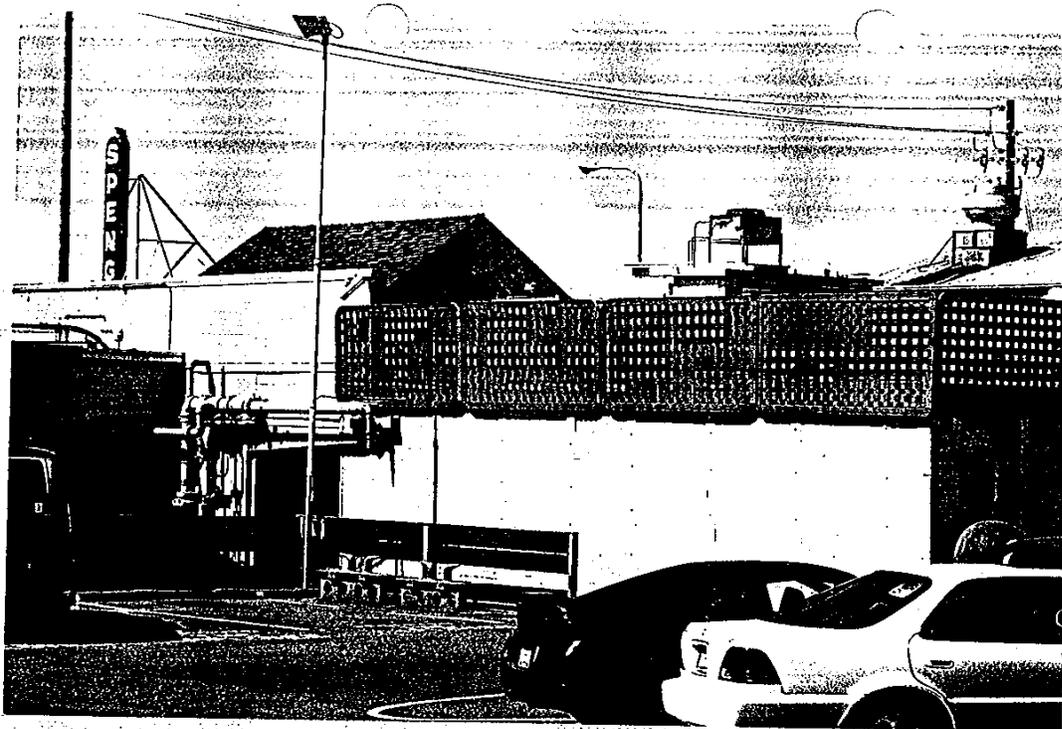


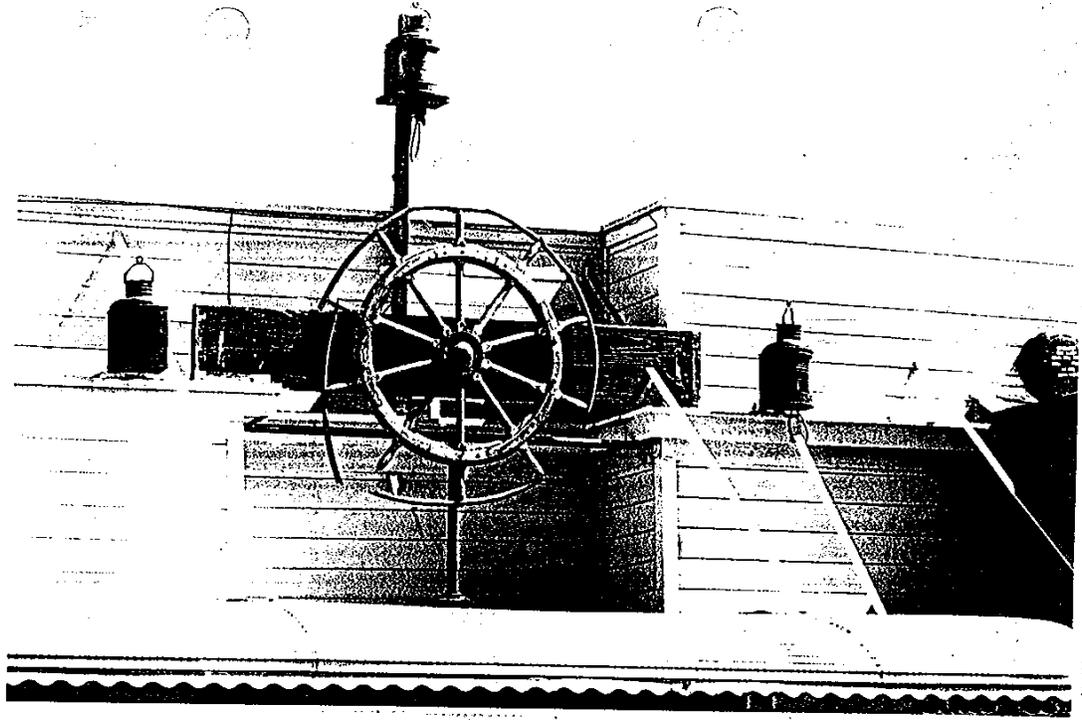


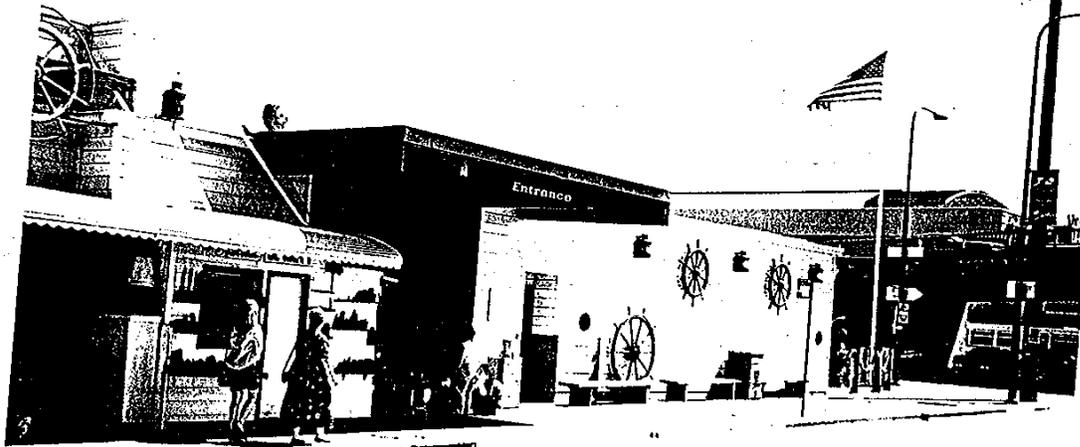


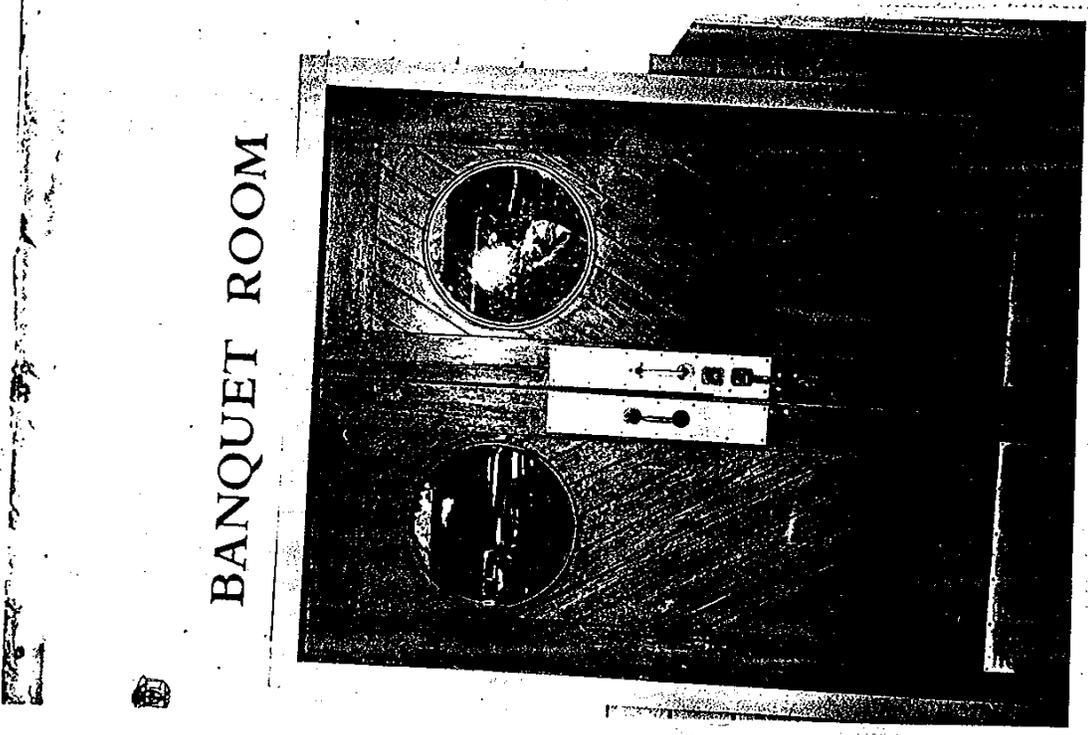


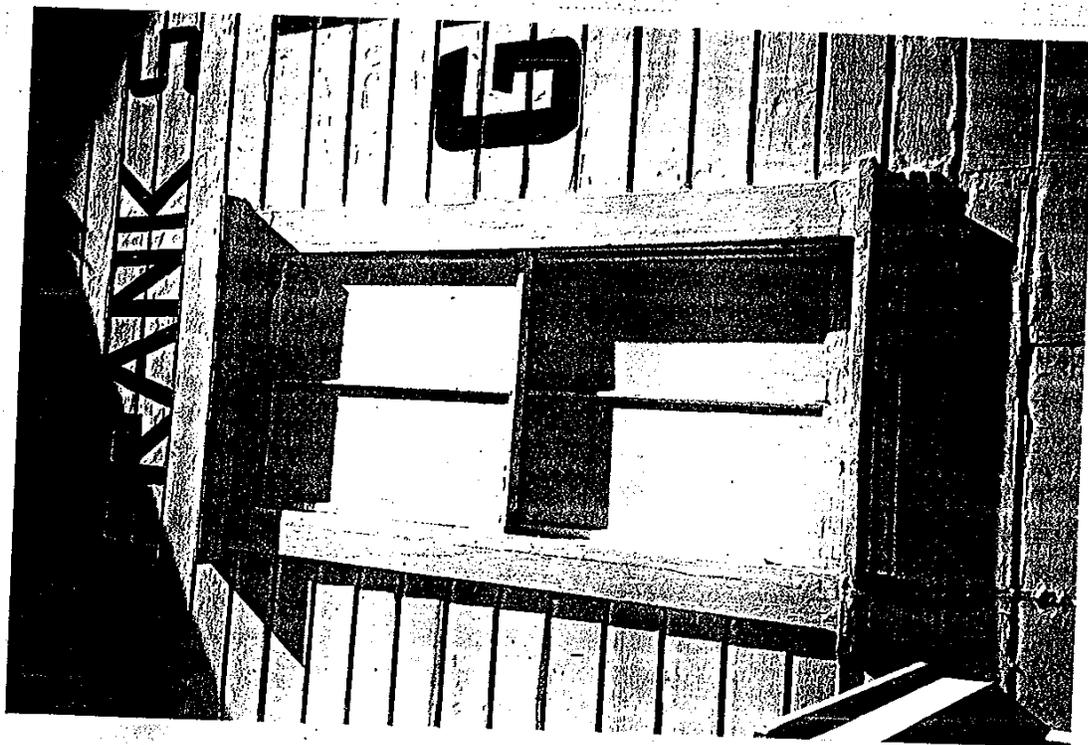
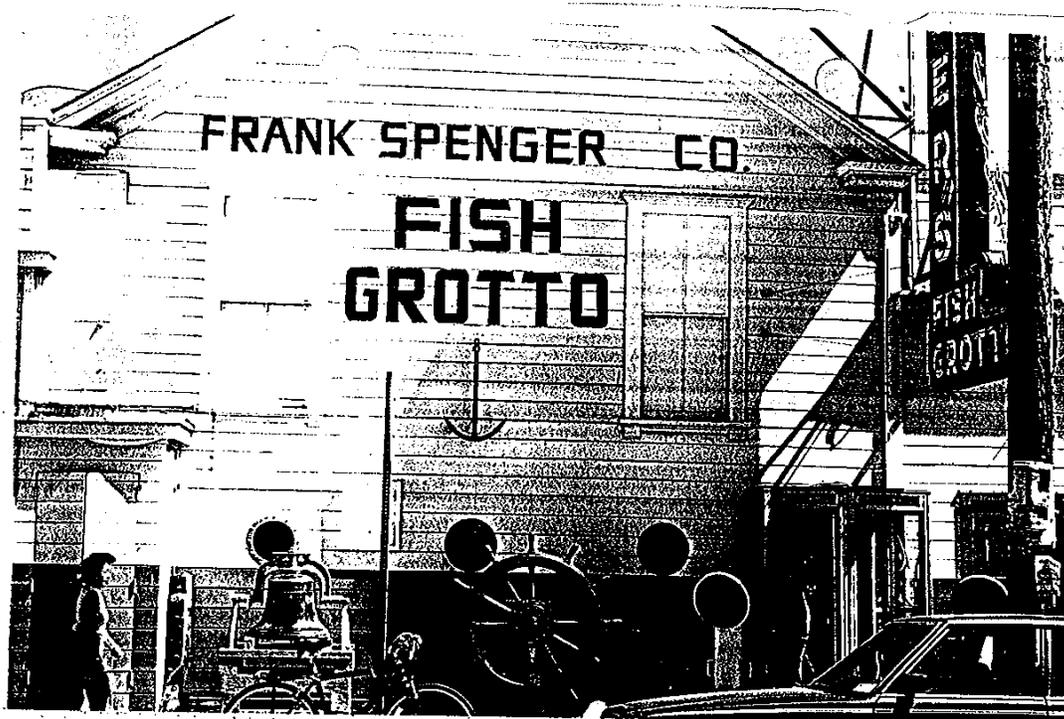


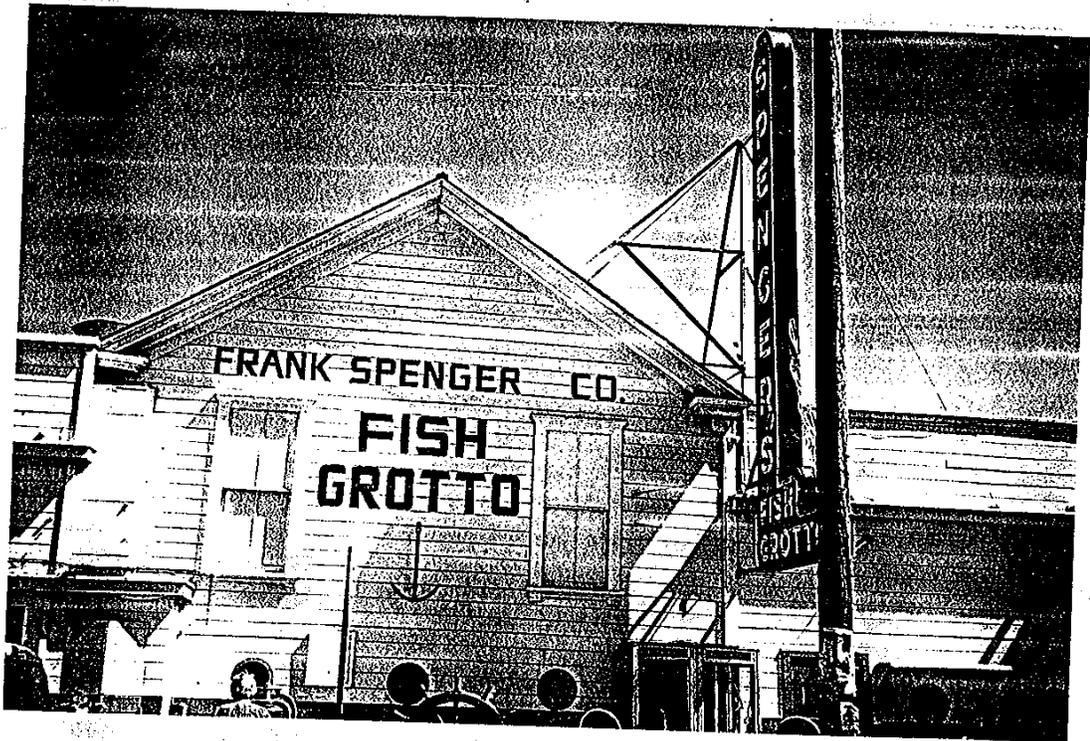
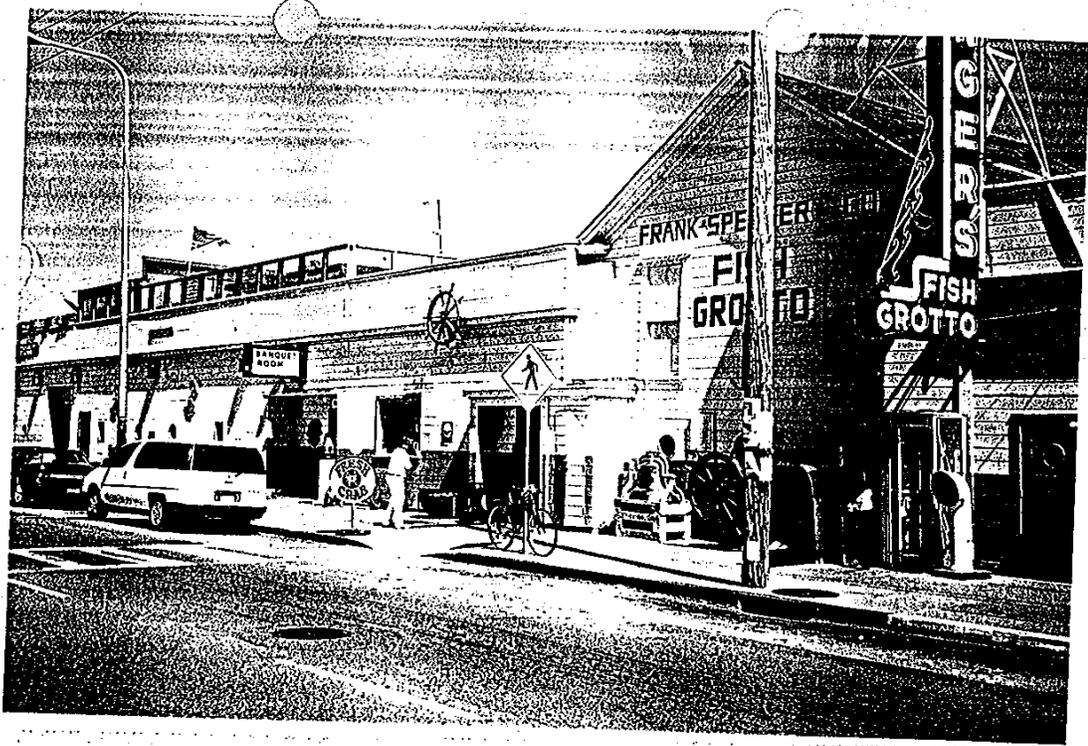






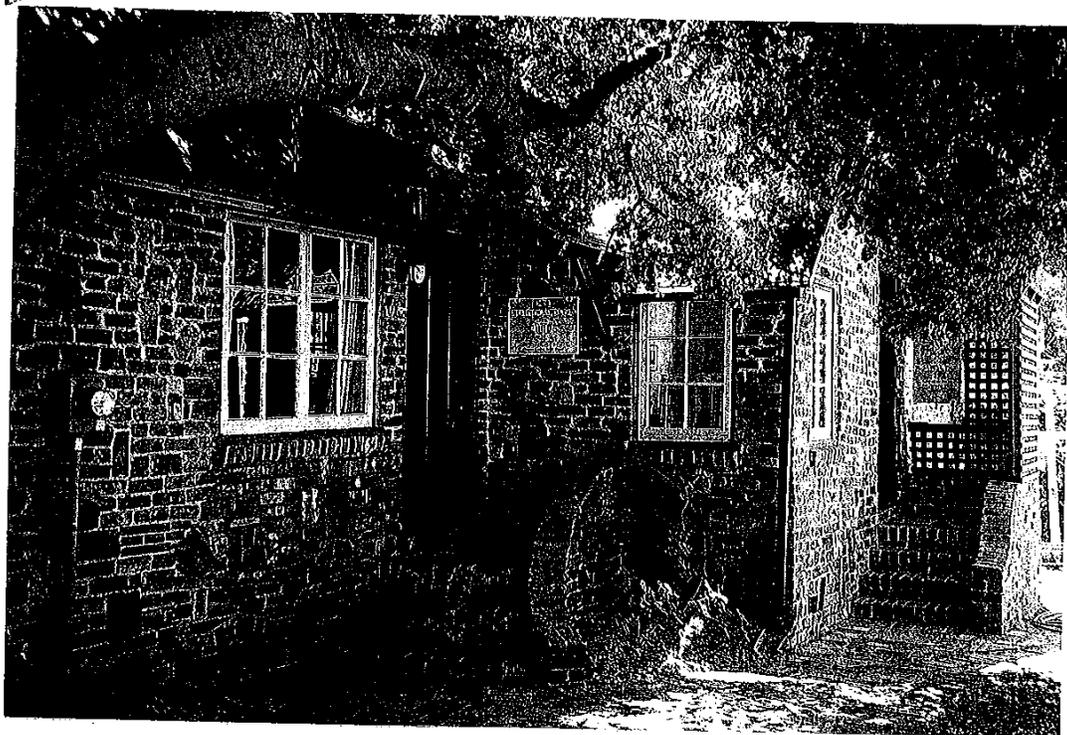






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