



Health, Housing, and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: City of Berkeley Landmarks Preservation Commission

From: Asavari Devadiga, HHCS Community Development Project Coordinator

Date: January 6, 2025

Subject: **Consultation under Section 106 of the National Historic Preservation Act for Proposed Ephesian Legacy Court at 1708 Harmon Street**

PURPOSE

Health, Housing, and Community Services (HHCS) staff request feedback from the Landmarks Preservation Commission (LPC) in accordance with Section 106 of the National Historic Preservation Act (NHPA). Specifically, LPC is asked to provide comments on the following areas surrounding the Ephesian Legacy Court project site:

1. Area of Potential Effect (APE): Whether the APE is appropriate for the scale and nature of the proposed undertaking;
2. Historic properties: Whether there are historic properties within the APE (historic properties are defined as properties listed in or eligible for listing in the National Register of Historic Places); and
3. Effects: Whether the proposed undertaking would have any effects on historic properties within the APE.

INTRODUCTION

The project team seeks feedback from the LPC for the proposed undertaking of affordable housing of Ephesian Legacy Court at 1708 Harmon Street (proposed project or undertaking) by Community Housing Development Corporation of North Richmond (CHDC). This staff report provides a brief description of the proposed undertaking; the feedback requested from the LPC on the cultural resources survey report (herein referred to as the Report); and the anticipated next steps for the undertaking.

The City serves as the Responsible Entity under the National Environmental Policy Act of 1969 (NEPA), which requires federal agencies and their Responsible Entities to consider the environmental impact of proposed actions where these proposed actions receive or are anticipated to receive federal permits or funds. CHDC is seeking funding

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*Consultation under Section 106: Ephesian Legacy Court
January 6, 2025
Page 2 of 4*

from the Department of Housing and Urban Development for the project, therefore the project is subject to Section 106 of the NHPA and is considered a federal undertaking.

Section 106 seeks to accommodate historic preservation concerns with the needs of federal undertakings through consultation with agencies and interested parties. CHDC has contracted with Environmental Science Associates (ESA) to prepare the cultural resource survey report for the project in compliance with Section 106 of the NHPA. The Report is available online at: https://berkeleyca.gov/sites/default/files/documents/2025-01-06_LPC_Item%2010_Att1_1708%20Harmon_Ephesian%20Legact%20Court%20Project.pdf.

We request that the LPC provide feedback on the APE, the individual properties, and the findings in the Report. References to specific sections and page numbers of the Report are provided below.

PROPOSED UNDERTAKING

CHDC in partnership with Ephesian Church of God in Christ proposes to develop the Ephesian Legacy Court affordable housing project for low-income and very-low-income seniors, including those experiencing homelessness and/or mental illness. The project site at 1708 Harmon Street currently contains a church, annex building and parking lot. The proposed project will involve demolishing the annex building, removing the parking lot, and constructing a new 5-story residential building. The building will have a total of 80 units, 79 of which will be one-bedroom units plus one two-bedroom unit for an onsite manager. The project will target seniors earning 30% to 50% of area median income (AMI); 75% of the units will be affordable to residents earning less than or equal to 50% AMI and the remaining units will be targeted to seniors and/or homeless individuals at or below 30% AMI.

This project is subject to NEPA because it would be partially funded by 32 project-based vouchers issued by the Berkeley Housing Authority under a federally funded program. CHDC secured State funds under the Multifamily Housing Program. Further, the City reserved \$18.1 million (including predevelopment funds) for the project. The project was approved pursuant to Government Code Section 65913.4 (Senate Bill [SB] 35) and was subject to Streamlined Ministerial Approval Process Guidelines by California Department of Housing and Community Development. The construction schedule is contingent upon the State tax credit application; at this time construction is estimated to begin late 2025.

PROJECT LOCATION AND AREA OF POTENTIAL EFFECTS (APE)

The proposed project would be located at 1708 Harmon Street between Adeline Street and Shattuck Avenue. The T-shaped project site has frontage on Harmon Street, King Street, Alcatraz Avenue, and Ellis Street.

The architectural APE (see detailed description on **Page 5** and **Figure 2, Page 6** of Report) includes the parcel that comprises the project site, four contiguous parcels on the same block and 11 parcels directly across Harmon Street to the north, King Street to

the west, and Ellis Street to the east. The properties located within the APE are listed in Table 1 (**Page 5**) and keyed to Figure 2 (**Page 6**).

HISTORIC PROPERTIES: IDENTIFICATION AND EFFECTS

A cultural resources survey report was prepared to document the methods and results of a cultural resources inventory completed for the Ephesian Legacy Court Project. The Report records the existing conditions of the project site regarding architectural cultural resources for use as required under Section 106 of the NHPA.

Work performed consisted of background and archival research, including: a records' search of the California Historical Resources Information System (CHRIS); research on existing cultural resources literature; an intensive-level pedestrian survey of the APE; significance evaluations of identified cultural resources; and Finding of Effects recommendation. The Report also incorporates the records' search at the Northwest Information Center at Sonoma State University that was conducted as part of a separate archaeological study. Efforts to identify cultural resources that could qualify as Section 106 historic properties within the APE also included a review of historic maps and aerial photography of the APE; an intensive-level pedestrian survey; and evaluation of existing buildings in the APE.

The results of the records search indicated that there are no previously recorded architectural cultural resources in the APE. The results of the records search indicated that there are five previously recorded architectural resources located within 0.25 mile of the APE, and they are listed in **Table 3 on Page 16** of the Report. There are 17 historic-age architectural resources (i.e., 45 years or older) within the APE, which are listed in **Table 4** (Page 17) of the Report. The Report (**Pages 17-55**) presents brief architectural descriptions, construction chronologies and summaries of archival research for the 17 historic-age properties in the APE that meet the 45-year age threshold required for consideration of eligibility for listing in the National Register of Historic Places (National Register). Additional and expanded historical information for each property in the APE is presented in the DPR 523 forms included in Appendix A of the Report.

While the historic-age buildings in the APE reflect the historically mixed-use (i.e., residential, commercial, and institutional) character of the Lorin District, they do not—either individually or collectively—represent a unique, rare, or particularly influential example of this urban development trend. The subject buildings were constructed and/or significantly altered over the course of nearly a century during the period 1870s–1960s. While several are identifiable as Victorian-era, single-family residences and others reflect Midcentury Modern design concepts, the properties in the APE do not possess a significant concentration, linkage, or continuity of buildings united historically or aesthetically. Therefore, the group of 17 subject properties are recommended as ineligible for listing on the National Register as a historic district under any criteria.

ESA recommends that no buildings located within the APE appear to be individually eligible for listing in the National Register, nor does any grouping of buildings within the

*Consultation under Section 106: Ephesian Legacy Court
January 6, 2025
Page 4 of 4*

APE appear to constitute or contribute to a known or potential National Register District. As such, ESA recommends a finding of No Historic Properties Affected for the project (**Chapter 5** of the Report).

FUTURE ACTION

In order to meet critical funding deadlines for the projects, staff respectfully request LPC submit comments or questions at the scheduled LPC meeting on Monday, January 6th, 2025.

Following this consultation with LPC and the public, staff will send a letter to State Historic Preservation Officer (SHPO) with a summary of findings. SHPO will have 30 days to evaluate the City's findings and either concur or disagree with them. If the City finds no potentially adverse effects, and SHPO concurs with the City's findings, the undertaking may proceed without further review of historic resources in the APE. If there is disagreement between the City and SHPO, discussions and negotiations will continue until a settlement is reached.

Attachments:

1. Environmental Science Associates, Ephesian Legacy Court Project, Alameda County, California, Cultural Resources Survey Report, 2024.