



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

LANDMARKS PRESERVATION COMMISSION

MEETING AGENDA

Date: Thursday, May 6, 2021
Time: 7:00 PM
Place: On-Line (No Physical Location)

The Landmarks Preservation Commission (LPC) packet is available for review online on the LPC page under Boards and Commissions:

<https://www.cityofberkeley.info/landmarkspreservationcommission/>

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Landmarks Preservation Commission (LPC) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-In-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID19 virus, there will not be a physical meeting location available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://zoom.us/j/92277210166>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial +1 669 900 6833 and enter Meeting ID: 922 7721 0166. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

The Commission consists of nine members appointed by City Council:

Christopher Adams, Chairperson, District 5
Kathleen Crandall, District 3
Charles Enchill, District 1
Steven Finacom, District 4
Stephanie Johnson, Mayor
Denise Hall Montgomery, Vice Chairperson, District 8
Paul Schwartz, District 6
Alfred Twu, District 2
vacant, District 7

** INDICATES THAT THE LANDMARKS PRESERVATION COMMISSION RECEIVED DOCUMENTS (NOTICES OF DECISION, STAFF REPORTS, APPLICATION MATERIALS OR CORRESPONDENCE) AS PART OF THE PACKET THAT WAS DELIVERED PRIOR TO THIS MEETING.

**ACCESSIBILITY INFORMATION / ADA DISCLAIMER**

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

Correspondence and Notice of Decision Requests

All persons are welcome to attend the virtual hearing and will be given an opportunity to address the Commission. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Commission may limit the time granted to each speaker. Written comments or request for a Notice of Decision should be directed to the Landmarks Preservation Commission Secretary.

Correspondence received by 5:00 PM eight days before this public hearing will be included with the agenda materials provided to the Commission. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before this public hearing** will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing.
- **Correspondence received after 5:00 PM two days before this public hearing** will be saved in the administrative record. It will not be possible to submit written comments at the meeting.

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.**

Contact:

Fatema Crane, Landmarks Preservation Commission Secretary
(510) 981-7410 | LPC@CityofBerkeley.info | 1947 Center Street, Berkeley CA 94704

Request for initiation of Landmark designation on a future agenda lies within the range of action to be considered on each structure or property appearing at any place on the agenda.

Consent Calendar: The Consent Calendar allows the Commission to take action, without discussion, on Agenda items for which there are no persons present who wish to speak, and no members who wish to discuss. The Consent Calendar may include the following: (1) Approval of previous meeting minutes; (2) Items being continued to another meeting (action will be postponed to another meeting) or withdrawn by the applicant; and (3) Items noticed for public hearing which the Commission decides to move to the Consent Calendar. The Chairperson will announce any additional items proposed for the Consent Calendar at the beginning of the meeting. Anyone present who wishes to speak against one of these items should advise the Chairperson if they request the item be pulled from the Consent Calendar.

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1. **ROLL CALL:** Please put all cellular phones and ringers on silent during the meeting.
2. **EX-PARTE COMMUNICATIONS:** In the context of adjudicative matters that come before the LPC, ex-parte communications are those which occur outside of the formal hearing process. LPC members should avoid ex-parte contacts on matters pending before the LPC as much as possible, as they may represent, or be perceived to represent, the receipt of evidence that can unfairly influence a decision on a matter before the Commission. If such contacts do occur, they must be placed in the record and disclosed to all interested parties sufficiently in advanced of the decision to allow rebuttal.
3. **PUBLIC COMMENT on Non-Agenda and Information Items** (Three minutes per person; five minutes per organization, or at the discretion of the Chairperson)
4. **AGENDA CHANGES**
 - A. **Consent Calendar** – the Commission may consider adding Item 9.
 - B. **Other changes**

ACTION AND DISCUSSION ITEMS

5. [Revisions to Landmarks Preservation Ordinance BMC Section 3.24.110**](#)
Consider and advise staff on possible text revisions for BMC Section 3.24.110.A.1.a-b to remove the term “region” and replace it with “Berkeley” in order to clarify the geographical context for the study of architectural merit designations.
6. **Resolution to End Exclusionary Zoning in Berkeley**
Continue a discussion of City Council Resolution 69,737 declaring the intention to allow multi-family zoning in neighborhoods throughout Berkeley by December 2022.

Attachment: [2021-05-05 Memorandum from LPC Chairperson Adams](#)
7. **Report to City Council on Commission Activities**
Consider preparing and sending a report to City Council on the Commission’s activities and achievements during the previous year.
8. **AD HOC Subcommittees and Liaison Comments**
Receive opportunity reports on status of projects for which the LPC has established a subcommittee or liaison. (Note: Sites will come off the list annually or upon approval of a Certificate of Occupancy)

Subcommittee Name	Members	Established	Annual Expiration
<u>ZAB Design Review Committee**</u>	SF	-	-
2019 Blake Street Demolition Advisory	KC, SF, SJ	Aug 2020	Jul 2020
2234 Haste Avenue SAP	SF, DM	Mar 2021	Feb 2022
CLG Grants	CE, SF	Mar 2021	Feb 2022
Berkeley Rose Garden	CA, PS	Mar 2021	Feb 2022
Landmarks Policies & Procedures	SF, CE	Mar 2021	Feb 2022
City Projects for Landmarks and Structure of Merit Sites	PA, SF	Mar 2021	Feb 2022
University of California	SF, PS, MA	Mar 2021	Feb 2022
Acheson Commons Development Project SAP	KC, CE, AT	Apr 2021	Mar 2021

9. **ACTION: Approval of Action Minutes****
[Draft April 1, 2021 Action Minutes](#)

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10. **INFORMATION REPORTS** Commissioners may ask for discussion to be scheduled on a future agenda (per Brown Act, no deliberation or final action may be taken).
11. **CORRESPONDENCE**
12. **COMMISSIONER ANNOUNCEMENTS****
- A. [Berkeley Historical Society – African Americans in Berkeley’s History & Legacy](#), a new exhibit and opening ceremony on May 16, 2021.
13. **STAFF ANNOUNCEMENTS**
- A. [City Council Rules of Procedure & Order](#) – recently revised to include temporary rules during COVID-19 declared emergency.
- https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_LPC/2021-05-05_LPC_Item%2013.A_Council%20Rules%20of%20Procedure%20-%20Reformat%20-%20Adopted%2010-21-08.pdf
- B. **Draft Environmental Impact Report for 2015 Blake Street (#ZP2020-0072)** will be available on April 30, 2021.
- C. **California Preservation Foundation Annual Conference – Radical Conservation: Leading from the Left Coast**, scheduled for June 8 through 10, 2021
14. **FUTURE COUNCIL CALENDAR ITEMS**
- A. **1 Orchard Lane** – Mills Act Contract application (#LMMA2020-0001) for the Steilberg House and Cottages – May 11, 2021
- B. **1581 Le Roy** – Mills Act Contract application (#LMMA2019-0004) for the Hillside School – May 11, 2021
- C. **Annual Report on Commission Activities & Annual SHPO Certified Local Government Report** – June 29, 2021
15. **POTENTIAL INITIATIONS**
- The Commission may establish and maintain an ongoing list of structures, sites and areas having a special historical, architectural or aesthetic interest or value. After public hearings, the Commission may initiate landmark and historic district designations from the list.
- A. 2362 Bancroft Way-Trinity United Methodist Church (3/1/99)
- B. Berkeley High School, Building C, 1920; W. C. Hayes (LE 9/13/99)
- C. John Galen Howard Power Station, UC Campus (CO 4/3/00)
- D. H.C. Macaulay Foundry, 811 Carleton Street (4/3/00)
- E. UC Storage Station, James Plachek, Architect (4/3/00)
- F. “Kittredge Street Historic District” - 2124 Kittredge Street (Elder House and storefront)
- G. 2138 Kittredge Street (Fitzpatrick House and storefront), and 2117 Kittredge Street (A.H. Broad House and storefront) (JK 11/5/2001)
- H. 1842-1878 Euclid Avenue (CO 9-14-07)
- I. Berkeley High School Campus Historic District (SW 1/3/08)
- J. 2746 Garber Street (SW 3/5/09)
- K. 1901 Bonita Avenue (CO 11/16/10)
- L. 1920 Bonita Avenue (CO 11/16/10)
- M. 1940 Channing Way (CO 11/16/10)

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- N.** 1920 Haste Street (CO 11/16/10)
- O.** 2414 Shattuck Avenue (CO 11/16/10)
- P.** Terminal Place (alley) (CO 11/16/10)
- Q.** 2041 University Avenue (CO 11/16/10)
- R.** 2482-2498 Telegraph Avenue And 2445-2449 Dwight Way (CO 12/7/11)
- S.** 2301-2315 Telegraph Avenue / 2510-2516 Bancroft Way (CO 12/7/11)
- T.** 2328-2346 Telegraph Avenue / 2441-2447 Durant Avenue (CO 12/7/11)
- U.** 2400-2402 Telegraph Avenue / 2486-2498 Channing Way (CO 12/7/11)
- V.** 2410-2422 Telegraph Avenue (CO 12/7/11)
- W.** 3049 Adeline Street (CO 3/12/12)
- X.** "Manoa Historic District"- 2530 Way, 2524 Dwight Way, 2503 Regent Street, 2509 Regent Street, 2511 Regent Street, 2515 Regent Street, 2517 Regent Street, 2506 Dwight Way, 2502 Dwight Way/2501 Telegraph Avenue, 2512–2516 Regent Street/2525 Telegraph Avenue (CO 3/12/12)
- Y.** 1400 Sixth Street (CO 6/7/13)
- Z.** 1409 Scenic Avenue (CO 9/3/15)
- AA.** 1301 Shattuck Avenue, Live Oak Park (CO 2/2/17)
- BB.** 2750-2770 Marin Avenue, Pacific Lutheran Theological Seminary (LPC 5/4/17)
- CC.** 100 Berkeley Square (SF 6/1/17)
- DD.** 741 Cedar Street (CO 7/6/17)
- EE.** 745 Cedar Street (CO 7/6/17)
- FF.** 749 Cedar Street (CO 7/6/17)
- GG.** 2212 Fifth Street (CO 7/6/17)
- HH.** 837 Folger Avenue (CO 7/6/17)
- II.** 1517 Fourth Street (CO 7/6/17)
- JJ.** 808 Gilman Street (CO 7/6/17)
- KK.** 830 Gilman Street (CO 7/6/17)
- LL.** 832 Gilman Street (CO 7/6/17)
- MM.** 836 Gilman Street (CO 7/6/17)
- NN.** 1018 Pardee Street (CO 7/6/17)
- OO.** 1336 Sixth Street (CO 7/6/17)
- PP.** 1345 Sixth Street (CO 7/6/17)
- QQ.** 601 Ashby Avenue (PA 2/1/18)
- RR.** 1013 Pardee (BO 9/6/18)
- SS.** 1940 Haste Street (LPC 10/04/18; upon relocation of historic building)
- TT.** 2222 Fifth Street (LPC 12/6/18)
- UU.** 1631-33 Walnut Street (LPC 7/2/19)
- VV.** 1601 California Street (PA 11/7/19)
- WW.** 2235 Channing Way, 2240 and 2300 Durant Avenue, 2372 Ellsworth Street (LPC 11/5/20)
- XX.** 2501, 2510, 2514, 2530 and 2551 San Pablo Avenue (LPC 4/1/21)

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

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

<http://www.cityofberkeley.info/ContentDisplay.aspx?id=62826>

Projects proposing demolition of buildings greater than forty years old**A. Non-Residential Structures (BMC Section 23C.08.050)**

3031	Adeline Street	ZP2018-0156
701	Bancroft Way	ZP2021-0042
705	Bancroft Way	ZP2021-0042
705A	Bancroft Way	ZP2021-0042
2015	Blake Street	ZP2020-0072
2019	Blake Street	ZP2020-0072
811	Carleton Street	ZP2021-0003
2317	Channing Way	ZP2020-0090
800	Dwight Way	ZP2020-0087
2216	Fifth Street	ZP2021-0043
2213	Fourth Street	ZP2021-0043
2221	Fourth Street	ZP2021-0043
2001	Milvia Way	ZP2020-0134
1200	San Pablo Avenue	ZP2019-0192
1212	San Pablo Avenue	ZP2019-0192
1214	San Pablo Avenue	ZP2019-0192
1634	San Pablo Avenue	ZP2021-0008
2136	San Pablo Avenue	ZP2021-0046
1650	Shattuck Avenue	ZP2020-0022
3031	Telegraph Avenue	ZP2020-0069
1207	Tenth Street	ZP2020-0046
2000	University Avenue	ZP2020-0134

B. Residential Structures

1725	Berkeley Way	ZP2021-0055
1837	Berkeley Way	ZP2020-0115
2001	Blake Street	ZP2020-0072
1915	Berryman Avenue	ZP2020-0045
1630	Carleton Street	ZP2020-0136
3233	Ellis Street	ZP2021-0009
2212	Fifth Street	ZP2021-0043
2808	Ninth Street	ZP2019-0220
770	Page Street	ZP2020-0051

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1716 Seventh Street ZP2020-0123

17. ADJOURN**NOTICE CONCERNING LEGAL RIGHTS**

If you object to a decision by the Landmarks Preservation Commission to approve or deny a designation or permit for a project, the following requirements and restrictions apply:

1. You must appeal to the City Council within Fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing to receive a Notice of Decision when it is completed.
2. Pursuant to Code of Civil Procedure, Section 1094.6(b), no lawsuit challenging a City Council decision to deny a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.
3. Pursuant to Government Code, Section 65009(c)(5), no lawsuit challenging a City Council decision to approve (with or without conditions) a permit or variance may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure, Section 1094.6(b), which has been adopted by the City. Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

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