



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

LANDMARKS PRESERVATION COMMISSION

MEETING AGENDA

Date: Thursday, September 1, 2022
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 Government Code Section 54953(e) and the state-declared emergency, this meeting of the Commission will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this **URL:** <https://us06web.zoom.us/j/83877256219>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on “rename” and provide an anonymous title. 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:** 838 7725 6219. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Please be mindful that the teleconference will be recorded as any official meeting is recorded, and all other rules of procedure and decorum will apply for official meetings conducted by teleconference or videoconference.

The Commission consists of nine members appointed by City Council:

Christopher Adams, District 5
Kathleen Crandall, District 3
Charles Enchill (Chairperson), District 1 – Leave of Absence
Steven Finacom, District 4
Luke Leuschner, District 7
Christopher Linvill, Mayor
Denise Montgomery (Vice Chairperson), District 8
Paul Schwartz, District 6
Alfred Twu, District 2

** 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 advance 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 Items 8 and 9.
 - B. **Other Changes**

ACTION AND DISCUSSION ITEMS

5. [2119 Marin Avenue – Landmark or Structure of Merit \(#LMIN2022-0002\) designation for the Laflin House**](#)
Resume the public hearing and consider final action on a request to grant designation status to a residential property, in accordance with BMC Section 3.24.130.
6. [2119 Marin Avenue – Mills Act Contract application \(#LMMA2022-0002\) for the Laflin House**](#)
Consider a request to enter into a Mills Act contract with the owner(s) of a City Landmark property and make recommendations to City Council for action on this request, in accordance with Government Code Sections 50280 et. Seq. and City Council Resolution No. 59,355.
7. **1819 Tenth Street – Toverii Tuppa Building**
Discuss the correspondence presented on the August 4, 2022 meeting agenda regarding the present condition of a City Landmark property.
8. [1752 Shattuck Avenue – Demolition Referral \(Use Permit #ZP2022-0011\)**](#)
Consider the proposal to demolish a commercial building that is more than 40 years old, in accordance with Berkeley Municipal Code (BMC) Section 23.326.070(C).
9. **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)

	Members	Established	Annual Expiration
ZAB Design Review Committee	SF	-	-
Rose Garden Inn SAP	KC, DM, SF	Dec 2021	Nov 2022
2234 Haste Avenue SAP	SF, DM	Mar 2022	Feb 2023
Grants	CE, SF	Mar 2022	Feb 2023
Berkeley Rose Garden	CA, PS	Mar 2022	Feb 2023
Landmarks Policies & Procedures	SF, CE	Mar 2022	Feb 2023

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- | | Members | Established | Annual Expiration |
|--|---------|-------------|-------------------|
| City Projects for Landmarks and Structure of Merit Sites | SF, CE | Mar 2022 | Feb 2023 |
| University of California | SF, PS | Mar 2022 | Feb 2023 |
10. **ACTION: Approval of Action Minutes****
[Draft August 4, 2022 Action Minutes.](#)
 11. **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).
 12. **CORRESPONDENCE**
 13. **COMMISSIONER ANNOUNCEMENTS**
 14. **STAFF ANNOUNCEMENTS**
 15. **FUTURE COUNCIL CALENDAR ITEMS**
 - A. **2328 Channing Way** – Information Agenda Item re: Approval of Structural Alteration Permit #LMSAP2021-0002, October 11, 2022
 - B. **2065 Kittredge Street** – Information Agenda Item re: Approval of Structural Alteration Permit #LMSAP2021-0004, date pending
 - C. **1325 Arch Street** – Information Agenda Item re: Approval of Structural Alteration Permit #LMSAP2022-0007, October 11, 2022
 16. **POTENTIAL INITIATIONS**
The Commission may establish and maintain an ongoing list of structures, sites and areas having a special historical, architectural or aesthetic interest or value. After public hearings, the Commission may initiate landmark and historic district designations from the list.
 - A. 2362 Bancroft Way-Trinity United Methodist Church (3/1/99)
 - B. Berkeley High School, Building C, 1920; W. C. Hayes (LE 9/13/99)
 - C. John Galen Howard Power Station, UC Campus (CO 4/3/00)
 - D. H.C. Macaulay Foundry, 811 Carleton Street (4/3/00)
 - E. UC Storage Station, James Plachek, Architect (4/3/00)
 - F. "Kittredge Street Historic District" - 2124 Kittredge Street (Elder House and storefront)
 - G. 2138 Kittredge Street (Fitzpatrick House and storefront), and 2117 Kittredge Street (A.H. Broad House and storefront) (JK 11/5/2001)
 - H. 1842-1878 Euclid Avenue (CO 9-14-07)
 - I. Berkeley High School Campus Historic District (SW 1/3/08)
 - J. 2746 Garber Street (SW 3/5/09)
 - K. 1901 Bonita Avenue (CO 11/16/10)
 - L. 1920 Bonita Avenue (CO 11/16/10)
 - M. 1940 Channing Way (CO 11/16/10)
 - N. 1920 Haste Street (CO 11/16/10)
 - O. 2414 Shattuck Avenue (CO 11/16/10)
 - P. Terminal Place (alley) (CO 11/16/10)
 - Q. 2041 University Avenue (CO 11/16/10)
 - R. 2482-2498 Telegraph Avenue And 2445-2449 Dwight Way (CO 12/7/11)

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- 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 [sic] 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; initiation failed 6/6/21)
- 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)

17. CURRENT LAND USE PROJECTS (BMC SECTION 23.404.030(C))

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 23.404.030(C) (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.

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Projects proposing demolition of buildings greater than forty years old

A. Non-Residential Structures (BMC Section 23C.08.050)

3031	Adeline Street	ZP2018-0156
125 – 128, 130 and 131	Berkeley Square	ZP2021-0110
134	Berkeley Square	ZP2021-0110
701	Bancroft Way	ZP2021-0096
703	Bancroft Way	ZP2021-0096
705	Bancroft Way	ZP2021-0096
705A	Bancroft Way	ZP2021-0096
747	Bancroft Way	ZP2021-0096
811	Carleton Street	ZP2021-0003
2555	College Avenue	ZP2022-0019
2942	College Avenue	ZP2021-0072
2439	Durant Avenue	ZP2021-0192
2216	Fifth Street	ZP2021-0043
2213	Fourth Street	ZP2021-0043
2220	Fourth Street	ZP2021-0096
2221	Fourth Street	ZP2021-0043
742	Grayson Street	ZP2021-0161
2720	Hillegass Avenue	ZP2022-0095
2128-2136	Oxford Street	ZP2021-0162
2160, 2164, and 2168	Oxford Street	ZP2021-0162
1820	San Pablo Avenue	ZP2021-0186
2136	San Pablo Avenue	ZP2021-0046
2403	San Pablo Avenue	ZP2021-0220
2603 & 2605	San Pablo Avenue	ZP2021-0066
2607, 2609 and 2611	San Pablo Avenue	ZP2021-0066
2613	San Pablo Avenue	ZP2021-0066
2727	San Pablo Avenue	ZP2022-0033
1650	Shattuck Avenue	ZP2020-0022
1752	Shattuck Avenue	ZP2022-0011
2440	Shattuck Avenue	ZP2020-0201
3000	Shattuck Avenue	ZP2022-0046
2800	Telegraph Avenue	ZP2022-0107
3031	Telegraph Avenue	ZP2020-0069
1207	Tenth Street	ZP2020-0046
2821	Tenth Street	ZP2022-0038
1598	University Avenue	ZP2022-0099
1652	University Avenue	ZP2022-0110
1708 and 1710	University Avenue	ZP2021-0127
2000	University Avenue	ZP2020-0134

B. Residential Structures

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1725	Berkeley Way	ZP2021-0055
2018	Blake Street	ZP2021-0095
2538	Durant Avenue	ZP2022-0097
1200	Dwight Way	ZP2022-0028
2310	Eighth Street	ZP2022-0098
2212	Fifth Street	ZP2021-0043
2435	Haste Street	ZP2021-0210
469	Kentucky Avenue	ZP2022-0087
1773	Oxford Street	ZP2022-0062
1915 and 1917	Ninth Street	ZP2021-0121
776	Page Street	ZP2021-0084

18. 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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