



LANDMARKS
PRESERVATION
COMMISSION
SUPPLEMENTAL
STAFF REPORT

FOR COMMISSION ACTION
JANUARY 6, 2025

2138 Kittredge Street – The Fitzpatrick House and Pepper Tree Tea Room

Landmark application #LMIN2024-0006 for the consideration of City
Landmark or Structure of Merit designation status for a property originally
constructed in 1904 and expanded in 1935 (APN 057-2029-015-00)

I. Application Basics

- A. Land Use Designations:** Outer Core (C-DMU)
- B. CEQA Determination:** Exempt from further environmental review pursuant to
CEQA Guidelines Section 15061.(b)(3) for Review for
Exemptions.
- C. Parties Involved:**
- **Initiator:** 64 Berkeley Resident Petitioners
 - **Application Author:** Anthony Bruce
Berkeley Architectural Heritage Association
P.O. Box 1137
Berkeley, CA
 - **Property Owner:** Susan Carlson
2138 Kittredge Street
Berkeley, CA
- D. Staff Recommendation:** Hold a public hearing and consider favorable action on
this request.

Limitations of Local Register Designation & Pending Use Permit for Demolition

In addition to the information and analysis presented in the staff report for the Commission's hearing on the subject Landmark application, staff would like to provide an explanation of the regulatory context for the City's concurrent review of the pending Use Permit application for this same property: #ZP2024-0114.

Should the Commission vote favorably on the subject Landmark application to designate the Fitzpatrick House and Pepper Tree Tea Room as either a City Landmark or Structure of Merit, the property would become a locally listed historic resource. However, certain limitations would apply given the pending Use Permit request to demolish the building.

The Housing Accountability Act of 2019, also referred to as Senate Bill (SB) 330, requires the City to make the "historic site" determination at the time the application for the housing development project is deemed complete. Furthermore, a "determination as to whether a parcel of property is a historic site shall remain valid during the pendency of the housing development project for which the application was made [(Gov. Code § 65913.10(a))." No City Landmark or Structure of Merit designation status was in place last year at the time of application completeness and, therefore, a local designation at this time would not retroactively apply to the pending Use Permit request.

Further, SB330 limits the City's ability to impose any preservation-related conditions of approval on the Use Permit. While SB330 also imposes limits on the number of hearings to five, that limit applies to the housing project (i. e.: Use Permit proposal) and not this Landmark Initiation application. SB 330 does not limit the City's obligation to assess the impact of a proposed project on cultural resources under CEQA and to impose measures to mitigate any adverse impacts on cultural resources; see Gov. Code § 65913.10(c).

Should the LPC vote on application #LMIN2024-0006 to designate the subject property as a City Landmark or Structure of Merit, the designation would symbolically recognize the local significance and architectural/cultural/historic merit of the Fitzpatrick House and Pepper Tree Tea Room. Additionally, if the vested rights under Use Permit application #ZP2024-0114 were not to be exercised and a new or modified application were to be filed in its place subsequent to City Landmark or Structure of Merit designation of the property, then a protective status could apply to the historic site for any future development application.

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



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December 30, 2024

VIA EMAIL

Fatema Crane (fcrane@berkeleyca.gov)
City of Berkeley Land Use Planning Division
Landmarks Preservation Commission
2120 Milvia Street
Berkeley, CA 94704

**Re: 2138 Kittredge Street, APN 057-2029-015-00
Landmark or Structure of Merit Designation Consideration**

Dear Ms. Crane:

We write on behalf of our client StudiOne QOZB LLC, applicant for a use permit to construct a 66-unit housing development project at the above-referenced property as to which a preliminary application was filed pursuant to SB 330 (the Housing Crisis Act of 2019) on March 18, 2024.¹ A full application was submitted on August 6, 2024, and was deemed complete by the City on September 5, 2024. The project, which includes deed-restricted affordable units and a density bonus, complies with all applicable, objective general plan and zoning standards.

On October 30, 2024, an application to designate 2138 Kittredge Street as a City of Berkeley landmark was submitted to the City. It expressly indicated that it was being filed to protect the site from development. Despite the fact that a preliminary application and full application for a housing development project was already in process, the City has scheduled a public hearing to consider the Landmark Application before the Landmarks Preservation Commission (LPC) on January 6, 2025.

The purpose of this letter is to state our strong legal objections to the proposed consideration by the LPC regarding whether the above-referenced property should be declared a Landmark or Structure of Merit, and to request that the item be taken off the LPC's agenda.

The site is currently vested under state housing law (SB 330), which prohibits the LPC from making or applying a Landmark or Structure of Merit determination while the SB 330

¹ The applicant submitted a preliminary application on February 14, 2024, and provided a quick update on March 18, 2024. Via letter dated April 4, 2024, the City of Berkeley acknowledged a preliminary application was received effective March 18, 2024.

FENNEMORE.
WENDEL

Fatema Crane
December 27, 2024
Page 2

application remains in effect. This alone should end the inquiry. The meeting should not go forward in violation of state law.

Moreover, the Landmark Application is factually inaccurate and does not represent substantial evidence to merit designation of the site as a landmark. The Application concedes that it was filed in response to the development application. (Landmark Application at p. 11.) The 2024 Historic Resources Evaluation, which is the most thorough and detailed survey on record for this site, concludes that the site is not eligible for landmark designation.²

A decision by the LPC to approve the Landmark Application would constitute a reversible abuse of discretion in violation of California law. Furthermore, such a decision is entirely unnecessary. Designating the site a landmark or structure of merit is not supported. While the building is old (originally built in 1904 and extensively altered in 1935), it does not otherwise meet the criteria for project at the national, state or local level.

1. State law limits LPC review of the Landmark Application.

A. The HAA and SB 330 Curtail Belated Attempts to Determine Historic Significance.

The scope of the LPC's discretion in reviewing the Landmark Application is limited to (1) determining the site is not a Landmark or Structure of Merit; or (2) referring the site to the City's list for future consideration if the SB 330 application lapses.

On July 8, 2020, the Berkeley Office of the City Attorney issued an SB 330 Memorandum, which included the legal directive that "Government Code section 65913.10(a) prohibits the City from imposing additional historic or cultural resources protections..." on a site subject to an SB 330 preliminary application under the Housing Accountability Act ("HAA") (Gov. Code § 65589).³ The City Attorney concluded that, as a result, the "LPC and the City are prohibited by state law from denying or imposing conditions on a housing development project based on any cultural or historic resources protections" on a site subject to an SB 330 preliminary application, and that any historic resources information required as part of the preliminary application must be limited to the identification of resources "known to exist" at the time of the application.

Since then, the City has improperly eroded the vesting protections of SB 330 by alleging that a Landmark or Structure of Merit determination may still be made on sites that are subject to an SB 330 application. The City's alleged basis for this (as stated in staff reports on other projects facing the same situation) is that the legal effect of that determination will only be imposed if the

² A copy of this analysis is attached as **Attachment 1**.

³ See July 8, 2020, Memorandum from Farimah Brown, City Attorney to Jordan Klein, Planning Director.

FENNEMORE.
WENDEL

Fatema Crane
December 27, 2024
Page 3

SB 330 application ultimately does not move forward and thereby lapses. The City's stated position – that the LPC can designate an SB 330 site a Landmark or Structure of Merit, but then conditionally defer the effect of that determination – violates the vesting protections in the HAA, runs contrary to due process protections required in adjudicative hearings, and constitutes an abuse of discretion subject to reversal by a court.

Moreover, the City's justification fails to appreciate that a landmark designation provides a burden on the title of the property and impacts the applicant's ability to finance the project. The Berkeley Municipal Code (BMC) requires that an approval of a designation requires such designation to be recorded (BMC § 3.24.180.A.) If an unforeseen circumstance results in the application losing its vesting, the site would be immediately devalued given that any designation would immediately apply (and potentially limit and possibly prohibit development) and a lender would not want to take the risk of loaning money on a project that could have such a dramatic change in future value. As such, any "prospective" designation would put the project at risk and would discourage the development of much-needed housing⁴.

The LPC's landmarking process is a "quasi-adjudicative hearing," meaning that evidence may be presented, specific findings must be made, and any findings to support a Landmark or Structure of Merit determination must be supported by substantial evidence in the record. (See Cal. Code Civ. Proc., § 1094.5.) Courts will invalidate a quasi-adjudicative ruling if it constitutes an "abuse of discretion." An abuse of discretion occurs if the LPC fails to proceed in the manner required by law, fails to adopt sufficient findings, or makes findings that are not supported by substantial evidence. (Cal. Code Civ. Proc., § 1094.5(b).)

The LPC hearing and its consideration of the site is, as a practical matter, a waste of time and City resources. Any designation would be both speculative and ineffective if the pending development application is ultimately approved. However, both City staff and applicant now must spend time and resources (including hiring legal and historical consultants) on a potentially superfluous proceeding (not to mention an illegal one).

Given the housing crisis, Legislative direction from Sacramento, as well as guidance from the Department of Housing and Community Development, the City should be removing, not imposing, barriers to the production of housing.

⁴ The BMC requires that a decision on whether to designate a property occur within 180 days of the public hearing where the application is considered. (BMC § 3.24.150.) Thus, it does not appear that the BMC allows for the indefinite postponement of a designation as would occur if the LPC (and ultimately City Council) were to decide to designate the site.

FENNEMORE.
WENDEL

Fatema Crane
December 27, 2024
Page 4

B. The plain language of the HAA prohibits the LPC from making a landmark determination while a development application is vested under SB 330.

An LPC determination that the site is a Landmark or Structure of Merit would be an abuse of discretion in violation of the HAA. Historic resource determinations are legally vested when a housing development application is deemed complete:

For purposes of any state or local law, ordinance, or regulation that requires the city or county to determine whether the site of a proposed housing development project is a historic site, the city or county shall make that determination at the time the application for the housing development project is deemed complete. A determination as to whether a parcel of property is a historic site shall remain valid during the pendency of the housing development project for which the application was made. (Cal. Gov. Code § 65913.10(a).)

Chapter 3.24 of the BMC authorizes the LPC to determine whether the property is a historic site. (BMC § 3.24.120 – 3.24.160.) The timing of that determination is strictly limited by SB 330, which requires the LPC to make "that determination" at the time that the SB 330 application is submitted or deemed complete.⁵ As such, the legal effect is that the LPC only had authority to designate this property as a Landmark or Structure of Merit prior to the filing of the SB 330 application.

C. None of the HAA's exceptions to automatic vesting apply in this case.

SB 330 prohibits cities from making landmark determinations for the entire time that an SB 330 application remains vested. The only enumerated exception to the automatic vesting provision for historical resources arises if "any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities." (Gov. Code § 65913.10(a).) These exceptions do not apply in this instance.

No other exceptions to the vesting protections under the HAA apply here. While the HAA provides exceptions that allow City-wide policies to be imposed after an SB 330 application lapses, those exceptions do not apply to site-specific determinations, such as the Landmark Application proposed to go to the LPC. Adjudicative hearings—like those for Landmarks and Structures of Merit—are legally distinct from legislative approvals, such as a rezoning or general plan amendment. Legislative approvals apply city-wide, and are subject to an entirely different, more deferential "arbitrary and capricious" standard.

⁵ Gov. Code § 65913.10(a); The City Attorney has noted, an application is "deemed complete" for purposes of vesting under the HAA when an SB 330 preliminary application or a complete application is submitted (i.e., whichever occurs first), as set forth in Government Code § 65589.5(h)(5). (Attachment 2, p. 2.).

Fatema Crane
December 27, 2024
Page 5

Adjudicative decisions focus on specific properties and projects, and the law provides stronger requirements and standards. Those standards are tied to basic constitutional due process protections that apply to everyone, including landowners and real estate developers.

The vesting protections in the HAA and SB 330 are in alignment with this fundamental distinction. A “housing development project shall be subject **only** to the ordinances, policies, and standards adopted and in effect when a preliminary application... was submitted.” (Gov Code § 65589.5(o).) The HAA's vesting protections for legislative policies include a set of enumerated exceptions where certain policies, such as the imposition of new impact fees, are expressly deemed to apply to a project site if the SB 330 application lapses or does not move forward:

[SB 330] shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the preliminary application ... was submitted... in the following circumstances... [including when a] housing development project has not commenced construction within two and one-half years... following the date that the project received final approval. (Gov Code § 65589.5(o)(2)(A-E).)

SB 330's vesting provisions for historic resources, however, were codified in a separate statute that prohibits cities from making site-specific landmark determinations once a development application has been determined to be complete. (Gov Code § 65589.5 (h)(5); Gov. Code § 65913.10(a).) Fundamental principles of statutory interpretation require that the HAA be construed in harmony with this clear distinction between legislative and adjudicative approvals. (See, e.g., *Jones v. Hendrix* (2023) 599 U.S. 465, 478.)

This distinction is consequential. The exceptions contained in the HAA allowing policies and ordinances to be imposed after an application lapses are consistent with the legal underpinnings for legislative approvals. The vesting provisions for historical resources, however, are clearly stated to prevent local bodies from making a site-specific, adjudicative determination that could reduce the development potential of a site that is vested under SB 330, with only one limited exception (not applicable here) related to artifacts discovered during construction.

Therefore, an LPC determination in favor of the Landmark Application would violate SB 330. There are no applicable exceptions to state housing law that allow the LPC to render a site-specific landmarking decision but then defer its imposition if the SB 330 application lapses. Furthermore, there is not any provision in the BMC that allow for such open-ended deferrals. (See e.g., BMC § 3.24.180.A (requiring that a designation be recorded); BMC § 3.24.150

FENNEMORE.
WENDEL

Fatema Crane
December 27, 2024
Page 6

(requiring a decision re designation within 180 days of the close of the public hearing on the application).⁶

The HAA and SB 330 prohibit the City from approving the proposed Landmark Application at this time. A determination that there is no Landmark or Structure of Merit on this site occurred by operation of law when the SB 330 project application was submitted and deemed complete, and that determination remains in effect for so long as the SB 330 vesting remains in place. (Gov. Code § 65913.10(a) [determination re historic designation “**shall be made**” at the time of the preliminary application, and “**shall remain valid during the pendency of the housing development project**”].) The City is proposing to make a determination *after* submittal of the preliminary application and during the pendency of the housing development project in violation of the law.

D. The City's interpretation of SB 330 conflicts with the “finality rule” – a core legal principle governing adjudicative hearings and increases the risk of litigation and impedes achievement of City and state housing goals.

There is no legal authority for the City's position that the LPC can render a final decision on a Landmark or Structure of Merit determination, but then condition the effect of that determination on the occurrence of a future event, such as the lapse of an SB 330 application.⁷ The City's position runs contrary to the “finality rule,” a bedrock principle in administrative law. Under the finality rule, the City must render a final, site-specific decision after all appeals regarding the landmarking designation decision have been exhausted.

If the LPC makes a Landmark or Structure of Merit determination for this site, an abbreviated statute of limitations to challenge that finding would run from the date that any appeal to challenge the Landmark decision is resolved. Presented with this situation, the project owner would have to initiate litigation within 90 days (given the short statute of limitation to bring such challenges) to prevent an unlawful designation from affecting future property values and development feasibility for the site, even if the Landmark determination was purportedly not yet “imposed” on the site.

The City's interpretation would lead to perverse effects and unnecessarily increases the risk of litigation, given that a Landmark determination would need to be immediately challenged in court even if the City's stated position is that the Landmark determination would not be imposed on this particular project. The failure to challenge a Landmark determination could result in a

⁶ This process also divests the LPC and public from considering whether designation is appropriate at a future date if and when the SB 330 vesting protection lapses, and the site actually becomes subject to LPC's jurisdiction.

⁷ Continuing Education of the Bar, Administrative Law § 8.62.2.

FENNEMORE.
WENDEL

Fatema Crane
December 27, 2024
Page 7

significant risk that a future challenge, if the SB 330 application were to lapse, would be waived due to the expedited statutes of limitations for challenging final decisions by local agencies.

A key purpose of the HAA, and SB 330, is to incentivize housing production and make the process more predictable, while creating incentives such as statutory penalties that are ultimately intended to reduce the likelihood of unnecessary litigation that impedes the production of housing. (See Gov. Code § 65589.5(a)(2)(A-L).) By contrast, the City's interpretation of SB 330 impedes the achievement of the city's and the state's housing goals in violation of the HAA.

E. Violation of the No Net Loss Law.

The provisions of No Net Loss Law are separate and complementary to those of the Housing Crisis Act of 2019 (Gov. Code, § 66300), which states that “an affected county or an affected city shall not enact a development policy, standard, or condition that would [have the effect of] changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use... below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018.” (Gov. Code § 66300, subd. (b)(1)(B)). A jurisdiction may only change a parcel's land use designation or zoning if there is a concurrent upzoning to ensure no net loss of overall residential capacity.

Here, designation of the site would effectively limit the ability to redevelopment the site with a project that could take advantage of the density permitted in the zoning code, in other words, the designation would result in a de facto condition that would have the effect of putting the site into a less intensive use than currently allowed and in effect on January 1, 2018.

2. The Landmark Application lacks credibility and fails to meet the substantial evidence test. An LPC determination in favor of the Landmark Application would constitute an abuse of discretion under Code of Civil Procedure § 1094.5.

A detailed presentation will be provided to the LPC if this hearing moves forward and will set out factual inaccuracies and unsupported analysis and conclusions in the current Landmark Application which was not based on a historic survey and was not prepared by an architectural historian. An analysis of any staff report will also be prepared.

In connection with the development application for the site, the landowner engaged an architectural historian to inspect the site and provide a professional evaluation of the historical legacy of the building in its current physical condition. As is typical, those findings have been memorialized in a Historic Resources Evaluation (“HRE”) prepared in January 2024. It does not appear that any site-specific survey of the property has been made previously.

FENNEMORE.
WENDEL

Fatema Crane
December 27, 2024
Page 8

The HRE concludes that the site does not meet the criteria for designation as a Landmark or for inclusion in the California Register.⁸ This finding is based on an assessment that the building was (1) heavily altered, including most notably that the primary facade was subsumed by a Georgian Revival style addition in 1935, and has lost historic integrity; (2) the property does not appear to have any significant associations with historically important events or noteworthy historical figures; and (3) the property does not exhibit high architectural merit nor readily conveyed associations with important architects or builders.

The HRE's findings are based on an intensive and thorough site visit, in-depth review of all available documentation,⁹ and detailed review of previous surveys of the site. The HRE constitutes substantial evidence and therefor takes precedence over the Landmark Application, which is based on artistic drawings by non-historians, selected quotes and passages from previous, incomplete and outdated information, and numerous unsubstantiated assertions about the overall integrity of the building. These include claims that are demonstrably wrong.

3. Conclusion: the LPC should defer consideration until (and if) the SB 330 application lapses. Moving forward would count towards the allowed maximum of five public hearings for the project.

Prior staff reports for projects facing belated attempts at historic designation, have mistakenly claimed that an LPC hearing regarding designation would not count toward the five-hearing limit under SB 330. The decision to hold a public hearing on the Landmark Application while the SB 330 application is pending necessarily makes this a “public hearing in connection with the approval of that housing development project.” (Gov. Code § 65905.5.) SB 330 defines “hearing” broadly to include “any public hearing, workshop, or similar meeting, including any appeal, conducted by the city... with respect to the housing development project.” (*Id.*) The only hearings excepted from this section are for legislative approvals, such as a general plan amendment, specific plan amendment, or rezoning. (*Id.*)

Given SB 330's broad intent to expedite housing development projects and provide great certainty in processing, and the fact that none of the limited exceptions apply here, the five-hearing rule applies to the Landmark Application hearing. As a result, the January 7, 2025, LPC meeting will count toward the five-hearing rule.

The Landmark Application was filed for the stated purpose of thwarting this development application and is in conflict with the HAA and SB 330. For the reasons stated herein, we strongly and respectfully request that the City not move ahead with an LPC agenda item regarding the proposed consideration of designation of the property. Moving forward would be

⁸ Historic Resources Evaluation for 2138 Kittredge Street, January 2024, at p. 11.

⁹ *Id.*

FENNEMORE.
WENDEL

Fatema Crane
December 27, 2024
Page 9

both illegal and ineffectual and would result in building barriers to the project that will make development of this project more difficult, costly and would jeopardize its feasibility.

Please do not hesitate to contact me if you have any questions for the applicant.

Sincerely,

FENNEMORE WENDEL



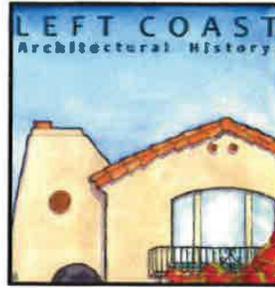
Todd A. Williams

TAWI/tawi

Cc: William Schrader
Jordan Klein, Planning Director (jklein@berkeleyca.gov)
Berkeley City Council (council@berkeleyca.gov)
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TODDWILLIAMS/50860149.1/514138.0006

Attachment 1



P.O. Box 70415, Richmond, CA. 94807 • (415) 745-1906 • caitlin@leftcoastarchitecturalhistory.com

30 January 2024

To Whom It May Concern:

Left Coast Architectural History has completed a Historic Resource Evaluation of the property at 2138 Kittredge Street, Berkeley. The attached California Department of Parks & Recreation (DPR) 523 series forms present a physical description of the property, a record of its history, and evaluation according to California Register of Historical Resources significance and integrity criteria, and City of Berkeley Landmark and Structure of Merit criteria.

The study finds that the building dates to 1904 and was designed by architect William H. Wharff for local livery stable/auto garage owner J.C. Fitzpatrick. It was originally a Free Classical Queen Anne style single-family residence, but was later converted to a restaurant and multi-family apartment building, with the primary facade subsumed by a Georgian Revival style addition in 1935. The property has been occupied by residential tenants and at least one business, but does not appear to have any significant associations with historically important events or noteworthy historical figures. The property does not exhibit high architectural merit nor readily conveyed associations with important architects or builders. It has been identified as part of a small grouping of residences on Kittredge Street that were converted to commercial uses via storefront additions, which may equate to significance at the local level. These points are elaborated upon in detail on the attached forms.

Left Coast Architectural History is happy to answer questions or provide additional assistance, as needed.

Sincerely,

Caitlin Hibma
Principal/Architectural Historian
Left Coast Architectural History

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION PRIMARY RECORD		Primary # HRI # Trinomial NRHP Status Code
Other Listings Review Code	Reviewer	Date

Page 1 of 21 *Resource Name or #: 2138 Kittredge Street, Berkeley, CA

P1. Other Identifier: n/a
***P2. Location:** Not for Publication Unrestricted ***a. County:** Alameda
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)
***b. USGS 7.5' Quad:** Oakland West, Calif. **Date:** 2015 T ; R ; ¼ of ¼ of Sec ; M.D. B.M.
c. Address: 2138 Kittredge Street **City:** Berkeley **Zip:** 94704
d. UTM: Zone: 10 ; mE/ mN (G.P.S.)
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:
 APN: 57-2029-15

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

Site

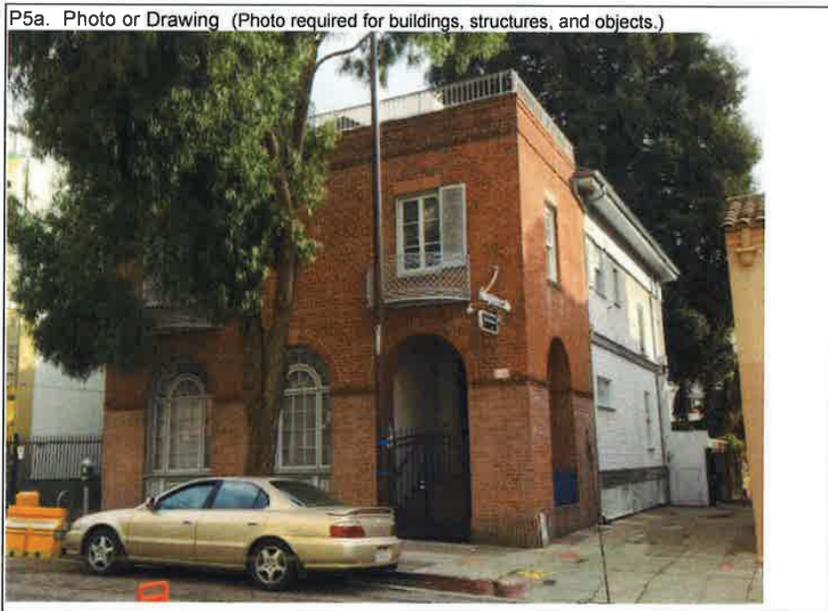
The property at 2138 Kittredge Street consists of a rectangular lot on the south side of Kittredge Street, between Shattuck Avenue and Fulton Street. Topography in the area is flat and the parcel is bordered by a public sidewalk on the north and neighboring properties to the east, west, and south. A two-story building sits at the front of the lot with no setback from the sidewalk. It sits at the western lot line while a driveway runs along the east side of the lot to a paved yard at the rear (south) of the lot and a one-story L-shaped carport sits at the southwest corner of the lot.

Building

The building is two stories and has a generally rectangular plan. It is primarily of wood frame construction with a front addition constructed of brick masonry. It is capped by a complex hip roof with a flat roof over the front addition. The exterior walls of the front addition are brick (common bond), while the rear/original portion of the building is clad with wood lap siding. (Continued)

***P3b. Resource Attributes:** (List attributes and codes) HP2. Single family property, HP3. Multiple family property, HP6. 1-3 story commercial building

***P4. Resources Present:** Building Structure Object Site District Element of District Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #)
 North and west facades, looking southeast, January 2024

***P6. Date Constructed/Age and Sources:** Historic Prehistoric Both
 1904; *Berkeley Daily Gazette* construction notice

***P7. Owner and Address:**

***P8. Recorded by:** (Name, affiliation, and address)
 Left Coast Architectural History
 PO Box 70415
 Richmond, CA. 94807

***P9. Date Recorded:** Jan. 2024

P10. Survey Type: Intensive

***P11. Report Citation:** None

***Attachments:** NONE Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List):
 DPR 523A (1/95)

***Required information**

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION BUILDING, STRUCTURE, AND OBJECT RECORD	Primary # HRI#
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Page 2 of 21

*NRHP Status Code 6Z

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

- B1. Historic Name:** None
B2. Common Name: None
B3. Original Use: Single-family residence **B4. Present Use:** Commercial/Multi-family residence
***B5. Architectural Style:** Free Classical Queen Ann, altered to/mixed with Georgian Revival
***B6. Construction History:** (Construction date, alterations, and date of alterations)
 Constructed 1904. Primary facade addition, 1935. (See Continuation Sheets for additional construction history.)
- *B7. Moved?** No Yes Unknown **Date:** n/a **Original Location:** n/a
***B8. Related Features:** Carport at rear of lot.
- B9a. Architect:** William H. Wharff **b. Builder:** Pearson & Olsen
***B10. Significance: Theme:** None **Area:** Downtown Berkeley
Period of Significance: None **Property Type:** Residential/Commercial **Applicable Criteria:** None
 (Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

Neighborhood Context

The building at 2138 Kittredge Street is located in Downtown Berkeley, just off the Shattuck Avenue commercial corridor, study of which was undertaken by the "Shattuck Avenue Commercial Corridor Historic Context and Survey" (Archives & Architecture, 15 Sept. 2015). The historic context is applicable to this property, as follows.

Downtown Berkeley is characterized by a variety of uses but is heavily commercial, as is typical of an urban downtown. Along Shattuck Avenue, these commercial uses – restaurants, boarding houses, groceries, laundries – were present as early as the 1870s, encouraged by the establishment of the nearby University of California campus; construction of a rail line along Shattuck Avenue; and ultimately, incorporation of the community as the Town of Berkeley. The University spurred surrounding residential growth as well and the presence of a train station at Shattuck and University avenues made that the locus of the city's de facto downtown.

In the 1880s, residential growth boomed and the area's character transitioned from rural to urban. In the 1890s, the previously vacant east side of Shattuck Avenue was graded, allowing for additional development and more businesses to be established along the corridor. Such development extended as far south as Allston Way, while a smaller secondary commercial cluster existed at Shattuck Avenue and Dwight Way.

The turn of the 20th century brought electric rail lines and further commercial growth to Shattuck Avenue, but the 1906 earthquake did the most to spur massive residential and commercial growth, as displaced residents from San Francisco came across the Bay to settle in Berkeley and demand for goods and services subsequently increased. Many older properties along Shattuck Avenue were redeveloped to meet the needs and fashions of the new century. (Continued)

B11. Additional Resource Attributes: (List attributes and codes)
 HP2. Single family property, HP3. Multiple family property, HP6. 1-3 story commercial building

***B12. References:**
 (See parenthetical citations within text and on last Continuation Sheet)

B13. Remarks:

***B14. Evaluator:** Caitlin Hibma/Left Coast Architectural History

***Date of Evaluation:** January 2024

(This space reserved for official comments.)



State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial
---	--------------------------------

Page 3 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

P3a. Description: (continued)

Multi-lite wood sash windows in double-hung and casement configurations are the most prevalent type of fenestration. Original double-hung iterations feature lambs-tongue sash stops, while newer wood iterations have no stops. Some vinyl sashes are also present.

The primary/north facade is two stories, clad with brick, and faces Kittredge Street without setback from the sidewalk. Two rows of soldier coursed bricks are found at the base of the wall. Above, the first story features a series of three regularly spaced round arches. A course of shiner coursed bricks set at an angle and topped by a row of stretcher coursed bricks create a decorative beltcourse at the height of the arches' springing points, while the tops of the arches are trimmed with voussoir bricks and slightly elongated bricks that form keystones at the top. The two arches at left and center have molded wood dado panels at the bottom and multi-lite wood sash windows above. The windows consist of a large, fixed, 12-lite, center sash, flanked by narrow four-lite casement sashes, and topped by fanlights with distinctive spiderweb muntins. The primary entrance is located within the rightmost arch which opens to a recessed vestibule. The entry door is elevated and approached by brick steps and a stoop. The solid wood door is adorned with a carved reeded motif and topped by a leaded glass transom lite. It is surrounded by wide reeded trim with a plain keystone at the top.

The second story of the primary facade features two window openings at either side and a decorative roundel at the center. The roundel is filled with a decoratively laid pattern of brickwork, voussoir trim, and keystones of elongated bricks at top, bottom, and each side. The windows have rectangular openings flanked by faux wood shutters and topped by lintels of soldier coursed bricks. Decorative metal half-round balconettes are located below each window. The windows have wood double-casement sashes with three lites in each leaf. A band of stretcher coursed bricks defines a low parapet wall at the top of the facade, which has brick coping and a low metal railing along the top edge.

The brick front wraps the building corner and extends briefly along the west facade, where there is a recessed blind arch with a wood flower box at the first story and a non-original six-over-one wood sash window with brick sill and soldier coursed lintel at the second story. To the right, the original portion of the building is clad with wood lap siding. Utility hatches and lattice vents are located at the base of the wall with a wide wood watertable above. The first story features a horizontally-oriented art glass window on the left, a standard one-over-one, double-hung, wood sash window on the right, and a partially-glazed wood pedestrian door at the far right. The first and second stories are divided by a wide wood beltcourse. The second story features four irregularly placed windows in a variety of sizes with molded wood trim. Three are one-over-one double-hung sashes, while one is a fixed art glass window. The facade terminates in a wide plain wood frieze overhung by the boxed eaves of the roof. One eave bracket with a foliate scroll motif is found near the juncture of the brick addition with the original portion of the building.

On the east facade, too, the brick front wraps the building corner and extends briefly along the facade. At the first story there is an arched window like those described on the primary facade, while the second story features two six-over-one wood sash windows with brick sills and soldier coursed lintels. To the left, the original portion of the building is clad with wood lap siding. A projecting bay is located near the center of the facade. It is angled at the first story and overhung by a square bay at the second story with decorative scrolls brackets adorning the overhanging corners. As on the west facade, there is a wide wood watertable, wide wood beltcourse between stories, and wide plain wood frieze overhung by the boxed eaves of the roof. Windows are generally standard one-over-one, double-hung sashes with molded wood trim; some wood and some vinyl. A hip-roofed dormer projects from the east plane of the roof over the projecting bay.

The rear/south facade is clad with wood lap siding and has a wide wood watertable, wide wood beltcourse between stories, and wide plain wood frieze overhung by the boxed eaves of the roof. There is a secondary entrance and window at the right side of the first story. The second story is setback at the left side, accommodating a deck with a decorative wood railing. The right side features a pair of standard windows. A non-original addition projects from the rear plane of the roof.

Carport

An L-plan carport sits at the southwest corner of the lot. It is one-story high with a flat roof and opens onto the property's paved rear yard. The carport has concrete block rear walls, heavy wood roof beams, and metal support poles. Stucco clads the low parapet wall at the front of the roof.

B10. Significance: (continued)

Downtown was spared destruction by the 1923 Berkeley Fire, but Shattuck Avenue was nevertheless changed by the growing popularity of the private automobile in the 1920s. Although modes of transit conflicted at times, private cars increased travel to and from the commercial corridor. A number of large department stores came to the area at the time and, along with other businesses, flourished until the Great Depression. Even the serious economic downturn of the 1930s had gentler effects in Berkeley, though, because the University's student population kept business flowing.

By the mid-1940s, the entire Bay Area had experienced a war-time population boom and prosperity was high. Although the evolution of transportation away from public mass transit and toward the private automobile dispersed many businesses into

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial
---	--------------------------------

Page 4 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
 *Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

B10. Significance: (continued)

new outlying areas, Shattuck Avenue remained a strong commercial corridor, and as was a recurring theme, the proximity of the University of California campus continued to bolster Downtown commerce.

As happened in many cities, Downtown declined in the 1950s and 60s due to the migration of commercial uses to outlying malls and shopping centers. Population also diminished as urban residents moved to the suburbs, which were accessible by car and did not require the presence of convenient nearby businesses. In Berkeley, the deterioration of residential hotels and apartments that were commonly located above the street-level commercial establishments along Shattuck Avenue compounded the loss of Downtown vitality. Additional challenge was presented by the construction of BART in the 1970s, although this ultimately connected Berkeley's Downtown to the wider Bay Area region once it was completed.

Property History

A notice in the 27 October 1902 issue of the *Berkeley Daily Gazette* (BDG) reported that lots 16 and 17 of the Blake Tract (which had been subdivided in 1881) were sold by W.H. Leimert to John C. Fitzpatrick. A map of the Blake Tract indicates that the property now addressed 2138 Kittredge Street was Blake Tract lot 17 (lot 16 sat to its east). (Berkeley Property Map No. 3 of the Blake Tract, 1881; Berkeley Public Library via Calisphere.) The following year, the 1903 Sanborn Fire Insurance map illustrates that lot 17 was vacant, while lot 16 was had a large, two-story, corrugated iron stable sitting at its rear.

On 4 January 1904, the *Berkeley Daily Gazette* reported plans "To Erect Large Building" at Shattuck Avenue and Kittredge Street. The article reported that the building was to be a two-story and basement frame dwelling, built for John C. Fitzpatrick by contractors Pearson & Olsen, designed by architect William H. Wharff. (See "Architect & Builders" section below.) The house would cost \$4,090 and was to be completed around mid-April of 1904.

John C. Fitzpatrick was born in Benicia in 1866 and came to Berkeley in 1890. Soon thereafter, he began working on the Claremont, University & Ferries horsecar line (known as the C.U. & F., established 1891), serving variously as secretary, manager, superintendent, and motorman. The horsecar line was discontinued in 1901 and Fitzpatrick went into business running a "railroad station horse and hack taxi service." This livery stable business was initially headquartered on Allston Way, but was soon moved to the property adjacent to Fitzpatrick's new house at 2138 Kittredge Street. Banking on transportation trends moving away from horses and toward automobiles, Fitzpatrick eventually purchased three gas-powered automobiles which he hired out and also used for deliveries, taxi service, and driving for funerals and other events. Fitzpatrick's stable eventually became one of Berkeley's first public auto garages. ("So We're Told by Hal Johnson: Horsecar Man," *BDG*, 28 February 1940.)

The 1910 census lists the John C. Fitzpatrick family as the residents of 2112 Kittredge Street. John C. Fitzpatrick was 45 years old, born in California to Irish parents, and was listed as the proprietor of a livery stable; the one located on the lot next door, and which by 1910, was probably more automobile than horse-oriented. Also residing at the house were Fitzpatrick's wife, Carrie, and their five children. The children's ages ranged from 16 to 22 and only the oldest, Albert Reginald, was employed as an electric company clerk.

The house at 2138 Kittredge Street first appears on the 1911 Sanborn Fire Insurance map, addressed 2112 Kittredge Avenue. It is illustrated as a 2-story, rectangular-plan dwelling with an inset porch at the front northwest corner, a square bay window on the east facade, and a rear porch. An L-shaped outbuilding was present at the rear of the lot and was addressed 2112 ½ Kittredge Street. On the lot to the east, which was also owned by Fitzpatrick (Blake Tract lot 16, mentioned above), the corrugated iron stable shown on the 1903 Sanborn Fire Insurance map had been enlarged to fill the front of the lot. It was still clad in iron, had a concrete block street-facing facade, and was labeled as a livery stable.

A decade later, the 1920 census continues to list John C. Fitzpatrick at 2112 Kittredge Street. By then Fitzpatrick was a 54 year old widow and had no listed occupation. Living with him were his son Albert Reginald; 37 years old with no listed occupation; and his daughter and son-in-law, Gladys C. and George H. Brown, both in their 30s. George Brown was employed as a salesman for a wholesale coffee company.

The property was renumbered from 2112 to 2138 Kittredge Street on 5 October 1926. (City of Berkeley Planning Department records) The Sanborn Fire Insurance map of 1929 shows that by the end of the 1920s, the property been converted into a restaurant. John C. Fitzpatrick's adjacent livery stable had officially become an automobile garage, housing 20 cars with a repair department at the rear. The 1930 census confirms that John C. Fitzpatrick had moved away from the subject property, purchasing and living in a house on Delaware Street. He may have retained ownership of the house and adjacent auto garage until either 1924 or 1942. (*BDG*, 28 February 1940.) John C. Fitzpatrick died in 1945. (Vital records, ancestry.com.)

The timing of Fitzpatrick's sale of the property is unclear. It was next purchased by William H. and Alma T. Taylor. Logically, he would have sold the property when he moved away, possibly in 1924 as one source states. (Anthony Bruce, "The Fitzpatrick House & Pepper Tree Tea Room, 2138 Kittredge Street," 2022, BAHA files) Donogh real estate records show a sales transaction between Fitzpatrick and the Taylors in 1942, however. Its possible that numbers were transposed, but a newspapers article

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial
---	---

Page 5 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
 *Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan, 2024 Continuation Update

B10. Significance: (continued)

profiling Fitzpatrick notes that he still owned the livery stable property as late as 1940, which could suggest he owned the house into the 1940s as well. In any case, William and Alma Taylor were the next owners of 2138 Kittredge Street and were present, either as renters or owners, as early as 1925.

The restaurant shown on the 1929 Sanborn Fire Insurance map was operating at least as early as 1925, when it was referred to as the Pepper Tree Inn in a newspaper article. (BDG, 12 June 1925) It was also known at various times as the Pepper Tree Tea Room or the Pepper Tree Restaurant. Its proprietress was Alma T. Taylor, wife of William H. Taylor, who was a real estate agent. The Taylors' residential address was 2138 Kittredge Street, indicating that they lived upstairs, while Alma Taylor ran the restaurant, presumably on the lower floor of the house. Alma's father and adult niece lived with them; her niece helping wait tables in the tea room. (Anthony Bruce, 2022; BAHA files.)

In 1928, the newspaper ran both a recommendation for the Pepper Tree, and a rental advertisement for an apartment at 2138 Kittredge Street, indicating that in addition to the tea room, the Taylors had subdivided the residential portions of the house into apartments. They continued to live at the address. (BDG, 4 Jan. 1928 and 30 March 1928) In both 1926 and 1929, chimney sparks ignited the roof of the house, but no substantial damage was done. (BDG, 9 July 1926 and 13 Feb. 1929)

In 1935, the Taylors took out a building permit for "alterations and addition to tea room and dwelling" involving the remodeling of the kitchen and dining quarters and extension of the front of the building by 8 ft. 6 in. (BAHA, permit 39423) This was when the brick Georgian Revival style front was constructed on the house's primary facade.

The Pepper Tree Tea Room continued to operate until 1942, when newspapers announced that the restaurant premises was up for lease and its equipment and furniture was for sale. (BDG, 11 May and 24 June 1942.) Alma Taylor thus retired from 21 years in the restaurant business, but she and William H. Taylor continued to own and live at 2138 Kittredge Street. Later in 1942, they applied for a permit to convert the building to apartments, hiring architect Paul Hammarberg to design the project. (Permit 53030) The Taylors continued as resident-landlords of the apartment house and ran a public "honor" parking lot nearby, while another parking lot operated at the rear of the subject lot (although newspapers assign it a different proprietor). (BDG, 22 March 1948)

In 1955, the property made the news when the skeletal remains of a Native American burial were uncovered in the course of construction at the rear of the lot. It was noted that an old shed related to the adjacent J.C. Fitzpatrick livery stable had been torn down and the footings of a new carport were being poured when the discovery was made by a workman. The remains were assessed by a U.C. Berkeley archaeologist and determined to be over a century old and belong to an Ohlone woman, who had probably lived in one of the villages that once proliferated in Strawberry Canyon.

In October 1960, Alma T. Taylor passed away at age 70. Her obituary highlighted her 39 years of residency in Berkeley and her 21-year ownership of the former Pepper Tree Tea Room. She was survived by her husband, who remarried in 1963 to Helen Ingham. (BDG, ca. 21 Nov. 1974) In 1964, Taylor was listed as the owner of the property when applying to build an additional dwelling unit on top of the property's rear carport. It was specified that the addition would be a large apartment to be occupied by the property owners, while the existing five-unit apartment building continued to be used as such. Based on the fact that the carport remains one-story with no second story unit, the project does not appear to have ever been undertaken. (Use Permit #5245) William Taylor appears to have retained ownership of the property until his death in 1974. Helen Ingham Taylor passed away in 1979 and may have continued living at the property until then.

According to building permit records, Wayne Ronneburg owned the property around 1981, when the roof was replaced. In May 1985 a lot line adjustment was made between 2138 Kittredge Street and the neighboring property to the east (the former site of J.C. Fitzpatrick's livery stable) to "eliminate minor encroachment of a commercial building at 2150 Kittredge Street." Per City of Berkeley land use history records, the lot line adjustment application was later withdrawn, but the owner at the time was stated to be Berkeley Commercial Property Developments/Reorganized Church of Jesus Christ of the Later Day Saints. (Application for Parcel Map #4511/4571)

By 1992, Steve and Francisca Schneider were the property owners and retained ownership until at least 2001. During this time, the building appears to have remained a five-unit apartment building, although not rented to full occupancy. In 1997, architectural plans were filed and an application for Design Review was submitted to "convert the existing multi-unit residential building into restaurant." (UP# 97-10000082) An Application for Change of Use Statement (17 July 1997) reported that the building consisted of five residential units; two on the bottom floor that were vacant, two on the second floor being used as a single dwelling by the Schneiders, and one at the attic level that was also vacant. Steve Schneider was a real estate consultant and, based on a sign that remains on the building, he maintained an office in the building. The 1997 restaurant conversion project was undertaken with the intent that the Schneiders would sell the building to Ching Hwa Yu to become the Great China Restaurant if the commercial conversion was possible and a use permit was granted. It appears that it was not and the project was not undertaken.

Architect

The building at 2138 Kittredge Street, in its original residential guise, was designed by William Hatch Wharff. Wharff was born

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial
---	--------------------------------

Page 6 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
 *Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

B10. Significance: (continued)

in Maine in 1836. He attended Foxcroft Academy, an arts-oriented preparatory high school, and learned the carpentry trade from his uncle, eventually becoming a master carpenter and joining his uncle in business. The source of Wharff's architectural training is unclear and its possible that he had no formal training, although he did claim at one time to have studied architecture in Maine and Massachusetts and eventually became a member of the American Institute of Architects.

Wharff served in the Union Army during the Civil War and in 1875 moved his family west to California, settling first in San Francisco. Wharff declared himself an architect to the 1880 census, but was listed in city directories as a draftsman and, later, contractor/builder with offices on Pine Street. By some accounts he designed or built over sixty buildings in San Francisco between 1882 and 1899.

In 1899, Wharff relocated to Berkeley. Despite being of retirement age, he renewed his practice in his new city and was active until 1915, when he retired from architecture but went into the insurance business instead. He died in 1936.

Buildings designed by Wharff in Berkeley, and which are also designated Landmarks, include:

- Carlson's Block (1903) at 3228 Adeline Street in Lorin Station
- Masonic Temple (1905–06) at 2105 Bancroft Way and Shattuck Avenue
- J.J. Pfister Co. Knitting Mill (1906) at 8th and Parker Streets;
- F.D. Chase Building (1909) at 2107 Shattuck

(Daniella Thompson, "William Wharff: Architect, Civil War Vet, and Freemason," ca. 22 Feb. 2008; http://berkeleyheritage.com/eastbay_then-now/wharff.html)

Architectural Type & Style

The building at 2138 Kittredge Street was originally a residential building that was probably designed in the Free Classical sub-type of the Queen Anne style. Although the original appearance of the primary facade is unknown, this determination is based on the building's age and remnant features on the rear portion of the building, including horizontal wood siding, double-hung windows with lambs-tongue sash stops, beltcourses and friezes, moldings, and remnant scroll brackets. The Free Classical sub-type of the Queen Anne style was popular in the later phase of the Queen Ann period, about 1890 to 1910. It used Classical columns, moldings, Palladian windows, and other related ornament rather than the spindlework and gingerbread more commonly associated with the Queen Anne aesthetic. (McAlester, Virginia & Lee, *A Field Guide to American Houses*, (New York: Alfred A. Knopf, 2003))

In 1935, the primary facade was subsumed by a front addition designed in the Georgian Revival style. As was popular in the 1920s and 30s, this was a revival of the older Georgian style that was used in the American colonies and eastern United States from around 1700 to as late as 1830. Like other revival styles, it sought to evoke a sense of nostalgia for times past, specifically that associated with early America, colonial history, the ideals of the early American republic, and the basic orderly principals of earlier architectural styles that had been considered elite, formal, and highly fashionable. It, too, referenced the Classical in its detailing, which can be seen in the facade's strict symmetry, the round arches forming an arcade and adorned with keystones, the roundel ornament on the upper facade, and parapet defined by brickwork. Features like decorative brickwork, complex window composition with spiderweb fanlights, and faux shutters put a Georgian emphasis on the Classical. Meanwhile, reeded detailing on and around the primary entrance appears to have been a departure toward the Art Deco trends of the 1930s, when the addition was made. (Ibid., Lester Walker, *American Shelter* (Overlook Press, 1998))

Alterations

Building permits and other records on file with the City of Berkeley Department of Planning & Development and Berkeley Architectural Heritage Association provide documentation of the property's development over time. In addition, sources such as Sanborn Fire Insurance maps, aerial photographs, and historical images provide information on alterations made to the building during certain periods of time.

Date	Permit #	Description of Work
20 Aug. 1915	4815	Unspecified addition to dwelling. Owner: J.C. Fitzpatrick [Rear addition, per California Dept. of Parks & Recreation Historic Resources Inventory form, 1978 (BAHA)]
4 Aug. 1926	25631	Unspecified demolition. Owner: Alma T. Taylor

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial
---	--------------------------------

Page 7 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
 *Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

B10. Significance: (continued)		
13 June 1935	39423	Alterations and addition to tea room and dwelling – kitchen and dining quarters to be remodeled and front to be extended 8 ft. 6 in. Owner: Mr. & Mrs. Taylor
5 Nov. 1936	41648	Reroof shed. Owner: Taylor.
11 May 1940	48712	Termite repair to dwelling and restaurant. Owner: Taylor
14 Aug. 1940	49347	Termite repairs to dwelling. Owner: Taylor.
10 Aug. 1942	53030	Convert building to apartments. Architect: Paul Hammarberg. Owner: W.H. Taylor
11 Jan. 1949	64622	Unspecified alterations to apartments. Owner: Taylor
20 Jan. 1949	64667	Installation of a fire escape ladder.
3 Nov. 1953	74231	Take out a wall and a half-closet wall in two adjoining bedrooms, frame in a closet, making the bedroom approx. 3 feet wider. Owner: W.H. and Alma T. Taylor
21 Sept. 1955	78298	Demolish existing carport at rear of lot, Owner: W.H. Taylor
? Sept. 1955	78300	Construct concrete block carport, 8" blocks, tar and gravel roof, asphalt floor and drive. Owner: W.H. Taylor
21 Aug. 1964	5245	NOT COMPLETED: Building dwelling unit above carport. Owner: W.H. Taylor
13 Jan. 1981	112814533	Re-roofing. Owner: Wayne Ronneburg.
17 May 1985	PM 4511/4571	NOT COMPLETED: Lot line adjustment. Owner: Berkeley Commercial Property Developments/Reorganized Church of Jesus Christ of the Later Day Saints
1992	CoB records	Owner requested and denied building's removal from URM list. Owner: Steve and Francisca Schneider
5 Sept. 1997	UP 97-10000082	NOT COMPLETED: Convert existing multi-unit residential building into restaurant. Owner: Steve and Francisca Schneider
3 July 2000	00-00001042	NOT COMPLETED: Remove existing second floor deck and replace with dining room. Owner: Steve and Francisca Schneider
15 Feb. 2001	01-00000252	Add Garden room on existing deck [at rear, second story] (in lieu of room addition, permit #1042). Contractor: Century Patio Village. Owner: Steve Schneider

Alterations noted by visual observation, but not otherwise documented, include:

- Window replacement: Some double-hung, wood-sash windows without lambs-tongue sash stops are present and indicate replacement of originals which did have sash stops. Meanwhile some vinyl ash windows are also present.

California Register Evaluation

The California Register of Historical Resources (California Register) is an inventory of significant architectural, archaeological, and historical resources in the State of California. In order for a property to be eligible for listing in the California Register, it must be found significant under one or more criteria relating to historically significant events, people, architects or architectural merit, or information potential. The following provides an evaluation of the historic significance of 2138 Kittredge Street:

Criterion 1 (Event): Resources that are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

No specific events of historical importance are known to have occurred at the property. The building was constructed as a single-family residence located just off the commercial corridor of Shattuck Avenue in 1904. It pre-dated the 1906 earthquake and did not play any role in the aftermath of that event or the substantial effects that it had on the Bay Area and beyond. The house was partially-converted to a restaurant in the mid-1920s and a front addition was added to facilitate that use in 1935. Such changes to the physical character and use of residential buildings are fairly common in urban settings where a residential neighborhood has become heavily commercial over time and were done for reasons of very general practicality. The restaurant conversion pre-dated and was not influenced by or otherwise related to the events of the Great Depression that started in 1929 and dominated much of the 1930s. The building became a multi-family apartment building in 1942, which may have been very generally influenced by the massive population boom experienced in the Bay Area during the years of World War II as war workers and military families relocated to the region in large numbers and required housing. However, the subdivision of residential space to accommodate the wartime population boom (and make a profit) is a trend that occurred at countless properties in cities throughout the Bay Area

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial
---	--------------------------------

Page 8 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
 *Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

B10. Significance: (continued)

and elsewhere in California. No evidence was found that 2138 Kittredge Street housed war workers or military families and it is just one example of a very common wartime trend throughout the State.

The property does not appear to be eligible for listing in the California Register under Criterion 1.

Criterion 2 (Persons): Resources associated with the lives of persons important in our past.

The property was first associated with John C. Fitzpatrick, who had the house built in 1904 and occupied it with his family until the early 1920s. Fitzpatrick worked on a horsecar line before establishing his own livery stable (next door to the house), which eventually transitioned from horses to automobiles, but operated under the same for-hire model. He was an early adopter of automobiles and his stable-turned-garage is claimed to have been one of Berkeley's first public auto garages, although this claim is unsubstantiated ("So We're Told by Hal Johnson: Horsecar Man," *BDG*, 28 February 1940) and could be complicated by the exact definition of "public auto garage" (ie: a garage for parking, for mechanical service, for rental of vehicles, etc.) In any case, although Fitzpatrick was an early purveyor of transportation, his business did not have significant implications for the broader history or development of Berkeley or California, and the house at 2138 Kittredge Street did not have an integral association with Fitzgerald's business or represent it in any way.

Beginning around 1925, the house was occupied by William H. and Alma Taylor. William Taylor was a real estate agent, while Alma Taylor ran a tea room in the front of the house. William Taylor's work in real estate earned little attention in historical documents, while Alma's tea room was advertised in newspapers (as would be expected for a restaurant) and appears to have been a successful establishment, operating for 21 years. Nevertheless, the tea room was one of countless restaurants in Berkeley during its years of operation and Alma Taylor had no great historical influence as its proprietress.

In 1942, the Taylors converted the house to a five-unit apartment building. Residents of the apartments are generally unknown and the few names that appear in association with the address in newspapers do not yield much biographical information and do appear to have been influential. Helen Ingham Taylor, William Taylor's second wife and widow, owned the property until 1979. Later owner/occupants were associated with the property outside of the historical period and none appear to claim any significant achievements that would qualify them as important historical figures.

The property does not appear to be eligible for listing in the California Register under Criterion 2.

Criterion 3 (Architecture): Resources that embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

The building at 2138 Kittredge Street was designed as a single-family dwelling, likely in the Free Classical sub-type of the Queen Anne style. Aside from age-appropriate materials and a few remnant features found on the side and rear facades, the house no longer conveys its original appearance, nor is it capable of indicating its true age or style. In 1935, a Georgian Revival style front facade was added to the building, which had come to incorporate commercial and, eventually, multi-family residential uses. The front exhibits some characteristic features of the Georgian Revival style, but by nature of it being an addition to an existing building of an entirely different style, is not a pure or good example of the style and has some anomalies. Its intended function as a storefront is also not readily apparent, as it has few of the characteristics of commercial use, such as a street-level entrance, multiple entrances, large plate glass display windows, etc. Consequently, the architecture of 2138 Kittredge Street has little architectural merit and does not embody distinctive characteristics of either its original design and use, or the style and use imposed upon it in later years.

The architect of the house was William H. Wharff, who was a prominent and prolific Berkeley architect from 1899 to 1915. It is acknowledged, however, that he was not a great architectural trailblazer, being "neither a classicist nor an innovator, [but] a practical builder who incorporated the prevailing idiom of the day into his designs." (Daniella Thompson, "William Wharff: Architect, Civil War Vet, and Freemason," ca. 22 Feb. 2008; http://berkeleyheritage.com/eastbay_then-now/wharff.html) The fact that the house at 2138 Kittredge Street has been substantially altered with an addition to the primary facade that essentially obscures Wharff's original design means that it cannot stand as a valid representation of his work. Additionally, the fact that at least four other works by Wharff are designated local landmarks, retain integrity, and represent Wharff's work much better, means that the house at 2138 Kittredge Street is not a valuable representation of his work.

The property does not appear to be eligible for listing in the California Register under Criterion 3.

Criterion 4 (Information Potential): Resources that have yielded, or may be likely to yield, information important in prehistory or history

Criterion 4 is typically concerned with archaeological investigation. Where buildings or architectural elements are concerned, Criterion 4 typically relates to rare construction types, of which 2138 Kittredge Street is not an example.

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	HRI# Trinomial	Primary #
---	-----------------------	-----------

Page 9 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
 *Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

B10. Significance: (continued)

The property does not appear to be eligible for individual listing in the California Register under Criterion 4.

Berkeley Landmark Evaluation

Berkeley Landmarks are designated historical resources within the City of Berkeley. Resources may be designated as Landmarks if they meet one or more of five criteria similar to those used for the California Register, but which elaborate on areas of significance. The following provides an evaluation of the historic significance of 2138 Kittredge Street according to local significance criteria:

1. Architectural Merit:

a-c. Property that is the first, last, only or most significant architectural property of its type in the region; Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder; Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.

The property is an altered early-twentieth century residential building, later converted to commercial and multi-family residential uses, that does not hold the status of first, last, only, or most significant of its type or style in the region either in its original guise, nor its altered state. Its presumed original style and its wood-frame construction was very common to the early-twentieth century, while its altered character is equally unremarkable for the mid-1930s; therefore, it is not a prototype or outstanding example of its period, style, or any architectural movement or construction type. Even considered as an example of an early-twentieth century residence with a storefront addition, it does not qualify as a first, last, only, prototype, or outstanding example, as two others exist on the same block of Kittredge Street, with both of the others being of earlier construction dates and earlier alteration dates, and are still extant. The architect, William H. Wharff, was a prominent and prolific Berkeley architect but not particularly groundbreaking in his designs. He designed a number of other noteworthy buildings, some of which bear landmark designations, and are better examples of his work than 2138 Kittredge Street, which has been altered in such a way that the majority of Wharff's original design is not even evident.

2. Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City

The building at 2138 Kittredge Street was built as a single-family residence for a middle-class, non-immigrant family without any association to religious, cultural, governmental, social, or economic events or developments in Berkeley. It was built adjacent to its original owner's livery stable business, but only served to house his family and played no role in the neighboring commercial use, which itself was not strongly associated with any local economic developments. The house was later converted into a restaurant in the mid-1920s, but this also was not related to any significant economic evolution in Berkeley. It was one of countless restaurants in the city during its period of operation. Later still, it was converted into a multi-family apartment building during the years of World War II, but no evidence was found that this subdivision was directly related to or influenced by the wartime population boom, and subsequent cultural, social, and economic shifts, that happened in the Bay Area at that time.

3. Educational value: Structures worth preserving for their usefulness as an educational force

The property at 2138 Kittredge Street does not appear to have any use as an educational tool. The building is a modest structure that has an altered appearance and has had changing uses throughout its history. Both its altered physical character and dichotomy of uses confuse any interpretation of its historical role as either a house or commercial building, neither of which is particularly significant to local history.

4. Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military.

The building at 2138 Kittredge Street was built as a single-family residence for a middle-class, non-immigrant family without any significant influence from or on social, cultural, economic, political, religious, or military history. It was built adjacent to its original owner's livery stable business, but only served to house his family and played no role in the neighboring commercial use, which itself was not strongly associated with any local economic trends. The house was later converted into a restaurant in the mid-1920s, but this also was not related to any significant economic trends in Berkeley. It was one of countless restaurants in the city during its period of operation. Later still, the building was converted into a multi-family apartment building during the years of World War II, but no evidence was found that this subdivision was directly related to or influenced by the wartime population boom, and subsequent cultural, social, and economic shifts, that happened in Berkeley and the Bay Area at that time.

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial
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Page 10 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
 *Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

B10. Significance: (continued)

5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.

The property at 2138 Kittredge Street is not listed in the National Register of Historic Places and therefore does not qualify as a Berkeley Landmark under this criterion.

Berkeley Structure of Merit Evaluation

Berkeley Structures of Merit are designated historical resources within the City of Berkeley. Resources may be designated as Structures of Merit if they meet general and/or specific criteria. An evaluation follows:

1. General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. If upon assessment of a structure, the commission finds that the structure does not currently meet the criteria as set out for a landmark, but it is worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks, that structure may be designated a structure of merit.

As assessed under Berkeley Landmark criteria, the property at 2138 Kittredge Street does not possess high architectural merit or cultural, educational, or historic value. Visual observation of buildings around the property reveals a wide range of age, scale, style, and use, including a number of very large modern infill buildings that have been constructed in close proximity in recent years (or are under construction currently). Three late-nineteenth and early-twentieth century houses with added storefronts, similar to the subject property, are located on the same block of Kittredge. The "Shattuck Avenue Commercial Corridor Historic Context & Survey" addresses this grouping of properties as follows:

While a majority of residences located on Berkeley's downtown streets were demolished during the ensuing decades, to make room for larger, more commercially focused structures, a small handful of ca. 1890s houses, specifically the grouping located at 2117-2119 Kittredge St., 2124-2126 Kittredge St., and 2138 Kittredge St. were adapted into commercial storefronts, while remaining residential in the rear. These original rear wings are representative of residential uses that were adapted for commercial purposes as the twentieth century progressed, and as the commercial aspects of Shattuck Avenue began to extend beyond the main thoroughfare. The expansion of transportation options in the early twentieth century, as well as a burgeoning commercial downtown, led to an increasing amount of commercialization of the side streets directly off of Shattuck Avenue as the nineteenth century gave way to the twentieth century.

It is corrected, herein, that the property at 2138 Kittredge Street dates to 1904, not ca. 1890s, and was the last of the three properties to be built and the last to be altered with a commercial storefront. Nevertheless, the three properties have been identified as representing a small grouping of residential-to-commercial conversions, associated with the commercial growth of nearby Shattuck Avenue.

Specific Criteria

a. The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure's neighborhood, block, street frontage, or group of buildings.

Downtown Berkeley is characterized by an extremely dense concentration of designated landmarks. In order to distill the analysis down to manageable numbers, the subject block on which 2138 Kittredge Street is located, and the block face opposite (the north side of Kittredge Street) are used herein as the study area. Within those constraints there are seven designated landmarks, including: the Tupper & Reed building, Hezlett's Silk Store, the Odd Fellows Temple, the Masonic Temple, Brooks Apartment Building, the A.H. Broad House/Storefronts, and the California Theater. All are Landmarks, except the A.H. Broad House/Storefronts, which is a Structure of Merit. Construction dates range from 1894 to 1913, with two bearing significant alterations dating to the mid-1920s and 1929-30. The Masonic Temple and Brooks Apartment Building are roughly contemporaneous with 2138 Kittredge Street, having been built within the same decade, in 1905 and 1906, respectively.

The property's age does not correspond to any period or event of significance to the City, having been built at at time of general growth and before the 1906 earthquake.

b. The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.

Among the designated landmarks located in the study area defined above (see Specific Criteria (a)), 2138 Kittredge Street is compatible with the A.H. Broad House/Storefronts (Structure of Merit) in size, scale, style, materials, and design. Both are two-story, single-family, residential structures of Victorian-era styling, of wood frame construction, with later storefront additions dating

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	HRI# Trinomial	Primary #
---	-------------------	-----------

Page 11 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

B10. Significance: (continued)

to the mid-1920s and mid-1930s, that are of different materials and styling than the house to which they are attached. The other nearby Landmarks are mostly much larger, of distinctly different styles, and of different use-based design.

c. The structure is a good example of architectural design.

As a single-family dwelling, likely designed in the Free Classical sub-type of the Queen Anne style, the house no longer conveys its original appearance, nor is capable of indicating its true age or style. The later Georgian Revival front addition exhibits some characteristic features of the style, but by nature of it being an addition to an existing building of an entirely different style, is not a pure or good example and has some anomalies. Consequently, the architecture of 2138 Kittredge Street has little architectural merit and does not embody distinctive characteristics of either its original design and use, or the style and use imposed upon it in later years.

d. The structure has historical significance to the City and/or to the structure's neighborhood, block, street frontage, or group of buildings.

The property at 2138 Kittredge Street has been identified as part of a grouping of three properties exhibiting residential to commercial conversion via storefront addition. The group is "representative of residential uses that were adapted for commercial purposes as the twentieth century progressed, and as the commercial aspects of Shattuck Avenue began to extend beyond the main thoroughfare." (Archives & Architecture, 2015)

Integrity

In order to qualify for listing in the California Register, a property must possess significance under one of the aforementioned California Register criteria *and* have historic integrity according to seven aspects. Most, if not all, aspects of integrity must be met in order for the property to retain integrity. Integrity is not considered in the evaluation for Berkeley Landmark or Structure of Merit eligibility.

The property at 2138 Kittredge Street does not appear to possess the historic significance necessary to qualify for designation to the California Register; therefore, an analysis of its integrity is not required or included here.

Conclusion

Based on the above analysis, the property at 2138 Kittredge Street does not appear to be eligible for listing the California Register of Historical Resources or as a City of Berkeley Landmark. Because it has been identified as one of a grouping of three similar buildings with a somewhat unique use history, illustrated through physical alteration (SoM general criterion 1 and specific criterion D), and because it is contemporary in age and compatible in physical character with nearby Landmarks (SoM specific criteria A and B), multiple Structure of Merit criteria regarding its associations to similar nearby properties are met. Based on these conclusions, the property appears to qualify as a historical resource for the purposes of CEQA.

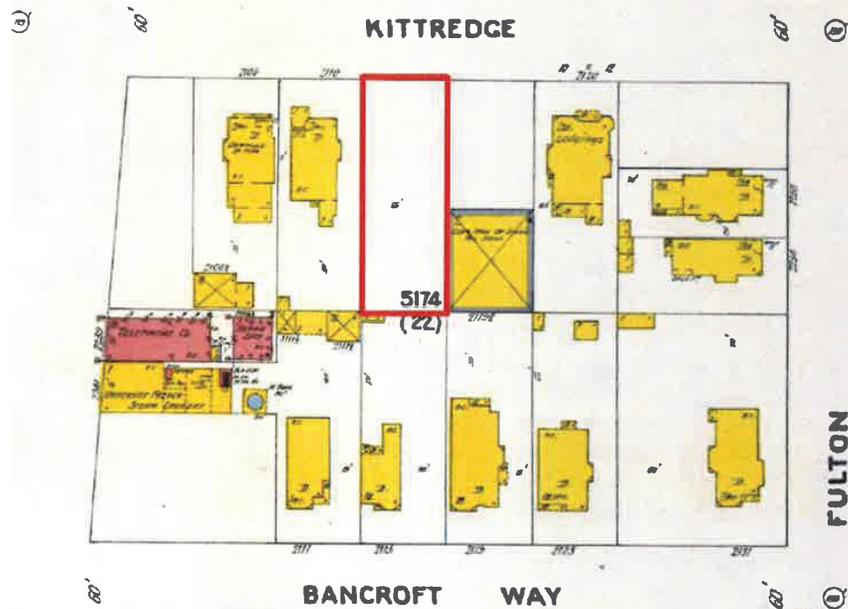
Sources

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Archives & Architecture, "Shattuck Avenue Commercial Corridor Historic Context & Survey," 28 May 2015.
Berkeley Architectural Heritage Association: block files, building permits, Ormsby Donogh collection
City of Berkeley Planning & Development Department microfiche records
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NETR Online, Historic Aerials
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Sanborn Fire Insurance Map archives via ProQuest and HIG
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State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	HRI# Trinomial	Primary #
---	-------------------	-----------

Page 12 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
 *Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

Historical Images:



Sanborn Fire Insurance map, 1903. Subject property outlined in red; vacant. (Historical Information Gatherers)

To Erect Large Building

The contract to erect a two-story and basement frame dwelling on Shattuck avenue and Kittredge street, for John C. Fitzpatrick, has been awarded to Contractors Pearson & Olsen. William H. Wharff is the architect. This contract calls for all concrete, mason, carpenter, plumbing and painting work, at a total cost of \$4090. Payments are to be made as follows: Frame up, \$1022.50; plastered, \$1022.50; completed and acceptor, \$1022.50; thirty-five days after, \$1022.50. The contract was let December 30 and the building is to be completed in seventy-five working days, with a forfeit of \$5 a day. W. G. Black and Nils Person are sureties in bonds of \$1022.50.

Construction notice, Berkeley Daily Gazette, 4 January 1904.

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

HRI#

Primary #

Trinomial

Page 13 of 21

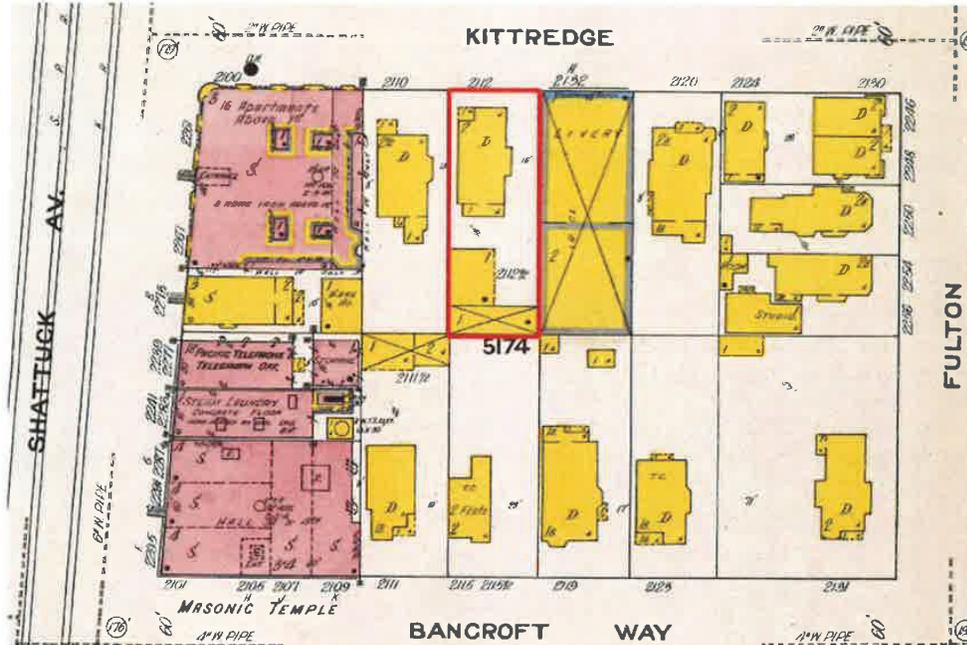
*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History

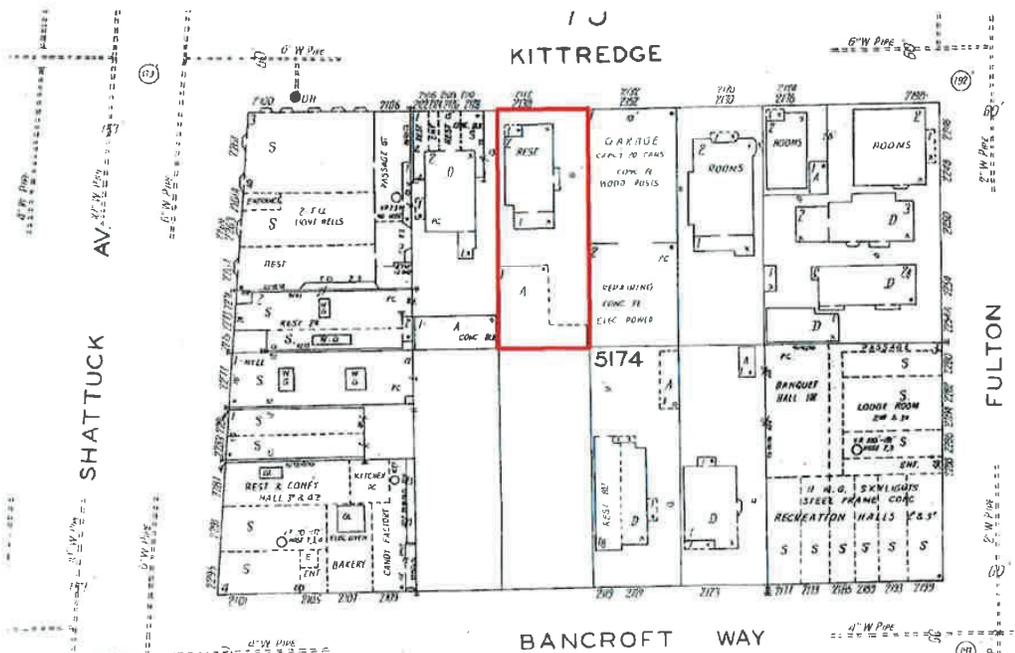
*Date: Jan. 2024

Continuation Update

Historical Images:



Sanborn Fire Insurance map, 1911. Subject property outlined in red. (Historical Information Gatherers)



Sanborn Fire Insurance map, 1929. Subject property outlined in red. (ProQuest)

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

HRI#
Trinomial

Primary #

Page 14 of 21

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History

*Date: Jan. 2024

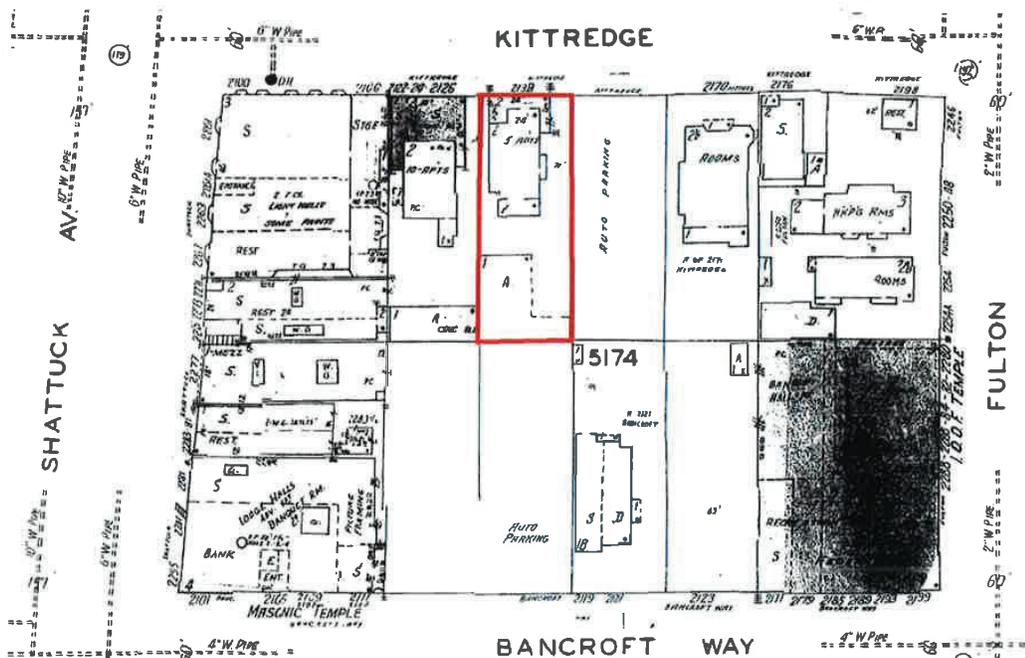
Continuation

Update

Historical Images:



2138 Kittredge Street, 1930s. (BAHA, Donogh Collection)



Sanborn Fire Insurance map, 1950. Subject property outlined in red. (ProQuest)

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

HRI#
Trinomial

Primary #

Page 15 of 21

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History

*Date: Jan. 2024

Continuation

Update

Historical Images:



Aerial photograph, 1958. 2138 Kittredge Street circled. (U.C. Santa Barbara Library)



Aerial photograph, 1965. 2138 Kittredge Street circled. (U.C. Santa Barbara Library)

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	HRI# Trinomial	Primary #
---	-------------------	-----------

Page 16 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

Historical Images:



2138 Kittredge Street, looking southwest; 1978. (BAHA)



2138 Kittredge Street, looking northwest; 1978. (BAHA)

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	HRI# Trinomial	Primary #
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Page 17 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

Historical Images:



2138 Kittredge Street, looking southeast; 1982. (BAHA)



Kittredge Street, looking east. 2138 Kittredge Street at far right; 1982. (BAHA)

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI#
Trinomial

Page 18 of 21

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History

*Date: Jan. 2024

Continuation Update

Current Images:



Primary facade, looking south from Kittredge Street.



Left: Primary facade, looking southeast. Right: Detail of primary entrance.

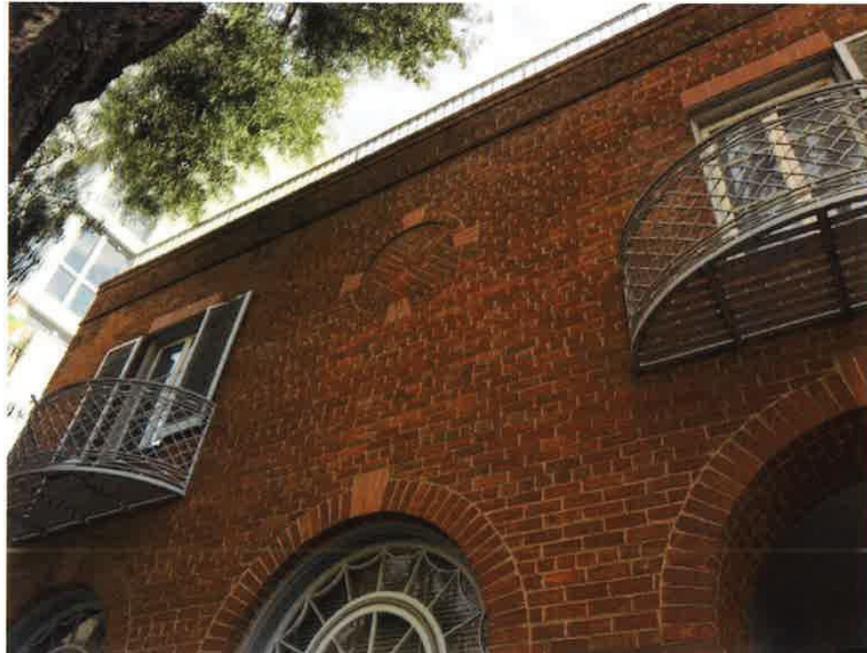
State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial
---	---

Page 19 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

Current Images:



First story of primary facade, left of primary entrance.



Second story of primary facade.

State of California — The Resources Agency DEPARTMENT OF PARKS AND RECREATION CONTINUATION SHEET	Primary # HRI# Trinomial
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Page 20 of 21 *Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA
*Recorded by: Caitlin Hibma/Left Coast Architectural History *Date: Jan. 2024 Continuation Update

Current Images:



West facade, looking southeast.



Lower east facade, looking southwest.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI#
Trinomial

Page 21 of 21

*Resource Name or # (Assigned by recorder) 2138 Kittredge Street, Berkeley, CA

*Recorded by: Caitlin Hibma/Left Coast Architectural History

*Date: Jan. 2024

Continuation

Update

Current Images:



Upper east facade, looking southwest.



View to rear of lot, showing carport, looking south.

Landmark Preservation Commission
Land Use Planning Division
2120 Milvia Street
Berkeley, CA 94704
fcrane@berkeleyca.gov

January 1, 2025

From: Carol Denney
Crossroads Village
1970 San Pablo Avenue #4
Berkeley, CA 94702

Dear Commissioners,

I am one of the Crossroads Village MHA's former board members and tenant at 1970 San Pablo Avenue. Our building has several commercial addresses and is intertwined with 1095 University Avenue, the site of the former Wells Fargo Bank. We are a 26-unit tenant-owned housing non-profit, a community benefit corporation, which has spent 35 years renovating and repairing our building with a mission to provide safe, stable, long-term low-income housing along with three commercial units facing both San Pablo and University Avenues.

We are writing to request the initiation of 1095 University Avenue, which currently stands empty. Our neighborhood has several landmarked buildings, but has also suffered the direct effects of both property owners' and city neglect. Three of the buildings at our intersection now stand empty, and the last business is struggling with the open-air drug dealing, prostitution, and vandalism which has hit epic proportions and burdens property owners, residents, and business owners alike.

This modest request would enable us to help educate our community about the regal architectural elements and the magnificent history of our earliest historic district. Recognition of our historic buildings may seem like a small matter to some, but I believe it helps play a profound role in thinking in a larger way about what benefits a community, where we came from, and where we hope as a community to go together.

Thank you for considering this request at your next earliest opportunity. I believe we can restore the thriving neighborhood of residences and businesses that thrived only a handful of years ago,

Sincerely,

Carol Denney, Crossroads Village MHA
1970 San Pablo Avenue #4
Berkeley, CA 94702, 510-548-1512,
cdenney@igc.org