



PLANNING AND DEVELOPMENT DEPARTMENT
LAND USE PLANNING DIVISION

LANDMARKS PRESERVATION COMMISSION

MEETING AGENDA

Date: Thursday August 3, 2023
Time: 7:00 PM
Place: 1901 Hearst Avenue, North Berkeley Senior Center

The Landmarks Preservation Commission meeting packet is available for review on the City's website, and linked here:
<https://berkeleyca.gov/your-government/boards-commissions/landmarks-preservation-commission>

The Commission consists of nine members appointed by City Council:

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

ACCESSIBILITY INFORMATION / ADA DISCLAIMER

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

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at: Email: ADA@berkeleyca.gov; Phone: 1-510-981-6418; TTY: 1-510-981-6347, at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

For inclusion in the Commissioners' agenda packet, please submit written comments by Wednesday the week prior to the meeting. One set of "late communications" will be distributed to the Commissioners two days before the meeting. Please submit any material for distribution as "late communications" no later than 12 noon on the Tuesday prior to the meeting. Please be advised: Commissioners do not have an opportunity to read written materials handed out at the meeting.

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

Correspondence and Notice of Decision Requests

- **To distribute correspondence for inclusion in the agenda packet** -- submit comments **by 12:00 noon, July 26, 2023**. Please provide 12 copies of any correspondence with more than ten (10) pages or if in color or photographic format. This method is strongly preferred.
- **Late Communications** must be submitted **by 12:00 noon, August 1, 2023**. Any correspondence received after this deadline will be given to Commission members on the meeting date just prior to the meeting. Correspondence received later, and after the meeting, will be posted to the website following the meeting.
- Staff will not deliver to Commission members any additional written (or e-mail) materials received after 12:00 noon on the day of the meeting.
- Members of the public may submit written comments themselves at the meeting. To distribute correspondence at the meeting, please provide 12 copies and submit to the Landmarks Preservation Commission Secretary. **Please be advised: You are strongly advised to submit written comments *prior* to the meeting date as Commission members do not have an opportunity to read written materials handed out at the meeting.**
- Written comments or request for a Notice of Decision should be directed to the Landmarks Preservation Commission Secretary.

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

Contact:

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

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

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

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1. **ROLL CALL:** Please put all cellular phones and ringers on silent during the meeting.
2. **EX-PARTE COMMUNICATIONS:** In the context of adjudicative matters that come before the LPC, ex-parte communications are those which occur outside of the formal hearing process. LPC members should avoid ex-parte contacts on matters pending before the LPC as much as possible, as they may represent, or be perceived to represent, the receipt of evidence that can unfairly influence a decision on a matter before the Commission. If such contacts do occur, they must be placed in the record and disclosed to all interested parties sufficiently in advance of the decision to allow rebuttal.
3. **LAND ACKNOWLEDGEMENT STATEMENT:** The Commission recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.
4. **PUBLIC COMMENT on Non-Agenda and Information Items** (Three minutes per person; five minutes per organization, or at the discretion of the Chairperson)
5. **AGENDA CHANGES**
 - A. **Consent Calendar** – the Commission may consider adding Items 7 and 10.
 - B. **Other Changes**

ACTION AND DISCUSSION ITEMS

6. [2138-2140 Dwight Way](#) – **Davis-Byrne Building****
Receive an advisory referral on proposed paint colors for a City Landmark building and provide guidance and advice, in accordance with BMC Section 3.24.310.
7. [2428 Shattuck Avenue](#) – **Demolition Referral (Use Permit #ZP2022-0149)****
Consider the proposal to demolish a commercial building that is more than 40 years old, in accordance with BMC Section 23.326.070(C).
8. [2712 Telegraph Avenue](#) – **Demolition Referral (Use Permit #ZP2022-0179)****
Consider the proposal to demolish two commercial buildings that are more than 40 years old, in accordance with BMC Section 23.326.070(C).
9. **AD HOC Subcommittees and Liaison Comments**
Receive opportunity reports on status of projects for which the LPC has established a subcommittee or liaison. (Note: Sites will come off the list annually or upon approval of a

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Certificate of Occupancy)

	Members	Established	Annual Expiration
ZAB Design Review Committee	SF	-	-
2234 Haste Avenue SAP	SF, DM	Feb 2023	Jan 2024
Grants	CE, SF	Feb 2023	Jan 2024
Berkeley Rose Garden	CA, PS	Feb 2023	Jan 2024
Landmarks Policies & Procedures	SF, CE	Feb 2023	Jan 2024
City Projects for Landmarks and Structure of Merit Sites	SF, CE	Feb 2023	Jan 2024
University of California	SF, PS	Feb 2023	Jan 2024

10. **ACTION: Approval of Action Minutes****

Draft Action Minutes for July 6, 2023.

11. **INFORMATION REPORTS** Commissioners may ask for discussion to be scheduled on a future agenda (per Brown Act, no deliberation or final action may be taken).

12. **CORRESPONDENCE**

13. **COMMISSIONER ANNOUNCEMENTS**

14. **STAFF ANNOUNCEMENTS**

15. **FUTURE COUNCIL CALENDAR ITEMS**

- A. **1960 San Antonio Avenue** – Information Agenda Item re: Approval of Structural Alteration Permit #LMSAP2022-0005, date pending
- B. **803 Delaware Street** – Information Agenda Item re: Approval of Structural Alteration Permit #LMSAP2023-0002, September 12, 2023
- C. **60 Panoramic Way** – Information Agenda Item re: Structure of Merit Designation #LMIN-2023-0001, September 12, 2023

16. **POTENTIAL INITIATIONS**

The Commission may establish and maintain an ongoing list of structures, sites and areas having a special historical, architectural or aesthetic interest or value. After public hearings, the Commission may initiate landmark and historic district designations from the list.

- A. 2362 Bancroft Way-Trinity United Methodist Church (3/1/99)
- B. Berkeley High School, Building C, 1920; W. C. Hayes (LE 9/13/99)
- C. John Galen Howard Power Station, UC Campus (CO 4/3/00)
- D. H.C. Macaulay Foundry, 811 Carleton Street (4/3/00)
- E. UC Storage Station, James Plachek, Architect (4/3/00)
- F. “Kittredge Street Historic District” - 2124 Kittredge Street (Elder House and storefront)
- G. 2138 Kittredge Street (Fitzpatrick House and storefront), and 2117 Kittredge Street (A.H. Broad House and storefront) (JK 11/5/2001)
- H. 1842-1878 Euclid Avenue (CO 9-14-07)
- I. Berkeley High School Campus Historic District (SW 1/3/08)
- J. 2746 Garber Street (SW 3/5/09)
- K. 1901 Bonita Avenue (CO 11/16/10)
- L. 1920 Bonita Avenue (CO 11/16/10)
- M. 1940 Channing Way (CO 11/16/10)

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- N. 1920 Haste Street (CO 11/16/10)
- O. 2414 Shattuck Avenue (CO 11/16/10)
- P. Terminal Place (alley) (CO 11/16/10)
- Q. 2041 University Avenue (CO 11/16/10)
- R. 2482-2498 Telegraph Avenue And 2445-2449 Dwight Way (CO 12/7/11)
- S. 2301-2315 Telegraph Avenue / 2510-2516 Bancroft Way (CO 12/7/11)
- T. 2328-2346 Telegraph Avenue / 2441-2447 Durant Avenue (CO 12/7/11)
- U. 2400-2402 Telegraph Avenue / 2486-2498 Channing Way (CO 12/7/11)
- V. 2410-2422 Telegraph Avenue (CO 12/7/11)
- W. 3049 Adeline Street (CO 3/12/12)
- X. "Manoa Historic District"- 2530 [sic] Way, 2524 Dwight Way, 2503 Regent Street, 2509 Regent Street, 2511 Regent Street, 2515 Regent Street, 2517 Regent Street, 2506 Dwight Way, 2502 Dwight Way/2501 Telegraph Avenue, 2512–2516 Regent Street/2525 Telegraph Avenue (CO 3/12/12)
- Y. 1400 Sixth Street (CO 6/7/13)
- Z. 1409 Scenic Avenue (CO 9/3/15)
- AA. 1301 Shattuck Avenue, Live Oak Park (CO 2/2/17)
- BB. 2750-2770 Marin Avenue, Pacific Lutheran Theological Seminary (LPC 5/4/17)
- CC. 100 Berkeley Square (SF 6/1/17)
- DD. 741 Cedar Street (CO 7/6/17)
- EE. 745 Cedar Street (CO 7/6/17)
- FF. 749 Cedar Street (CO 7/6/17)
- GG. 2212 Fifth Street (CO 7/6/17; initiation failed 6/6/21)
- HH. 837 Folger Avenue (CO 7/6/17)
- II. 1517 Fourth Street (CO 7/6/17)
- JJ. 808 Gilman Street (CO 7/6/17)
- KK. 830 Gilman Street (CO 7/6/17)
- LL. 832 Gilman Street (CO 7/6/17)
- MM. 836 Gilman Street (CO 7/6/17)
- NN. 1018 Pardee Street (CO 7/6/17)
- OO. 1336 Sixth Street (CO 7/6/17)
- PP. 1345 Sixth Street (CO 7/6/17)
- QQ. 601 Ashby Avenue (PA 2/1/18)
- RR. 1013 Pardee (BO 9/6/18)
- SS. 1940 Haste Street (LPC 10/04/18; upon relocation of historic building)
- TT. 2222 Fifth Street (LPC 12/6/18)
- UU. 1631-33 Walnut Street (LPC 7/2/19)
- VV. 1601 California Street (PA 11/7/19)
- WW. 2235 Channing Way, 2240 and 2300 Durant Avenue, 2372 Ellsworth Street (LPC 11/5/20)
- XX. 2501, 2510, 2514, 2530 and 2551 San Pablo Avenue (LPC 4/1/21)
- YY. 2132-2154 Center Street (LPC 5/4/23)

17. CURRENT LAND USE PROJECTS – BMC Section 23.404.030(C)

Below are the addresses of projects that seek to demolish buildings (residential or commercial) over 40 years old. Permit applications for properties where full removal is not sought are not individually listed, but may be found online:

<https://berkeleyca.gov/construction-development/land-use-development/zoning-projects>

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

3031	Adeline Street	ZP2018-0156
125 – 128, 130 and 131	Berkeley Square	ZP2021-0110
134	Berkeley Square	ZP2021-0110
2462	Bancroft Way	ZP2023-0107
2480	Bancroft Way	ZP2022-0148
811	Carleton Street	ZP2021-0003
2132-2154	Center Street	ZP2022-0135
2555	College Avenue	ZP2022-0019
2942	College Avenue	ZP2022-0136
2037	Durant Avenue	ZP2023-0064
2439	Durant Avenue	ZP2021-0192
2720	Hillegass Avenue	ZP2022-0095
2113-2115	Kittredge Street	ZP2022-0144
2128	Oxford Street	ZP2022-0135
1820	San Pablo Avenue	ZP2021-0186
2136	San Pablo Avenue	ZP2021-0046
2403	San Pablo Avenue	ZP2021-0220
2727	San Pablo Avenue	ZP2022-0033
2720	San Pablo Avenue	ZP2023-0058
1650	Shattuck Avenue	ZP2020-0022
1950-1998	Shattuck Avenue	ZP2023-0040
2274	Shattuck Avenue	ZP2023-0079
2420	Shattuck Avenue	ZP2022-0149
2847	Shattuck Avenue	ZP2022-0132
2920	Shattuck Avenue	ZP2022-0116
3000	Shattuck Avenue	ZP2022-0046
2575-2589	Telegraph Avenue	ZP2023-0068
2800	Telegraph Avenue	ZP2022-0107
2821	Tenth Street	ZP2022-0038
1598	University Avenue	ZP2022-0099
1652	University Avenue	ZP2022-0110
1708 and 1710	University Avenue	ZP2021-0127
1776-1796	University Avenue	ZP2023-0070
2071-2079	University Avenue	ZP2023-0040

B. Residential Structures

2137-2151	Dwight Way	ZP2023-0057
2538	Durant Avenue	ZP2022-0097
2300-2310	Ellsworth Street	ZP2023-0024
2435	Haste Street	ZP2021-0210
469	Kentucky Avenue	ZP2022-0087

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1915 and 1917	Ninth Street Sacramento Street	ZP2021-0121 ZP2023-0072
2427-2433	San Pablo Avenue	ZP2022-0115
241	Sixth Street	ZP2023-0101
1782	University Avenue	ZP2023-0070

18. ADJOURN

NOTICE CONCERNING LEGAL RIGHTS

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

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

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

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