




Office of the City Manager

INFORMATION CALENDAR

December 11, 2012

To: Honorable Mayor and Members of the City Council  
From:  Christine Daniel, City Manager  
Submitted by: Eric Angstadt, Director, Planning and Development Department  
Subject: LPC-NOD: 2517 Regent Street

INTRODUCTION

The attached Landmarks Preservation Commission (LPC) Notice of Decision (NOD) is submitted to the Mayor and City Council pursuant to Berkeley Municipal Code (BMC) Section 3.24.240, which states that "A copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting (Ord. 4694-NS § 4.1(c), 1974)."

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC) has designated 2517 Regent Street (the Mary J. Berg House) as a City of Berkeley Landmark, Structure of Merit.

BACKGROUND

On September 6, 2012 the proposed demolition of the five unit residential building over 40 years old was referred to the LPC under BMC Section 23C.08.050.C. The LPC heard public comment, reviewed the historic evaluation, and initiated Landmark, Structure of Merit designation consideration for the building, setting a hearing date of November 1, 2012. On November 1, 2012, the Commission opened the public hearing for the proposed Landmark, Structure of Merit Designation of the Mary J. Berg House. The Commission then reviewed the Landmark Application, considered the designation, and approved the designation as a Landmark, Structure of Merit by a vote of 5-1-0-2 (Oppose- Ruegg, Abstain- Pietras, Parsons)

The NOD will be held and mailed on November 27, 2012 in order to provide Council an opportunity to review the decision pursuant to BMC 3.24.190. BMC Section 3.24.190 allows the Council to review any action of the Landmarks Preservation Commission in granting or denying an application for designation. In order for the Council to review the decision on its merits, the Council must certify the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set a public hearing to "certify" the decision. Such certification by the Council shall stay all proceedings in the same manner as the filing of a notice of appeal. Such action must be taken within 15 days after the Notice of Decision mailing, or by December 12, 2012.

If the Council chooses to certify the action of the Landmarks Preservation Commission, a public hearing will be set within 25 days pursuant to BMC Section 3.24.300. The Council must then rule on the designation within 30 days from the date that the public hearing is opened or the decision of the Landmarks Preservation Commission is automatically deemed affirmed.

POSSIBLE FUTURE ACTION

The Council may choose to certify the decision by the Landmarks Preservation Commission, setting a public hearing at a later date. The City Council may: refer the matter back to the commission for further consideration; affirm the decision of the commission and dismiss the appeal; or may reverse or affirm wholly or partly, or modify any decision, determination or requirement of the commission, and may make decisions or determinations or may impose such conditions as the facts warrant and its decision or determination shall be final.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Additional staff time would be required to prepare the necessary Council report and resolution.

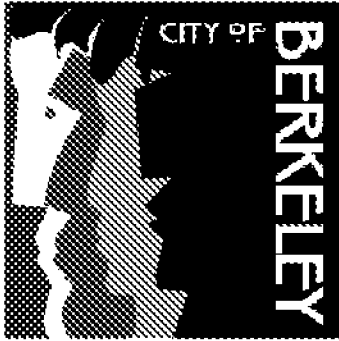
CONTACT PERSON

Eric Angstadt, Director of Planning and Development, 981-7401

Sally Zarnowitz, Secretary to the Landmarks Preservation Commission, 981-7429

Attachment:

1. LPC NOD



L a n d m a r k s  
P r e s e r v a t i o n  
C o m m i s s i o n

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N O T I C E O F D E C I S I O N

**DATE OF COMMISSION DECISION: November 1, 2012**  
**DATE NOTICE MAILED: November 27, 2012**  
**APPEAL PERIOD EXPIRATION: December 12, 2012**  
**EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): December 13, 2012<sup>1</sup>**

## 2517 Regent Street

### Landmark Application (LM #12-4000013) for a City of Berkeley Landmark, Structure of Merit designation

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following application:

- Landmark Application for a City of Berkeley Landmark, Structure of Merit designation under BMC Section 3.24.110.B.

**INITIATION:** September 6, 2012 by the Landmarks Preservation Commission

**APPLICANT:** Daniella Thompson, 2663 Le Conte Avenue, Berkeley, CA 94709

**ENVIRONMENTAL REVIEW STATUS:** The project qualifies for a Categorical Exemption under Section 15308 of the Public Resources Code, Guidelines for Implementation of the California Environmental Quality Act (CEQA).

**The Zoning Application and application materials for this project is available online at:**  
<http://www.cityofberkeley.info/zoningapplications>

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### FINDINGS, CONDITIONS AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

<sup>1</sup> Pursuant to BMC Section 23B.32.090, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

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**COMMISSION VOTE: 5-1-0-2**

**YES:** OLSON, SCHWARTZ, WAGLEY, LINVILL, HALL

**NO:** RUEGG

**ABSENT:**

**ABSTAIN:** PIETRAS and PARSONS

**TO APPEAL THIS DECISION (see Section 23B.32.050 of the Berkeley Municipal Code):**

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley; or by facsimile to (510) 981-6901. The City Clerk's telephone number is (510) 981-6900.
2. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).
3. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
  - a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
  - b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
  - c. The fee for all appeals by Applicants is \$2500.

If no appeal is received, the permit will be issued on the first business day following expiration of the appeal period, and the project may proceed at that time.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the

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public hearing.

2. You must appeal to the City Council within fourteen (14) 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 of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit 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). 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, your appeal of this decision must including the following information:
  - 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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**PUBLIC COMMENT:**

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.

**FURTHER INFORMATION:**

Questions about the project should be directed to Senior Planner, Sally Zarnowitz, at (510) 981-7410 or [szarnowitz@cityofberkeley.info](mailto:szarnowitz@cityofberkeley.info). All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 2120 Milvia Street, between 8 a.m. and 4 p.m., Monday through Friday.

**ATTACHMENTS:**

1. Findings
2. Landmark Application

ATTEST:



Sally Zarnowitz, Secretary  
Landmarks Preservation Commission

cc: City Clerk

Applicant:

Daniella Thompson  
2663 Le Conte Avenue  
Berkeley, CA 94709

Property Owner:

Sukhdeep Kapoor  
567 Cambrian Way

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Danville, CA 94526

# ATTACHMENT 1

## APPROVED FINDINGS

NOVEMBER 1, 2012

### 2517 Regent Street

#### Landmark Application LM #12-40000013 for a City of Berkeley Landmark, Structure of Merit designation.

#### PROJECT DESCRIPTION

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Landmark, Structure of Merit Designation of 2517 Regent Street (the Mary J. Berg House)

#### CEQA FINDINGS

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The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.3 of the CEQA Guidelines (activities that can be seen with certainty to have no significant effect on the environment).

#### LANDMARKS PRESERVATION ORDINANCE FINDINGS

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Pursuant to Berkeley Municipal Code Section 3.24.110.B the Landmarks Preservation Commission of the City of Berkeley finds the Berg House is worth preserving for the exceptional values it adds as part of the neighborhood fabric. The 2500 block of Regent Street is particularly vulnerable owing to its proximity to the UC campus and to Telegraph Avenue. Close to half of the buildings that stood on this block in 1911 were demolished to make way for modern apartment buildings. There are now ten apartment buildings on the block, of which seven were constructed between 1958 and 1966. A row of six large apartment buildings stands directly to the south of the Berg House, dominating the east side of the block. The Berg House stands at the southern end of a row of four Colonial Revival houses that survived the wave of mid-century apartment construction. The Berg House is an essential element in this historic row, which is distinctive and highly visible owing to its location on the edge of a residential-commercial transition zone, next to the busy and much altered Dwight Way and People's Park; and

The Berg House possesses historic value as the oldest surviving house on its block of Regent Street. It was constructed in 1901, when the blocks south of Dwight Way were just beginning their transformation from farmland to suburban neighborhoods; and

Pursuant to Berkeley Municipal Code Section 3.24.110.B.2.a (1) the Landmarks Preservation Commission of the City of Berkeley finds the Berg House is contemporary with several



FINDINGS

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designated landmarks within its neighborhood and close vicinity, including the Alexander C. Stuart House (Pissis & Moore, 1891) at 2524 Dwight Way; the Mrs. Edmund P. King Building (Albert Dodge Coplin, 1901) at 2502 Dwight Way/2501 Telegraph Ave.; and the Needham-Obata Building (1907) at 2512–16 Regent St./2525 Telegraph Avenue. Two older landmarks, the George Edwards House (A.H. Broad, 1886) at 2530 Dwight Way and the Soda Works Building (E.A. Spalding, 1888; Henry F. Bowers, 1904–05) at 2509–2513 Telegraph Ave., are also located in the immediate vicinity; and

Pursuant to Berkeley Municipal Code Section 3.24.110.B.2.b. the Landmarks Preservation Commission of the City of Berkeley finds the Berg House is compatible in size, scale, style, materials and design with the landmark Mrs. Edmund P. King Building (Albert Dodge Coplin, 1901) at 2502 Dwight Way/2501 Telegraph Avenue, as well as with the three houses just north to it (2503, 2509, and 2511 Regent St.), all designed by the notable architect Albert Dodge Coplin in 1902 and 1903; and

Pursuant to Berkeley Municipal Code Section 3.24.110.B.2.d. the Landmarks Preservation Commission of the City of Berkeley finds the Berg House has historical significance to the neighborhood, block, street frontage, and group of buildings; it helps preserve historic fabric on this extremely fragile block of Regent Street and the northern edge of the Willard neighborhood; and

The Berg House retains integrity of massing, cladding, and front façade; it would unquestionably be recognizable by someone who knew it during its early years;

The Mary J. Berg House is hereby designated a City of Berkeley Landmark, Structure of Merit and the designated site is coterminous with Assessor's Parcel 55-1842-27; and

The particular features of the Mary J. Berg House to be preserved include the:

- **Street setback**, with a planted front yard that is three steps higher than the sidewalk
- **Hip roof** with broad eaves and four wood-shingle-clad hip dormers
- **Predominantly Clapboard siding** on exterior walls below the roof
- **Raised, recessed front porch** with clapboard-clad walls, parapets along outer perimeters, three Tuscan columns, wide plain frieze, and narrow pent roof
- **Fixed leaded-glass window** in front porch, featuring diamond-and lozenge-patterned panes and wide wood trim
- **Angled bay windows** on west and south façades, with wide plain frieze, boxed eaves, and a narrow pent roof and hood moldings
- **Double-hung, one-over-one, wood-sash windows** with wide wood trim, a continuous molded sill, and hood moldings on west (front), north, and south façades
- **Original wood trim**
- **Paneled, partially glazed entrance doors** on west (front) and north façades, featuring wide wood trim and hood moldings
- **Molded wood water table** along all façades at the level of the first-story window sills



Planning and Development Department  
Land Use Planning Division

City of Berkeley  
Ordinance #46694 N.S.  
**LANDMARK APPLICATION**

1. Street Address: 2517 Regent Street  
City: Berkeley  
County: Alameda  
Zip: 94704
2. Assessor's Parcel Number: 55-1842-27  
Block and Lot: Block C, Lot 23  
Tract: Hillbarn Tract no. 3  
Dimensions: 159.48 ft. x 52 ft.  
Cross Streets: Dwight Way & Parker Street
3. Is property on the State Historic Resource Inventory? No  
Form #  
Is property on the Berkeley Urban Conservation Survey? Form # 17307
4. Application for Landmark includes:  
a. Building:  Garden:  Other features:  Garage  
b. Landscape or Open Space:  Natural  Designed  Other  
c. Historic Site: no    
d. District: no  
e. Other: Entire property
5. Historic Name: Berg House  
Commonly Known Name:
6. Date of Construction: 1901  
a. Factual:  b. Approximate:  
Source of information: Building contract notice dated March 1901
7. Architect: William Garfield May
8. Builder: Hans P. Nelson
9. Style: Wood-frame, 2 story Colonial Revival  
"Classic Box" (aka American Bungalow)

10. Original Owners: *Mary J. Sarge*  
Original Use: *Private residence*

11. Present Owners: *2517 Regent Lake*  
*287 Cambrian Way, Danville, CA 94526*

12. Present Use:

Residential:	Single Family	Duplex		
<del>Multiple</del>				
Commercial:	Office	Store	Industrial	Hotel
Institutional:	School		Hospital	Other

Current Zoning: *R-3*  
Adjacent Property Zoning: *R-3*

13. Present Condition of Property:

Exterior:	Excellent	Good	<del>Fair to Poor</del>
Interior:	Excellent	Good	<del>Fair to Poor</del>
Grounds:	Excellent	Good	<del>Fair</del>

Has the property's exterior been altered?

*yes, on north side and rear. Street facade  
retains a good level of integrity.*

14. Description: *See digital application*

15. History:

16. Significance: *See digital application*

Historic Value:  
National      State      County      City      Neighborhood

Architectural Value:  
National      State      County      City      Neighborhood

17. Is the property endangered? *yes, an application for demolition has been filed*

18. Photographs: Date:      Repository:  
Photographer:

*See digital application & additional photos document*

19. Bibliography:

20. Recorder: *Vanella Thompson* Date: *18 October 2012*  
Organization: