

Office of the City Manager

COUNCIL INFORMATION

November 19, 2002

To: Honorable Mayor and  
Members of the City Council

From: Weldon Rucker, City Manager

Subject: Landmarks Preservation Commission Notice of Decision: Approval of the Structural Alteration Permit for 2484 Shattuck Avenue

STATUS:

The attached Notice of Decision is submitted to the Mayor and City Council pursuant to Berkeley Municipal Code (BMC) Section 3.24.240.A, 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, 1974.)".

BMC Section 3.24.300 allows the Council to certify any action of the Landmarks Preservation Commission in granting or denying a structural alteration permit. In order for the Council to review the decision on its merits, the Council must certify the Notice of Decision. To do so, a Councilmember must move this Information Item to Action and then move to certify the decision. Such action must be taken within 15 days from the mailing of the Notice of Decision. Such certification to the Council shall stay all proceedings in the same manner as the filing of a notice of appeal.

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

Unless the Council wishes to review the determination of the Landmarks Preservation Commission and make its own decision, the attached Notice of Decision is deemed received and filed.

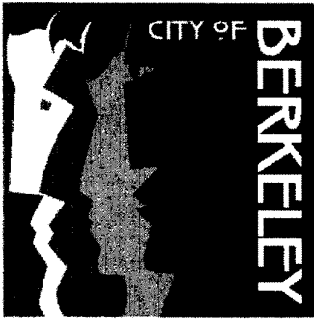
CONTACT PERSON:

Mark Rhoades, Current Planning Manager, 981-7410

Approved:

Carol D. Barrett, FAICP  
Director  
Planning and Development Department

Attachment



Landmarks  
Preservation  
Commission

## Notice of Decision

### October 7, 2002, Landmarks Preservation Commission Meeting

PROPERTY ADDRESS: 2484 Shattuck Avenue  
ALSO KNOWN AS: Barker Building  
OWNER OF PROPERTY: Jay Lakireddy  
ACTION: Approval of Structural Alteration Permit #: 02-40000030  
APPLICANT: Carla Johnson

WHEREAS, the Barker Building was designated a City of Berkeley Landmark on January 16, 1978;

WHEREAS, on September 10, 2002, an application was submitted to install an electric vehicle charger at the rear of the landmark structure;

WHEREAS, on October 7, 2002, the Landmarks Preservation Commission (LPC) held a public hearing, heard from the applicant, and voted to approve the Structural Alteration Permit as shown on the attached plans.

NOW, THEREFORE, BE IT RESOLVED that the Structural Alteration Permit (#02-40000030) is hereby approved as submitted to the Landmarks Preservation Commission.

VOTE: 7-0-1-0

Aye: Emmington, Olson, Korte, Dishnica, Eichenfield, O'Malley and Morse.  
Nay: None  
Abstain: Edwards  
Absent: None  
Vacancy: One

ATTEST:

**Greg Powell**  
Secretary, Landmarks Preservation Commission

DATE NOTICE MAILED: **November 14, 2002**  
THE APPEAL PERIOD EXPIRES (15 DAYS) AT 5 PM: **November 29, 2002**  
Appeal must be filed with City Clerk by this date.

**TO APPEAL THIS MATTER:**

Pursuant to Section 3.24.300 of the Landmarks Preservation Ordinance: “An appeal may be taken to the City Council by the City Council on its own motion, by motion of the Planning Commission, by motion of the Civic Art Commission, by the verified application of the owners of the property or their authorized agents, or by the verified application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of this chapter”. Any appeal submitted by the public must be in writing, specifying the reasons for the appeal. The appeal fee is \$64.00. The City Clerk's Department is located on the first floor at 2180 Milvia Street, Berkeley, CA 94704; Phone (510) 981-6900.

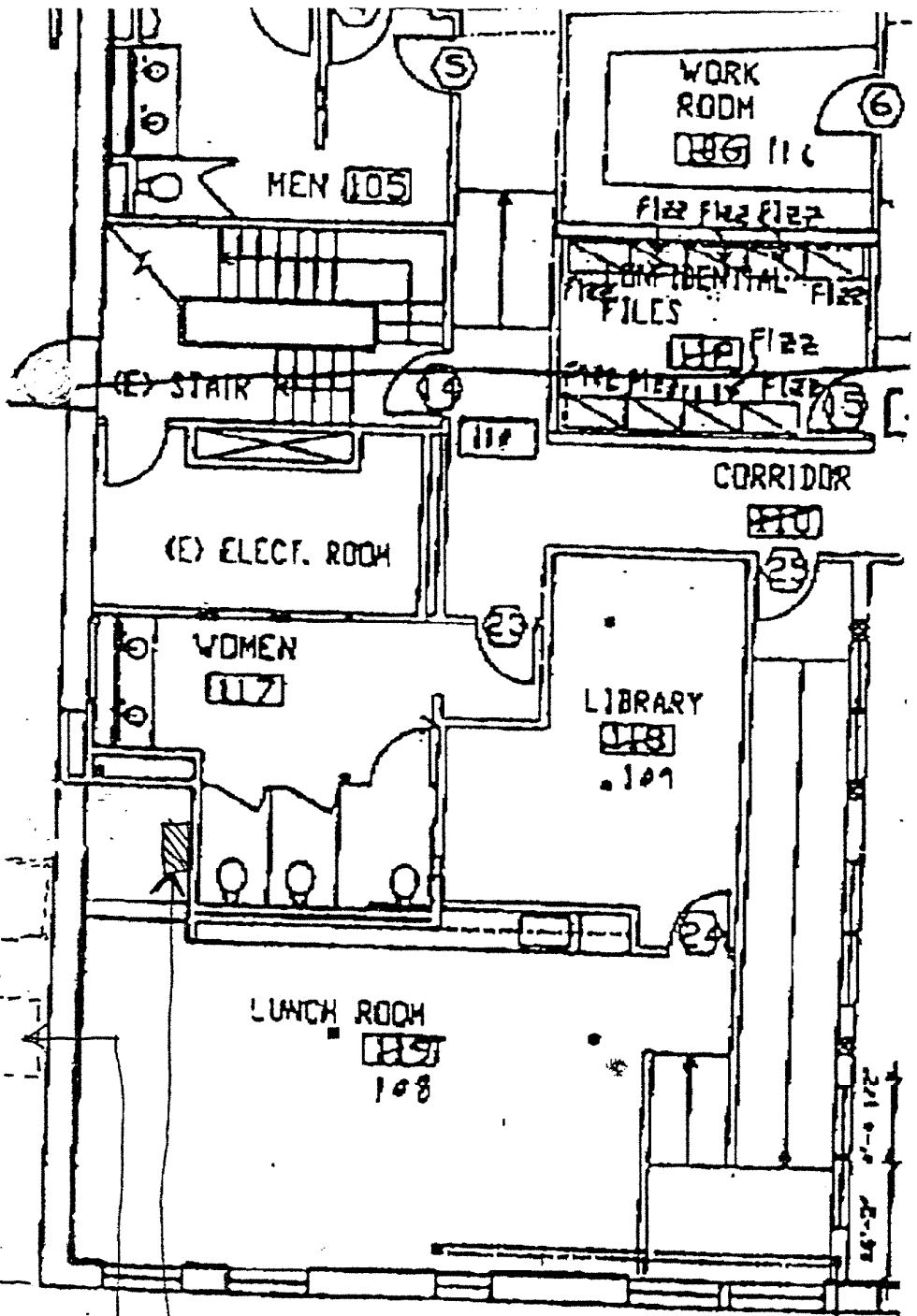
**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you object to a decision by the Landmarks Preservation Commission to approve or deny a Structural Alteration Permit, the following requirements and restrictions apply:

1. You must appeal to the City Council within 15 days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to inquire with the Current Planning Division (981-7410) to determine when a Notice of Decision is mailed.
2. No lawsuit challenging a City decision to deny (Code Civ. Proc. Section 1094.6(b) or approve (Gov. Code Section 65009(c)(5)) a Structural Alteration Permit may be filed more than 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 90-day period will be barred.
3. In any lawsuit that may be filed against a City Council decision to approve or deny a Structural Alteration Permit, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.
4. 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.

cc: City Clerk's Office      Jay Lakireddy      Carla Johnson  
2180 Milvia Street      2278 Shattuck Avenue      2000 Carleton Street, Room 240  
Berkeley, CA 94704      Berkeley, CA 94704      Berkeley, CA 94720



(E) PAVING LOT

(N) FUTURE  
(ELEC. VEHICLE  
CHARGER

(E) 100 AMP ELECTRICAL  
PANEL  
(N) ELEC. VEHICLE CHARGER

*Approved* 10/23/02

APPROVAL	DATE
CURRENT DANNING	
<input type="checkbox"/> D.R. Conditions Attached	
<input type="checkbox"/> A.U. Conditions Attached	
<input type="checkbox"/> U.P. Conditions Attached	

DWIGHT WAY

ENLARGED PLAN

N.T.S.

