

Office of the City Manager

## TO BE DELIVERED AGENDA MATERIAL

**Meeting Date:** October 21, 2003

**Item Number:** 35

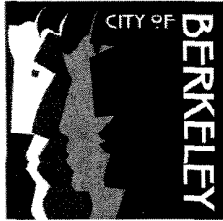
**Item Description:** Landmarks Preservation Commission Notices of Decision: 3075 Telegraph Avenue –  
Landmark Designation



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City Manager Signature

*(This cover sheet should be used only if the agenda item the material refers to was listed on the agenda as To Be Delivered)*



Office of the City Manager

INFORMATION CALENDAR

October 21, 2003

To: Honorable Mayor and  
Members of the City Council

From: Weldon B. Becker, City Manager

Subject: Landmarks Preservation Commission Notices of Decision:  
3075 Telegraph Avenue - Landmark Designation

INTRODUCTION

The attached Notice of Decision is submitted to the Mayor and City Council pursuant to Berkeley Municipal Code (BMC) Section 3.24.160, 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.)"

CURRENT SITUATION AND ITS EFFECTS

None.

BACKGROUND

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 as a Landmark or Historic District. In order for the Council to review the decision on its merits, the Council must appeal the Notice of Decision. To do so, a Council member must move this Consent 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 or by October 14, 2003. 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 appeal the action of the Landmarks Preservation Commission, a public hearing will be set pursuant to BMC Section 3.24.300. The Council must then rule on the designation within 25 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.

POSSIBLE FUTURE ACTION

The Council could choose to appeal (certify) the decision by the LPC, setting a public hearing at a later date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

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

CONTACT PERSON

Mark Rhoades, Land Use Planning Manager, 981-7410

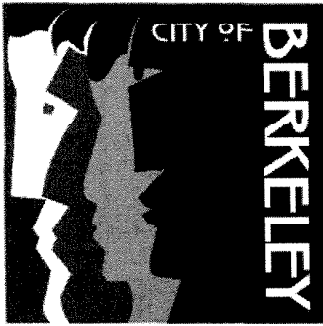
Approved:

A handwritten signature in black ink, appearing to read 'Dan Marks', is written over a horizontal line.

Dan Marks  
Interim Director  
Planning and Development Department

ATTACHMENT:

Landmarks Preservation Commission Notice of Decision for:  
3075 Telegraph Avenue- Landmarks Designation



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  
MEETING OF: September 8, 2003

Property Address: **3075 Telegraph Avenue APN: 052-1575-016**  
Also Known As: **Concrete Grid Forms Company office building (specifically this building and not the entire parcel)**  
Property Owner: **Edward and May Dair**  
Action: **Landmark Designation**  
Designation Author: **Carrie Olson**

WHEREAS, on March 13, 1979, the Concrete Grid Forms Company office building at 3075 Telegraph Avenue was placed on the State's Historic Resources Inventory; and

WHEREAS, on June 2, 2003, staff received an application for the demolition of the Concrete Grid Forms office building at 3075 Telegraph Avenue; and

WHEREAS, on August 4, 2003 the Landmarks Preservation Commission received a referral from the Zoning Administration Board regarding the demolition of the Concrete Grid Forms office building at 3075 Telegraph Avenue and moved to set a public hearing for September 8, 2003; and

WHEREAS, on September 5, 2003, Chair Olson provided the designation proposal for the Concrete Grid Forms office building at 3075 Telegraph Avenue to the Landmark Preservation Commissioners and the applicant; and

WHEREAS, on September 8, 2003, the Landmarks Preservation Commission opened the public hearing, took public testimony and determined that the Concrete Grid Forms office building at 3075 Telegraph Avenue was worthy of Landmark status; and

WHEREAS, 3075 Telegraph Avenue, the Concrete Grid Forms office building, is significant because it is cited on the State Historic Resources Inventory as eligible for the National Register of Historic Places and listed on the State Historic Register; and

WHEREAS, 3075 Telegraph Avenue, the Concrete Grid Forms office building, consistent with LPO section 3.24.110.A.1., is significant for its architectural merit as the first and the only known concrete grid form building in this region, designed by Walter T. Steilberg, the noted Berkeley architect and engineer, who was an expert in the capabilities and possibilities of concrete construction; and

WHEREAS, 3075 Telegraph Avenue, the Concrete Grid Forms office building, consistent with LPO section 3.24.110.A.1., is significant for its architectural merit as a property that is a prototype of a uniquely Berkeley architectural construction technique; and

WHEREAS, 3075 Telegraph Avenue, the Concrete Grid Forms office building, consistent with LPO section 3.24.110.A.3., is significant for its educational merit as a structure worth preserving for its usefulness as an educational tool, being the first documented building type in this region using the uniquely Berkeley original patented "Concrete Wall Form" process for creating 4' x 8' prefabricated concrete grid forms, assembled on the jobsite to create exterior walls with 8 1/4" x 8 1/4" diagonal openings which were then filled with glass blocks, described by experts of the period who studied the new form of concrete construction as a "NEW TOOL to increase better building;" and

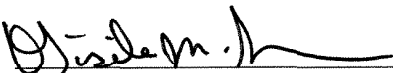
WHEREAS, 3075 Telegraph Avenue, the Concrete Grid Forms office building, consistent with LPO section 3.24.110.A.4., is significant for its historic merit, thereby encouraging the preservation of a structure that embodies the social history of Berkeley during the depression, when property owners and buildings were looking for economical and efficient building techniques that would also pay careful attention to aesthetic concerns; and

WHEREAS, 3075 Telegraph Avenue, the Concrete Grid Forms office building, qualifies as a Landmark due to its architectural, educational and historic merit under LPO section 3.24.110 of the City of Berkeley's Landmarks Preservation Ordinance #4694 N.S.; and

WHEREAS, the features to be preserved for 3075 Telegraph Avenue, the Concrete Grid Forms office building, are its concrete grid forms that were constructed as 4' x 8' panels, with 8 1/4 x 8 1/4 openings.

NOW, THEREFORE, BE IT RESOLVED by the Landmarks Preservation Commission that 3075 Telegraph Avenue, specifically the Concrete Grid Forms Company building and not the entire parcel, is hereby designated a City of Berkeley Landmark.

VOTE: 5-2-1-0  
Aye: Emmington, Korte, O'Malley, Olson and Weiss.  
Nay: Johnson and Kaufer.  
Abstain: Edwards  
Absent: None

ATTEST:   
Gisele M. Sorensen  
Secretary, Landmarks Preservation Commission

**DATE NOTICE MAILED: October 17, 2003,**  
**THE APPEAL PERIOD EXPIRES (15 DAYS) AT 5 PM: October 27, 2003**  
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 Landmark or Structure of Merit Designation, 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 (705-8111) to determine when a Notice of Decision is mailed.
2. No lawsuit challenging a City decision to deny or approve a Landmark or Structure of Merit Designation (Code Civ. Proc. Section 1094.6(b) 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 Landmark or Structure of Merit Designation, 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.

Attachments:  
Designation Proposal

cc:

City Clerk  
2180 Milvia Street  
Berkeley CA 94704

Edward and May Dair  
874 28<sup>th</sup> Avenue  
San Francisco, CA 94121

Sam Sorokin  
Premium Properties & Development  
6536 Telegraph Ave. Ste A201  
Oakland, CA 94609