

Office of the City Manager

INFORMATION CALENDAR

July 13, 2004

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Subject: Landmarks Preservation Commission Notices of Decision:
2426 Fulton Street - Approval of Structural Alteration Permit

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 3.24.300 allows the Council to review 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 appeal 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 or by July 13, 2004. 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 within 25 days pursuant to BMC Section 3.24.300. 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 Decisions are 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:



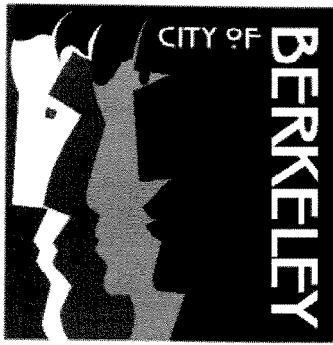
Dan Marks

Director

Planning and Development Department

ATTACHMENT:

Landmarks Preservation Commission Notice of Decision for:
2426 Fulton Street - Approval of Structural Alteration Permit



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

N o t i c e o f D e c i s i o n
MEETING OF: June 7, 2004

Property Address: **2426 Fulton Street**
Also Known As: **Southern Bertha Bossé Cottage House**
Action: **Structure Alteration Permit Approval - renovation and alteration.**
Application Number: **04-4000018**
Applicant: **Dajun Yu**

WHEREAS, the Southern Bertha Bossé Cottage House, at 2426 Fulton Street, was designated a City of Berkeley Landmark on May 5, 2003; and

WHEREAS, on May 26, 2004, the applicant submitted an application to do the following work at 2426 Fulton Street:

GARAGE:

- **Structure:** Reinstall the grade and framing beams
- **Roof:** Install torch-sealed rubber/synthetic sheet roofing
- **Doors:** Install 3 separate motorized aluminum roll-up garage doors.

HOUSE:

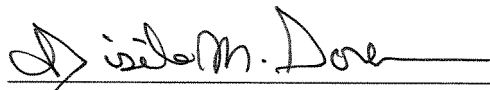
- **Handrail on front porch and steps:** Repair or re-pour the steps, raise the rail along the steps to 36-inch in height and raise the rail on the porch to 42-inches in height.
- **Siding:** Repair any damaged exterior siding to match original.
- **Windows:** Maintain all existing windows except the windows located in the bathrooms of Unit #1 and the unit directly above it. Replace the existing double-hung windows with smaller, moisture resistant windows of a similar style.
- **Rear entry, deck and staircase:** Replace these elements with a wooden deck.
- **Water heater room (on south side):** Remove the water heater room and relocate the water heater to the utility room.
- **Entry doors on Units #3 and #4:** Remove one door and move the original door from Unit #4 to Unit #3 and restore the siding.
- **East entry door on unit #1:** Eliminate this door and restore the siding to match existing elements.

WHEREAS, on June 7, 2004, the Landmarks Preservation Commission opened the Public Hearing, took public testimony and closed the Public Hearing. The Landmarks Preservation Commission moved to approve the alterations in concept and allow the subcommittee, consisting of Commissioners Emmington,

Packard and Winkel, to have final design approval. Elements under purview of subcommittee include final details of porch (with attention to porch stairs and handrails), garage door, exterior color and bathroom windows.

NOW, THEREFORE, BE IT RESOLVED that Structural Alteration Permit (#04-40000018), is hereby approved by the Landmarks Preservation Commission, and that the aforementioned subcommittee shall have final design approval.

VOTE: 9-0-0-0
Aye: Emmington, Johnson, Kaufcr, Olson, O'Malley, Packard, Stevenson, Winkel and Chair Korte.
Nay: None
Abstain: None
Absent: None

ATTEST: 

Gisèle M. Sorensen
Secretary, Landmarks Preservation Commission

DATE NOTICE MAILED: June 29, 2004
THE APPEAL PERIOD EXPIRES (15 DAYS) AT 5 PM: July 13, 2004
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.

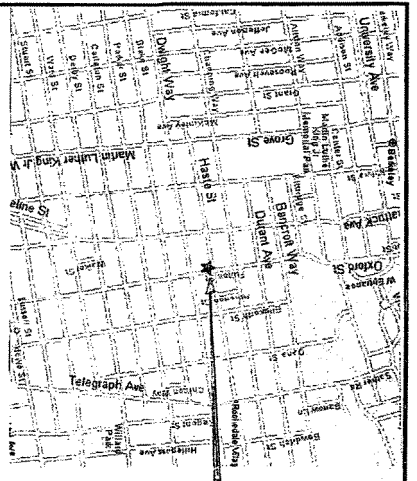
Attachment:

Revised Plan Set Dated May 26, 2004.

cc:

City Clerk's Office
2180 Milvia Street
Berkeley, CA 94704

Dajun Yu
6729 Kit Lane
Castro Valley, CA 94552



VICINITY MAP

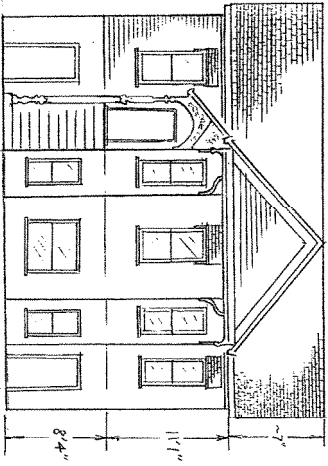
Site

Scope of Work & General Notes

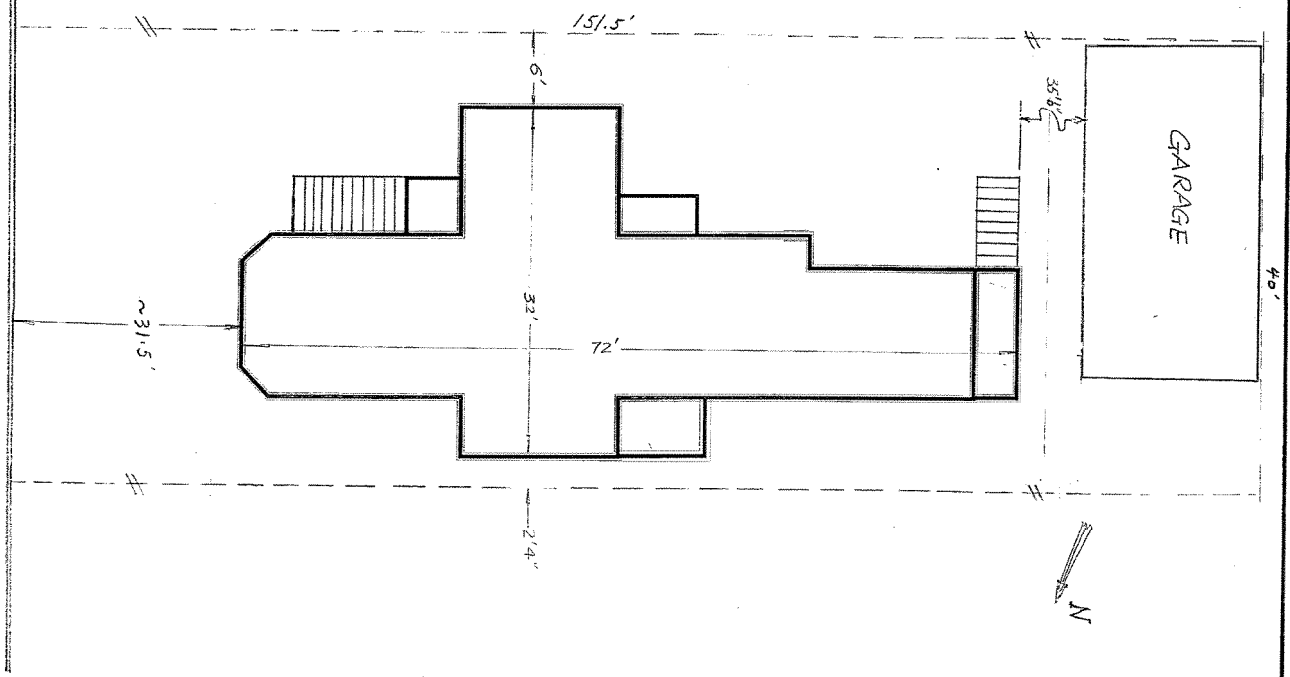
1. Repair & restore damaged exteriors per Zoning & LPC's approval, mainly the deck and staircase in the back. (See attached letter to LPC)
2. Repair & restore damaged garage per Zoning & LPC's approval. The detached garage has an entirely broken roof, with roof materials and supporting wood members fallen and scattered all over inside. It has long become an unsafe place to be used. The concrete sidewalls are all in solid and upright condition. Work will be performed to replace the roof supporting wood frame and the rooftop.

Index of drawings

Sheet #	Description
1	Cover sheet (this sheet), Site Plan & general description
2	Floor Plan of Upstairs Units, existing and proposed new
3	Floor Plan of Downstairs Units
4	Repair Plan of Deck & Staircase in the back
5	Repair Plan for Garage



FRONT ELEVATION



CURRENT PLANNING

JUN - 3 2004

RECEIVED

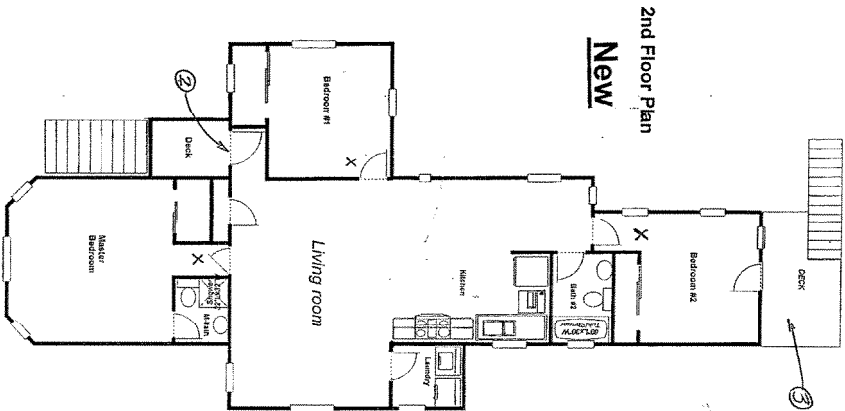
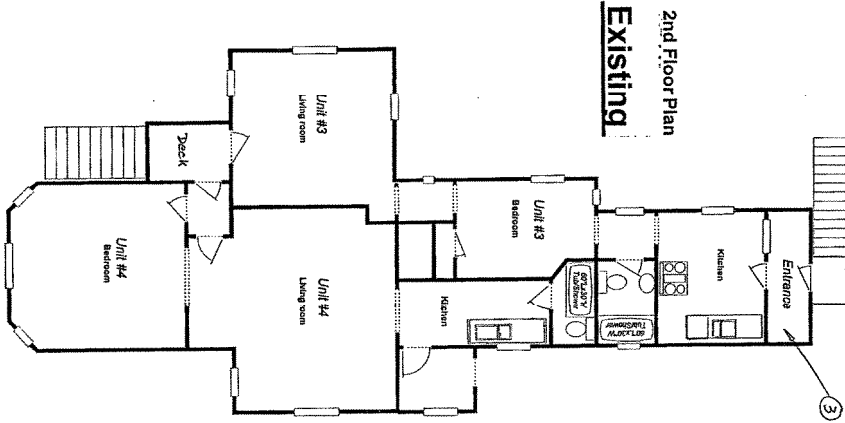
SITE PLAN

FULTON STREET

Exterior Repair/Alteration Plan 2426 Fulton St. Berkeley, CA 94704	Prepared by Owner/General Contractor (CA #670803) Dajun Yu & Jie-Ping Kwong 6729 Kit Lane, Castro Valley, CA 94552 (510) 928-3778 Fax (510) 888-1777	REVISIONS BY A.S./S.H.
	Date 5/15/04 Scale 1/8" = 1' Drawn Job Sheet 1 of 5 Sheets	

Specifications and Notes for 2nd Floor Exterior Alteration

- 1 This property was obviously a single residence originally and was converted to 2 rental units awkwardly and expanded with raised basement for another 2 units in 1960's. An application (AUP) has been submitted to Zoning for a reverse-conversion for unit #3 & #4 into a single 3br/2ba owner living unit. This will restore it close to the original structure and style.
- 2 If, and only if the above-mentioned AUP is approved, the current front door on unit #3 will be replaced by the current and original front door on unit #4, and its opening will be repaired by matched siding. The original door has been severely damaged by the previous tenants and their pets. Attempt will be made to restore it to the original form.
- 3 Here's an awkwardly built and sagging entry for the upstairs unit in the back, obviously added along with the rental unit conversion and no where a fit to the original style. It will be replaced by a wood deck. (see details in the next drawing)



FLOOR PLAN (2nd Floor, Existing & New)

REVISIONS	BY
A, 5/10/04	BY

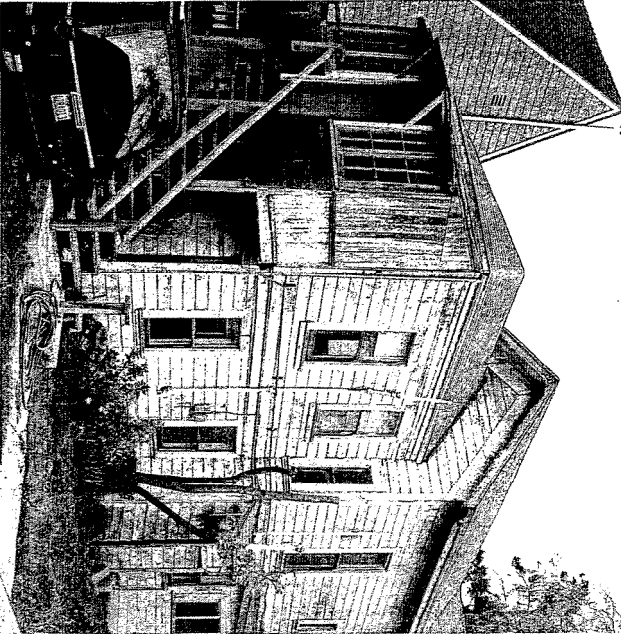
Prepared by
 Owner/General Contractor (CA #670803)
Dajun Yu & Jie-Ping Kwong
 6729 Kit Lane, Castro Valley, CA 94552
 (510) 928-3778 Fax (510) 888-1777

Exterior Repair/Alteration Plan
2426 Fulton St.
 Berkeley, CA 94704

Date	5/10/04
Scale	
Drawn	BY
Job	
Sheet	2
of	5 Sheets

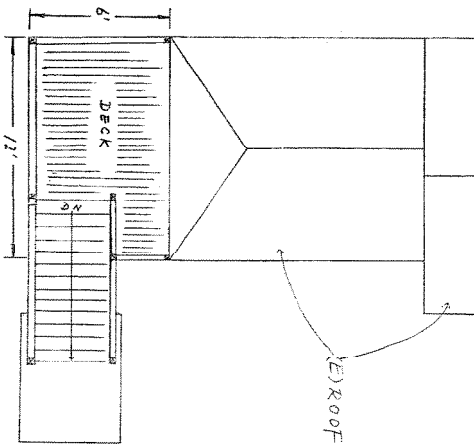
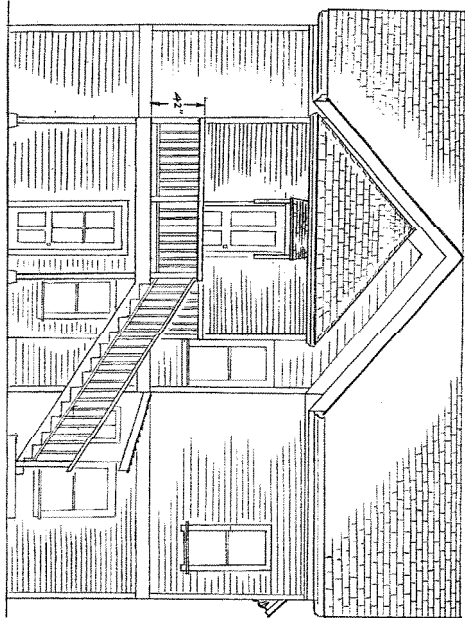
Specifications and Notes for Deck & Staircase Repair

- 1 All work will be done within the existing concrete slab and posts.
- 2 All windows on the new proposed drawing are for reference only and are not accurately positioned. Beside the ones on the entry front wall, there will be no alteration to them.
- 3 Remove the existing entry and stairs.
- 4 Install new gutter on the newly exposed eave, along with the entire new gutters on the structure.
- 5 Install new redwood deck and stairs as detailed in the drawing.



EXISTING DECK & ENTRY

PROPOSED DECK & ENTRY



REPAIR for Deck & Staircase in back

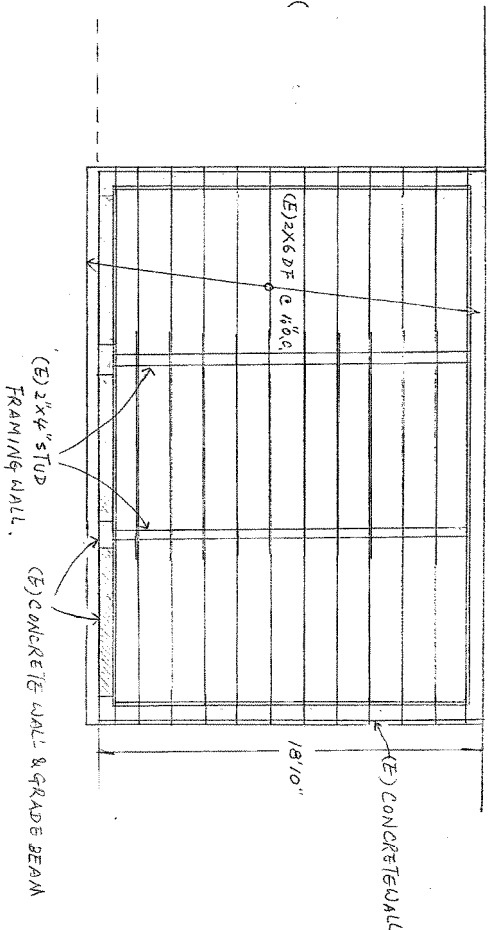
REVISIONS	BY
A. 5/10/04	BJP

Prepared by
 Owner/General Contractor (CA #670803)
Dajun Yu & Jie-Ping Kwong
 6729 Kit Lane, Castro Valley, CA 94552
 (510) 928-3778 Fax (510) 888-1777

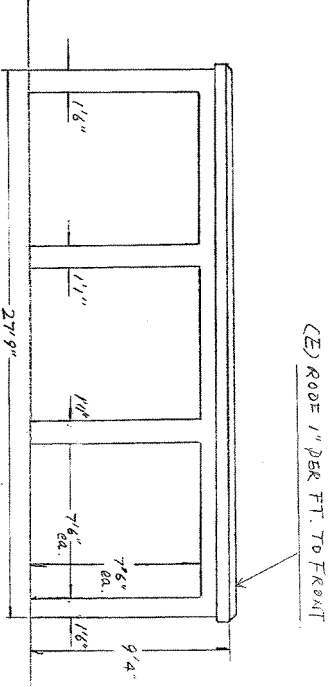
Exterior Repair/Alteration Plan
2426 Fulton St.
 Berkeley, CA 94704

Date: 5/10/04
 Scale:
 Drawn: BJP
 Job:
 Sheet: 4
 Of 5 Sheets

- Garage Repair Items**
- 1 Remove all debris of fallen and scattered roof and supporting materials.
 - 2 Renewal grade beams on top of existing concrete walls.
 - 3 Install torch-sealed rubber/synthetic roof sheet on top.
 - 4 Install a gutter system.
 - 5 Install three single motorized garage doors.



TOP VIEW



FRONT ELEVATION

GARAGE PLAN

REVISIONS	BY
B. Stoltz	MS

Prepared by
 Owner/General Contractor (CA #670803)
Dajun Yu & Jie-Ping Kwong
 6729 Kit Lane, Castro Valley, CA 94552
 (510) 928-3778 Fax (510) 888-1777

Exterior Repair/Alteration Plan
2426 Fulton St.
 Berkeley, CA 94704

Date	4/5/04
Scale	
Drawn	
Job	
Sheet	5
Of	5 Sheets