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April 18, 2005

Mayor Tom Bates
Berkeley City Council Members
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

RE: Repeal of LPC's "Structure of Merit" (SoM) designation of Celia's Restaurant Located at 2040 - 4th Street, Berkeley

Dear Mayor Bates and Council Members:

Attached please find my previous letter to the Council (dated 3/7/05) outlining the reasons to repeal the Structure of Merit designation for Celia's Restaurant. This letter is worth re-reading since it is still entirely on point and continues to express my current view. Also attached is a copy of a 3/17/05 San Francisco Chronicle article by John King in which the author eloquently lays out the case for repeal of the SoM designation. As Mr. King suggests, this building does not represent architect Irwin Johnson's best work; furthermore, I believe it does Mr. Irwin a disservice to retain this structure in perpetuity as an example thereof.

Whether inadvertently or by design, the net effect of the action taken by the LPC concerning Celia's would be to deny development of the whole site. This whole two-acre parcel (including the landmarked train station) occupies a critical location at the University Avenue entrance to the City and forms a natural link between the new rail stop/transit hub and the Aquatic Park. I do not believe the authority of the Planning Commission and ZAB, or indeed the goals of the West Berkeley Plan, should be hijacked by the LPC.

The West Berkeley Plan and its attendant zoning clearly suggest that this site is best served by a mixed-use development that includes multi-story housing above retail space. The project proposed for this parcel is being designed to precisely match the zoning specifics of the Plan and in fact is not expected to require any variances. Modern affordable housing is sadly lacking in West Berkeley and this is the ideal opportunity to put in place a showpiece of transit-oriented residential development. This housing goal can only be satisfied if the SoM designation is repealed. The ultimate use of this major site should not be left only in the hands of the LPC.

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REAL ESTATE BROKER


STEPHEN E. BLOCK

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One day after our April 26th hearing, the Planning Commission is holding its own public hearing on proposed amendments and revisions to the zoning and LPC ordinances. Three of the proposed amendments originated from the LPC. If affirmed by the Planning Commission, these amendments would give the LPC the power to use SoM or Landmark designations to veto any building demolition, and thus block future development.

For the many reasons outlined herein and in the attachments, I hereby request that the Council overturn the Structure of Merit designation for Celia's, located at 2040-4th Street, Berkeley.

Sincerely,



Stephen E. Block

SEB:rs

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REAL ESTATE BROKER

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Mayor Tom Bates
Berkeley City Council Members
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

March 7, 2005

RE: Item : #19 "720 University Avenue" / 2040 Fourth Street
Appeal Structure of Merit Designation; Council Set for Public Hearing.

Dear Mayor Bates and Council Members:

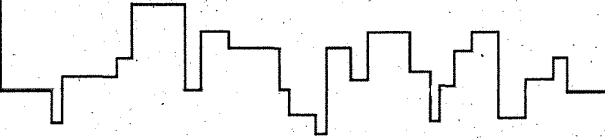
As an owner of 720 University and 2040 Fourth Street, I concur in Urban Housing Group's appeal of the designation of 2040 Fourth Street (Celia's) as a Structure of Merit. Urban Housing Group is our designated agent for applications (and in this case appeals) regarding the above referenced property.

We support the concept and practice of designating buildings as Landmarks or Structures of Merit when applied to buildings that rise to the level of that status. We owned the two-acre site upon which Celia's, Brennan's and Xanadu is located, for several years prior to Xanadu (the train depot) being landmarked. At the time we did not object to that designation because we felt Xanadu's location, design, and its Berkeley rail history were appropriate to qualify for such a designation.

Another Motivation for the Designation?

It is interesting to note that when in March, 2001, the Landmarks Preservation Commission ("LPC") on its own instigation designated Xanadu an historic landmark, they took no action on Celia's even though it was clearly visible from the Xanadu site. From then up until the news that a possible "development" might occur on the site, the LPC still had shown no interest in designating Celia's. But when a few individual homeowners spearheaded an effort to prevent development on the site, the LPC then voted to designate Celia's as a Structure of Merit. Since the total site is a square block consisting of four roughly equally sized parcels, designating as historic two non-contiguous parcels out of four per the Commission's recommendation essentially amounts to a "taking" of the whole parcel in terms of its highest and best use, and also eliminates its potential to conform to the West Berkeley Plan.

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ATTACHMENT 1, Pg. 1

Preserving the View?

The advocates favoring the designation of Celia's claim that the destruction of Celia's will destroy a dramatic view corner of West Berkeley. Hardly! The view north is composed solely of a large parking lot; the view south primarily consists of roof air conditioning units. At this point the 2 acre parcel now contains three forlorn and obsolete buildings surrounded by a sea of asphalt.

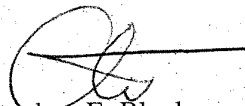
Validity of Structure of Merit?

The application of "Structure of Merit" to Celia's exemplifies the basis that underlies the recommendation to eliminate this category from the LPC Ordinance. Structure of Merit designation has become the "consolation prize" awarded to those who manipulate the Landmark process to prevent change. If a structure doesn't fit Landmark criteria, then making it a Structure of Merit can often serve the same purpose. This situation undermines the integrity of the landmark process, the LPC, and the structures that do deserve historic preservation.

Moreover, Celia's construction, condition and style do not meet even the current amorphous language defining a Structure of Merit. In terms of cultural contribution, calling Celia's "magical and treasured" is simply hyperbole. Indeed, at the LPC hearing not a single member of the public came and spoke on behalf of designating Celia's historic. As a final point, I have lived and/or worked in Berkeley for over forty years and I have never heard of Celia's being affectionately called the "Boy Scout Building."

I urge you, on your own motion, to set this matter for Public Hearing and vacate the LPC's decision.

Very truly yours,



Stephen E. Block

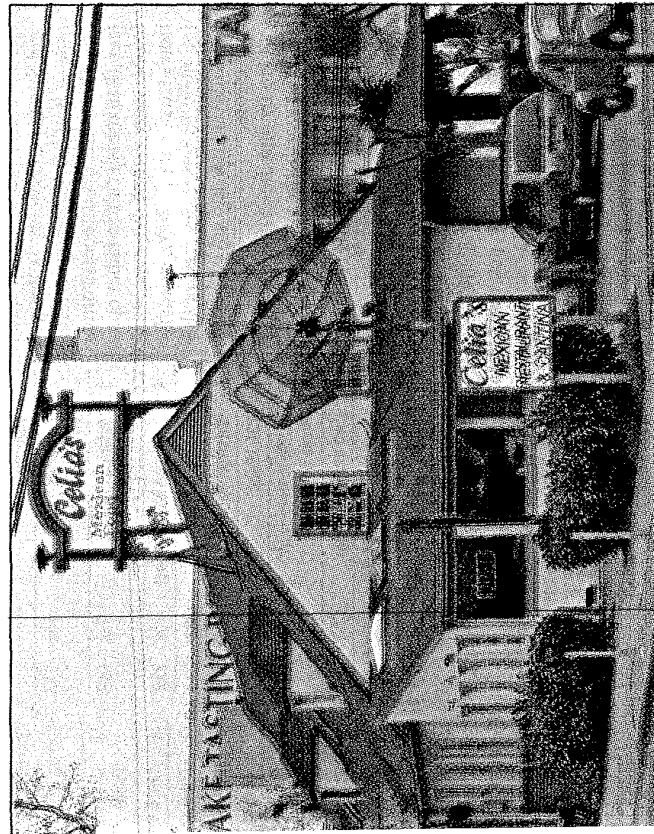
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DATEBOOK

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book



CHRIS HARDY / The Chronicle

arks Preservation Commission named Celia's a "structure of merit"

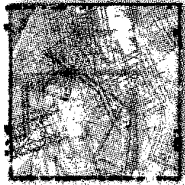
Making a landmark out of everything gets nothing

The utterly nondescript building at 2040 Fourth St. in Berkeley began life in 1946 as a homey office building. The Boy Scouts owned it for a spell. Today, it's Celia's Mexican Restaurant.

It's also Berkeley's 36th "structure of merit" — and a symbol of why the historic preservation movement is in danger of losing its credibility.

Forty years after the public at large began realizing that worthy buildings from past eras can be recycled in fresh and unexpected ways, the notion of historic preservation is accepted wisdom. As it should be. But the entire cause is undermined when true believers push the definition of what deserves protection to ludicrous extremes — and that's what has happened at Celia's.

In fact, the tussle over a build-



John King
Place

That backward swing of the pendulum is what you're now seeing in Berkeley.

ing that looks like an oversized tract home comes at the same time that critics want to strip the city's Landmarks Preservation Commission of most of its power. The issues are somewhat extreme — issues in Berkeley usually are — but they signal how the tension in other cities might play out in the years ahead.

Celia's sits on Fourth Street just south of a chic shopping district that includes Cody's, Cafe Rouge and roughly 476 clothing and houseware boutiques. The block also includes a Mission-style train station from 1913 and Brennan's, a spacious and fondly regarded saloon from 1959.

The notion that there was anything of merit in Celia's steep roofed, quasi-Cape Cod veneer — you don't see much stucco in

▶ **PLACE:** Page E6

ATTACHMENT 2., PG. 1

Oh, boy — The Scouts were there

► PLACE
From Page E1

Provincetown — lay dormant until opponents rallied to fight plans for a five-story complex with shops and 220 housing units that would replace the two restaurants while restoring the train station.

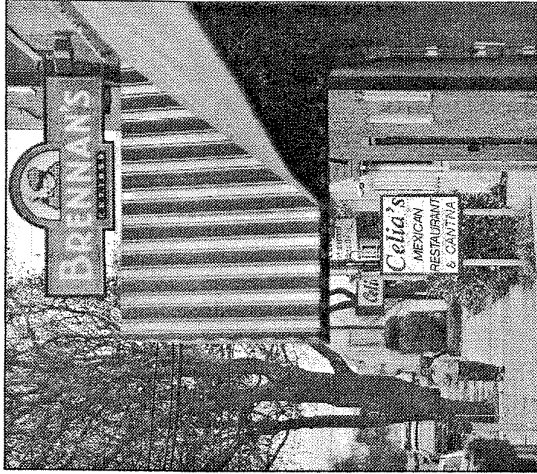
Preservationists decided Brennan's and Celia's were landmarks in waiting. They turned in petitions with the requisite 50 signatures, and a hearing was held on Feb. 7. Brennan's fell short, but the landmarks commission moved to protect Celia's by a 4-3 vote.

The restaurant wasn't added to Berkeley's list of 280 official landmarks — not even an ardent preservationist could do *that* with a straight face. Instead, it was named a structure of merit, which is defined in the city code as being of "architectural merit and/or cultural, educational, or historic interest or value."

In other words, anything with four walls and a past.

And even though a structure of merit doesn't rise to landmark status, it is granted the same protections.

The case made by preservationists included that a paint company "likely involved in the World War II shipbuilding effort" built the structure in 1946. The ownership



CHRIS HARDY / The Chronicle

by the local Boy Scouts council made it "a part of the organization's history during its glory days." And the quasi-Cape design? Why, it may be the only office building by Irwin Johnson, an architect who "designed hundreds of handsome houses, mostly in Oakland and Piedmont, as well as other Bay Area cities."

Those sorts of arguments resonated with Commissioner Leslie Emmington, who grew up in Berkeley and joined the cause in the early 1970s to save a Julia Morgan-designed church on College Avenue. Now, she is preservation specialist for the Berkeley Architectural Heritage Association.

When I pointed out that it seems odd to tout the wartime links to structure built after V-J Day, Emmington argued that Celia's shows the "flush of World

are subjective, nothing more than means to an end. And if that's the case, then why give credence to the notion of landmarks at all?

That backward swing of the pendulum is what you're now seeing in Berkeley. Members of the Planning Commission have recommended reining in the land marks board by saying it only can suggest that buildings be saved. A present, any landmark ruling holds unless overturned by the City Council, forcing the sort of lengthy environmental review that can make developers think twice, which is often the idea to begin with.

Most Bay Area landmark boards already play an advisor role. But it would be a retreat in Berkeley, a city that takes justifiable pride in its past.

The sad thing is, at this point the fight in Berkeley seems entrenched on both sides: Critics see preservationists as antigrowth obstructionists, and preservationist see their opponents as misguided.

"The atmosphere created is u- versus them," says Emmington who, when asked, could not recall a building that she has not voted to preserve. "I'm pretty enthusiastic about it. . . . It's hard to believe that there would be preservation opponents in Berkeley. It's really hard to believe."

Perhaps. Except that when preservation is stretched to include a building such as Celia's it's not really that hard to believe at all.

Opponents fighting a complex of shops and housing units that would replace Celia's and Brennan's neighbor, Brennan's, tried to get both restaurants on Berkeley's list of protected buildings. Celia's made it, but Brennan's did not.

War II opportunities." The oversized Americana veneer "evokes an architecture from the period revival movement." As for the Boy Scout link, well, scouting was big in Berkeley back in the 1950s.

"It has a story that connects to the story of the city, and the architecture of the building has a distinction," Emmington says of Celia's. "It's a wonderful candidate for reuse. It can have a new life."

Granted, there's an argument to be made that cities should operate on the presumption that existing buildings take precedence over anything new. This approach to planning and growth would say that any building that can be renovated *must* be renovated.

But to hide that agenda under the cloak of preservation is shaky at best: It suggests that architectural quality and true historic merit

Place appears on Thursdays.
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