

LPO Discussion

Berkeley City Council
November 2005

Intro

- ◆ Overview and Goals
 - Maintain Berkeley's strong landmarks ordinance
 - Better conform to State mandated timelines and process requirements
 - Examine options for protecting neighborhood character besides landmark protections

Areas of Common Ground

- ◆ Staff, PC and LPC Agree on Many Elements:
 - ◆ Establish strict timelines for all involved in development application.
 - ◆ Applications for discretionary permits for properties over 50 years old must be reviewed by LPC first.
 - ◆ LPC decision not to initiate a property cannot be re-opened during permit process.
 - ◆ Number of signatures required for public initiation is reduced from 50 to 25.
 - ◆ LPC provided authority over demolition permits for historic resources.



New Issues for Discussion



- ◆ Historic Resource Surveys
- ◆ Historic Preservation Officer
- ◆ Preserving Neighborhood Character

Historic Surveys

- ◆ Phased survey
 - Downtown area – part of DAP process
 - West Berkeley – refer to budget for FY07
 - Major Transportation Corridors
 - University Ave, San Pablo Ave, South Shattuck, North Shattuck, Adeline, Ashby, Gilman, Telegraph, Solano, Elmwood, etc.
 - Areas identified for potential historic districts

Preserving Neighborhood Character

- ◆ Examine methods for increasing the City's jurisdiction over residential character:
 - Creation of residential design standards and institution of staff level residential design review
 - Create “Residential Conservation Zones” that define each neighborhood's character and require major new construction to conform to that character

Preservation Officer

- ◆ Examine creation of City “Historic Preservation Officer”:
 - Staff to LPC
 - Charged with advocating for appropriate historic preservation in the City
 - Minor alteration permits may be approved by Preservation Officer, with appeal to LPC

Areas of Disagreement Between PC and LPC

- ◆ Timeline/ Process
- ◆ Application of Integrity
- ◆ Structure of Merit
- ◆ Authority over CEQA Review
- ◆ Request for Determination

Issue 1: Timelines and Process

- ◆ Both PC and LPC Recommendations “front-load” the process
- ◆ Recommendation:
 - Follow a modified version of the recommendation by the Planning Commission
 - Provides LPC with additional time and flexibility
 - ◆ Schedule: 2 meetings to decide whether to initiate, 90 days for research, 2 additional meetings to decide on designation
 - ◆ Applicant must pay fee to City for consultant
 - Allow 14 days for citizen initiation of property if it is not designated by LPC.

Issue 2: Integrity

- ◆ “The authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.”
 - ◆ California Register of Historic Resources Definition

Integrity

- ◆ Draft Proposal:
 - Adopt the CA Register of Historic Resources definition and apply to all historic resources (PC Recommendation)
 - Request the LPC develop additional local standards of integrity suited to local specifics

Issue 3: Structure of Merit

◆ Current Definition:

- A structure that “does not currently meet the criteria as set out for a landmark, but is worthy of preservation as part of a neighborhood, a block or street frontage, or as part of a group of buildings which includes landmarks.”
- In Berkeley, Structure of Merit designation is “historic resource” giving it nearly identical protections to the Landmark designation.

Structure of Merit

◆ Key Issues:

- Should we continue to have the Structure of Merit designation?
- Should Structure of Merit be considered a “historic resource” for the purposes of CEQA?
- Should there be other restrictions on Structures of Merit?

Structure of Merit

- ◆ Draft Proposal:
 - Current Structures of Merit: Grandfathered in and covered under our current regulations.
 - Future designations: Structures of Merit designations will be made only in historic districts, where the need to protect historic character has been established, and considered full historic resources.
 - Consider other “honorary” designations, such as “historic points of interest.”

Issue 4: CEQA Authority

- ◆ Problems arise in dual authority between ZAB and LPC
- ◆ Draft Proposal:
 - ZAB has authority to make CEQA review determinations, subject to LPC recommendation (PC recommendation)

Issue 5: Early Determination

- ◆ Request for Determination (RFD)
 - Effort to disconnect the decision on the historic properties of a site from a specific application for development.
- ◆ Concerns raised:
 - ◆ Amount of information required to make a determination
 - ◆ Financial costs to homeowners who may want determination
 - ◆ Community does not often engage until threat of development
 - ◆ Additional workload for LPC and city staff

Early Determination

◆ Draft Proposal:

- Full noticing, including posted yellow signs, required for an RFD
 - Less information required for single family homes/ duplexes in residential zones (unless LPC initiates)
 - All other properties require full information as if asking for designation
- LPC granted up to 9 months to provide determination
- Properties in historic districts are not eligible for RFD
- If LPC does not initiate on its own, public receives 14 days to initiate

Tonight's Agenda/ Action Items

- ◆ Discuss Proposal and provide feedback for revisions, additions, etc.
- ◆ Request an analysis of staffing and other costs of implementing various options.
 - Include a review of increasing permit fees to fully cover these costs without a general fund subsidy
- ◆ Set additional Council discussions/ public hearing