



Office of the City Manager

INFORMATION CALENDAR

December 13, 2005

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Dan Marks, Director, Planning and Development

Subject: Landmarks Preservation Commission Notices of Decision:
2105 Fifth Street – Approval of Structural Alteration Permit (November 7, 2005)
2599 Telegraph Avenue - Approval of Structural Alteration Permit (November 7, 2005)
147 Tunnel Road – Approval of Structural Alteration Permit (November 7, 2005)

INTRODUCTION

The attached Notices of Decision are 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 any of the above decisions on their 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 relevant decision. Such action must be taken within 15 days from the mailing of the Notice of Decision or by December 13, 2005. 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 Notices of Decision are deemed received and filed.

POSSIBLE FUTURE ACTION

The Council could choose to appeal (certify) a 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 necessary Council reports and resolutions.

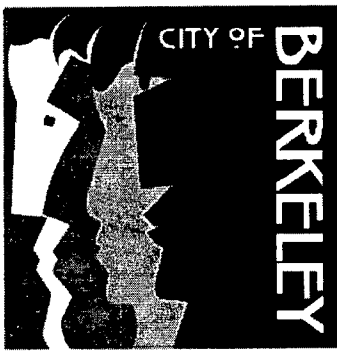
CONTACT PERSON

Mark Rhoades, Land Use Planning Manager, Planning and Development Department, 981-7410

Attachments:

Landmarks Preservation Commission Notices of Decision for

- 1: 2105 Fifth Street – Approval of Structural Alteration Permit (November 7, 2005)
- 2: 2599 Telegraph Avenue - Approval of Structural Alteration Permit (November 7, 2005)
- 3: 147 Tunnel Road – Approval of Structural Alteration Permit (November 7, 2005)



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: November 7, 2005

Property Address: 2105 Fifth Street
Also Known As: Haller-Dowd House
Action: Structure Alteration Permit Approval
Application Number: 05-40000028
Applicant: Sarah Satterlee

WHEREAS, the Haller-Dowd House at 2105 Fifth Street, was placed on the State Historic Resources Inventory on January 31, 1979; and

WHEREAS, the Haller-Dowd House at 2105 Fifth Street, was designated as part of the Oceanview Sisterna Tract Historic District on March 1, 2004; and

WHEREAS, on March 22, 2004, the applicant submitted an application to alter or renovate the lower unit, the siding, front windows, front doorways, roof and gutters and staircase.

WHEREAS, on April 12, 2004, the Landmarks Preservation Commission held a public hearing, heard public testimony and closed the public hearing; and

WHEREAS, on April 12, 2004, the Landmarks Preservation Commission voted to approve the following renovations and alterations to 2105 Fifth Street:

Lower Unit: Replace the existing walls in the lower unit, and move the existing front-facing lower unit doorways to the sides of the house.

Siding: Replace damaged and decayed siding, which primarily runs along the lower edges of the house, with matching or similar wood siding.

Windows: Relocate the two existing front doorways, which currently exist below their respective bay windows, to the side of the house. Replace these doors with windows similar to those shown in an early photograph (which are more proportional the house) and add matching corbels to the bay windows, which will be located on the right side of the house.

Exterior Stairs Repair the staircase and add railing more in keeping with the architectural style of the structure, (final design review by subcommittee consisting of Commissioner Emmington and Chair Olson).

Roof Replacing the existing roof with composition shingles and replacing the gutters, which would be similar to the gutters at 2109 Fifth Street.

Rear Façade: Alteration of rear windows to match the French doors (optional).

WHEREAS, on September 16, 2005, the applicant submitted a new alteration permit, including replacement of the rear stairs and the addition of two small decks at the rear of the building; a dormer in the rear half of the south side of the roof; and a gable window at the front of the house.

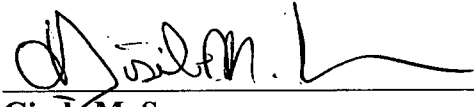
WHEREAS, on November 7, 2005, the LPC held a public hearing, heard public testimony and closed the public hearing; and

WHEREAS, on November 7, 2005, the Landmarks Preservation Commission voted to approve LM#05-40000028, including the replacement of the rear stairs and the addition of two small decks at the rear of the building; and a dormer in the rear half of the south side of the roof. Furthermore, the Commission appointed a subcommittee (Gartner, Johnson and Emmington) to review and recommend an alternative window design for the gable window, and continued the item to December 5, 2005 for review and resolution of the gable issue only.

NOW, THEREFORE, BE IT RESOLVED that the Structural Alteration Permit (#05-40000028) is approved, as modified above.

VOTE: 5-0-0-4

Aye: Johnson, Dacey, Emmington, Gartner, and Korte
Nay: None
Abstain: None
Absent: Olson, Packard, Winkel (one vacancy)

ATTEST: 
Gisele M. Sorensen
Secretary, Landmarks Preservation Commission

DATE NOTICE MAILED: November 29, 2005
THE APPEAL PERIOD EXPIRES (15 DAYS) AT 5 PM: December 13, 2005
 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:

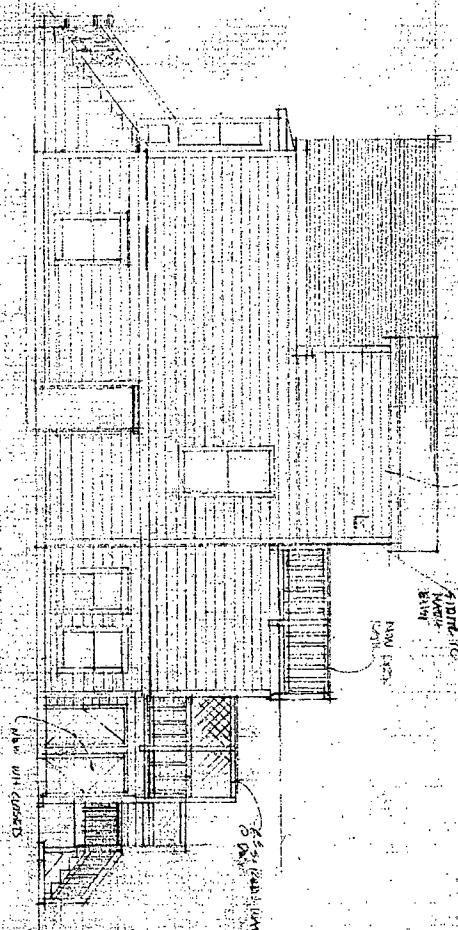
Plans dated 9-16-05

cc:

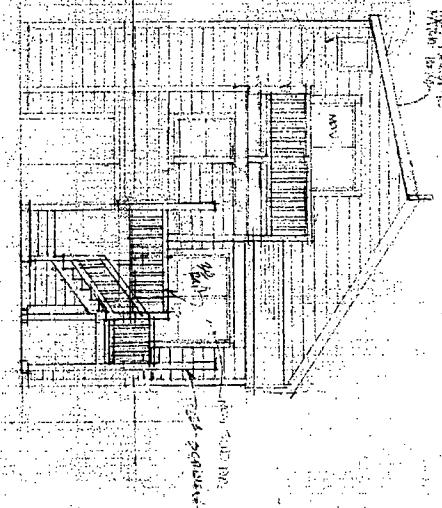
City Clerk's Office
 2180 Milvia Street
 Berkeley, CA 94704

Sarah Satterlee
 2105 Fifth Street
 Berkeley, CA 94710

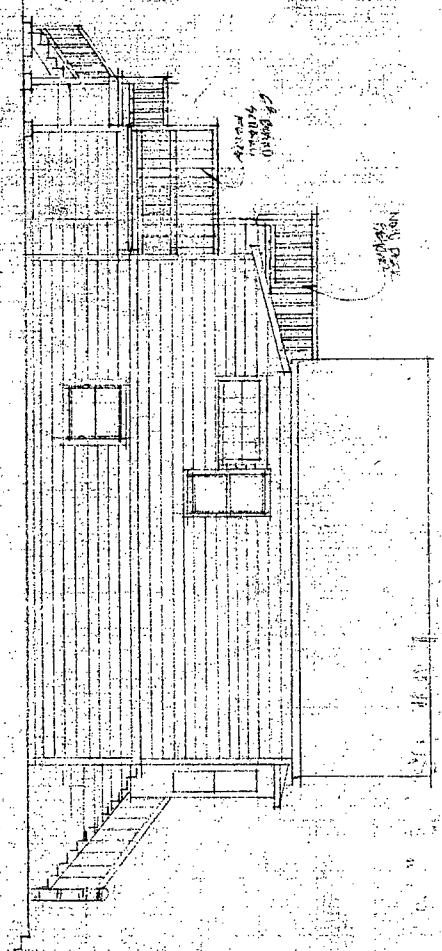
3 SOUTH SIDE ELEVATION



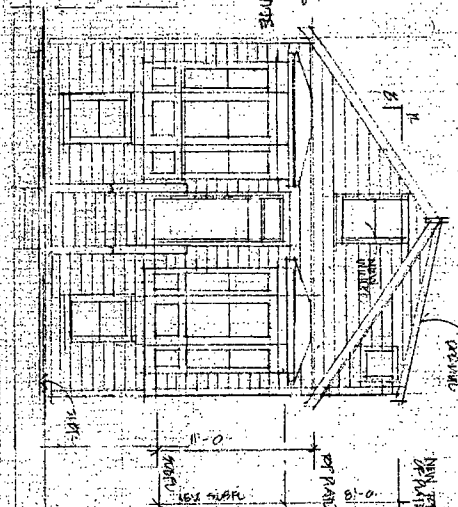
2 REAR/BACK ELEVATION



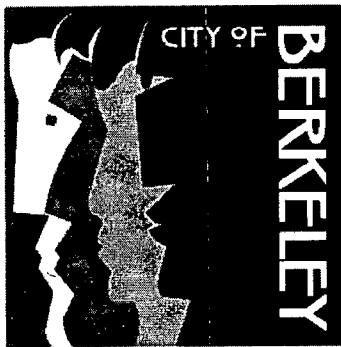
4 NORTH SIDE ELEVATION



1 FRONT/WEST ELEVATION



07/11/2005



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

Notice of Decision
MEETING OF: November 7, 2005

Property Address: **2599 Telegraph Avenue**
Also Known As: **Gorman Building**
Action: **Structure Alteration Permit Approval - Signage**
Application Number: **05-4000029**
Applicant: **Hanifa Gaphoor**

WHEREAS, the Gorman Building, located at 2599 Telegraph Avenue, was designated a City of Berkeley Landmark on December 4, 2000; and

WHEREAS, on October 8, 2003, the LPC approved Alteration Permit #03-4000031, which allowed the restoration of the structure to its 1906 appearance; and

WHEREAS, on July 11, 2005, the applicant submitted a request for a structural alteration permit for the creation of a new entrance at the northern retail tenant space, the elimination of a ramp and exit doors on the east frontage, and new signs on the north, west, and south facades; and,

WHEREAS, on July 11, 2005, at their regular meeting, the LPC took testimony and, after discussion, moved to create an advisory subcommittee to meet with the applicant to discuss the details of the signage, and approved the alteration permit (except for the signage) as proposed, with the provision that the applicant include transoms over the storefront windows on the northern retail tenant space and requiring the applicant to re-study the side light and attempt to make it look less modern, and more contemporary with the age of the building; and,

WHEREAS, on August 8, 2005, at their regular meeting, the LPC took testimony, received new plans for signage as a result of the LPC subcommittee meeting and, after discussion, moved to approve the plans for the general location and size of signage as presented, finding them consistent with the standards of the Sign Ordinance, the Secretary of the Interior's Standards for Rehabilitation and the Downtown Berkeley Design Guidelines; and

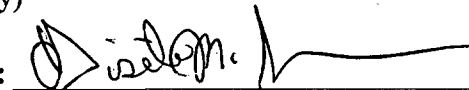
WHEREAS, on September 21, 2005, the applicant submitted a request for a structural alteration permit for the creation of a specific tenant sign; and,

WHEREAS, on November 7, 2005, at their regular meeting, the LPC, approved the proposed signage, finding the specific size, location and materials consistent with their previous approval, and further finding that the proposed font type, size and colors and symbols for the specific tenant sign are appropriate and that they would not detract or otherwise adversely impact the landmark building, and that the historic character of the property is retained and preserved by the use of muted colors and simple font types.

NOW, THEREFORE, BE IT RESOLVED that Structural Alteration Permit (#05-4000029), is hereby approved.

VOTE: 5-0-0-4
Aye: Emmington, Dacey, Gartner, Johnson, Korte
Nay: None
Abstain: None
Absent: Olson, Packard and Winkel (one vacancy)

ATTEST:



Gisèle M. Sorensen
Secretary, Landmarks Preservation Commission

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Attachment:

Plans dated 10/17/05

cc:

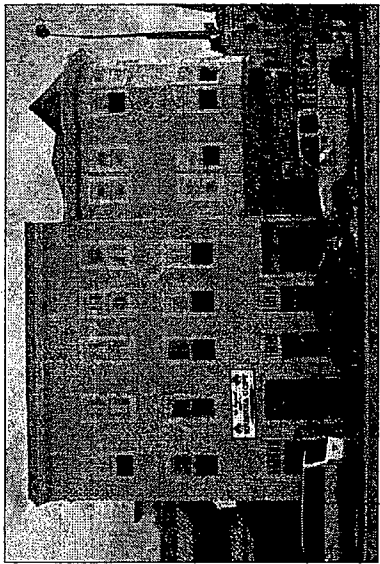
City Clerk's Office
2180 Milvia Street
Berkeley, CA 94704

David Clahan
3020 El Cerrito Plaza
El Cerrito CA 94530

Hanifa Gaphoor
16375 E. 14th Street
San Leandro CA 94578

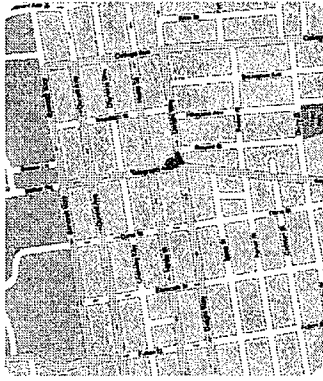
G:\Boards & Commissions\LPC\NODs\Alterations 2005\20. 2599 Telegraph Avenue (11-7-05).DOC

PROPOSED SANDBLASTED WOOD SIGN FOR KRISHNĀ COPY



FRONT ELEVATION TELEGRAPH AVE. SCALE 1/8" = 1'

RECALLED
OCT 17 2005
CURRENT PLANNING



2501 Telegraph Ave Berkeley, Ca 94704



16375 East 14th Street,
San Leandro, CA 94578
Tel. (510) 278-4522
Fax. (510) 278-0516
LIC# 796573

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Project: Krishna Copy
Address: 2501 TELEGRAPH AVE
BERKELEY CA 94704
Salesperson: Hanifa Gaphoor
Client Approval: _____

Landscape Approval: _____
Scale: _____
As noted In Draw
Drawn By: Bay Signs Inc.
Date: Sep. 7th 05

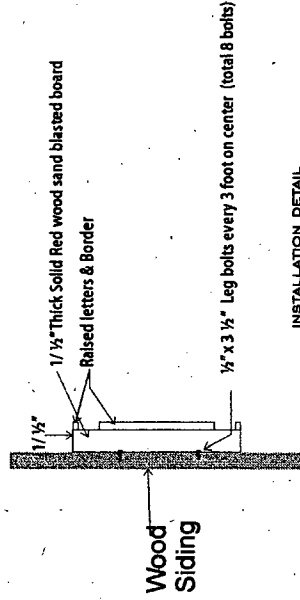
Revision: _____ By: _____

Print: _____
 Art
 Vinyl
 Elect.
 Non-Elec.
 Ship./Rec.

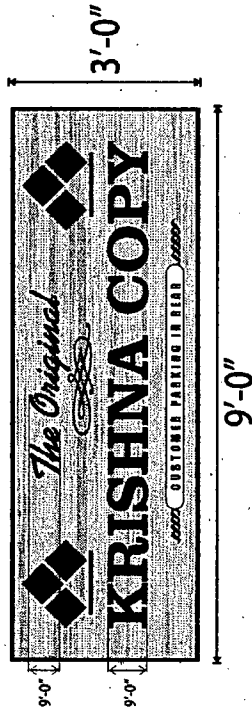
Approved By: _____
Sheet number: _____
Drawing number: 1 of 1
Job number: _____

SITE PLAN

FRONT ELEVATION TELEGRAPH AVE.



INSTALLATION DETAIL

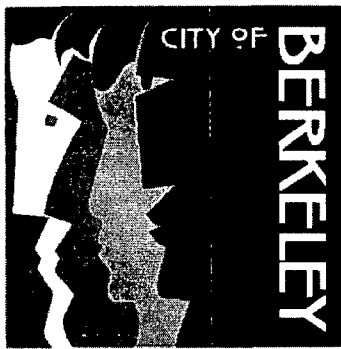


27 sq. ft.

DIMENSIONS

- Burgundy
- Natural stained background color

SPECIFICATION COLORS



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

Notice of Decision
MEETING OF: November 7, 2005

Property Address: **147 Tunnel Road**
Also Known As: **Farley House**
Action: **Structure Alteration Permit Approval – Fencing Plans**
Application Number: **04-40000031**
Applicant: **Ali Eslami**

WHEREAS, the Farley House, located at 147 Tunnel Road, was designated a City of Berkeley Structure of Merit on July 9, 2001; and

WHEREAS, on August 4, 2003, the owner of 147 Tunnel Road requested comments regarding a proposed accessory dwelling unit addition. The Commission moved to delay any comments until the notified public hearing; and

WHEREAS, on December 10, 2003, the applicant submitted an alteration permit for the construction of a two-story 621 square foot addition (accessory dwelling unit) to the rear of the existing landmark structure. On January 12, 2004, the LPC opened the public hearing, reviewed the proposal, and voted to deny the application as submitted, mainly due to perceived problems with massing; and

WHEREAS, on August 23, 2004 the applicant submitted an application to do the following work at 147 Tunnel Rd.:

1. Landscaping upgrades, which include planting new vegetation similar to that existing on neighboring lots and orchard plantings, which would be reestablished in front of the proposed accessory unit. Additionally, natural stone will also be used at the Tunnel Road frontage, in front of the house and leading down to the sidewalk, removal of dead and/or dying vegetation and a new fence. In conjunction with the proposed fence, the applicant is also proposing new wrought iron gates and stucco columns.
2. Improvement to existing retaining wall
3. New accessory dwelling unit above the existing garage.
4. Improve drainage.
5. New separate stone patios for both the main unit and the accessory unit; and

WHEREAS, on September 13, 2004, the Landmarks Preservation Commission opened the Public Hearing, took public testimony and closed the Public Hearing. The Landmarks Preservation Commission moved to allow the applicant to pour the concrete for the retaining walls and footing for future fence only. It was made clear to the applicant that the approval of the concrete pour did not imply an approval of any fences or structures associated with the concrete pour. The Landmarks Preservation Commission did not review the design of the fence or retaining walls- final design review can be applied at a later date; and

WHEREAS, on September 13, 2004, the Landmarks Preservation Commission continued the public hearing to further discuss the other proposed alterations; and

WHEREAS, on October 4, 2004, the Landmarks Preservation Commission took public testimony, closed the Public Hearing and moved to approve the garage and the 2-story accessory structure, while showing preference for option A0 which shows a single bay; and

WHEREAS, the LPC established a subcommittee consisting of Comm. Dacey, Emmington, Winkel and Chair Korte to review design detail, including the fencing, and return to the full Commission for approval of those details; and

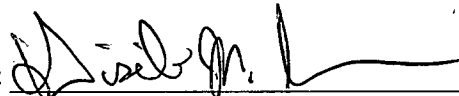
WHEREAS, on June 6, 2005, the LPC took testimony and voted to approve the alteration as proposed for the fencing except for the proportions of the railing to the wrought iron;

WHEREAS, on November 7, 2005, subsequent to additional subcommittee meetings, the LPC, at its regular meeting, took public testimony, closed the hearing, and after discussion voted to approve the fence plans, including the wrought iron railings, as proposed, and a flat stucco wall surface of one color with no imprints. The LPC reconvened the subcommittee to meet with the applicant to resolve the gate design, and continued the project to December 5, 2005 to resolve that last issue.

NOW, THEREFORE, BE IT RESOLVED that Structural Alteration Permit (#04-40000031), is hereby approved.

VOTE: 5-0-0-4
Aye: Johnson, Dacey, Emmington, Gartner, Korte
Nay: None
Abstain: None
Absent: Olson, Packard, Winkel (one vacancy)

ATTEST:



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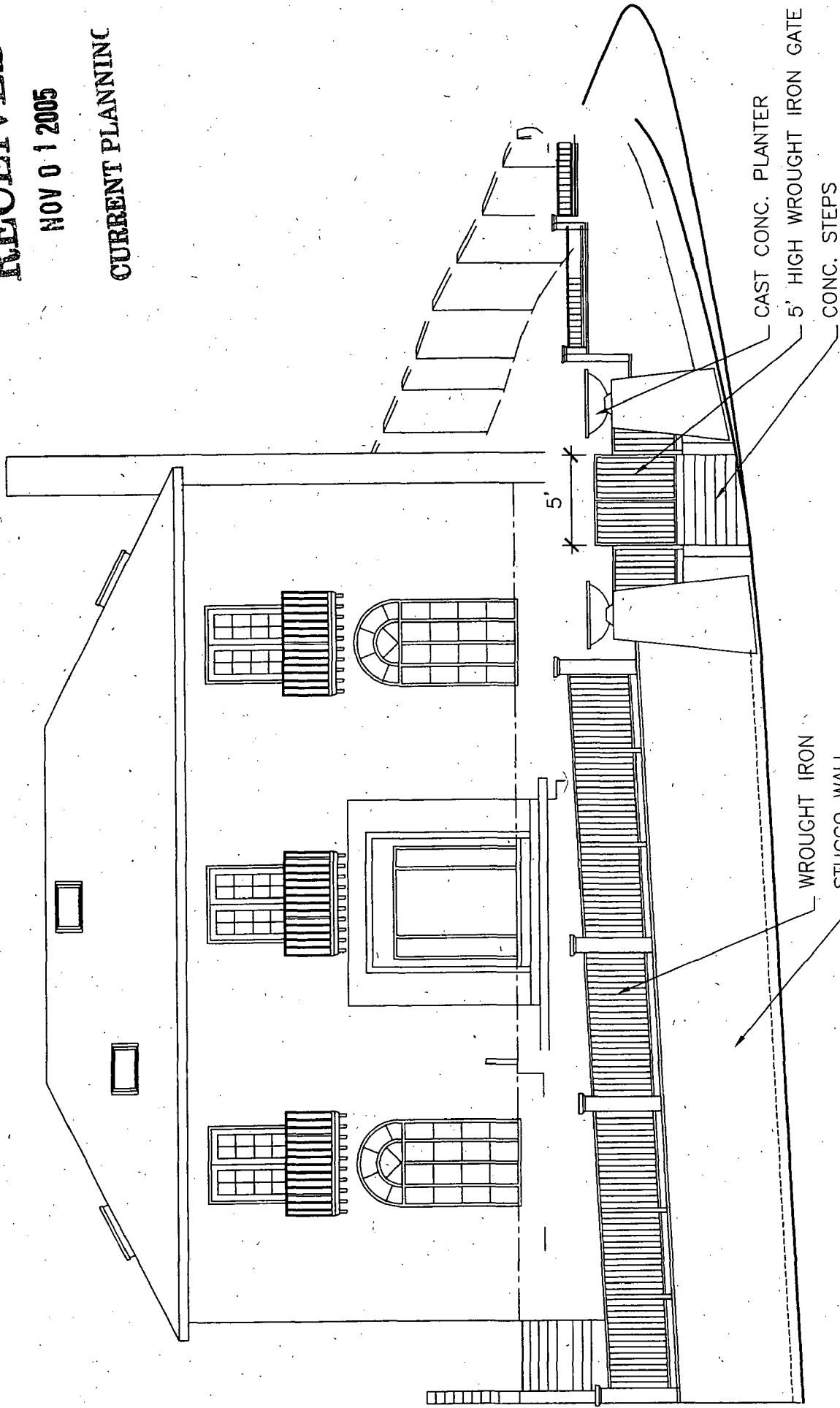
Attachment: Plans dated 11-1-05

cc:
City Clerk's Office Shawn Nazari / Ali Eslami
2180 Milvia Street Box 4623
Berkeley, CA 94704 Berkeley, CA 94704

RECEIVED

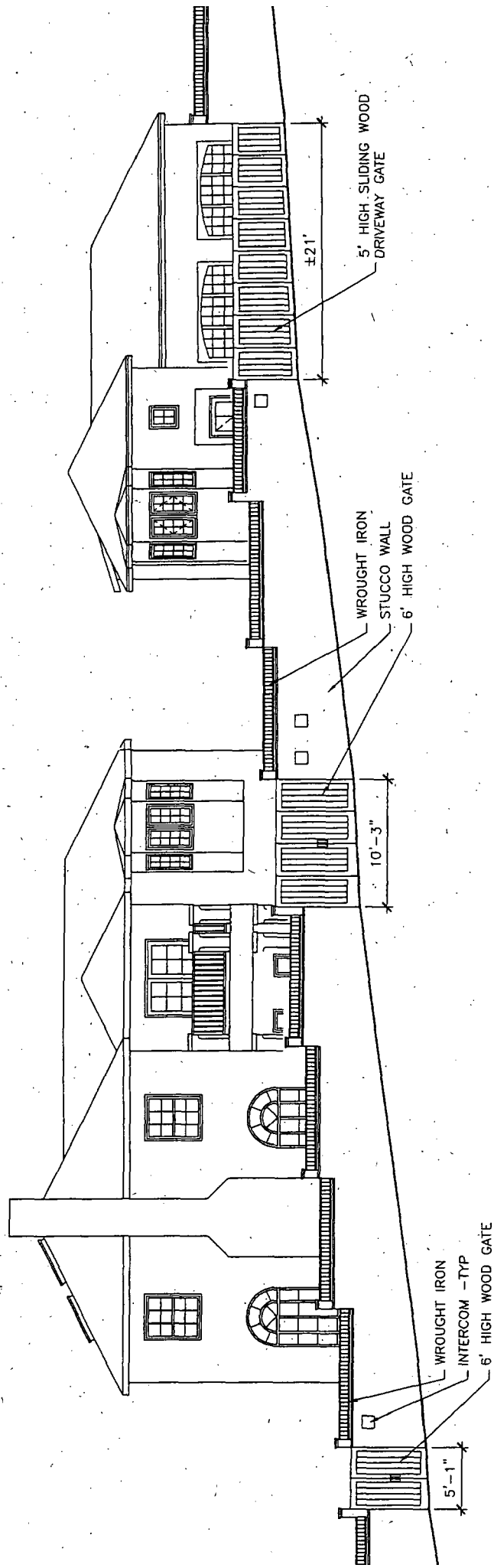
NOV 01 2005

CURRENT PLANNING



TUNNEL ROAD ELEVATION - OPTION 'A'

147 TUNNEL ROAD



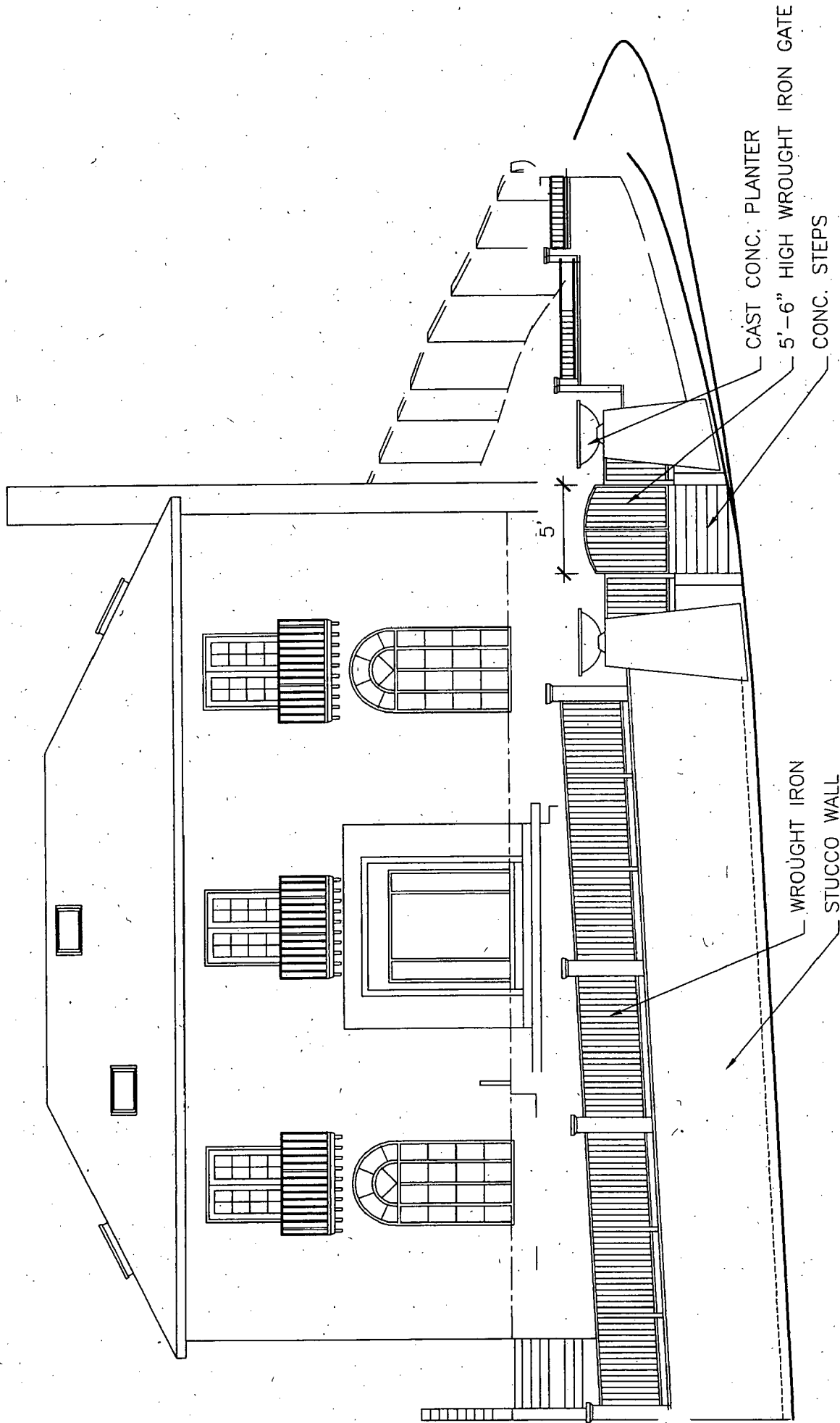
BRIDGE ROAD ELEVATION - OPTION 'A'

147 TUNNEL ROAD

RECEIVED

NOV 0 1 2005

CURRENT PLANNING



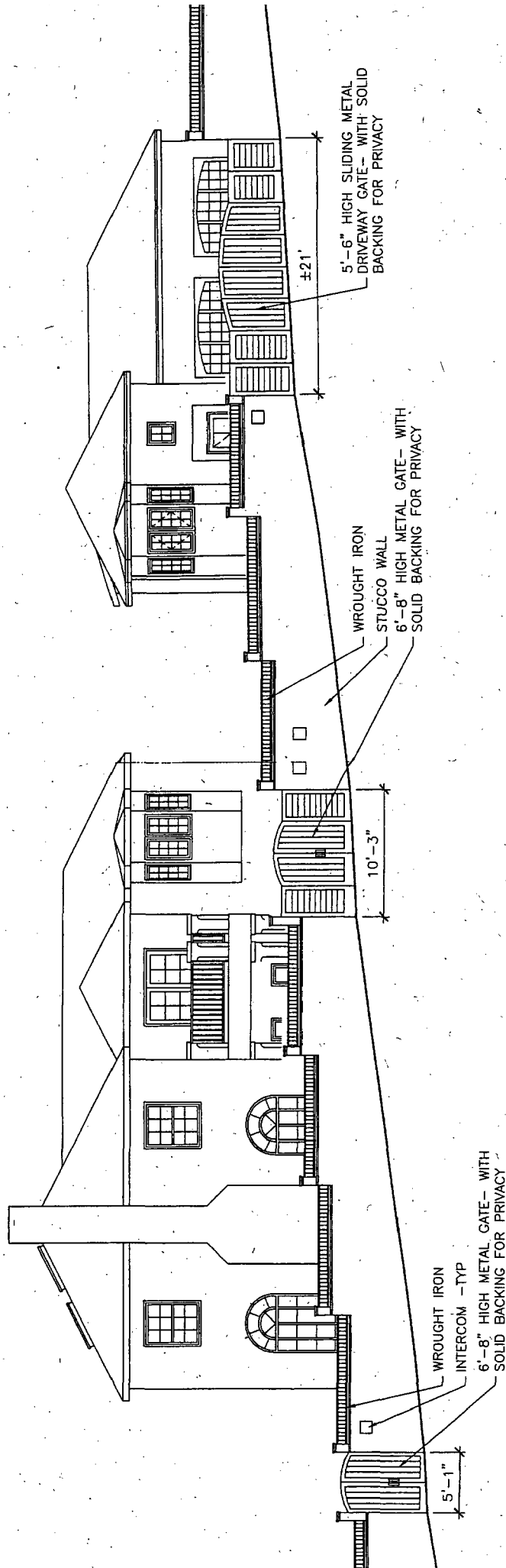
RECEIVED

NOV 0 1 2005

CURRENT PLANNING

TUNNEL ROAD ELEVATION - OPTION 'B'

147 TUNNEL ROAD



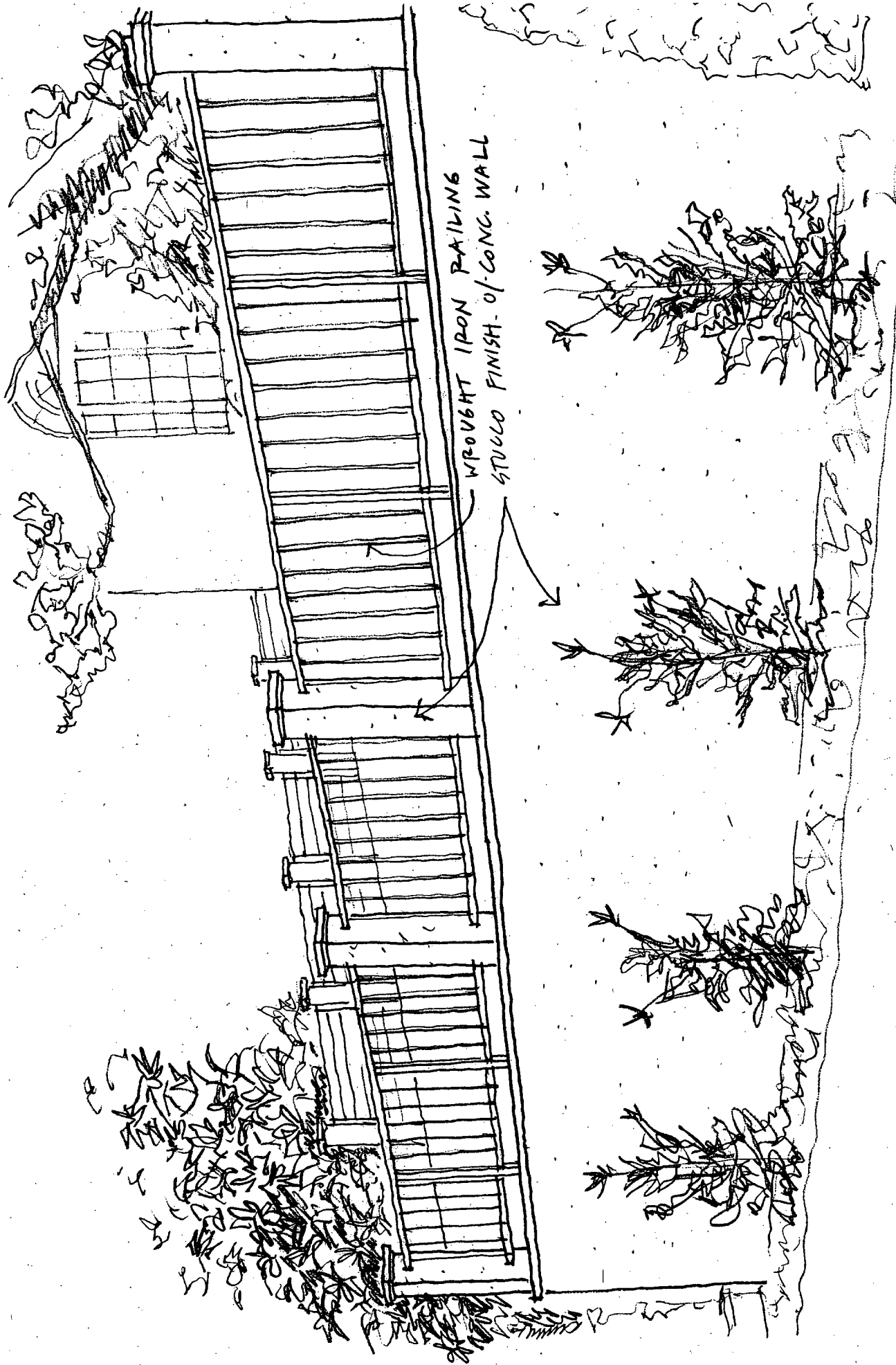
BRIDGE ROAD ELEVATION - OPTION 'B'

147 TUNNEL ROAD

RECEIVED

NOV 01 2005

CURRENT PLANNING



RECUHVEI

NOV 01 2005

CURRENT PLANNING

TUNNEL ROAD ELEVATION

