

THE BERKELEY
ARCHITECTURAL
HERITAGE
NEWSLETTER

No. 45

November-December 1983

Season's Greetings from BAHA Board and President



For those of you unable to attend our Holiday Party at Henry Gutterson's Charles Dutton House and receive our heartfelt thanks in person, all of us at BAHA would like to THANK YOU, the backbone of our preservation effort, our membership!

We count ourselves extremely fortunate to be Berkeley's second largest nonprofit organization. And we attribute our huge success in Berkeley to your good common sense and community awareness.

We have celebrated each new year for the past 14 years with our BAHA Calendar. This year's calendar, "Demolished!", is, I believe, our finest. Have a wonderful, fulfilling New Year.

--The BAHA Board of Directors,

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Susan Stern



Wassail Party

Sunday Dec. 11th

3:30 - 6:30

call 654-4180 RSVP.

2 LANDMARKS NEWS:

Know Your Ordinance



November's Landmarks Commission meeting designated as a city landmark the 1888 Charles Brown house at 1614 6th Street, one of a group of Ocean View Victorians determined eligible for the National Register in 1978. The other nomination heard at that meeting was Normandy Village, in most people's minds a landmark if ever there was one. This application drew enough opposition from the owners that the commission postponed a decision until next time.

A very telling slide presentation was made by one of the owners. He showed examples of the painstaking repairs he had performed on the property, often with his own hands, even replacing the wavy wooden window mullions in kind. It might have been a BAHA lecture on restoring a landmark. Yet his point was that since he was already conscientiously taking care of the building, he should not be punished by having it designated a landmark.

This has been a recurring issue--remember the Acheson Estate's appeal of the designation of the Physicians' Building (2131 University) last June, when the City Council affirmed the designation and also affirmed their support of the landmarks process and the commission's authority. Remember also Hyshka Stross's letter on the public relations aspects of the subject, in the May newsletter. What are owners afraid of? Delay or denial of building permits. Obligation to repair. Inability to demolish. Loss of property value. Arbitrary designation and control by a commission they may scarcely have heard of. How much of this is real? From a libertarian viewpoint, government interference is government interference, even if lenient and for noble ends. Preservationists like to promote the economic advantages of old buildings, but if enough potential buyers are frightened off, property value does fall, however erroneous the perceptions behind the fear. Some of the misconceptions can be cleared up by looking at the landmarks ordinance.

Berkeley's landmarks ordinance was passed in 1974, "providing for the protection, enhancement, perpetuation, and use of structures, sites, and areas having special architectural, historic or aesthetic interest." "The purpose of this legislation is to promote the health, safety and general welfare of the citizens of Berkeley through: The protection... of structures... that are reminders of past eras... or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or are unique and irreplaceable assets to the city of Berkeley and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived;... The enhancement of property values, the stabilization of neighborhoods and areas of the city...; The preservation and encouragement of a city of varied architectural styles, reflecting the distinct phases of its history...; The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs by fostering knowledge of the living heritage of the past." This "spiritual as well as material" definition of "general welfare" is the chief legal basis on which landmark ordinances have been upheld.

The ordinance is administered by a commission of 9 members, one appointed by each city councilor, with the power to designate landmarks, structures of merit, and historic districts. Criteria for designation are based on those of the National Register, and include architectural, cultural, historic, and educational value. A landmark designated for architectural merit may be "the first, last, only or most significant... of its type in the region;" but also eligible are "prototypes or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works... of an architect, designer or master builder; or... examples worth preserving for the values they add when integrated into the... fabric of the... neighborhoods."

Buildings believed to fit the criteria may be proposed "by the commission, ... city council, ... planning commission, ... art commission, or by the verified application of the owners... or by the verified application of at least fifty residents of the city" with filing fee. (Currently applications are generally prepared by the BAHA office, and initiated by vote of the commission.) Protection of the building commences when the application is initiated. The owners and neighborhood are notified



The Little House Did Not Change

When the little house was built, it was away out in the country. Around it were fields and pastures, flowers and trees, and birds singing in the trees.

There it stood, day after day, as time went by. It did not change. But things around it began to change.

One day a wagon without a horse drove down the little old road that went by the house. Soon many cars were going by.

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Other houses were built near the first little house. People with cars came to live in the houses. They did not like the little old road. So it was made into a real street.

Soon buses and trucks were going up and down the street.

Now there were no fields near the old house and not many trees.

All around it were houses and stores and schools and other buildings.

And there were more and more people.

The little house just stood there and did not change. But things around it changed.

A big apartment house was built on one side of it. Another apartment house was built on the other side.

Soon there were more tall buildings all around. They were so near the house that it was dark inside it all the time.

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The little house was not in the country any more. The big city was all around it.

By and by some men wanted to build a store on that street, but there was no room.

The men looked at the house and said, "No one wants to live in this old house now. It is too old and too small. Let's pull it down to make room for the store."

So the little house was pulled down, and the new store was built. It had big, shiny windows and many things for sale.

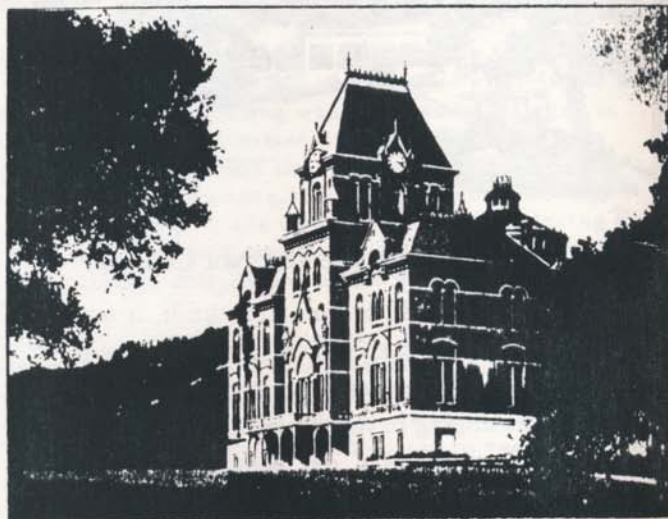
And no one thought any more about the little house that had been there so long.

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...the 1984 Berkeley Architectural Heritage Calendar, that is! Calendars are now available at local stores and at the BAHA Office at \$4 each (10% discount on orders of 10 or more).

Each calendar is a permanent keepsake of Berkeleyana and contains photographs of 13 famous buildings (including the 3 pictured here), and much, much more!



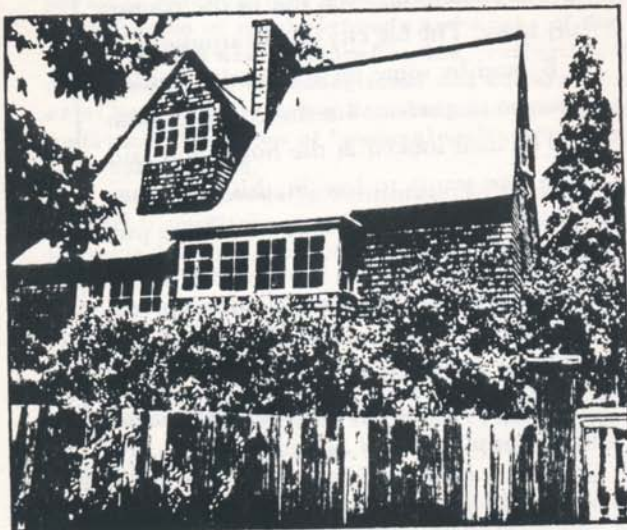
BACON ART GALLERY & LIBRARY BLDG., 1881.

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★ "AFTER" PHOTOS BY SUSAN DINKELSPIEL STERN

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these BAHA members
have to say about the
1984 calendar ...



DWIGHT WAY SCHOOL (McKinley School). 1896

"I read it from cover to cover. This should certainly get your message across." --- Martha Marvin

"Most exciting calendar yet. Very inspiring. It demonstrates so beautifully what BAHA works for everyday." --- Bianca Buffington
Bruce

"Poignant!!" --- Kenneth Martin

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John & Jean Auka
Leo Simon
Therese L. Ashman
Beatrice Rosenthal
Crispin Barrere

CONTRIBUTING

Jon G. Penn
Neysa Carpenter

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public hearing held within 70 days; a record of the public hearing is kept to insure that due process has been followed. Within 180 days after the conclusion of the hearing, the commission must act. (in most cases a nomination is heard and voted on a month after it is initiated--70 and 180 days are maximums.) Five votes are necessary to pass a motion; they may designate the building, reject it, or make it a structure of merit. Structures of merit have so far been failed landmarks, with no protection; the commission is proposing amendments to this.

Designation is recorded at the office of the county recorder, as well as at the city building permit desk where the protection provisions of the ordinance come into play. "Any construction, alteration or demolition for which a city permit is required" on a landmark requires the approval of the commission, unless for "ordinary maintenance and repairs." The permit application is referred to the commission for public hearing and review within 70 days, and a decision within 30 days after that. Plans may be approved if found suitable to the historic character of the building, modified, or suspended. Permits for exterior alterations may be suspended for up to 180 days, demolition permits for a year, so that the "commission may take steps... to preserve the structure," such as "consultation with civic groups, public agencies and interested citizens, recommendations for acquisition... by public or private bodies" or moving the building. For a building "in such condition that it is not feasible to preserve and restore it, taking into consideration the economic feasibility... and balancing the interest of the public in preserving the landmark," a demolition permit may be approved; review of alterations may also take into account "immediate and substantial hardship" or "unsafe conditions." In addition, "good repair and maintenance" is required, though this has not been actively enforced. These controls apply only to the exterior of privately owned landmarks; for publicly owned buildings (which, incidentally, do not require permits) "major interior architectural features" are protected as well. The Non-Residential Building Protection Ordinance refers applications for demolition and major alterations of commercial buildings over 40 years old to the landmarks commission for decision whether to designate (and thereby protect) the building. In addition, "the commission may render advice and guidance with respect to any proposed work not requiring a city permit," such as painting, landscaping, or light fixtures, and it may recognize landmarks by such means as plaques and certificates.

Landmarks commission decisions may be appealed to the City Council, within 15 days after announcement of the decision, by the council, planning or art commission, the owner, or 50 "aggrieved or affected" residents. With or without a public hearing, the "council may reverse or affirm wholly or partly, or modify any decision, determination or requirement of the commission."

A special category in the ordinance, which has never really been used, is the historic district where "such further controls and standards as the commission deems necessary" apply, "including but not limited to facade, setback, height controls, signs and public improvements." (Buildings in local historic districts are automatically eligible for the National Register tax programs, unlike individual local landmarks.) A historic district application "must be subscribed by or on behalf of a majority of the property owners or residents of the proposed district." Thus Berkeley's only "historic district" is Delaware Street--which at the time it was designated had one owner (the city) and no residents. Other contemplated districts have been abandoned because of the difficulty--or perceived difficulty--of obtaining owner consent.

Owner consent has become an issue in recent hearings on individual landmarks, though the ordinance as it stands only allows the possibility of appeal to the city council. Under the Reagan administration National Register listing became subject to owner consent, creating a dual system with the National Register alongside another list of buildings officially recommended to the Register by state preservation offices but vetoed by the owners (the Orinda Theater, determined of "exceptional significance," is one such building). Landmark status is squeezed between the ideal of an objective inventory of our best cultural resources, and widespread misgivings about how far the state should regulate private property. At its last meeting, the Landmarks Commission appointed a subcommittee to look into encouragements that might be offered to owners: programs that have been tried elsewhere include tax concessions, revolving funds, and the Historic Building Code. These concerns at least show that the landmark process is being taken seriously: probably better to be perceived as a threat than as the harmless hobby of a few silly history buffs. --Betty Marvin

this year, give

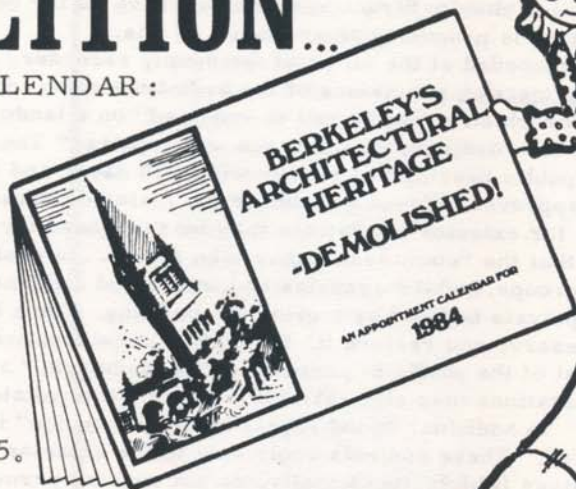
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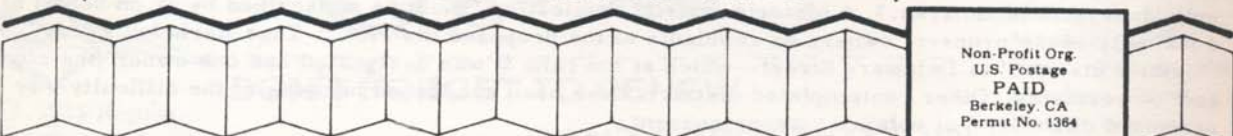


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