



Office of the City Manager

CONSENT CALENDAR
February 14, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: Mills Act Contract – 2119 Marin Avenue

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Anne and Michael Ray for the City Landmark property at 2119 Marin Avenue.

FISCAL IMPACTS OF RECOMMENDATION

Approving the Mills Act contract for the City Landmark property at 2119 Marin Avenue would reduce the property tax bills for the owners by an estimated total of approximately \$12,000 in year one, approximately 30% of which (\$3,600) would be diverted from Berkeley's tax revenue. Final amounts are determined by Alameda County after contract execution. This will be an annual impact to the City's tax revenue, as the contract runs for ten years, in comparable annual amounts, and automatically renews annually thereafter unless notice of nonrenewal is given. In turn, the work plan commits the owners to spending the anticipated tax savings on restoring the landmarked property. The Mills Act also specifies procedures for cancellation of the contract for a breach of conditions.

Council approval will allow property tax reduction for this property to begin in the 2024-2025 fiscal year.

CURRENT SITUATION AND ITS EFFECTS

On September 1, 2022, the property at 2119 Marin Avenue was designated as a City of Berkeley Structure of Merit, making the property owner eligible to take advantage of the Mills Act (see Attachment 2).

On September 1 and October 6, 2022, the Landmarks Preservation Commission (LPC) reviewed the proposal by the present owners, Anne and Michael Ray, to enter into a Mills Act contract for 2119 Marin Avenue, including a proposed scope of work and maintenance schedule, and voted 5-0-0-4 to recommend approval of the Mills Act Contract application to City Council (Moved/Second Linvill/Leuschner; Yes: Enchill, Finacom, Leuschner, Linvill, Twu; No: none; Abstain: none; Absent: Adams, Crandall, Montgomery, Schwartz).

BACKGROUND

The Mills Act allows owners of historic properties to voluntarily enter into individual contracts with the City, in order to obtain limited ad valorem tax relief at the discretion of host jurisdictions, in exchange for maintaining and restoring their historic property. The property tax savings are offered to create an incentive for owners to maintain their historic properties, to designate historic properties that are currently not protected, and to purchase and upgrade already dilapidated historic properties.

In Berkeley, owners of those properties designated by the LPC as either a Landmark or a Structure of Merit may apply for a Mills Act contract. The Alameda County Assessor uses a formula, consistent with the provisions of the Mills Act, to determine the amount of property tax reduction, which applies a capitalization rate to the calculated net operating income for the property under the Mills Act contract. The Mills Act application includes a ten-year work plan to restore and maintain the subject property. The total investment in the work plan is intended to equal or exceed the total amount of the property tax relief over the contract period.

On February 24, 1998, the Berkeley City Council passed Resolution No. 59,355-N.S., which authorizes the local use of the Mills Act of 1972, as amended, which is codified in California Government Code Section 50280-90 and Revenue and Taxation Code Section 439.

In 2011, State law was amended to include more specific requirements regarding inspection, fees, and cancellation. The amendments clarified that the local legislative body may require fees for providing services pursuant to the Mills Act; shall inspect the property prior to a new agreement and then every five years thereafter; and shall cancel the contract if it determines that the owner has breached the conditions of the contract. As a result of these amendments, Land Use Planning fees for the approval and monitoring of these contracts were added in July 2012, and an ongoing inspection program is in place.

RATIONALE FOR RECOMMENDATION

In order to qualify for Mills Act consideration, 1) the property must qualify as historic; 2) the contract must adequately meet the requirements for Mills Act contracts; and 3) the type of improvements outlined in the work plan must meet the City standards, which require that tax savings be used according to the rules and regulations outlined in the Act.

The property located at 2119 Marin Avenue is eligible for the Mills Act contract because it is a Berkeley Structure of Merit. The contract template has been reviewed by the City Attorney's Office for conformance to all relevant City and State regulations. Finally, the contract includes a comprehensive work plan that the property owner has agreed to complete within the first ten-year contract period (see Attachment 3) and that

provides for the property “use, maintenance and restoration as to retain its characteristics as property of historical significance.” The LPC has concluded that the proposed work plan meets the standards adopted by the City Council, and the costs of the proposed improvements are anticipated to equal or exceed the tax savings afforded the owners.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Approval of the contract would encourage historic resource rehabilitation, materials conservation, and construction and demolition waste diversion.

ALTERNATIVE ACTIONS CONSIDERED

The Council could deny the application if it found that it did not satisfy the requirements of the Act.

CONTACT PERSON

Jordan Klein, Director, Planning and Development Department, 510-981-7534
Fatema Crane, Senior Planner/LPC Secretary, 510-981-7413

Attachments:

1. Draft City Council Resolution
2. LPC NOD, Structure of Merit Designation for 2119 Marin Avenue, dated October 31, 2022
3. Rehabilitation and Maintenance Plan, received September 27, 2022
4. LPC Staff Report September 1, 2022

RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE CITY MANAGER TO EXECUTE A MILLS ACT CONTRACT AND ANY NECESSARY AMENDMENTS WITH ANNE AND MICHAEL RAY, FOR THE MAINTENANCE AND RESTORATION OF A HISTORIC PROPERTY LOCATED AT 2119 MARIN AVENUE, IN RETURN FOR THE OWNER TO OBTAIN A PROPERTY TAX REDUCTION

WHEREAS, on February 24, 1998, the Berkeley City Council adopted Resolution No. 59,355-N.S. which authorized the use of Mills Act contracts; and

WHEREAS, on September 1, 2022, 2119 Marin Avenue was designated as a City of Berkeley Structure of Merit and became eligible to take advantage of the Mills Act; and

WHEREAS, on September 1 and October 6, 2022, the Landmarks Preservation Commission reviewed the proposed projects listed in the Mills Act Contract Application for 2119 Marin Avenue, and recommended that the City Council enter into a Mills Act contract with the property owner; and

WHEREAS, the City of Berkeley Mills Act program requires each contract to be approved by the City Council and signed by the City Manager; and

WHEREAS, the City Council, in light of all evidence, finds that the contract is consistent with the purposes of the Mills Act program.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Manager is authorized and directed to execute a Mills Act Contract and any necessary amendments with Anne and Michael Ray for the maintenance and restoration of the historic property located at 2119 Marin Avenue and in return offer a property tax reduction for a period of at least ten years, with a recorded copy of such contract and amendments to be on file in the Office of the City Clerk and Alameda County Clerk-Recorder.



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

DATE OF COMMISSION DECISION: September 1, 2022

DATE NOTICE MAILED: October 31, 2022

APPEAL PERIOD EXPIRATION: November 15¹⁷, 2022

EFFECTIVE DATE OF DECISION (Barring Appeal or Certification): November 15¹⁸, 2022¹

2119 Marin Avenue The Laflin House

Landmarks Preservation Commission Landmark Initiation (LMIN#2022-0002) to consider designation of the structure located on the above property as a City of Berkeley Landmark or Structure of Merit

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following designation:

DESIGNATION: Structure of Merit

APPLICANT: Anne & Michael Ray, 2119 Marin Avenue, Berkeley, CA 94709

ZONING DISTRICT: Single-family Residential/Hillside Overlay R-1(H)

ENVIRONMENTAL REVIEW STATUS: The designation qualifies for a Categorical Exemption under Section 15061 of the Public Resources Code, Guidelines for Implementation of the California Environmental Quality Act (CEQA).

The application materials for this project are available online at:

<https://berkeleyca.gov/construction-development/land-use-development/zoning-projects>

FINDINGS AND APPROVED APPLICATION ARE ATTACHED TO THIS NOTICE

¹ Pursuant to BMC Section 1.04.070, if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day. Pursuant to BMC Section 3.24.190, the City Council may “certify” any decision of the LPC for review, within fifteen days from the mailing of the NOD. Such certification shall stay all proceedings in the same manner as the filing of a notice of appeal.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
LMIN 2022-0002
2119 Marin Avenue
October 31, 2022
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COMMISSION VOTE: 5-2-0-2

YES: ADAMS, CRANDALL, LEUSCHNER, LINVILL, SCHWARTZ
NO: FINACOM, MONTGOMERY
ABSTAIN: [NONE]
ABSENT: ENCHILL, TWU

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley; or by facsimile to (510) 981-6901. The City Clerk's telephone number is (510) 981-6900.
2. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).
3. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
 - a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less.
 - b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
 - c. The fee for all appeals by Applicants is \$2500.

If no appeal is received, the landmark designation will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
LMIN 2022-0002
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3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (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 ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. 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, your appeal of this decision must including the following information:
 - 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.

PUBLIC COMMENT:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

LANDMARKS PRESERVATION COMMISSION
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FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7410 or Fcrane@cityofberkeley.info. All project application materials, may be viewed at the Permit Service Center (Zoning counter), 2120 Milvia Street, between 8 a.m. and 4 p.m., Monday through Friday.

ATTACHMENTS:

1. Findings
2. Landmark Application, received **MAY 17, 2022**

ATTEST: 

Fatema Crane, Principal Planner
Secretary to the Landmarks Preservation Commission

cc: City Clerk
Applicant & Property Owner: Anne & Michael Ray, 2119 Marin Avenue, Berkeley, CA

ATTACHMENT 1

FINDINGS

SEPTEMBER 1, 2022

2119 Marin Avenue – Laflin House

Landmark application #LMIN2022-0002 for the consideration of City Landmark or Structure of Merit designation status for a residential building constructed in 1910 – APN 61-2584-3

PROJECT DESCRIPTION

Structure of Merit designation of the property at 2119 Marin Avenue, Laflin House.

CEQA FINDINGS

1. The project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.3 of the CEQA Guidelines (activities that can be seen with certainty to have no significant effect on the environment).

LANDMARK PRESERVATION ORDINANCE FINDINGS

2. Pursuant to Berkeley Municipal Code (BMC) Sections 3.24.110.B.2.a of the Landmarks Preservation Ordinance, the Commission finds that the subject main building meets the designation criterion for Structure of Merit (SOM) status because it was constructed in 1910 and, thereby, is a contemporary of the nearby City Landmark Elmer Buckman House, constructed in 1910 as well as the Northbrae Public Improvements that were established in 1907. Both of these City Landmarks are located in the same neighborhood as the subject building, and the Northbrae Public Improvements abut the subject property.
3. Pursuant to Berkeley Municipal Code (BMC) Sections 3.24.110.B.2.b, the Commission finds that the subject building meets an additional SOM criterion related to its compatibility with the nearby Landmark Buckman House that is similar in size and features matching natural exterior building materials such as wood shingles, trim and windows. Both buildings are the work of prominent Berkeley architect Walter H. Ratcliff, Jr.

FEATURES TO BE PRESERVED

1. This Structure of Merit designation shall apply to the subject property and the following distinguishing features of the main building shall be preserved:
 - Two-story massing of the original 1910 structure
 - Gablet hipped roof with front-facing hipped dormer featuring two double-hung windows within the gablet
 - Wide eaves at the front supported by simple brackets
 - West side roof dormer with gable roof
 - Two connected gable dormers, each with a double-hung window on the east side
 - Redwood horizontal board siding at first floor, including west side entry stairs and front porch
 - Painted wood shingles at second floor
 - Exposed brick chimney at west side
 - Wood and glass door at original front porch
 - Wood double-hung windows
 - Wood trim, including water table, window/door casings and sills, roof eaves and trimmed edges



Planning and Development Department
Land Use Planning Division

City of Berkeley
Ordinance #4694 N.S.
LANDMARK APPLICATION

1. Street Address: 2119 Marin Avenue

City: Berkeley

County: Alameda

Zip: 94707

2. Assessor's Parcel Number: 61-2584-3

Block and Lot: 2584/3

Tract: Berkeley Heights

Dimensions: 40"w.x125.8-136.8'd.

Cross Streets: Shattuck and Oxford

3. Is property on the State Historic Resource Inventory? No

Is property on the Berkeley Urban Conservation Survey? Yes

Form # 30821

4. Application for Landmark includes:

- | | | | |
|------------------------------------|----------------|------------------------|------------------------------|
| a. Building: X | Garden: | Other features: | |
| b. Landscape or Open Space: | | Natural | Designed Other |
| c. Historic Site: | | | |
| d. District: | | | |
| e. Other: | | | |

5. Historic Name: Laflin Residence

6. Commonly Known Name: none

7. Date of Construction: a. Factual: 1910 b. Approximate:

Source of Information: Permit #728

8. Architect: Walter H. Ratcliff, Jr.

9. Builder: Nels Olsen

10. Style: Craftsman

10. Original Owners: Carrie F. and Addison H. Laflin
Original Use: Single-family residence

11. Present Owners: Anne and Michael Ray

12. Present Use:

Residential:	Single Family: X	Duplex		
Multiple				
Commercial:	Office	Store	Industrial	Hotel
Institutional:	School		Hospital	Other

Current Zoning: R1H

Adjacent Property Zoning: R1H

13. Present Condition of Property:

Exterior:	Excellent	Good: X	Fair	Poor
Interior:	Excellent	Good: X	Fair	Poor
Grounds:	Excellent	Good: X	Fair	Poor

Has the property's exterior been altered? Yes, at rear, see attached report

14. Description: see attached report

15. History: see attached report

16. Significance: see attached report

Historic Value:

National State County City: X Neighborhood: X

Architectural Value:

National State County City: X Neighborhood: X

17. Is the property endangered? No

18. Photographs: Date: See attached report Repository:
Photographer:

19. Bibliography: see attached report

20. Recorder: Mark Hulbert Date: April 20, 2022
Organization: Preservation Architecture

PRESERVATION ARCHITECTURE

April 20, 2022

LAFLIN-RAY RESIDENCE 2119 Marin Ave., Berkeley Historical Architectural Report

Introduction

The following report summarizes the history and describes the character of the existing residence at 2119 Marin Ave. in north Berkeley. This effort's purposes are to recognize the historic importance of this residence to its owners, neighbors and to the City of Berkeley by applying for Landmark status and, in conjunction, apply for the State of California's historic preservation incentive program, the Mills Act. While the overall property consists of 2 parcels and buildings, the residence and its parcel (APN 61-2584-3) are the subject of these Landmark and Mills Act applications (figs.1-2).

The intent of this documentation is to provide thorough background information identifying the historical significance of the residence and, under the Mills Act, to record a program for its ongoing retention, maintenance and rehabilitation. The Landmark application and Mills Act program focus on the building exterior and structure so do not extend or apply to the building site or its interior.

This historical documentation is based on substantive previous work on the subjects of historic Berkeley architecture, the works of renowned Berkeley architect Walter H. Ratcliff, Jr. and the development of Berkeley's Northbrae neighborhoods. In this regard, specific acknowledgements duly recognize the Berkeley Architectural Heritage Association (BAHA) for their previous work on these subjects, including inventories of the works of Ratcliff (*Walter H. Ratcliff, Jr. Architect - His Berkeley Work*, BAHA, 2011), along with a well-crafted 1994 walking tour brochure on the north Berkeley neighborhood known as Northbrae (*Northbrae: A Residential Park at Berkeley*, BAHA, 1994), in which tour and brochure the subject residence was prominently included.

In addition to historical research, these efforts have included existing conditions documentation, as well as field recordation of a range of directly associated resources.

Summary History

2119 Marin Ave. was an originally modest redwood house, inside and out, its 1910 origins early in the development of the Northbrae and Berkeley Heights neighborhoods and likewise relatively early in the career of its architect, Walter H. Ratcliff, Jr. (1881-1978). This house was speculatively designed for the Berkeley Development Company, the developers of the Berkeley Heights subdivision in which this property stands and who mapped the Berkeley Heights tract in 1909 (fig.3). Yet the parcel and house design were sold to and thus built for its first owners, Addison H. and Carrie F. Laflin, previous San Franciscans whose newly established Berkeley residence was first listed in the 1911 directory (which residential listing was on Contra Costa Ave., a briefly deployed original name for Marin Ave.). The Laflin family thereafter retained and occupied their property for 113 years, the Laflin's granddaughter selling it to its current owner in 2013, when a range of historic records were passed on to the owner, including a valuable set of historic photos (figs.4-9).

The overall Northbrae development's origins date to a 1909 subdivision. That development, at the hilly northern extent of Berkeley and Alameda County, was enabled by modern rail and auto transportation. The nearby arrival of rail, both the Southern Pacific Red Line and the Key Route streetcars, made this early 20th century development a middle-class, streetcar suburb.

The subject house exemplifies the modesty underlying the initial development intent. The original permit was for a 2-story, 6-room, approximately 1,900 square foot house, its valuation \$2,868 (which translates into some \$84,000 today). At that time, the Laflins had 1 newborn child. The family would add 2 others during the 1910s, when they also evidently added an automobile and, consequently, a 10 foot by 14 foot garage (\$100) – yet that 1921 garage was built on an adjoining parcel that the Laflins also originally acquired (thus tempering the seeming modesty of the venture). As the Laflin family grew, so did their house and to which, in 1928, they added a 2-story addition to the rear along with a small new entry way at the south side, the add totaling some 630 square feet and costing about the same (\$2,500 in 1928 dollars) as the original house.

The early photos of the 1910 house clearly convey the rustic simplicity of the Laflin home while also giving the impression of it being compact and small. But, in reality, the house has a surprising physical stature.

Contextually, based on the previous research on Northbrae, 2119 Marin is 1 of 12 homes designed by Ratcliff in the Northbrae neighborhoods between 1909 and 1916. Of those, its design is comparable to 2 others, at 2022 Los Angeles (1909) and 875 Indian Rock Ave. (1910). Yet, each of those 12 homes is relatively unique within the range of then contemporary academic architectural styles. Relative to which, the house at 2119 Marin is uniquely and atypically rustic, a definitive example of a “simple house,” its prominent clipped-hip roof also apparently unique in the Ratcliff oeuvre.

Altogether, this range of contemporaneous houses clearly demonstrate Ratcliff’s ranging design capabilities. Yet another example further underscores such capability, a residence at 18 Alvarado Rd. in the Claremont neighborhood of southeast Berkeley. Whereas the Marin Ave. house was speculatively designed, modestly scaled and affordably priced, the Alvarado Rd. house was a custom Tudor style design that originally cost 3 times that of 2119 Marin. Moreover, those 2 houses were permitted within 10 days of each other, so evidently shared Ratcliff’s architectural drawing board. Such ranging capabilities and successes were assuredly part of Ratcliff’s appeal and are readily appreciated to this day.

The 2119 Marin Ave. house was also 1 of 7 houses attributed to the Berkeley Development Co., including several of its lower Marin Ave. neighbors (at 1925, 1931 and 1939 Marin), of which the 2119 house was the earliest, by far relative to the concentrated development timeframe of this vicinity. Each of the other 6 were constructed from 1914-1919. No others were by Ratcliff – in fact, 5 of the other 6 were designed by Ratcliff’s contemporary, architect Henry H. Gutterson (1884-1954).

It took all of 2 decades to essentially build out the Berkeley Heights neighborhood, wherein the first homes were built c1909 and where, by 1929, there were few undeveloped lots. A comparison of the 1929 to the 1950 Sanborn maps demonstrates the resulting and stable extent of this neighborhood, where those few vacant lots were by then developed yet there were otherwise no observable changes. And given societal circumstances, the development that occurred in the intervening years was post-WWII. Thus, the various modern homes that are mostly-welcomely scattered around the Northbrae neighborhoods.

Summary Descriptions (figs.11-24)

The original 1910 house, fronting on and facing northeast towards Marin Ave., was 2 stories with a rectangular floor plan, the exterior walls and roofs all wood, including horizontal wood board siding

below the deeply overhanging roofline and shingle cladding at the upper front and rear gables and the roof dormers at each side; wood doors, windows – including a projecting bay window at the upper front – and trim; and the roof itself clad in wood shakes. The original entry was at the left (southwest) side via an exterior porch, forward of which stood a broad brick chimney that disappeared into the roofline then reappeared above as a slender chimney shaft. The partial height walls of the side entry porch and another porch across the front were likewise clad in horizontal board siding, which treated those porches as extensions of the house. In addition to the upper frontward bay window that kerfs the front roof, the 2 side dormers are worth pointing out, as they are not the same. The northeast side dormer is a paired gable, a form common to a number of Ratcliff houses. Like the front bay, that dormer is also set within a kerfed roof, allowing for a taller wall and windows. Alternatively, the southwest side dormer is only one gable at its front, with a low roofline extending rearward, its wall sitting directly on the roof, resulting in a low wall with little windows. Of these side dormers, the northeast one is evidently the more architectural, even as the southwest was the entry side.

Of these original forms, characteristics and elements, the entry porch, southwest side entry door and window, and the rearward (northwest) exterior wall, clipped roof and gable were replaced by the subsequent addition. Forward of that addition, the original house and its materials are substantially intact.

The 1928 rear addition – which, per the permit records, was apparently the design of the owner and their builder – tied into and conformed to the original architecture excepting its side-gabled roofs, yet clearly related to the original upper gabled forms. Those conforming forms and treatments together with the rearward placement resulted in an appropriately subordinate and respectful addition. The house as it stood was depicted in the 1929 Sanborn map (fig.10).

Another small rear addition was completed in 1978. That add stands within the re-entrant corner between the rear wall of the original house and the northeast side wall of the 1928 addition. The original wood shingle roofing has also been replaced, as has the front porch decking and west side entry steps. Otherwise, the exterior of the house has not changed from its original and early character.

Permit Summary

<i>date</i>	<i>permit work</i>	<i>owner/architect/contractor</i>
Jul. 1910	New residence	Berkeley Development Co./W.H. Ratcliff/N. Olsen
Feb.1921	New garage	A.H. Laflin/--/same
Sep.1928	Build on at rear	A.H. Laflin/--/C.J. Pattinson
Jan.1948	New porch flooring, repair railing	A.H. Laflin/--/J. Arnell
Mar.1953	New brick porch and steps	A.H. Laflin/--/Robert E. McDonald
Dec.1958	Reroof over wood shingles	A.H. Laflin/--/Robert E. McDonald
Mar.1978	Add breakfast rm., kitchen remodel	M. Little/--/Roger N. Benton
Jul.1978	Reroof	Paul Little/--/Caldwell-Roland
Oct.1988	Repair roof, reroof, repair front porch	Miln & Sandy Little/--/David Gerstel
May.1990	New fences, retaining wall, drainage	Paul & Sandra Little/Bill Coburn/David Gerstel

Developer

The Berkeley Development Company (BDC) was one of numerous development and construction companies under the umbrella of the Mason-McDuffie companies and its regular cast of

shareholders. Of whom, Louis Titus and Duncan McDuffie were the BDC president and secretary, respectively. All of Northbrae was consolidated and acquired by the BDC in 1902, its first homes constructed in 1907 and some 30 completed, inclusive of 2119 Marin, by 1910.

Architect

Walter H. Ratcliff, Jr. (1881-1973) has a locally well documented life and career. As a young man at the turn of the twentieth century, Ratcliff studied and practiced architectural design intermittently during the first decade of the 1900s. His architectural studies were not formal – Ratcliff's 1903 college degree was in chemistry. But he then apprenticed in the office of architect John Galen Howard, spent a period at the British School in Rome, and otherwise traveled in Europe, studying architecture along the way. His intermittent work and studious travels concluded in 1907. In 1908, back in the Bay Area, Ratcliff joined forces with architect Alfred Henry Jacobs, in San Francisco. By 1909, he was back in Berkeley practicing as Walter H. Ratcliff, Jr., Architect. Ratcliff's architectural work was largely prolific and successful, despite the major cataclysms over the course of his professional years – World War I, the Great Depression and World War II, each of which inserted long and difficult times into professional livelihoods. Over the span of his working life, some of Ratcliff's periodic roles were that of architect for the Alameda County Home Builders, Berkeley City Architect (1913 to c1920), Mills College Campus Architect (1920s) and, remarkably, in the wake of the Great Depression, President of the Fidelity Guaranty Building and Loan Association.

Ratcliff's architectural works encompassed residences, largely for the well-to-do but also many smaller and speculative homes; several apartment buildings; a number of commercial buildings large and small; a range of educational and ecclesiastical buildings; and a number of public works. Oddly enough, given his dedication to the Berkeley community and his role for a period as the City Architect, he authored no important civic architectural works (the City of Berkeley Corporation Yard excepted, but that is arguably not an important civic work). And though his range of work is otherwise comprehensive, many examples of which remain standing, it is his residential work that was the most prolific and that constitutes Ratcliff's central architectural oeuvre.

On that front, Ratcliff designed hundreds of houses, most in Berkeley, with dozens remaining. He designed in period styles – the Arts and Crafts, Shingle, Storybook, Italianate, Spanish and Tudor Revival, along with combinations thereof. His work was evidently influenced by the Beaux Arts tradition that he experienced in Europe as well as firsthand in the office of John Galen Howard, by the Ratcliff family's English heritage and, otherwise, by examples gleaned from European travels. His period designs were obviously as confident, comfortable, and contagious then as now. The residences that remain standing fit into their environs. That such houses survive in numbers – despite the hostility to tradition of the intervening years – attests to the quality and integrity of Ratcliff's residential architecture.

Per the evidence and by all accounts, in his life and in his work, Ratcliff was disciplined, studious, intelligent, well-to-do, and unwaveringly traditional.

Walter H. Ratcliff, Jr. retired from architecture in the late 1940s, though successive generations of his family have sustained the Ratcliff firm to the present day. Ratcliff's important architectural contributions and legacy, so particular to Berkeley, enable his unequivocal recognition as a Master Architect. His relevance can also be measured by the recognition bestowed on a long list of his designs via the designation as Berkeley Landmarks:

- 2750 Adeline Street, Frederick H. Dakin Warehouse, 1906
- 1326 Allston Way, Corporation Yard/Ratcliff Building, 1913
- 2018 Allston Way, Elks Club, 1913
- 2126 Bancroft Way, Waste & Clark, 1913
- 2700 Bancroft Way, Westminster Hall, 1926
- 2410 Bowditch Street, Anna Head School
- 2515 Channing Way, The Robcliff Apartment House, 1921
- 2959 College Avenue, Mercantile Trust Co., 1925
- 2500 Durant Avenue, The Cambridge Apartments, 1914
- 2222 Harold Way, Armstrong College, 1923
- 2624 Hillegass Avenue, The Berkeley Tennis Club, 1908 (Ratcliff & Jacobs)
- 1581 Le Roy Avenue, Hillside School, 1925
- 45 Oak Ridge Road, Montgomery House, 1909
- 1952 Oxford Street, Richfield Oil Co., 1930
- 920 Shattuck Avenue, Elmer Buckman House, 1909
- 2107 Shattuck Avenue, Mason-McDuffie Company, 1928
- 2140 Shattuck Avenue, American Trust Building
- 2323 Shattuck Avenue, Fidelity Savings Building (w/Walter Sorensen)
- 2031 Sixth Street, West Berkeley Children's Center Day Nursery, 1927
- 18 Alvarado Road, McCormack Residence, 1910
- 2526 Hawthorne Terrace, George D. and Ellen G. Blood Residence, 1929

Owners

Addison H. Laflin (1882-1959) and Carrie F. Laflin (c1885-1969) were the original owners of the 2119 Marin Ave. residence, which was completed for them and where they moved into in 1911. True to the initial intent and potential of the Northbrae development, the Laflins were young, both in their late-20s, and evidently middle-class. His career was spent as a salesman, manager and eventual executive in the wholesale dried fruit industry, in San Francisco, where he was first listed in the 1909 directory and last listed in 1951, then the president of the Not-A-Seed Sales Company. Following her passing, the property remained in the Laflin-Little family until 2013.

Builders

Nels Olsen

Per permit records, the builder of the 1910 house was Nels Olsen. Permit records (provided by BAHA) identify a range of Olsen's construction projects and the associated architects:

- 2708 Benvenue Ave. (George Meeker, 1909)
- 1715 Blake St. (1909)
- 260 Tunnel Rd. (Oliver/Foulkes/Kaiser, 1909)
- 2820 Piedmont Ave. (Ratcliff, 1909)
- 2406 Tenth St. (1911)
- 244 Alvarado Rd. (Noble Newsom, 1911)
- 900 Shattuck Ave. (Olin Grove, 1911)
- 1500 San Pablo Ave. (Wm Schmidt, 1913)
- 1905 and 1907 McGee St. (Frank M. May, 1913)
- 1061 California St. (Maury Diggs, 1913)

Joseph Pattinson

Pattinson was identified in permit records as the builder of the 1928 addition. The 1928 directory listed his residence on The Alameda in Berkeley and identified him as building contractor. General searches found 2 further project references, a 1915 “frame and iron barn” for the CA Fruit Cannery Assoc. in Ignacio, Marin County (*Building and Engineering News*; June 7, 1916, p27); and a 1918 building for the Bay Point Foundry Co. in Bay Point, Contra Costa County (*Western Engineering*; July 1918, p14).

Evaluation of Significance

Based on the above historical documentation, the following addresses the property’s basis for consideration of City of Berkeley Landmark designation (per Section 3.24.110 Landmarks, Historic Districts and Structures of Merit Designation Criteria for Consideration).

A. *Landmarks and historic districts. General criteria which the [landmark preservation] commission shall use when considering structures, sites and areas for landmark or historic district designation are as follows:*

1. *Architectural merit:*

a. *Property that is the first, last, only or most significant architectural property of its type in the region;*

The residence at 2119 Marin Ave. is none of the above.

b. *Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder;*

The 1910 house at 2119 Marin Ave. is an outstanding and notably preserved work of the renowned historic Berkeley architect Walter H. Ratcliff, Jr.

c. *Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.*

As an early and well-preserved residence in the development of the 1909 Berkeley Heights tract, 2119 Marin Ave. is an integral and exceptional part of its neighborhood fabric. Its setting and architectural character are therefore preservation-worthy.

2. *Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City;*

The subject property and its residence are representative of historic patterns of residential development in early twentieth century Berkeley – specifically, the development of Northbrae and Berkeley Heights, in which the 2119 Marin Ave. house was amongst the first group to be realized. Moreover, this residence was one of a small number of Northbrae residences directly commissioned by Northbrae’s developers, the Berkeley Development Co. Additionally, it was the first of their residential designs to be built in the neighborhood, thus directly represents the historically important social and economic development of Berkeley’s Northbrae neighborhood.

3. *Educational value: Structures worth preserving for their usefulness as an educational force;*

The subject property, being a single-family residence within a neighborhood thereof, has limited potential educational value on that basis. Nonetheless, as noted above, it was one of the earliest residences in the Northbrae development and was realized for the historically important Berkeley real estate entity, the Berkeley Development Co., so offers that margin of historic educational value.

4. *Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military;*

The original and primary part of the residential property at 2119 Marin Ave. is important for its association to the Master Berkeley Architect Walter H. Ratcliff, Jr. It is an early and unique residential design in the context of his career. Moreover, the house is an early contributor to its North Berkeley neighborhood so, altogether, clearly expresses Berkeley's early 20th century developmental and architectural history.

5. *Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.*

The subject property is not listed on the National Register.

Additionally, the 1910 Laflin Residence at 2119 Marin Ave. retains its integrity (integrity being a measure of a property's extant state relative to its origins and identified significance) of location and setting, design, materials, workmanship, feeling and association, all of which are substantially intact relative to the original and early property. While the 1910 house was expanded in 1928 with a rear addition, that add was compatible with, appropriate to and, at this juncture, an integral part of the historic residence.

Character Defining Features

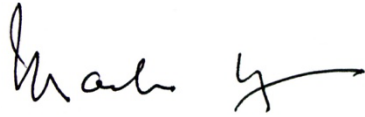
Based on the NR analysis, the historical and historic architectural significance of the house at 2119 Marin Ave. is embodied in the following physical and material characteristics:

- 2-story building form of 1910 house under frontward clipped-hip roof and rearward 1928 addition with side-gabled roof
- Project bay window at upper front
- East and west side roof dormers with shedded and gabled roofs
- Redwood horizontal board siding at lower walls, frontward and rearward, including at west side entry stair and porch and at front porch, painted
- Wood shingling at upper front gable, east and west side gables and at rearward walls, painted
- Exposed brick chimney at west side
- Wood panel door at west side entry and wood and glass door at front porch
- Wood double-hung windows and wood picture windows at west side, including side casements at rear-most picture window, all painted
- Wood trim, including water table, window/door casings and sills, roof eaves and trimmed edges
- Wood roof brackets at front
- Wood attic vents in front and side gables

Non-historic alterations:

- Roofing and roof drainage
- 1978 addition at rear, northeast corner
- Site work

Signed:

A handwritten signature in black ink, appearing to read "Mark Hulbert", with a long horizontal flourish extending to the right.

Mark Hulbert
Preservation Architect

attached: Figs.1-24 (pp.9-25); original permit application

Selected Resources & References

from Berkeley Architectural Heritage Association (BAHA):

Northbrae: A Residential Park at Berkeley, 1994

Walter H. Ratcliff, Jr. Architect - His Berkeley Work. 2011

Copies of City of Berkeley building permit applications, 1910-1928

Summary of the works of contractor Nels Olsen

Woodruff Minor: *The Architecture of Ratcliff*. Heyday Books, Berkeley, 2006.

Sanborn Fire Insurance Maps for Berkeley, California; 1911, 1929 & 1950, vol.3, sh.353.

City of Berkeley permit records for 2119 Marin Ave.



Fig.1 – 2119 Marin Ave. (highlighted, approx.) – Location aerial (Google Earth 2021, north at upper right)

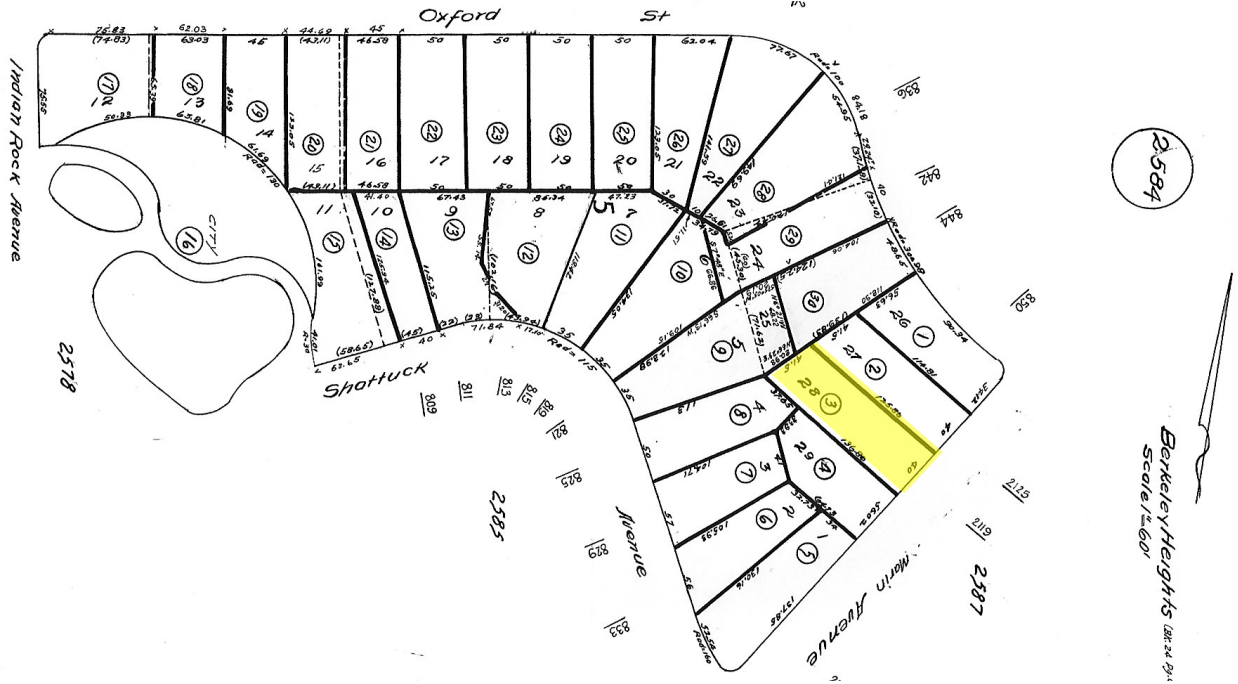


Fig.2 – 2119 Marin Ave. (highlighted) – from Assessor's parcel map

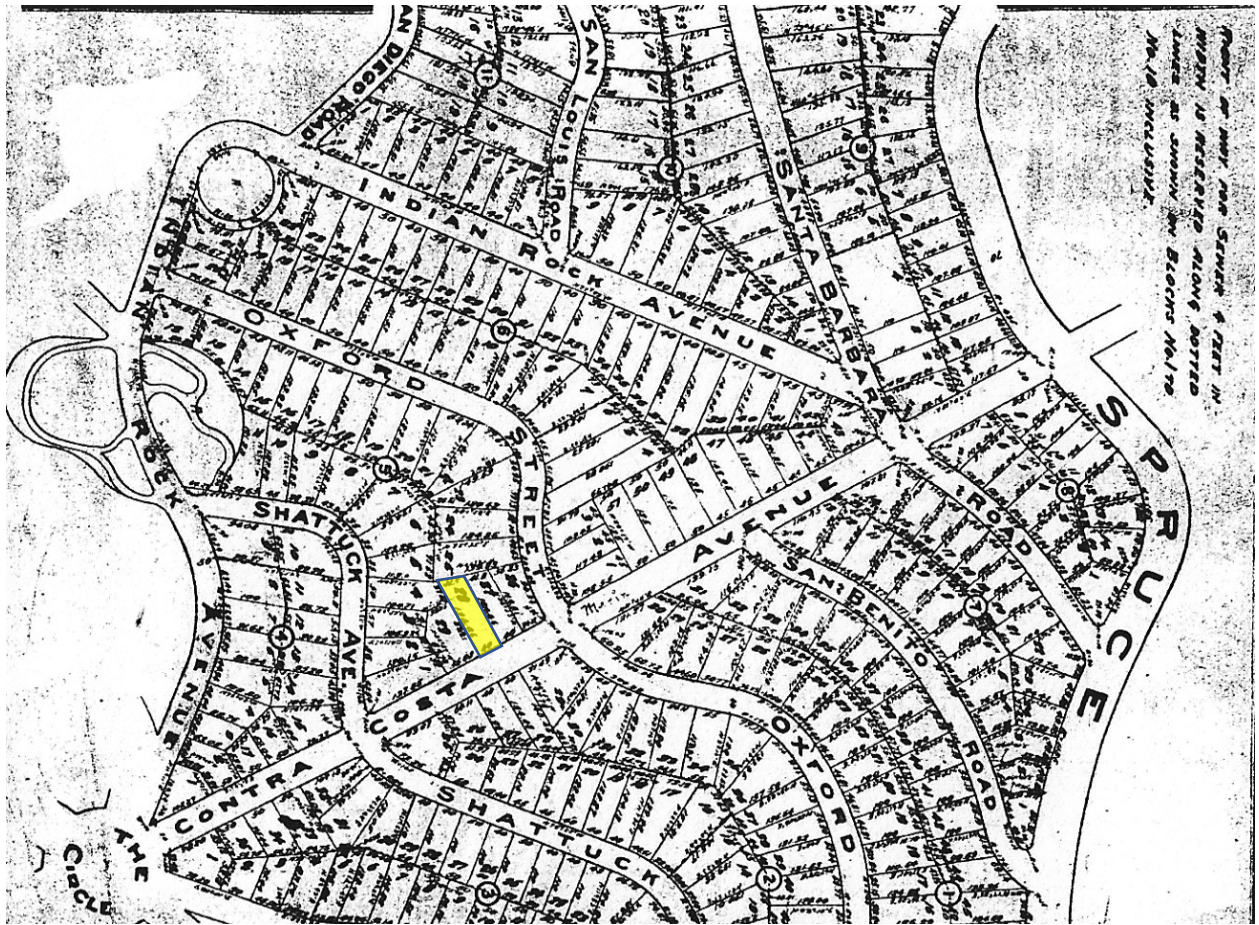


Fig.3 – 2119 Marin Ave. (highlighted) – from 1909 Berkeley Heights tract map (north is up) (note original use of Contra Costa Ave.)



Figs.4-5 – 2119 Marin Ave. – West side (above) and front (below), 1910 (figs.5-10 from owners)





Figs.6-7 – 2119 Marin Ave. – Rear (above) and east side (below), 1910





Figs.8-9 – 2119 Marin Ave. – West side (above) and front (below), 1940



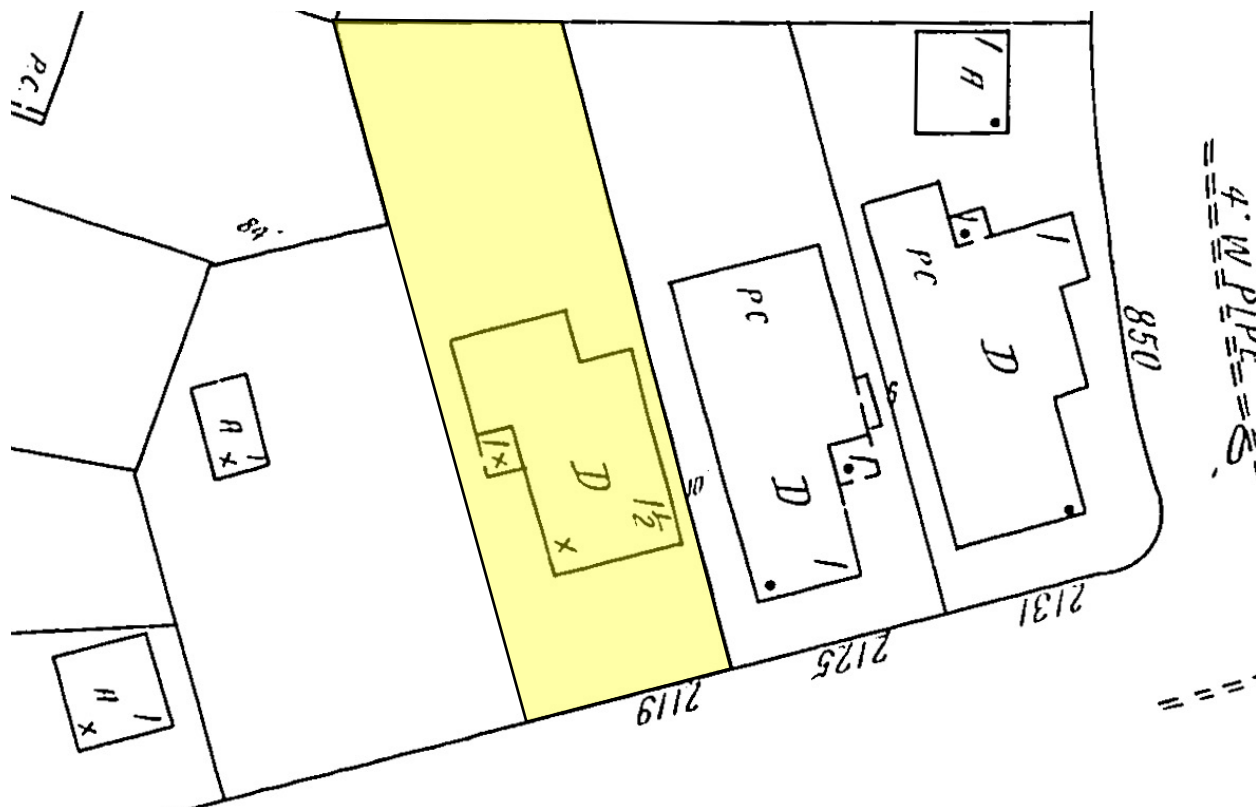


Fig.10 – 2119 Marin Ave. (highlighted) – from 1929 Sanborn map (north is up)



Fig.11 – 2119 Marin Ave. – Front of house from street (figs.11-24, MH 2022)



Fig.12 – 2119 Marin Ave. – Site entry from street, looking north



Fig.13 – 2119 Marin Ave. – Front and part east side



Figs.14-15 – 2119 Marin Ave. – West side





Fig.16 – 2119 Marin Ave. – Rear



Fig.17 – 2119 Marin Ave. – West side entry



Fig.18 – 2119 Marin Ave. – Bracket at front porch



Figs.19-20 – 2119 Marin Ave. – Front porch





Fig.21 – 2119 Marin Ave. – Chimney at west side



Fig.22 – 2119 Marin Ave. – West side, rear



Fig.23 – 2119 Marin Ave. – East side



Fig.24 – 2119 Marin Ave. – Redwood siding

APPLICATION FOR BUILDING PERMIT, No. 728

FRAME BUILDING

Application is hereby made to the Building Inspector of the City of Berkeley for permission to build a 2 story 6 room frame Dwellings

corner on the west side of Center Castro av. street 75 feet west of 10th street. Estimated entire cost of building \$ 2860

Building to be occupied as Residence by [No.] _____ families

Size of lot 40 by _____ feet.

Size of proposed building 26 ft. by 40 ft. Extreme height of building _____ ft.

Height in clear of cellar _____ ft. in. Height in clear of first story 9 ft. _____ in.

Height in clear of second story _____ ft. in. Height in clear of third story _____ ft. in.

Height in clear of fourth story _____ ft. in. Height in clear of fifth story _____ ft. in.

Foundation to be of (material) concrete (Thickness) 8 inches, greatest height of foundation 24 inches. Width of footings 16 inches

Size of joists 2 by 6 Main Mills 4 by 6 Girders 4 by 6 Post on piers 4 by 6 If piers are used, give size _____ by _____ ft. on centers.

Size of underpinning 2 by 6 inches 16 inches on centers.

Size of studs in first story 2 by 4 inches 8 inches on centers.

Size of studs in second story 2 by 4 inches 4 inches on centers.

Size of studs in third story _____ by _____ inches _____ inches on centers.

Size of studs in fourth story _____ by _____ inches _____ inches on centers.

Size of studs in fifth story _____ by _____ inches _____ inches on centers.

Exterior wall covering to be of 1x8 redwood Light shaft wall covering to be of _____

First floor joists 2 by 10 inches 16 inches on centers. Longest span between supports 13'-6" ft.

Second floor joists 2 by 10 inches _____ inches on centers. Longest span between supports _____ ft.

Third floor joists _____ by _____ inches _____ inches on centers. Longest span between supports _____ ft.

Fourth floor joists _____ by _____ inches _____ inches on centers. Longest span between supports _____ ft.

Fifth floor joists _____ by _____ inches _____ inches on centers. Longest span between supports _____ ft.

Railers 2 by 4 inches 32 inches on centers. Longest span between supports 8 ft.

Roof covered with shingles Steep or flat? 1/2 Pitch

Are studs in bearing partitions to be same as outside walls of each story? yes Give size 2 by 4

Chimneys of brick lined with lime any patent flues? non

Gas grate flues in the patent chimney or brick? non

Any dumb waiters or chutes? _____ Any elevator (freight or passenger)? none

If exterior walls are to be covered with shingles, walls must be close boarded: up and down boarding prohibited.

Case drawings must be filed.

Name of Architect W. H. Hatchiff, Jr. Address First National Bank

Name of Owner Berkeley Developments Address Adams Bldg, Berkeley

Name of Builder C. O. Olson Address 2415-7th St, Berk.

STATE OF CALIFORNIA

COUNTY OF ALAMEDA

CITY OF BERKELEY

The undersigned, being first duly sworn upon oath, deposes and says that the statements herein contained are true and correct, and hereby agrees to save, indemnify and keep harmless the City of Berkeley against all liabilities, judgments, costs and expenses which may in any wise accrue against said City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk place by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley.

Subscribed and sworn to before me

JUL 11 1910

Signature of Owner, Architect or Builder. C. O. Olson

Address 2415-7th St, Berk.

Clark

Building Inspector must be notified when building is ready for lathing, or before exterior walls are covered.

WRITE IN INK

APPLICATION FOR BUILDING PERMIT

Alterations and Repairs

Application is hereby made to the Department of Buildings and Inspections of the City of Berkeley for permission to build after or add to a 2 story fr room frame residence

located 2119 Marin Av. N. side bet. Oxford & Shattuck

All provisions of the Building Law will be complied with in the erection, alteration or repairing of said building whether specified herein or not.

Value \$2500

Building to be occupied as residence by (No.) one family

WRITE PLAINLY FULL DESCRIPTION OF WORK TO BE DONE

Build on at rear of house two rooms and extend the N. E. bedroom 5 ft. northwesterly -
Foundation of concrete -
floor joists 2x10 - 16 on 4
ceiling " 2x6 " "
Rafters 2x6 32 "
Shingle roof - 5 ft

All plans

Name of Owner A. H. Laffin June Residence Address 2119 Marin

Name of Builder J. Patterson Residence Address 925 The Alameda

I hereby agree to save, indemnify and keep harmless the City of Berkeley against all liabilities, judgments, costs and expenses which may in any wise accrue against said City in consequence of the granting of this permit, or from the use or occupancy of any sidewalk, street or sub-sidewalk space by virtue thereof, and will in all things strictly comply with the conditions of this permit and Ordinances of the City of Berkeley.

In Zone No. _____ Ordinance No. 4500 Signature of Owner, Architect or Builder J. Patterson

Address 925 The Alameda

FOR DEPARTMENT USE ONLY

Number _____ Street _____ Page 5 Permit No. 31436
Filed _____ Ready _____ Checked by _____ Date Issued Oct. 31 1962

MILLS ACT
EXTERIOR REHABILITATION SCHEDULE

Feature	Character Defining?	Condition	Recommended Treatment	Schedule	Budgets	Notes
A. All wood board siding and trim work throughout first story and below, including front porch walls	Yes	Fair	Repair existing wood board siding and trim work; repaint all (see below)	2024-2026	\$40,000	a
B. Wood shingle siding, second story, south (front) and west side	Yes	Fair-poor	Remove and replace existing wood shingles with new wood shingles to visually match original/early shingle work; repaint all (see below)	2024-2026	\$48,000	b
C. All wood windows and trim (30 total)	Yes	Fair-poor	Repair existing wood windows or, where irreparable, selectively replace with new wood windows to match existing; repaint all (see below)	2024-2026	\$40,000	c
D. All painted exterior wood siding, soffits, trim, windows and doors	Yes	Fair	Prepare and repaint overall exterior wood with paint color(s) to match original Craftsman character of building	2026-2028	\$35,000	
E. All roofs, roof drainage and flashing	Yes	Fair	Replace roofing, flashing and roof drainage assemblies	2030	\$50,000	d
F. Wood steps at west side entry	Yes	Poor	Replace to match existing	2028	\$20,000	
Total Estimated 10yr. Budget					\$233,000	

GENERAL NOTES:

1. This proposed 10 year work plan is focused on the rehabilitation of primary exterior features and materials.
2. The proposed work plan is commensurate with the estimated Mills Act tax reduction per the accompanying Spreadsheet.
3. This focused work plan represents only a portion of current and future rehabilitation work.

REHAB NOTES:**a. Wood Repairs and Repainting:**

- Remove all loose and failed wood material;
- Remove all paint on existing wood to remain to sound paint layers;
- Patch areas of rotted wood with wood epoxies and wood patches (dutchmen);
- Where irreparable, replace wood with new to match existing;
- Where removed, repair and replace underlayment;
- Caulk wood joints;
- Sand and clean all wood surfaces.

b. Wood Shingles:

- Existing, painted wood shingles at north (rear) and east side in good condition and to be retained;
- Replicate missing original concave wood shingle roof projecting within south gable over second floor windows (as shown in early photos).

c. Windows:

- Replace any windows requiring replacement with new to match original/existing, including upper sash drops/ears at double-hung windows

d. Reroofing:

- Remove existing roofing and drainage assemblies and replace with new roofing and drainage assemblies;
- New roofing to be composition roof shingles visually similar to original/early wood roof shingles, including ridgeline and hipline shingles.



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
S T A F F R E P O R T

FOR COMMISSION ACTION
SEPTEMBER 1, 2022

2119 Marin Avenue – The Laflin House

Mills Act Contract Application #LMMA2022-0002 for a single-family residential property that is pending City Landmark or Structure of Merit designation consideration– APN 61-2584-3.

I. Application Basics

A. Parties Involved:

- **Property Owner:** Anne and Michael Ray
2119 Marin Avenue
Berkeley, CA
- **Historic Resource Consultant:** Mark Hulbert, Historic Architect
Preservation Architecture
446 17th Street, #302
Oakland, CA 94612

B. Recommendation: Approve the proposed rehabilitation schedule and recommend favorable action to City Council.

Figure 1: Vicinity Map – highlighting nearby City Landmarks and Structures of Merit









	Landmarks / Structure of Merit; LM,		Parcels
	Features		Demolished
	Districts		Partially Demolished

Figure 2: Subject property, primary façade in 1940 (Laflin family)



Figure 3: Subject property, primary façade in 2022 (Hulbert)



II. Background

California Mills Act

The Mills Act, California Government Code Article 12, Section 50280-50290, is a tax incentive program designed to encourage proper maintenance and preservation of historically significant properties. The state law permits local jurisdictions to enter into agreements with owners of historic properties to reduce property taxes and to require that the savings are used to complete approved rehabilitation and preservation activities over a minimum ten-year period.

In 1998, City Council adopted Resolution 59,355 authorizing use of the Mills Act for sites in Berkeley. Only the owners of locally designated City Landmarks and Structures of Merit may apply for Berkeley Mills Act contracts.

The Landmarks Preservation Commission (LPC) must review Mills Act requests, determine whether the proposed rehabilitation schedules include appropriate activities, and then consider recommending that City Council enter into a Mills Act contract with the property owner.

Application Chronology

On May 23, 2022, the property owner submitted the subject Mills Act application and a City Landmark (LM) or Structure of Merit (SOM) application, in accordance with Berkeley Municipal Code (BMC) Section 3.24.120. Both applications were prepared by historic architect Mark Hulbert.

The LM/SOM designation application is pending review and consideration by the Landmarks Preservation Commission (LPC); the public hearing for this matter began August 5, 2022, and will continue on September 1, 2022.

Consideration of this Mills Act application is contingent upon LPC approval of the pending LM or SOM request. The Commission may consider the Mills Act request only after it takes favorable action on the pending designation request.

III. Issues and Analysis

The Mills Act contract application package for this consideration is included as Attachment 1 of this report. It contains a *Historical Architectural Report*, a proposed *Exterior Rehabilitation Schedule* with a cost budget and a completed *Financial Analysis Worksheet* for this request.

The proposed *Exterior Rehabilitation Schedule* outlines building exterior and site improvements for the subject property over a projected 10-year period. Improvements to the exterior of the City Landmark building include, but are not limited to: repair of wood board siding and replacement of wood shingles to match existing; repair and replace as needed all wood windows; and to repaint the exterior building materials.

All improvements included in the *Exterior Rehabilitation Schedule* relate to the historic, character defining features of the building and site. The schedule appears to constitute ordinary maintenance and repair of the property and, therefore, would be permitted ministerially under the Landmarks Preservation Ordinance (Berkeley Municipal Code Section 3.24.260). However, any future work that would go beyond the scope of maintenance and repair would be subject to prior approval by the Commission.

These work plan items appear to be justifiable in that they constitute restoration, repair, rehabilitation and continued maintenance of the subject property. Further, the activities would provide for the property’s “use, maintenance and restoration as to retain its characteristics as property of historical significance,” as provided for in the Mills Act, Government Code Sections 50280 et. Seq., as authorized by the Berkeley City Council per Resolution No. 59,355 – N.S. For these reasons, staff concludes that the proposed tasks represent improvements that are consistent with the requirements of the Mills Act.

IV. Mills Act Contract Proposal

The intent of the Mills Act is to provide property tax relief so that the property owners entering into Mills Act Contracts with the City will spend the property-tax money that is saved through the Contract on preserving and/or restoring their property. The applicant’s proposed 10-year plan of improvements is summarized in Table 1 below along with staff’s recommended addition for restoration of the missing door detail.

Table 1. Summary of Rehabilitation Schedule & Recommended Treatments

Feature	Treatment (as recommended by historic resource consultant except where noted)	Estimated Year of completion
Painted wood board and wood shingle siding and trim work throughout	Repair existing painted wood board siding and trim work; replace all wood shingles to match existing	2024-2026
Thirty painted wood windows	Repair or, where irreparable, selectively replace to match existing	2024-2026
All painted exterior wood siding, trim, windows and doors	Repaint	2026-2028
Roof, roof drainage and flashing	Replace roofing, drainage assemblies and flashing	2030
Wood steps at west side entry	Replace to match existing	2028

The working financial analysis spreadsheet provided by the applicant at time of submittal estimates that the cost of the owner's proposed improvements over a 10-year period is approximately \$185,000 and the estimated total tax savings over the 10-year period is approximately \$135,500, with an annual savings of approximately \$12,300 over the ten-year of the program.

V. Recommendation

Staff has determined that all work proposed in the Mills Act Contract work plan provides for the property's "use, maintenance and restoration as to retain its characteristics as property of historical significance", and advises the Commission to recommend that City Council approve the Mills Act Contract request for the subject property.

Attachments:

1. Mills Act Application for 2119 Marin Avenue – including *Historical Architectural Report, Exterior Rehabilitation Schedule and Financial Analysis Worksheet*, received May 23, 2022

Prepared by: Fatema Crane, Principal Planner/LPC Secretary; fcrane@cityofberkeley.info (510) 981-7410

