



Office of the City Manager

INFORMATION CALENDAR
January 30, 2024

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: LPO NOD: 910 Indian Rock Avenue, #LMIN2023-0002

INTRODUCTION

The attached Notice of Decision (NOD) for the Landmarks Designation is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.160, which requires 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.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has disapproved the request to designate the subject property as a City Landmark or Structure of Merit. This action is subject to a 15-day appeal period, which began on January 16, 2024.

BACKGROUND

BMC/LPO Section 3.24.190 allows the Council to review any action of the Commission in granting or denying Landmark, Structure of Merit or Historic District status. In order for Council to review the decision on its merits, Council must appeal the NOD. To do so, a Councilmember must move this Information Item to Action and then move to “certify” the decision. Such action must be taken within 15 days from the mailing of the NOD or by January 30, 2024. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set within 25 days pursuant to BMC/LPO Section 3.24.300. The Council must then rule on the designation within 30 days from the date that the public hearing is opened or the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

LPC Hearing – Decision to Deny Designation Status

At the October 5, 2023 LPC meeting, the Commission members voted 6-1-0-1 to disapprove the request by petitioners to designate the single-family residence at 910 Indian Rock as a Structure of Merit. [Vote: Yes: Crandall, Enchill, Leuschner, Montgomery; Schwartz, Twu; No: Finacom; Abstain; none; Absent: Linvill (due to recusal)]. Those in favor of the action found that the structure was not worthy of designation status as an individual property or example of the residential work of Berkeley Master architect Walter H. Ratcliff, Jr. This finding was largely based on the lack of exceptional design quality in comparison to other Ratcliff works, and a request from the property owner to deny the petition because they intend to retain and expand the residence rather than demolishing it per a previous plan. Some of the petitioners also spoke during the hearing and encouraged the Commission to deny Landmark status as they no longer considered the property to be in danger of destruction.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to certify or appeal the decision to disapprove designation status, setting the matter for public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this designation action.

CONTACT PERSON

Fatema Crane, Principal Planner/LPC Secretary, Planning and Development
Department; 510-981-7413
Allison Riemer, AICP, Associate Planner, Planning and Development, 510-981-7433

Attachments:

1: Notice of Decision – 910 Indian Rock Avenue, #LMIN2023-0002



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 BOARD DECISION: November 2, 2023

DATE NOTICE MAILED: January 15, 2024

APPEAL PERIOD EXPIRATION: January 30, 2024

EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): January 31, 2024¹

910 Indian Rock Avenue – Robert H. T. and Emma Lohse Marrenner House

Landmark application #LMIN2023-0002 for the consideration of City Landmark or Structure of Merit designation status for a residential building constructed in 1916– APN 61-2579-10

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **DISAPPROVED** the Landmark/Structure of Merit designation petition.

- **Initiated by:** Verified Application of 83 Berkeley residents
- **Application Authors:** John Bernstein and Anthony Bruce, Berkeley Architectural Heritage Association

ZONING DISTRICT: Single Family-Residential (R-1) District, Hillside Overlay (H)

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under the California Environmental Quality Act Guidelines, Section 15061(b)(4) for projects that are disapproved.

¹ Pursuant to BMC Chapter 3.24, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMIN2023-0002
910 Indian Rock Avenue
Mailed: January 15, 2024
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The application materials for this project is available online at:

<https://berkeleyca.gov/construction-development/land-use-development/zoning-projects> or
<https://permits.cityofberkeley.info/CitizenAccess/Default.aspx>

FINDINGS FOR DENIAL AND APPLICATION ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 6-1-0-1 *(note: one vacancy)*

YES: CRANDALL, ENCHILL, LEUSCHNER, MONTGOMERY, SCHWARTZ, TWU

NO: FINACOM

ABSTAIN: NONE

ABSENT: LINVILL (recusal)

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. The City Clerk's telephone number is (510) 981-6900.
 - a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. 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 \$1,500. This fee may be reduced to \$500 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. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.

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- 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 \$5,520.
3. 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).

If no appeal is received, the Structure of Merit 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.
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 include 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.

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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.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Allison Riemer, at (510) 981-7433 or ariemer@berkeleyca.gov. All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings for Denial
2. Landmark Application



ATTEST: _____

Fatema Crane, Secretary
Landmarks Preservation Commission

cc: City Clerk
Applicant:
Property Owner:

Jeffrey Hart, 1811 Yosemite Road, Berkeley, CA 94707
Jacqueline and Gregory Emerson, 910 Indian Rock Avenue,
Berkeley, CA 94707

Attachment 1, part 2

Findings for Denial

NOVEMBER 2, 2023

910 Indian Rock Avenue – Robert H.T. and Emma Lohse Marrenner House

Landmark application #LMIN2023-0002 for the consideration of City Landmark or Structure of Merit designation status for a residential building constructed in 1916 – APN 61-2579-10

PROJECT/DESIGNATION DESCRIPTION

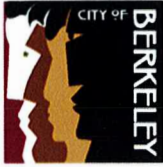
City Landmark or Structure of Merit designation of the property at 910 Indian Rock Avenue, Robert H.T. and Emma Lohse Marrenner House.

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.4 of the CEQA Guidelines for projects that have been disapproved.

LANDMARK PRESERVATION ORDINANCE FINDINGS

2. Pursuant to Berkeley Municipal Code (BMC) Section 3.24.150, the Landmarks Preservation Commission finds that the site is not worthy of designation, and therefore disapproves the request to grant City Landmark or Structure of Merit (SOM) status to the subject property.



Planning and Development Department
Land Use Planning Division

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

THE ROBERT H.T. and EMMA LOHSE MARRENNER HOUSE
910 Indian Rock Avenue
Northbrae
Berkeley, California



1. **Street Address:** 910 Indian Rock Avenue
County: Alameda **City:** Berkeley **Zip:** 94707

2. **Assessor's Parcel Number:** 061-2579-010
Dimensions: Irregular, 9446 +/- sq. ft.
Cross Streets: Oxford Road, San Diego Road

3. **Is property on the State Historic Resource Inventory?** No
Is property on the Berkeley Urban Conservation Survey? Yes
Form #: 30599

4. **Application for Landmark Includes:**
 - a. **Building(s):** Yes **Garden:** No **Other Features:** No
 - b. **Landscape or Open Space:** No
 - c. **Historic Site:** No
 - d. **District:** No
 - e. **Other:**

5. **Historic Names:** Robert and Emma Marrenner House
Common Name: Don and Peggy Craig's House

6. **Date of Construction:** 1916 **Factual:** Yes
Source of Information: Building Permit; Urban Conservation Survey

7. **Designer:** Walter H. Ratcliff, Jr.

8. **Builder:** Leland S. Lewis

9. **Style:** Shingle Style

10. **Original Owners:** Emma and Robert Marrenner
Original Use: Single-family residence

11. **Present Owner:** Greg and Jacqueline Emerson
910 Indian Rock Avenue, Berkeley, California 94707

12. **Present Use:** Residential
Current Zoning: R-1H **Adjacent Property Zoning:** R-1H

13. Present Condition of Property:

Exterior: Good **Interior:** Good **Grounds:** Good

Has the property's exterior been altered?

Stylistically appropriate outbuilding added in 1922

14. Description

Overall Description:

910 Indian Rock Avenue is a two-story over basement rectangular-plan single family dwelling clad in wooden shingles and capped with a compound roof. The shingle siding as well as the many multi-light windows (over thirty in all) appear in excellent condition. The house sits somewhat removed from the street on a large lot which slopes downward away from the street. The rear façade, rising to a full three levels, continues the design motifs of the front facade. The primary roof type is a side hip, with cross gable sections at the outer corners, as well as an eyebrow dormer at center and a gable dormer on the rear facade. The freestanding garage is rectangular plan with a hip roof. The buildings appear to be in good condition.

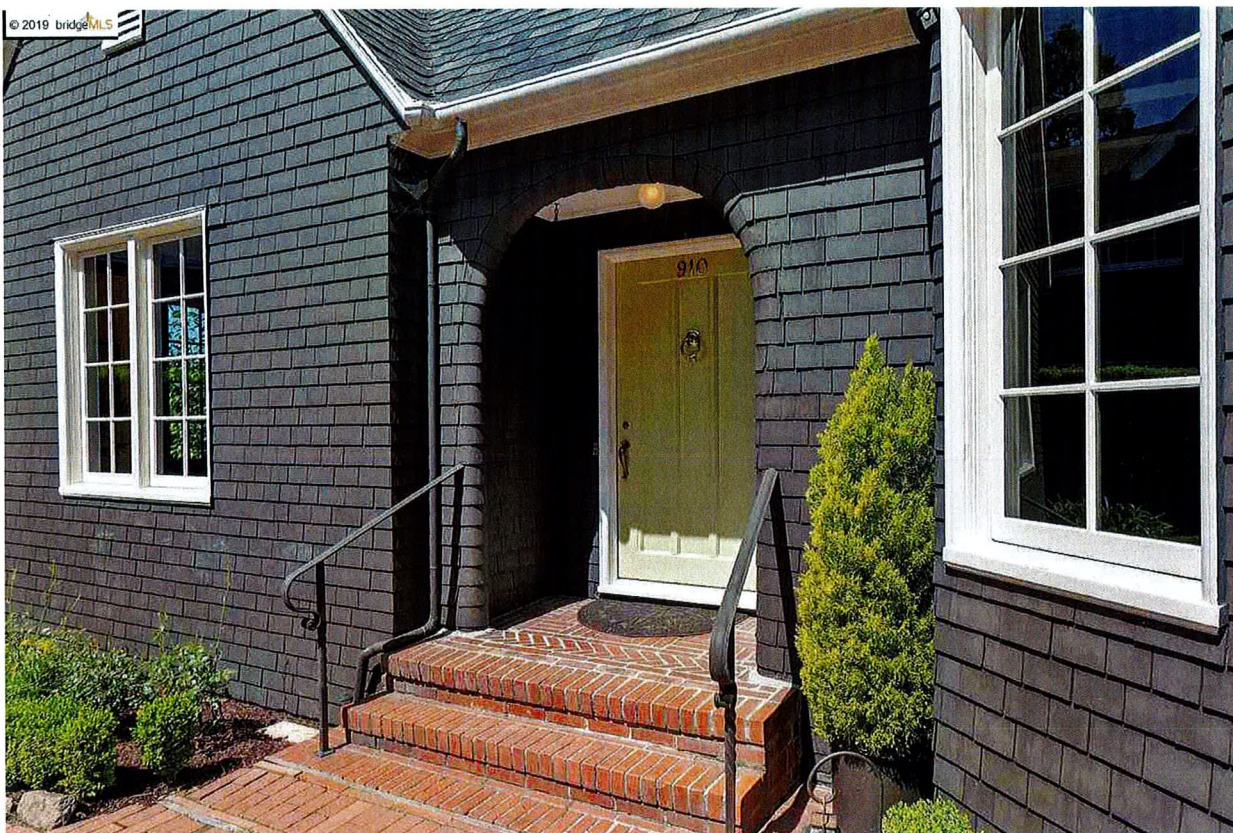
The large lot slopes steeply to the rear of the house, creating a full 3-story façade toward the rear.

Adjacent to 910 Indian Rock is Mortar Rock Park, the most significant pre-contact tribal site in the City of Berkeley. Various authorities have suggested that the large lot at 910 Indian Rock may be the site of important Native American artifacts.

Front (Southwest) Elevation

The dignified primary entrance, facing onto Indian Rock Avenue is located on the primary facade left of center within an arched, shingled recess. The entrance features a heavy wooden door with an unusual design of three vertical panels. The façade is subtly asymmetric. To the right of the entrance is a canted bay window (serving a dining room) capped with a hip roof. The front facet of the bay features two wood sash multi-light casement windows, while the side facets feature single casement windows of the same style. The outer corners of the primary facade feature multi-light wood sash double casement windows. Above these windows, there are vents situated in twin gable peaks. The unusually wide eyebrow dormer, centered on the second story, features four wood sash multi-light casement windows. The relatively low front elevation, artfully echoing other houses in the neighborhood, effectively conceals the large size of the residence toward the rear.

[Detail photo of front elevation on following page]



Detail of Front Elevation and Entrance (all photos except as noted: www.realtor.com)

Side Elevations (Southeast and Northwest)

The side elevations of the Marrenner House continue the motifs of the front façade, with brown-shingle siding and multi-light banks of casement windows. Typically for houses of this period and style, the side elevations are dominated by the roofs of the prominent front façade gables and slope down close to the ground to minimize the mass of the house from this aspect.

Rear Elevation (Northeast)

The grand rear elevation, with a full three stories and nineteen multi-light windows, reveals the size of the Marrenner House. It continues the brown-shingle theme, and shows a sophisticated attention to detail for a rear elevation, bringing over key motifs from the front façade including a large, two-story bay window looking out over the rear lot, a wide, modified eyebrow dormer with a partial hipped roof, and a version of a Palladian window to the northeast. A door allows access to a walk-in basement level. The entire elevation appears original.

[Photograph on following page]



Rear Elevation, incorporating key design elements from front facade

Interior

The elaborate and high-style interior of the public rooms on the first floor is finished extensively in old-growth redwood frame-and-panel work which has never been painted. Floors are straight-grained white oak and both the living room and dining room feature heavy redwood cornice moldings. Ceilings are distinguished by heavy redwood beams. The living room features an impressive fireplace front with wood paneling reaching to the ceiling and large bolection moldings. The panel above the fireplace is composed of highly-figured wood and the mantel is supported by two classical consoles, a feature typical of Ratcliff interiors.

[Interior photographs on following pages]



Entranceway and Dining Room



Detail of Dining Room, Built-in Cabinets, and Bay Window



Detail of Living Room and Fireplace Front

Features to be Preserved

The Marrenner House retains a very high degree of integrity and fidelity to the original design, both internally and externally. Therefore the following should be preserved:

- Shingled elevations, especially front façade visible to public
- Multi-light casement windows
- Arched entryway and paneled front door
- Bay window
- Gables and multi-sloped roofs

15. History

The Northbrae Development

The Marrenner House was constructed in the last of the five planned stages of the Mason-McDuffie Company's Northbrae (the first section opened in 1907). Berkeley Square—the planned site for the new state capitol in a failed bid to move the capitol to Berkeley— opened in April 1910. Somewhat before 1906 the Mason-McDuffie Company had purchased several hundred acres in the North Berkeley Hills for the overall Northbrae project. This comprised

nearly all of Lot 88 of the 1854 Kellerberger subdivision of the Peralta land-grant known as the *Rancho San Antonio*, as well as some additional acreage to the north. Certain boundaries of the Northbrae tract still reflect ancient lot lines, including those of the “Domingo Peralta Reservation,” which was made up of lands reserved to his own use by the Peralta heir Domingo Peralta after the original subdivision.

Mason-McDuffie was known for excellent planning and employed recognized experts to lay out their projects. A note attached to the Mason-McDuffie papers (Bancroft Library) states:

” Between 1905 and 1917, the [Mason-McDuffie] company built three of the Bay Area's most beautiful residential developments: Claremont (Oakland) [sic], **Northbrae (Berkeley)** and St. Francis Wood (San Francisco). Duncan McDuffie insisted that only the best architects and landscape designers work on the residence parks, which became noted for their harmonious blending of man-made and natural environments. This reflected McDuffie's insistence that the natural contours of the land be maintained, and that gardens be planted in each of the company's developments.

Locally and nationally recognized architects were retained to work on Mason-McDuffie developments. Olmsted Brothers of Massachusetts designed the street plans for St. Francis Wood and for Park Hills, a 1930s development in the Berkeley hills; **John Galen Howard designed the fountains in Northbrae and Walter Ratcliff was responsible for the design of some of the homes in that development. . .**”



Early photo of “Public Improvements” (The Fountain, Marin Circle), Northbrae Indian Rock Avenue is shown at the right. Photo: Anthony Bruce Collection

A 1916 building permit fixes the date of construction of the Marrenner House. The cost was \$4000 and the builder was Leland S. Lewis. Unusually, a detailed 20-page set of specifications

has survived for this house in the files of the Berkeley Architectural Heritage Association (BAHA). It specifies such important details as the use of “kiln-dried old-growth redwood lumber” for the extensive first-floor paneling.

The Shingle Style

The classic work on the Shingle Style, Vincent Scully’s *The Shingle Style and the Stick Style* (Yale University Press) enumerates several characteristics of the style:

- **Wood shingle skin:** Shingles, generally brown, wrap the house, undulating over oriels, corners, and eyebrow windows.
- **Asymmetry** is evident, with cross gables and roof sections of different pitch, wings, turrets, bays and oriels.
- **Cottage air:** Often originating among summer homes along the Northeast coast and San Francisco Bay. Regardless of how large or detailed, these houses have a certain informality and connection to the outdoors.

As such, the Shingle Style corresponded closely with the “design with Nature” teachings of Charles Keeler and other early 20th-century theorists and was widely used during that period in the East Bay.

The Marrenner House and the Shingle Style

The Marrenner House exemplifies all the salient characteristics of the Shingle Style. Though large in size, it deliberately assumes a “cottage-like air”. Wrapped in brown shingles, it displays large gables, eyebrow windows, and roofs of varying pitches. It carefully disposes these details in an asymmetric overall design.

Later History of the Marrenner House

After commissioning the house from Ratcliff, Robert and Emma Marrenner lived at 910 Indian Rock for 34 years, selling to Robert Ashby in 1950 after Robert Marrenner’s death. In 1959, Don and Peggy Craig, well-known realtors in Northbrae, bought the house. The Craigs lived at 910 for sixty years until around 2019, when they sold to the present owners.

There have been no significant modifications to the house since its original construction.

16. Significance

The Marrenner House is significant as a classic, well-designed example of a house in the California Brown-Shingle Style. Embodying all the key aspects of that style, as described in detail above, it stands out for the sophistication of its design by a celebrated Berkeley architect, Walter Ratcliff.

The significance of the Marenner house is supported by a formal historic review submitted to the City in 2022, performed by Kelley Consultants, a well-known historic preservation and permitting firm. That review recommended designation of the Marenner House as a **Structure of Merit**.

However, further research indicates that the Marenner House is eligible for Landmark status and for listing on the State Inventory of Historic Sites under Historic Criteria 2, 3, and possibly 4.

- **Criterion 2. The building is significant and eligible for City of Berkeley Landmark designation** for its association with an important Bay Area architect of the early 20th century, Walter H. Ratcliff, Jr. It is an excellent example of Ratcliff's middle period work. An immigrant from England, Ratcliff studied architecture at the University of California, and served as Berkeley City Architect from 1914–1920. Later, Ratcliff was Chief Architect at Mills College, completing the Master Plan for the nationally significant Mills campus. Ratcliff designed many gracious and livable residences and impressive public buildings during his career that lasted more than forty years. As Berkeley City Architect, he designed four firehouses for the City. At the same time, he designed the Claire Tappaan Lodge, a rural retreat, for the Sierra Club. Ratcliff, along with several others, urged the creation of the Berkeley City Arts Commission, which promulgated one of the first attempts in the nation to plan and zone an entire city. Additional research has determined that the Marrenner family, which commissioned the house, was intimately involved with the early growth of California and the City of Berkeley. Both sides of the family were among the early emigrants to California and Robert Marrenner served for decades as a high official in the Union Pacific Railroad.

- **Criterion 3. The building is eligible for City of Berkeley Landmark designation** for its architectural significance. It is significant as an early and excellent mid-sized example of the important brown-shingle style, incorporating all the classic elements enumerated by Vincent Scully in the standard work on the subject, *The Stick Style and the Shingle Style*. As such, it also corresponds with the naturalistic design principles of the Berkeley Hills, as articulated by Keeler and others. The house shows typical sophisticated Ratcliff details, including double gables, large bay windows, asymmetric elements, and judicious siting on its lot. The entranceway includes high-style molded shingles over an impressive archway. The interior is notable for extensive redwood frame-and-panel finishes, as well as an impressive bolection-molded fireplace front.

- **Criterion 4.** The site has **high potential archeological value** for its location only 30 feet from the most significant archeological and Native American site in the City of Berkeley, Mortar Rock Park. There is a high likelihood of artifact recovery or destruction should any excavation for new foundations be undertaken.

17. Historic Value: State Yes County Yes City Yes Neighborhood Yes

Architectural Value: State Yes County Yes City Yes Neighborhood Yes

18. Is the property endangered: Yes

19. Bibliography

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20. Recorder: John Bernstein and Anthony Bruce for the Berkeley Architectural Heritage Association, 2023