

The Berkeley Architectural Heritage Association



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January 14, 2021

Mayor, Councilmembers
City of Berkeley
2180 Milvia Avenue
Berkeley, California 94704

Dear Mayor Arreguin and Honorable Members of the City Council:

This letter concerns the appeal of the Landmarks Preservation Commission's ("LPC") denial of landmark designation for the William & Etta Payson House (Lord & Boynton, 1889) ("Payson House") at 1915 Berryman Street. As you undoubtedly know the organization that we represent — the Berkeley Architectural Heritage Association (BAHA)— is one of Berkeley's largest and oldest citizen groups and has as one of its missions educating decision makers and the public about our historic architectural resources and supporting the designation of qualified properties as structures of merit pursuant to Berkeley's Landmark Ordinance. It is in that spirit and to that purpose that we write you today.

According to BAHA's records, the Payson House is the oldest residence standing in its neighborhood and is one of the oldest shingle houses remaining extant in Berkeley. Completed by two master builders, Lord & Boynton, in 1889, Payson House is a fine example of "rustic Victorian" style — a less flashy, more-humble cousin to the fancier Queen Anne style typically associated with the Victorian era. The house was featured on an architectural tour that BAHA hosted in March, 2018, which featured noteworthy structures in that neighborhood. In addition to the structure itself, the property is notable for the numerous old growth live oaks that once typified this Creekside area. Indeed, it is one of the few remaining properties in that neighborhood that visually embodies that aspect of old Berkeley landscape and topography.

The house was certainly familiar to Bernard Maybeck, perhaps Berkeley's most famous architect, who lived on the same block as the Payson House and worshipped at and served on the board of the First Unitarian Church, which the home's first owner, William Payson, established (NB: that church is a Berkeley Landmark). Payson himself was a notable Berkeley figure, playing a key role in the city's religious establishment and in its progressive political agenda — Payson was active in the anti-corruption, good-government movement at the time. It is easy to see how his home and shaded garden at 1915 Berryman served as a quiet refuge for this active civic citizen as well as a meeting place for his circle of associates and friends.

It is BAHA's view that the Payson House qualifies as a structure of merit pursuant to the City's Landmarks Ordinance. In instances where, as here, the LPC finds that a structure does not "currently

meet the criteria as set out for a landmark,” it may thereafter consider whether the property is “worthy of preservation as part of a neighborhood, a block or a street frontage, or as part of a group of buildings which includes landmarks.” Here, it appears that the LPC did not consider this alternative to Landmark Status, although the record was replete with evidence that this alternate designation was appropriate.¹ The LPC’s failure to consider this appropriate alternative to Landmark designation likely was due to the unfortunate and unique circumstances of the Payson House hearing itself. That hearing, which was necessarily held remotely via Zoom, was extremely contentious and was effectively taken over by non-Berkeley residents (who likely would not have appeared at an in-person hearing) whose sole apparent aim was to disrupt the landmark process, inject irrelevant considerations into the process, and personally attack and embarrass city residents (including a former public official) for supporting landmark designation. Rather than address the factors set out in the Berkeley Landmarks Ordinance, these speakers effectively highjacked the commission proceeding to inject political issues entirely separate from and irrelevant to the legal process set out in our Landmarks Ordinance. It is hardly surprising that, after literally hours of hostile and irrelevant rhetoric, the LPC commissioners did not, after they voted not to designate the property a landmark, take up the question of whether the Payson House qualified as a structure of merit.

While this failure is both understandable and entirely human given the trying circumstances, the LPC should have considered this alternate status given the evidence put before it, including the structure’s status as the oldest residence in that neighborhood and its association with master builders who were important city figures, as well as the homeowner who was a key religious and political activist who was prominent at the time and whose Church remains an important city landmark. In short, style, age, and historic association qualify this property for full and proper consideration as a structure of merit.

BAHA respectfully suggests that on January 21, 2021, when it hears the appeal of the LPC’s action, the City Council vote to return the Payson House application to the LPC for consideration of the property pursuant to the criteria enumerated in the Landmarks Ordinance for a structure of merit designation. In so doing, the City Council will empower the LPC to follow the Landmarks Ordinance as enacted by the Berkeley voters and complete their consideration of this application.

¹ General criteria shall be architectural merit and/or cultural, educational, or historic interest or value. . . . Specific criteria include, but are not limited to one or more of the following:

- a. The age of the structure is contemporary with (1) a designated landmark within its neighborhood, block, street frontage, or group of buildings, or (2) an historic period or event of significance to the City, or to the structure’s neighborhood, block, street frontage, or group of buildings.
- b. The structure is compatible in size, scale, style, materials or design with a designated landmark structure within its neighborhood, block, street frontage, or group of buildings.
- c. The structure is a good example of architectural design.
- d. The structure has historical significance to the City and/or to the structure’s neighborhood, block, street frontage, or group of buildings.

BAHA's walking tour in March of 2018 had a 19-page handout, which is attached. But in the interest of saving paper, this is the last page. The Payson House was the last stop on the tour:

"We are going to end our walk at the house that is most curious. 1915 Berryman. William and Etta Payson. He was treasurer of the Unitarian Church. He had this house built in 1889 (Lord & Boynton). It is brown shingle. It predates Maybeck coming to Berkeley by three years. Maybeck was also a member of the brand new Unitarian Church (begun in 1891). This was the edge of the world. It was still blocks away from the houses near Berryman station. There was nothing to the west or north."

Sincerely,

A handwritten signature in cursive script that reads "Carrie Olson". The signature is fluid and elegant, with a long, sweeping horizontal line extending from the end of the name.

Carrie Olson
President, Berkeley Architectural Heritage Association