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## FINDINGS AND CONDITIONS

### 8 Greenwood Common

#### Structural Alteration Permit LMSAP# 2017-0010

**To construct an approximately 650-sq. ft., second-story addition on an existing single-story, single-family residence and City Landmark building, and to enclose a non-conforming carport located adjacent to the street, converting it into a garage.**

#### CEQA FINDINGS

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1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

#### SECRETARY OF THE INTERIOR’S STANDARDS FINDINGS

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Regarding the guidelines of the Secretary of the Interior’s Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The subject property will retain its original use as a residence with this proposed project
2. The proposed, partial second-story addition will not significantly alter the features and spatial relationships that characterize this property because: (1) the design of the addition mirrors a similar addition designed in 1962 by the original architect, Howard Moise, that was not executed; and (2) the building’s overall massing would retain primarily horizontal in orientation
3. This property will continue to be recognized as a physical record of its time, place, and use as a result of the approved project.
4. No changes to this property that have acquired historic significance in their own right are proposed.
5. This project will not affect distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize this property.

6. Any deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials are prohibited by the Conditions herein.
8. Any archeological resources at this site will be unaffected by the proposed work which includes no excavation.
9. Exterior alterations, or related new construction will not destroy historic features, significant amounts of historic materials, or the spatial relationships that characterize the property. It is appropriate in this case to use the original architect's archival sketches to inform the design of the proposed addition. The resulting project it will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. The proposed new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its integrated landscape would be unimpaired.

#### **LANDMARK PRESERVATION ORDINANCE FINDINGS**

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1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve and enhance the characteristics and features specified in the designation for this property. Specifically:
  - Reaching just two-stories and 21.75 feet in average height, the addition will be modest in scale and will not impair the overall spaciousness and horizontal orientation of the Greenwood Common landscape or the shared open space (e.g. the *common*), which measures approximately 85 feet north-to-south and 260 feet east-to-west.
  - Greenwood Common will continue to convey its architectural significance and its historical associations with master architect William Wurster, landscape architect Lawrence Halprin, and the Second Bay Tradition architectural movement.
  - The addition is designed to reflect the style and characteristic details of the original Howard Moise design for the subject building. The special architectural style and character, and the historical significance of Greenwood Common, will be retained and will not be materially impaired as a result of this proposal.
  - The proposal to enclose the carport and convert it into a garage is found to be permissible and appropriate for this historic property because it will not change the overall massing of the detached building or its relationship to the main building.

## **STANDARD CONDITIONS**

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The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

### **1. Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

### **2. Plans and Representations Become Conditions**

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

### **3. Subject to All Applicable Laws and Regulations**

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Zoning Adjustments Board or Zoning Officer, Building and Safety Division, Public Works Department and other affected City divisions and departments.

### **4. Exercise and Lapse of Permits (Section 23B.56.100)**

- B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- A. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

### **5. Indemnification Agreement**

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

### **ADDITIONAL CONDITIONS**

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The following additional conditions are attached to this Permit:

6. **Chemical Treatments.** Any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.
  
7. **Photograph Documentation – as determined necessary by the Zoning Officer.** Prior to issuance of any building permit for this project, the applicant shall provide photographic document of the subject structure which records its existing conditions and any historic and character-defining features.