

ATTACHMENT 1

DRAFT FINDINGS AND CONDITIONS

2133 University – Acheson Commons

Signage Alteration Permit #LMSA2019-0001

To establish a sign program for the buildings and tenant spaces within the Acheson Commons development project that contains three City of Berkeley Landmark buildings: the Acheson Physicians' Building, the MacFarlane Building, and the Sill's Grocery & Hardware Company Building.

CEQA FINDINGS

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

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

1. The approved Acheson Commons development retains the historic ground floor commercial uses at this site. The new signage program would require minimal change to distinctive materials, features, spaces, and spatial relationships that characterize this site.
2. The proposal to establish a signage program for the tenant spaces at this project site would not result in removal of distinctive materials or alterations that would significantly change the overall spatial relations that characterize the building (e.g. building mass and height; storefront features and trim pieces).
3. Owing to their contemporary design and selection of materials, the proposed signage, would be recognizable as present-day elements of the building and would not be confused as original or historic, nor would they create a false sense of history.
4. The proposed signage would not affect any changes to the property that have acquired historic significance in their own right.
5. No distinctive materials, features, finishes or techniques will be affected by this proposal.

6. Due to the rehabilitation currently underway, no deteriorated historic features would be affected by this request and none are proposed to be replaced.
7. If approved, this project will be subject to a condition that ensures only the gentlest measures are employed when chemical treatments are required.
8. Because no excavation will be required for the proposed alteration of this building, any existing archeological resources at this site will be unaffected by this proposal.
9. The proposed exterior alterations would not destroy features and spatial relationships that characterize the subject property, as described previously in the Analysis for SOI Standard 2, above.
10. The new signage would not alter the overall form of the building. If the new signage were removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

LANDMARK PRESERVATION ORDINANCE FINDINGS

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:

1. The proposal maintains the form and scale of the historic buildings and storefronts.
2. The proposed work will not adversely affect the exterior architectural features of the Landmark buildings, the special character or historical, architectural or aesthetic interest or value of the site because the new signage is carefully fit within the finer building details and trim pieces, or to maintain a limited profile when protecting from the building façade. The sign will neither diminish nor conflict with the integrity of the three landmark buildings within the Acheson Commons development project site. The overall sign program provides for consistency with signage on the new development that abuts and surrounds the historic buildings.

STANDARD CONDITIONS

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 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

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. **Anchors.** Anchors in the historical façade shall be as discreet as possible and patched when signage or awnings are removed.
8. **Lighting.** All exterior lighting, including for signage, shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
9. **Signage Program details.** Prior to staff approval of any building permits for this signage program, the applicant shall submit: complete sections and installation details for all approved signage installations; colors and materials information; and signage

and lettering heights, dimensions, placement on building(s). All materials shall be matte unless otherwise noted.

10. **Signage for Ace/Sills Building & Krishna Building.** Prior to issuance of any building permits for this signage program, staff shall review and approve final details and section drawings for signage on the building storefronts in the Ace/Sills Building and the Krishna Building, and staff may require a reduction in wall signage lettering, including height and depth.
11. **Modera/Acheson Commons Building Signage.** Building signage shall be limited to two banner-style blade signs: one located on the Shattuck Avenue façade and placed near southwest corner of the MacFarlane Building, and one on the University façade and placed near the southeast corner of the Ace/Sills Building.