



D E S I G N R E V I E W C O M M I T T E E S T A F F R E P O R T

For Committee Comments
NOVEMBER 4, 2014

2211 HAROLD WAY

Review and Comment on the Draft EIR for the 2211 Harold Way project (Use Permit #13-1000010), a proposed 18-story mixed-use development in Downtown Berkeley, including demolition of the 1959 Hink's building, and removal of the 1926 addition and portions of the 1913 addition to the Shattuck Hotel City Landmark building.

I. Application Basics

A. CEQA Determination: An Environmental Impact Report (EIR) has been prepared and is available for public comment until November 18, 2014.

B. Applicant:

HSR Berkeley Investments, LLC
11100 Santa Monica Blvd., Suite 880
Los Angeles, CA 90025

Rhoades Planning Group
505 17th St., 2nd Floor
Oakland, CA 94612

C. Landmarks Preservation Ordinance Permits Required:

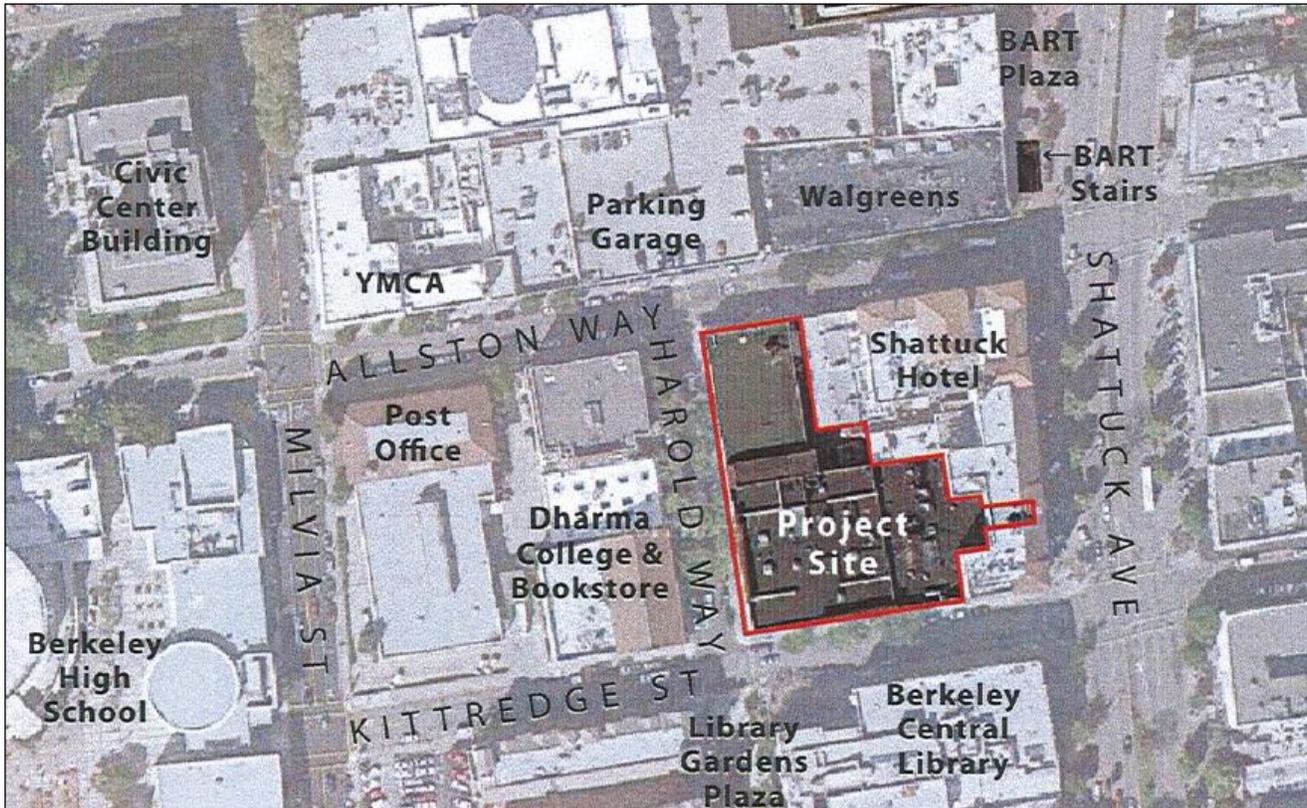
- Structural Alteration Permit, under BMC Section 3.24.200 to allow partial demolition and new construction on a landmarked property

D. Zoning Ordinance Permits Required:

- Use Permit to demolish a main building used for non-residential purposes, under BMC Section 23C.08.050.A
- Use Permit to construct a Mixed Use Development, under BMC Section 23E.68.030.A

- Use Permit to construct over 10,000 square feet of new floor area, under BMC Section 23E.68.050
- Use Permit to allow building height of over 120 feet but not more than 180 feet, under BMC Section 23E.68.070.B.2
- Administrative Use Permit to allow mechanical penthouse to exceed maximum building height, under BMC Section 23E.04.020.C

Figure 1: Vicinity Map



II. Background

The Draft Environmental Impact Report (EIR) for the 2211 Harold Way project is now available for public review. The public comment period for the Draft EIR began Monday, October 6, 2014 and ends Wednesday, November 19, 2014 at 5 p.m. Public hearings to receive comments on the Draft EIR are scheduled for November 6, 2014 (LPC) and November 13, 2014 (ZAB). The Notice of Availability and Draft EIR may be viewed at the following location online (scroll down):

http://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/2211_Harold.aspx Hard copies will be available for review at the Planning Department, City Clerk's office and the Central Library reference desk.

Table 1: Milestones in EIR Process
(Note: Dates in *italics* are tentative.)

Task/Event	Date
Notice of Preparation (NOP) released	May 19, 2014
LPC Scoping Session	June 5, 2014
ZAB Scoping Session	June 12, 2014
End of 30-day NOP comment	June 19, 2014
Publication of Draft EIR	October 6, 2014
LPC and DRC Subcommittees	October 16, 2014
DRC DEIR Comment Session	November 4, 2014
LPC DEIR Comment Session	November 6, 2014
ZAB DEIR Comment Session	November 13, 2014
Close of Draft EIR comment period	November 19, 2014
DEIR Response to Comments Publication	<i>Early January 2015</i>
ZAB hearing on EIR certification	<i>Mid-January 2015</i>
LPC hearing on SAP	<i>Late January 2015</i>

III. Project Description

The 2211 Harold Way Mixed Use Project is a proposed residential and commercial mixed-use development in Downtown Berkeley, located on the landmark Shattuck Hotel property. The project's primary street frontage would be along Harold Way, although it would also front on portions of Allston Way and Kittredge Street. The existing onsite 1959 Hink's Building would be demolished, and a portion of the landmarked Shattuck Hotel building (primarily the 1926 addition and portions of the 1913 addition) would be removed or altered to prepare the site for construction, including some alteration of the underground areas.

The proposed project would have components of various heights, the highest portion reaching 180 feet in 18 stories. The project would maintain a generally continuous street wall at the edge of the abutting streets up to where the building would step back toward the interior of the site. The proposed building would step down to 54 feet (5 stories) along the street fronts, and at the street fronts would be about 10 feet shorter than the adjacent Shattuck Hotel, but would be about three feet taller than the heights of the public library across Kittredge Street and Armstrong College across Harold Way. Building step backs would occur primarily just above the fifth and 13th floors. Proposed materials are predominantly brick veneer panels, pre-cast concrete panels, glass, and glass spandrels.

The ground floor is proposed to accommodate retail and/or restaurant uses, in addition to residential lobby and amenity areas. A six-theater cinema complex would be located on the ground floor and below-ground levels. Parking would be provided in a three-level subterranean garage.

IV. Draft Environmental Impact Report (DEIR)

The DEIR is designed to inform City decision-makers, responsible agencies and the general public of the proposed project and the potential physical consequences of project approval.

Streamlined CEQA Process for Infill Projects. The project qualifies for streamlined review under CEQA Guidelines Section 15183.3, due to its mixed-use nature and proximity to a major transit stop, among other site- and project-specific factors. The purpose of Guidelines section 15183.3 is to allow lead agencies to limit the topics subject to CEQA review at the project level “where the effects of infill development have been addressed in a planning level decision or by uniformly applicable development policies.” The primary planning level decision is the adopted Downtown Area Plan, and the referenced environmental documentation is the 2009 Downtown Area Plan FEIR.

Environmental Effects. The Draft Infill Environmental Checklist, included as an appendix to the Draft EIR, indicates that the significant effects of the proposed project would be limited to the issue areas of cultural (historical) resources and traffic/circulation. All other issue topics are examined in the Infill Environmental Checklist and could be reduced to a less-than-significant level. Therefore, the Draft EIR evaluates the environmental issues of Cultural Resources and Traffic/Circulation in detail. Staff asks that the Committee offer comments on the adequacy of the document with respect to identification of historical resources, potentially significant historical resource impacts, mitigation measures to reduce the severity of historical resource impacts, as well as alternatives to avoid historical resource impacts.

Section 4.1 *Cultural Resources* identifies four potential cultural resource impacts from the project. (CR-1) Demolition of the 1926 addition to the Shattuck Hotel and partial removal of the 1913 addition, which contribute to the hotel’s significance, would be significant and unavoidable even with the identified mitigations measures for documentation, salvage, onsite interpretation and preservation fund contribution. (CR-2) Alteration of the setting of adjacent landmarks would be partially inconsistent with the Secretary of the Interior’s Standards and therefore significant but mitigable with the identified mitigation measures of incorporation of a belt course, hyphen, modified windows, and zero-lot line entry into the project design. (CR-3) Partially obscuring views from the base of the UC Berkeley Campanile and Campanile Way within the Classical Core of the Campus would be less than significant, and as such no mitigation measures are identified. (CR-4) Construction activities associated with demolition would be significant but mitigable with identified mitigation measures for foundation investigation, construction monitoring, and training programs.

Alternatives. The CEQA Guidelines require analysis of a reasonable range of alternatives to the project, which would feasibly attain most of the project's basic objectives and avoid, or substantially lessen, any of the significant effects of the project. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The Draft EIR analyzes three alternatives. 1) The No Project Alternative would eliminate the four potential cultural resource impacts without mitigation, however, would not meet any of the project objectives. 2) The Preservation Alternative would eliminate the four potential cultural resource impacts with mitigation, however, while it would meet most of the project objectives it would not fully achieve all of them. 3) The Contextual Design Alternative would eliminate the last three potential cultural resource impacts with mitigation, however, it would not eliminate demolition impacts and while it would meet most of the project objectives it would not fully achieve all of them. Of the alternatives considered, the Preservation Alternative is identified as the Environmentally Superior Alternative as it would provide the most reductions in environmental impacts while meeting most of the project objectives.

Design Guidelines. Under Section 4.1 Cultural Resources, the Downtown Area Plan (DAP) and the Downtown Berkeley Design Guidelines are referenced and point to the importance of design review with Berkeley's Historic Downtown. This discussion, as well as some key guidelines relevant to the proposed project, start on 4.1-13.

V. Downtown Design Guidelines

Downtown design guidelines were revised and updated in conjunction with the Downtown Plan and Ordinance revisions. While recent revisions added new information on architectural styles, site planning, building massing and open space, much of the previous guidelines on facades, roof design, storefronts and entrances, and materials have been retained and continue to be pertinent information. Following are several key guidelines which relate closely to this project.

- Maintain a continuous zero-setback "build-to line" at the ground floor at the edge of all Downtown streets where commercial and higher levels of activity are anticipated.
- Consider massing alternatives that would reduce shadow impacts on streets and relate new construction to the scale of nearby buildings.
- Maintain and reinforce Downtown's historic streetwall at the property line. Upper floor setbacks are desirable above 60 feet (usually the fifth floor for residential construction), and should be used above 75 feet.
- For buildings over 85 feet in height, prepare an analysis of potential wind impacts. Protect sidewalks and public open spaces by deflecting downward wind drafts ("wind shear") by using building setbacks, recesses, projections, and other devices.
- Consider how the building's form and orientation can take advantage of sun and

shade to appropriately heat and cool the building.

All four street frontages for this project are designated as required public serving frontage (refer to figure 43 in the 2012 Downtown Guidelines)

- At least one publicly-accessible street-level entrance to be provided for every 40 feet along a street facing frontage. Any remainder exceeding 30 feet shall also have a publicly-accessible street-level entrance. No two entrances shall be separated by more than 50 feet.
- Clear Glass shall comprise at least 60% of the street facing façade where it is between 3 feet and 8 feet above elevation of adjacent sidewalk
- The design of the ground floor shall be visually open to pedestrians such that the design should enable the main activities of the proposed use to be carried out towards the front of the space.

A complete set of the downtown guidelines can be found on-line at:
<http://www.cityofberkeley.info/ContentDisplay.aspx?id=14260>

VI. Recommendation

Staff recommends the DRC forward Committee comments regarding their concurrence with the information, analysis, and conclusions in the document with respect to identification of historical resources, potentially significant project impacts, and mitigation measures to reduce the severity of the impacts, including alternatives to avoid the impacts.

The Final EIR with the Response to Comments will return to the ZAB for a decision on certification. Following certification of the Final EIR, the LPC can deliberate on the Structural Alterations Permit, and the ZAB can deliberate on the Use Permit.

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