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For Committee Discussion/  
Majority Recommendation  
NOVEMBER 20, 2014

## 2211 HAROLD WAY

### PRELIMINARY DESIGN REVIEW

**Design Review (Use Permit #13-1000010)** of 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. Introduction

This project is located on Harold Way between Allston Way and Kittredge Street. This parcel is located in the C-DMU, Commercial-Downtown Mixed-Use, Core Area zoning district.

This project has previously been reviewed by this Committee as a Preview in February, 2013, and to review the Draft Environmental Impact Report (EIR) earlier this month on November 6, 2014. Both of those summaries are attached for your reference (see Attachment 2). It is before the Design Review Committee (DRC) for Preliminary Design Review.

#### II. Background

The LPC and DRC Subcommittees have been reviewing design development for this project since the design was reviewed with this Committee as a Preview. They have met concurrently on May 15<sup>th</sup> and July 17<sup>th</sup>, 2014.

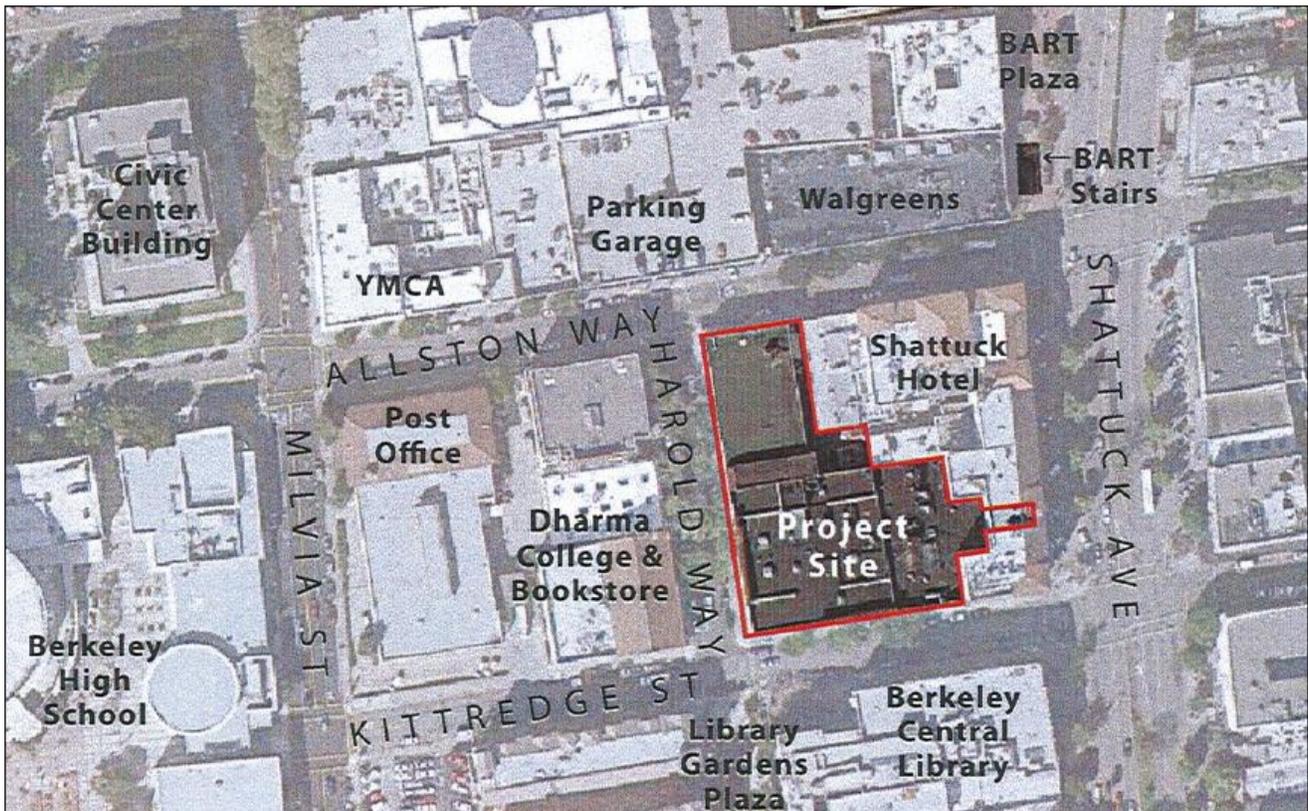
The Draft EIR is available for public review from October 6, 2014 to November 19, 2014. Public Hearings or Public Meetings to receive comments on the Draft EIR were held on October 16, 2014 (LPC/DRC Subcommittees), November 4, 2014 (DRC), November 6, 2014 (LPC), and November 13, 2014 (ZAB). The final document will include responses to comments on the Draft EIR made at public hearings and in writing.

### III. Project Setting

#### Neighborhood/Area Description:

The site sits on the western edge of the Shattuck Avenue Commercial Corridor identified in the Downtown Area Plan Historic Resources Reconnaissance Survey. Along with the 1909/1912 five-story Landmark Hotel Shattuck on the site, the project interfaces with: the 1923 two-story, Spanish Colonial Landmark Armstrong College (2222 Harold Way) by Walter Ratcliff across Harold Way to the west; the Allston Garage across Allston Street to the north; and the 1930 four-story, Zig Zag Moderne Landmark Berkeley Library (2090 Kittredge Street) by James Plachek across Kittredge Street to the south. See the applicant's Draft Historical Context Statement for more information on the context. See the applicant's statement for more information on the site's proximity to many of Downtown Berkeley's amenities.

Figure 1: Vicinity Map



### III. Project Description

The proposed project is an 18-story, mixed-use development located in Downtown Berkeley, and would include 302 dwelling units, a six-theater cinema, about 10,500 square feet of ground-floor commercial space, and a 171-space underground parking garage. 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 project is primarily 12 stories in height, with five-story portions within 15 feet of the street frontages, and an 18-story “tower” located at the southwest corner of the site, near Harold Way and Kittredge Street.

The project includes demolition of the existing on-site 1959 “Hink’s Building”, located at the corner of Harold and Allston Ways, and the removal of a portion of the Shattuck Hotel building (primarily the 1926 Walter Ratcliff addition fronting on Harold Way and Kittredge Street, and the portion of the 1913 addition extending west of the hotel along Kittredge Street). Some alteration/excavation of the area beneath the retail stores along Shattuck Avenue would also occur in order to create additional space for new cinemas.

#### **IV. Zoning Permits Required**

- Structural Alteration Permit, under BMC Section 3.24.200 (Landmarks Preservation Ordinance)
- 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
- Administrative Use Permit to allow over 2,000 square feet of Full Service Restaurant space, under BMC Section 23E.68.030.A
- Use Permit to allow service of distilled spirits incidental to food service, under BMC Sections 23E.16.040.A and 23E.68.030.A
- Administrative Use Permit to allow service of beer and wine incidental to food service, under BMC Section 23E.68.030.A
- Administrative Use Permit to allow amplified live entertainment incidental to food service, 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

#### **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. Issues and Analysis

### A. Design Review Issues:

- **Zero-setback "build-to-line"** The project holds the property line on all sides of the new construction except for the main corner entrance on the southwest corner of the site at Kittredge and Harold Way. This corner is proposed as public open space and does not follow the historic downtown pattern of a strong building corner. Staff would like the Committee to discuss how this corner could be strengthened and still maintain the project objective of a vibrant, active space.
- **Building Massing / Step backs** The project proposes to step away from the historic Shattuck Hotel located on the northeast corner of this site. The tallest portion of the proposed project is located on the southwest corner of Kittredge

and Harold Way, allowing for a more vertical proportion of the tower when viewed from Kittredge looking east. All other portions of the project have been stepped back from the street wall above the first five floors.

- **Main Building Entries** The main lobby entrance for the residential portion of the project is located at the corner plaza on Kittredge and Harold Way. The proposed movie theater will still be accessed through the theater marquee facing Shattuck. Individual retail and restaurant entrances are located throughout the Harold Way and Kittredge ground floor facades.
- **Façade Design** Windows in floors above the fifth story range from punched openings to glass curtain wall in an effect to break up the mass of upper stories. Staff would like to Committee to discuss recommendations for this design effort. Other recommendations for façade treatment in the previous meeting were to add a horizontal band along the Allston elevation to better relate to the Shattuck Hotel, and to further develop the space between the new building and the historic landmark on the Kittredge elevation with landscape and theater information, but not with punched window openings.
- **Open Space Design / Landscape Plan** There was a strong recommendation at the previous meeting to maximize the open space in the project scope, both public and private, to better interface with the existing landmarks on-site and nearby and well as the public streetscape.

**B. Issues for Discussion:**

- Zero-setback “build-to-line”
- Building massing / Step backs
- Relationship to Surroundings / Neighborhood Pattern
- Main Building Entries
- Façade Design
- Public Open Spaces / Landscape Concept

## VII. Recommendation

Staff recommends the DRC discuss the above issues and give feedback to the applicant for further design development and refinement.

**Attachments:**

1. Project Plans, received July 17, 2014
2. DRC Summaries

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