



LANDMARKS PRESERVATION COMMISSION

STAFF REPORT

For Commission Action
August 13, 2015
Continued from July 9, 2015

2211 HAROLD WAY

Structural Alteration Permit (LMSAP#13-40000002) for a proposed mixed-use development, up to 18 stories in height, containing 302 dwelling units, approximately 10,597 square feet of ground-floor commercial space, a ten-theater cinema complex, and 177 underground parking spaces, located in Downtown Berkeley on the landmarked Shattuck Hotel site. The project includes removal of the 1926 addition and portions of the 1913 addition to the landmarked Shattuck Hotel.

I. Application Basics

A. Land Use Designations:

- General Plan: Downtown Area Plan
- Zoning: C-DMU Core, Commercial Downtown Mixed Use; Core Sub-Area

B. City of Berkeley Landmark Building(s):

- Shattuck Hotel (2200-20 Shattuck Avenue)

C. Preservation Permits Required

- Design Review and Structural Alteration Permit to allow alteration and construction on a designated landmark site, under BMC Sections 23E.10.020 and 3.24.200
- 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; including LPC Design Review with DRC referral under BMC Section 23E.12.020.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
- Use Permit to allow building height over 120 feet more than 120 feet in width under BMC Section 23E.68.070.C.1

D. CEQA: The ZAB certified the Final Environmental Impact Report (EIR) prepared to evaluate the potentially significant environmental impacts of the proposed project, pursuant to the California Environmental Quality Act, at their June 25, 2015 meeting.

E. Parties Involved:

- Applicant Rhoades Planning Group
505 17th St., 2nd Floor
Oakland, CA 94612
- Property Owner HSR Berkeley Investments, LLC
11100 Santa Monica Blvd., Suite 880
Los Angeles, CA 90025
- Architect MVEI
3 MacArthur Place, Suite 850
Santa Ana, CA 92707
- Historical Consultant architecture + history, LLC
San Francisco, CA
- Urban Design Consultant Taecker Planning and Design, LLC
Berkeley, CA

Application Materials and Correspondence Available:

http://www.ci.berkeley.ca.us/Planning_and_Development/Zoning_Adjustment_Board/2211_Harold.aspx

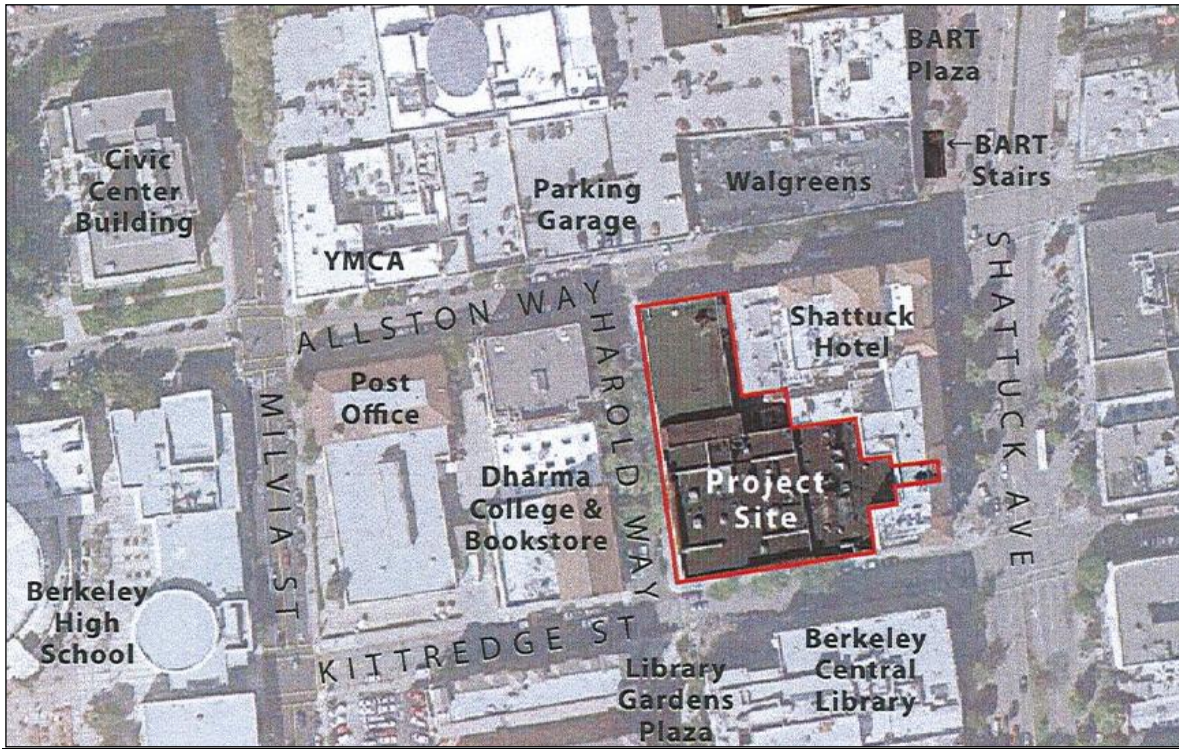
Table 1: Project Chronology

Date	Task/Event
December 21, 2012	Application for consideration submitted
January 9, 2013	Pre-Application Submitted
February 21, 2013	DRC Preview
February 27, 2013	UP and SAP Applications Submitted
March 7, 2013	LPC Preview
March 14, 2013	ZAB Preview
November 2013	LPC/DRC SF Walking Tour
May 19, 2014	Notice of Preparation (NOP) released
June 5, 2014	LPC Scoping Session
June 12, 2014	ZAB Scoping Session
October 6, 2014	Publication of Draft EIR
March, April, May, July, October 2014	LPC and DRC Subcommittees
November 4, 2014	DRC DEIR Comment Session
November 6, 2014	LPC DEIR Comment Session
November 13, 2014	ZAB DEIR Comment Session
December 1, 2014 ¹	Close of Draft EIR comment period
December 11, 2014	ZAB hearing on Community Benefits
November 20 and December 18, 2014	DRC Preliminary Design Comment
February 26, 2015	LPC Preliminary Design Comment
March 19, 2015	DRC Preliminary Design Comment
March 2015 ²	Publication of Response to EIR Comments
April 16, 2015	DRC Preliminary Design Recommendation
May 7, 2015; June 4, 2015	LPC Preliminary Design Review
June 15, 2015	Addition to Final EIR: Alternative Published
June 25, 2015	Council Discussion on Community Benefits
June 25, 2015	ZAB Final EIR certification
July 9, 2015	LPC Structural Alteration Permit (SAP)
August 13, 2015	LPC SAP continued

Notes:

1. The Draft EIR comment period was originally scheduled to end on November 19, but was extended until December 1, 2014 (for a total review period of 56 days).
2. The RTC Document was published 24 days before the ZAB hearing on certification.

Figure 1: Vicinity Map



II. Project Description

The Project recommended for approval is the DRC Recommended Alternative (Project).

The Project was developed in response to comments received during the public environmental review period and design review. The building massing is shifted slightly toward the southwest corner of the site; and the square footages and details of several components have been incrementally changed. The location, demolition plan, and excavation plans remain unchanged.

The Project would have components of various heights, the highest portion reaching 180 feet in 18 stories in a brick tower with curtain wall and balconies at the northeast corner of Harold Way and Kittredge Street. The Allston Way step back from the five story base to a 12 story shoulder has been increased by 23 feet for a total of 38 feet, to address urban design concerns about views. The massing is then shifted to the other shoulder, where the Kittredge Street step back is from the five story base to a 16 story shoulder. Materials proposed would include a glass curtain wall system in addition to brick veneer panels, pre-cast concrete panels, and glass spandrels. The curtain wall system would wrap around the east side of the building's northern and southern shoulders.

The Project includes the following components:

- 302 apartment/condominium units with an average unit size of 731 square feet;
- Residential open space on shared rooftop terraces increased of 16,406 square feet and private balconies and decks decreased of 10,575 square feet;
- Lobby area of 1,544 square feet;
- Retail and/or restaurant commercial floor area fronting Allston and Harold Ways and Kittredge Street of 10,597 square feet including a 341 square foot outdoor dining area associated with commercial space at the corner of Harold Way and Kittredge Street;
- Privately owned, publicly accessible open space at the corner of Kittredge Street and Harold Way of 723 square feet including a concrete band on the ground plane to denote the historic building footprint;
- Street improvements along Harold Way including seating, bicycle racks, pedestrian-scale street lamps, and potted planting; and
- 177 automobile parking spaces and 74 secured bicycle storage spaces.

III. Background

This report follows the July 9, 2015 Structural Alteration Permit (SAP) staff report which included information regarding project setting, community discussion; and analysis addressing environmental review, the Downtown Berkeley Design Guidelines under BMC Section 23E.12.020; the relevant criteria from the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards); and the Landmarks Preservation Ordinance findings under BMC Section 3.24.200 for the Project.

At their July meeting, the LPC opened the public hearing; considered the merits of the structural alteration permit (SAP) application and required BMC findings; and provided comments thereon. The LPC then continued the public hearing to a date certain, August 13, 2015, to consider a decision on the Project with CEQA Findings and Overriding Considerations (Exhibit A), provided as an attachment to this staff report.

A. CEQA Findings and Statement of Overriding Considerations

As the City's CEQA decision making body for projects requiring Use Permits, the ZAB certified the Final Environmental Impact Report (EIR), pursuant to the California Environmental Quality Act, at their June 25, 2015 meeting.

In order to reach a decision on the SAP application, the LPC will need to consider the environmental effects of the Project as disclosed and analyzed in the Final EIR. Pursuant to the CEQA Guidelines, the Commission will be required to make findings regarding environmental impacts, mitigation measures, alternatives, and feasibility; and make overriding considerations for any unavoidable adverse environmental effects.

As noted in the July SAP staff report, the Final EIR identifies significant environmental impacts that will result from implementation of the Project and where feasible, recommends mitigation measures to reduce impacts to a less-than-significant level. Impacts determined to be less than significant or less than significant with the

implementation of City of Berkeley Standard Conditions of Approval and/or recommended mitigation measures were identified for the following topics: Aesthetics, Agricultural and Forest Resources, Air Quality, Biological Resources, Cultural Resources (excluding historic resources), Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Utilities and Service Systems.

The Project also would partially obscure views of the Golden Gate and Alcatraz Island from the base of the UC Berkeley Campanile and Campanile Way; however, this impact was found to be less than significant (CR-3).

While the Project would increase existing traffic levels on local roadways, potential impacts were either found to be less than significant or would be reduced to less-than-significant levels with mitigation. While the Project would include alteration of the setting of the adjacent landmarks; this impact was found to be less than significant with mitigation (CR-2). However, the Project would include removal of the 1926 addition to the Shattuck Hotel and partial removal of the 1913 addition; and the associated impacts were found to be significant and unavoidable, as the mitigation measures identified in the EIR would not reduce the impacts to a less-than-significant level (CR-1).

In addition to the Project the Final EIR analyzed three alternatives: the No Project Alternative, the Preservation Alternative, and the Contextual Design Alternative. Other than the No Project Alternative, the Preservation Alternative is identified as the Environmentally Superior Alternative. Section 6 of the Draft CEQA Findings and Statement of Overriding Considerations (Exhibit A) includes findings that the alternatives identified and described in the Final EIR were considered and found to be infeasible for specific economic, social, or other considerations. Section 7 includes overriding considerations, or specific reasons for considering the Project acceptable when significant impacts are not avoided or substantially lessened.

IV. Recommendation

Open the continued public hearing and approve the Structural Alteration Permit (SAP) with Findings and Conditions required under BMC Sections 3.24.200 and 23E.10.020 (Attachment 1), including CEQA Findings and Overriding Considerations (Exhibit A) and Mitigation Monitoring and Reporting Program (Exhibit B).

Attachments:

1. Findings and Conditions
2. Project Plans, dated July 22, 2015
3. Memorandum from Applicant, dated July 23, 2015
4. Pro Forma Memorandum from Applicant, dated July 28, 2015
5. Recent Project Correspondence

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