



Z O N I N G  
A D J U S T M E N T S  
B O A R D  
S T A F F R E P O R T  
— PROJECT PREVIEW —

FOR BOARD REVIEW AND COMMENT  
MARCH 14, 2013

## 2211 Harold Way

**Use Permit #13-1000010 to demolish “Postal Annex” building at corner of Allston and Harold Ways and a 1926 addition to the Hotel Shattuck fronting on Kittredge St. and Harold Way, and construct a Mixed Use Development with 355 rental dwelling units, 13,885 square feet of ground-floor commercial space, and a 308-space underground parking garage.**

### I. Application Basics

#### A. Land Use Designations:

- General Plan: Downtown
- Zoning: C-DMU (Downtown Mixed Use; Core Sub-Area)

#### B. Zoning 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
- 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

**C. Other Permits Required:**

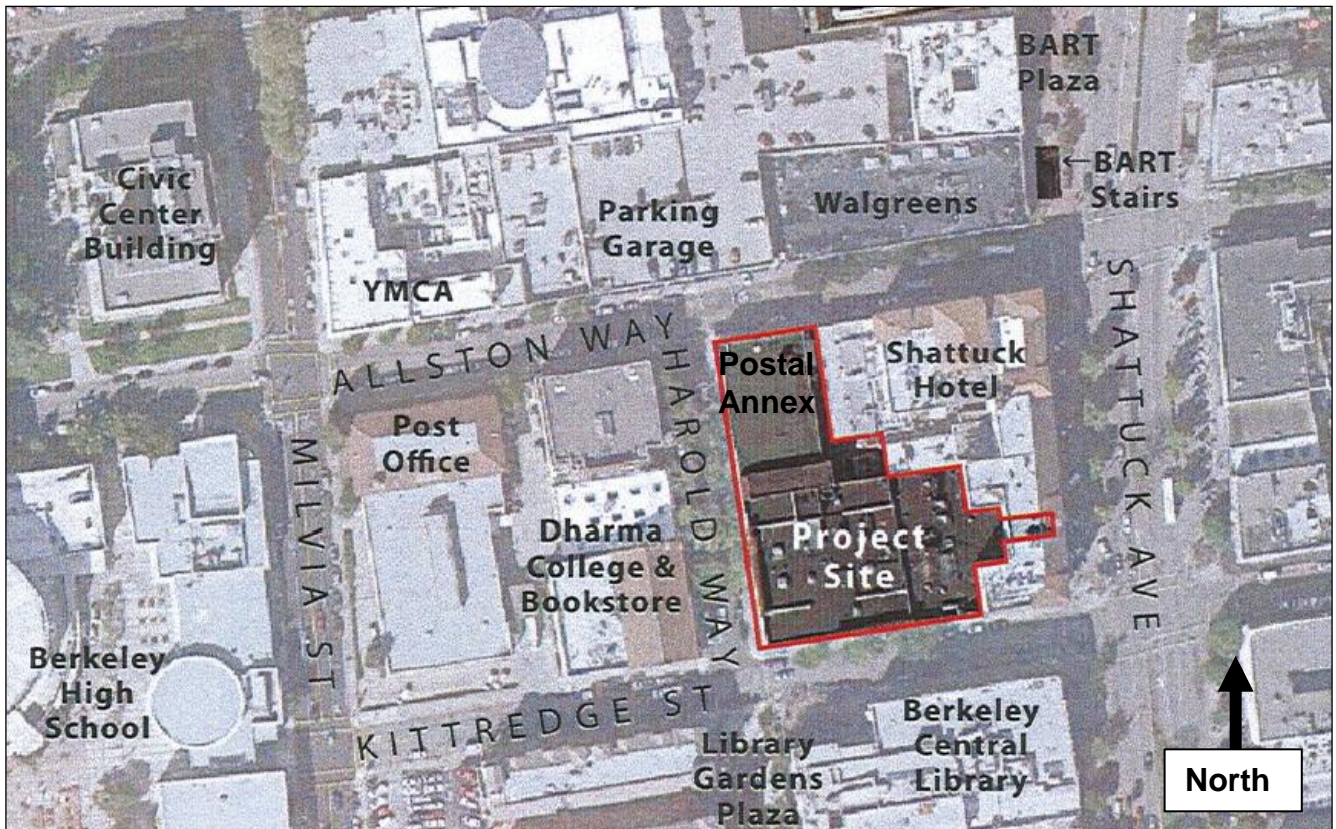
- Structural Alteration Permit, under BMC Section 3.24.200 (Landmarks Preservation Ordinance)

**D. CEQA Determination:** An Environmental Impact Report (EIR) will be prepared.

**E. Parties Involved:**

- Applicant Rhoades Planning Group  
505 17<sup>th</sup> St., 2<sup>nd</sup> 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

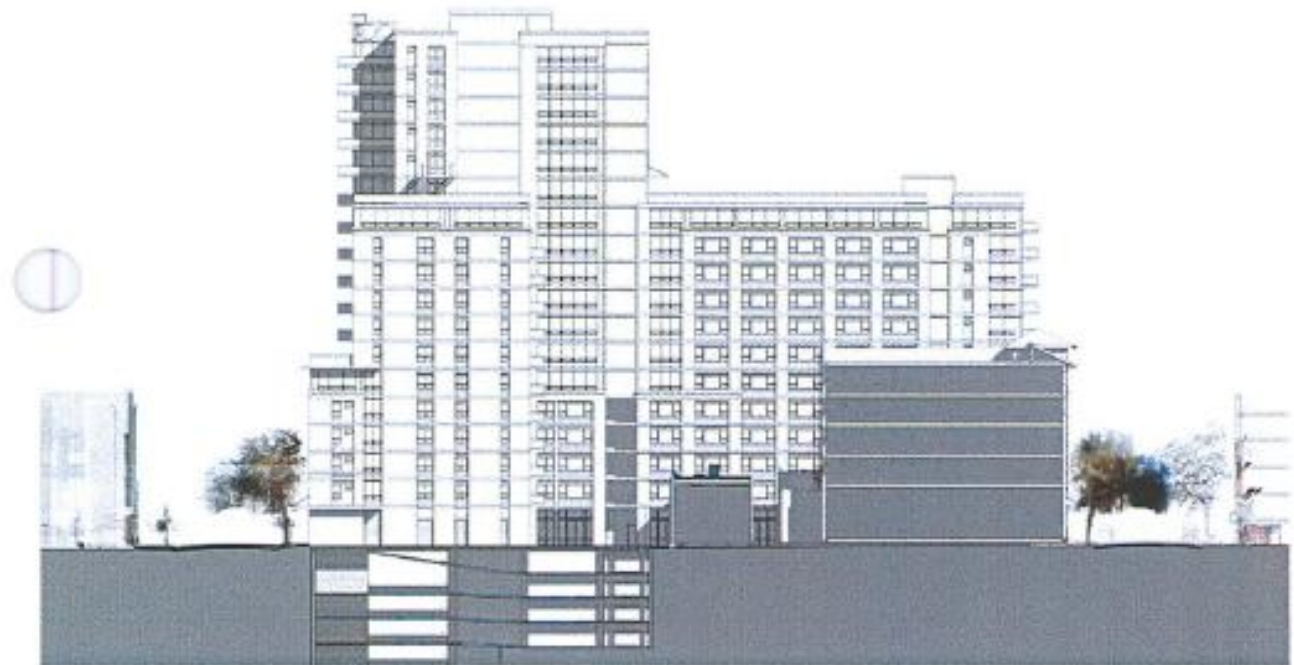
Figure 1: Vicinity Map



**Figures 2 & 3: South and East Elevations**



**South Elevation, facing Kittredge Street**



**East Elevation, facing Shattuck Hotel**

**Figures 3 & 4: North and West Elevations**



**North Elevation, facing Allston Way**



**West Elevation, facing Harold Way**

**Table 1: Land Use Information**

Location		Existing Uses	Zoning District	General Plan Designation
Subject Property		Hotel, retail, food service, and other commercial uses	C-DMU (Core Sub-Area)	Downtown
Surrounding Properties	North	Walgreen’s (retail), Fast Response health care school, Allston Way parking garage (food service and Social Security office at ground floor)	C-DMU (Core Sub-Area)	Downtown
	South	Central Library, Library Gardens mixed-use development	C-DMU (Corridor and Buffer Sub-Areas)	Downtown
	East	Ground-floor retail and food service, upstairs apartments	C-DMU (Core Sub-Area)	Downtown
	West	Tibetan Buddhist meditation center, bookstore, and college	C-DMU (Outer Core Sub-Area)	Downtown

**Table 2: Special Characteristics**

Characteristic	Applies to Project?	Explanation
Alcohol Sales/Service	Y	Incidental service of beer, wine and spirits requested.
Creeks	N	No protected creeks or culverts within 40 feet of subject property.
Density Bonus	N	None requested.
Historic Resources	Y	Demolition/alteration of designated landmarks proposed.
Affordable Housing	Y	Project will provide 32 BMR units (equal to 9.9% of the proposed 323 market-rate units).
Oak Trees	N	None on subject property.
Seismic Hazards	N	Subject property is not mapped within a designated seismic hazard area. However, property appears on City’s list of Unreinforced Masonry (URM) structures; all construction will comply with City’s URM ordinance.
Soil/Groundwater Contamination	TBD	No known contamination; Phase I will be conducted and evaluated during EIR process to verify.
Green Building Score	Y	Project is required under C-DMU zoning to qualify for a LEED Gold rating or equivalent.

**Table 3: Project Chronology**

Date	Action
February 21, 2013	DRC conducts project preview
February 25, 2013	LPC/ZAB preview notices mailed/posted
February 27, 2013	Use Permit and Landmark Alteration Permit applications submitted
March 7, 2013	LPC conducts project preview
March 14, 2013	ZAB conducts project preview

**Table 4: Development Standards**

Standard		Proposed Total	Permitted/ Required
BMC Sections 23E.68.070-080			
Site Area (sq. ft.)		34,800 <sup>1</sup>	No standard
Gross Floor Area (sq. ft.)		323,678	No standard
Floor Area Ratio		9.30	No standard
Dwelling Units	Total	355	No standard
	Affordable	33	None required if housing fee is paid; 33 required for full fee waiver
Building Height	Average (ft.)	180	180 (with Use Permit)
	Stories	18	No standard
Building Setbacks (ft.)	North (Allston)	Portion ≤65 ft. tall: 0 Portion >65 ft. tall: 15	Portion ≤75 ft. tall: 0 Portion >75 ft. tall: 15
	South (Kittredge)		
	West (Harold)		
	East (Shattuck)	Approx. 100	
Usable Open Space (sq. ft.)		38,895	28,678
Parking	Auto – Total	308	139
	Auto – Carshare	5	3
	Bicycle	TBD <sup>2</sup>	7

<sup>1</sup> Represents new parcel that will be created prior to construction of new building. Current lot area (which includes entire block) is 1.63 acres.

<sup>2</sup> Project includes 2,000 square feet of bicycle storage. Number of bicycles that can be accommodated within this area has not been determined.

## II. Project Setting

### A. Neighborhood/Area Description:

The project is located in the heart of the City's downtown, one block south of the main entrance to the Downtown Berkeley BART station, one-half block west of Shattuck Avenue, one of the City's main commercial streets, and one-half block east of the Civic Center. The area is characterized by a mixture of commercial and residential uses and a high level of transit service and pedestrian and bicycle activity.

### B. Site Conditions:

The project site is developed with a mixed-use building that includes the Hotel Shattuck Plaza, ground-floor commercial uses (primarily retail and food service) along Shattuck Avenue, and 5, a restaurant/bar on Allston Way. All of the structures on the site are designated City Landmarks.

## III. Project Description

The proposed project would demolish the existing "Postal Annex" building, and the Hink's portion of the Hotel Shattuck building, and construct a new mixed-use building on the site of the demolished structures, along Harold Way and Kittredge Street. The new building would have the following main components:

- Publicly accessible mid-block courtyard, with pedestrian access from all four streets abutting the subject block; public art to be provided
- 355 dwelling units, including 157 studios, 113 one-bedrooms, 80 two-bedrooms, and five three-bedrooms; average unit size would be 605 square feet
- 3,440 square feet of potential full-service restaurant space, with incidental service of beer, wine and spirits; this space may also be used for retail
- 6,861 square feet of retail space
- 2,642 square feet of commercial or residential "program space"; potential uses include a health spa/salon or fitness gym
- 1,719 square feet of "residential amenity" space; potential uses include a lounge or community room for residents' social events
- 308-space, four-level underground parking garage, including 34 "small car" spaces (e.g. smart car), and five carshare spaces

The basic massing of the building would be an L-shaped volume 12 stories high and abutting the street frontage, with an additional 15-foot setback for stories 7 through 12, and a tower at the southwest corner of the site rising an additional 6 stories above the main 12-story volume.

Additional information about the project is available in the attached applicant statement (see Attachment 2).



## IV. Community Discussion

### A. Neighbor/Community Concerns:

Prior to submitting the application to the City, a yellow pre-application poster was erected at the site by the applicant. On February 25, 2013, the City mailed 356 notices to adjoining property owners and occupants, and to interested neighborhood organizations. Comment letters submitted in response to the public hearing notice may be found in Attachment 5 (none at this writing).

### B. Landmarks Preservation Commission:

The Landmarks Preservation Commission (LPC) held a preview of the project on March 7, 2013. A verbal summary of the LPC's comments will be provided at the ZAB meeting.

### C. Design Review Committee:

The Design Review Committee (DRC) held a preview of the project on February 21, 2013. A summary of the DRC's comments is provided in Attachment 3.

## V. Issues and Analysis

### A. Key Issues:

Because this application was only recently submitted, additional time will be needed to fully analyze the key issues that may arise with this project. However, the following is a brief list of issues that are likely to be of significant public concern, and will require further discussion and analysis, as this project moves through the review process.

1. Public Benefits for Proposed Height: Pursuant to BMC Section 23E.68.090.E, in order to grant the requested height of 180 feet, the ZAB must find that:

“the project will provide significant community benefits, either directly or by providing funding for such benefits to the satisfaction of the City, beyond what would otherwise be required by the City. These may include, but are not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities.”

The main “planned community benefits” noted in the applicant statement (see Attachment 2, page 6) are (1) the mid-block plaza, and (2) additional parking beyond minimum zoning requirements, which would be available to the public and to Hotel Shattuck customers, and would include electric vehicle charging stations and spaces for smaller “urban cars” (e.g., smart cars). The project's review process will include discussions to determine if these benefits are adequate to make the required finding for additional height.

2. Architectural Style: Given the size and high visibility of the project, there is likely to be substantial discussion as to whether the proposed architectural style, which is contemporary in nature, is appropriate for the site and its context. It should be noted that because a Structural Alteration Permit is required for the new building, the LPC will be officially responsible for the project's design review under BMC Section 23E.12.020.A. However, Planning staff met with the LPC and DRC chairs and vice-chairs and consensus was reached that DRC expertise would be important for a downtown project of this scale. Therefore, DRC recommendations will be integrated into the project review.
3. Historical Resources: The project would impact the existing historical resources on the site through demolition/alteration. In addition, the project's potential impacts on off-site historical resources, through changes to the setting of those resources, will need to be analyzed.
4. Views: Due to its height, the project will alter the City's skyline and change public views from many parts of the City. Photo simulations will be conducted as part of the EIR to evaluate potential impacts.
5. Loss of Shattuck Cinemas: The portion of the building proposed to be demolished contains the existing theaters for the Shattuck Cinemas, one of three remaining cinemas in Downtown Berkeley. Should the proposed project not incorporate replacement space for the cinemas, there is likely to be public concern over the loss of the cinemas.
6. Construction Noise/Traffic: Based on input from representatives of the Dharma College and Bookstore immediately west of the project site, it appears that there will be concern regarding this issue.

## VI. Recommendation

Staff recommends that the ZAB provide advisory comments to the applicant.

### Attachments:

1. Project Plans, received February 27, 2013 (includes shadow studies)
2. Applicant Statement
3. DRC Summary
4. Notice of Public Hearing

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