



# LANDMARKS PRESERVATION COMMISSION

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## STAFF REPORT

**For Commission Discussion/  
Design Review Recommendation**  
MAY 7, 2015

## 2211 HAROLD WAY

**Design Review (UP #13-10000010/LMSAP#13-40000002)** of a proposed 18-story mixed-use development containing 302 dwelling units, 10,535 square feet of ground-floor commercial space, a six-theater cinema complex, and 171 underground parking spaces, located in Downtown Berkeley on the landmarked Shattuck Hotel site. The project includes removal of the 1926 and portions of the 1913 additions 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. Permits Required

- Structural Alteration Permit to allow alteration and construction on a designated landmark site, under BMC Section 3.24.200 (LPO)
- 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

**D. CEQA:** An Environmental Impact Report (EIR) has been prepared to evaluate the potentially significant environmental impacts of the proposed project, pursuant to the California Environmental Quality Act. The Draft EIR was made available for public review on October 6, 2014. The public review and comment period on the Draft EIR ended on December 1, 2014. The Responses to Comments document was made available on March 30, 2015, and ZAB will continue consideration of the Final EIR certification, as the City's CEQA decision making body for projects requiring Use Permits, at their May 14, 2015 meeting.

**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

**F. Application Materials Available:**

[http://www.ci.berkeley.ca.us/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/2211\\_Harold.aspx](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 to Zoning Officer
January 9, 2013	Pre-Application Submitted
February 21, 2013	DRC Preview
February 27, 2013	Use Permit Application Submitted
February 27, 2013	Structural Alteration Permit 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 <sup>1</sup>	Close of Draft EIR comment period
November 20, 2014	DRC Preliminary Design Comment
December 11, 2014	ZAB hearing on Community Benefits
December 18, 2014	DRC Preliminary Design Comment cont.
February 26, 2015	LPC Preliminary Design
March 19, 2015	DRC Preliminary Design Comment cont.
March 2015 <sup>2</sup>	Publication of Response to EIR Comments
April 16, 2015	DRC Preliminary Design Recommendation
April 23, 2015	ZAB hearing on Final EIR certification
<i>May 7, 2015</i>	<i>LPC Preliminary Design Recommendation</i>
<i>May 14, 2015</i>	<i>ZAB hearing on Final EIR certification cont.</i>
<i>June 4, 2015</i>	<i>LPC hearing on SAP</i>
<i>June 11, 2015</i>	<i>ZAB hearing on Use Permit</i>

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

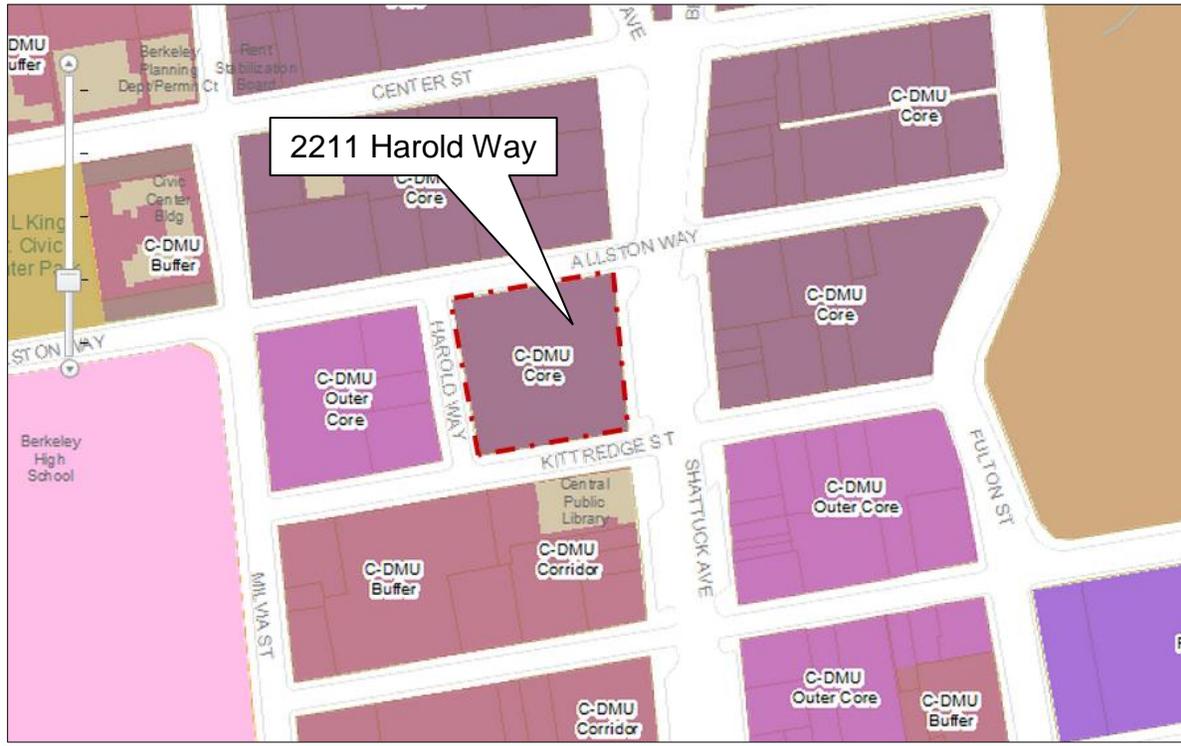
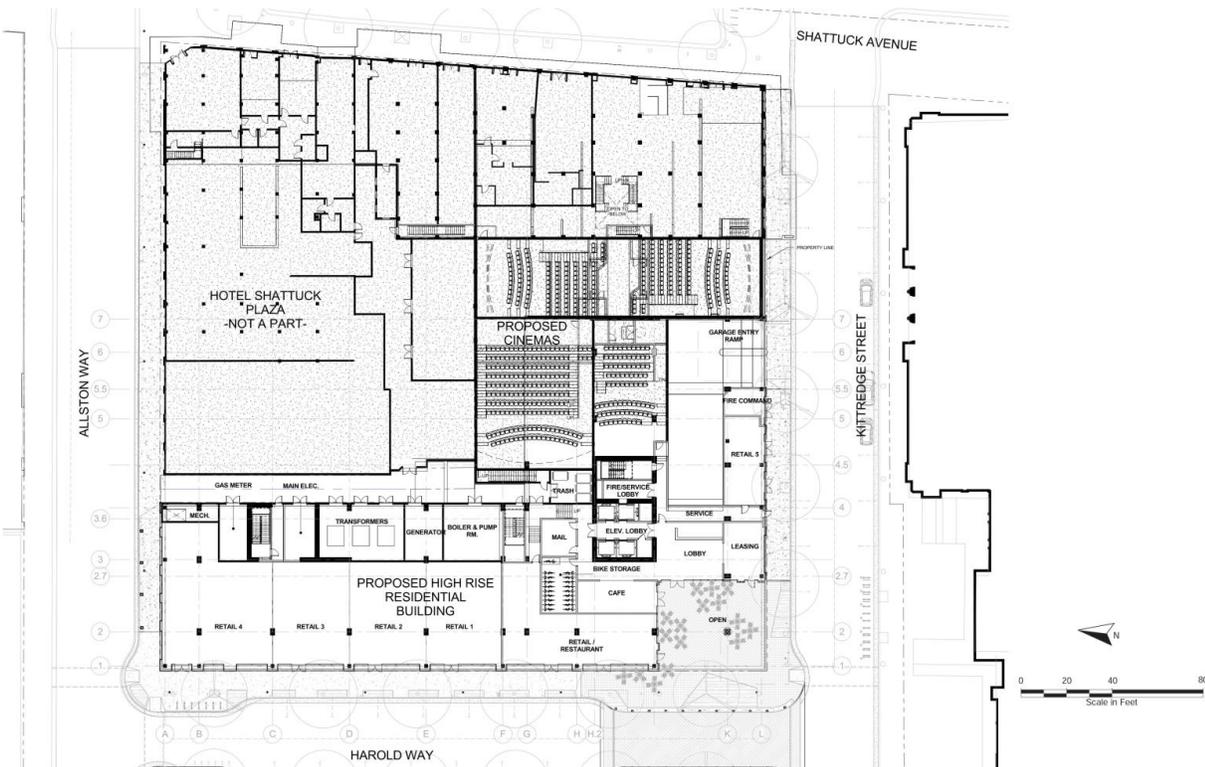


Figure 2: Proposed Project Site Plan



## II. Project Setting

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 five-story Landmark Shattuck Hotel on the site, the project interfaces with: the 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 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 and the Project EIR 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.

## III. Project Description

The Project would remove the 1926 and portions of the 1913 additions to the landmarked Shattuck Hotel to allow construction of a new mixed-use building behind the Hotel along Harold Way between Allston Way and Kittredge Street. The Project also proposes to seismically retrofit the shops below the Hotel. The new building would include 302 residential units, above approximately 10,535 square feet of street-fronting retail space and a six-theatre cinema space. The basic massing of the building would be an L-shaped volume with two "shoulders." The 12-story north shoulder is set back an additional 23-feet to address urban design concerns about views. The massing is then shifted to the 16-story south shoulder. A brick tower with curtain wall and balconies rises to 18 stories at the southwest corner of the site.

**Corner at Harold and Kittredge** The current design option responds to design review comments and illustrates residential balconies at the glazed portion of the corner tower from floors 3 thru 18. Design Review Staff had concerns with the visual impact of these balconies extending over the plaza below and requested that the design team also illustrate an alternate design with a more developed operable glazing wall in lieu of the residential balconies on this corner. The Design Review Committee forwarded a favorable recommendation for the current design option including the balconies, with specific direction for design refinements of the under sides visible from the corner plaza below. The majority of the DRC felt that the balconies gave the project a more residential feel.

**East Elevation** The current design option illustrates glass curtain wall on both the north and south shoulders, articulating all facades of the shoulders in a consistent manner and further distinguishing the shoulders from the more traditional brick tower. The design team studied brick as the predominant exterior wall material on the east elevation in response to previous design review comments. Although this may appear to be a building material that more closely aligns with the historic Shattuck Hotel and the Downtown in general, it created a massive wall which was less distinct from that of the brick tower when viewed from Shattuck Avenue.

**Material Transitions/Building Details** The design team further developed strong visual separations with deep reveals between the corner tower and shoulder elements so that the glazed shoulders and corner brick tower are better delineated. This development allows the corner brick portion of the project to read more clearly as a tower element. Photovoltaics used as a top to the higher south shoulder were removed to better differentiate the project's massing and allow the panels on top of the corner element to read on their own.

**Glazing** Vertical sun shades have been further integrated into the west curtain wall of the north shoulder and horizontal sun shades have been shown on the south shoulder. The sun shades were removed from the east elevation in an effort to simplify this façade and use the sun shades in other areas of the building which would better contribute to the project's overall sustainability performance.

**Main Entrance** The main entrance has moved off of the corner and onto Harold Way. In response to design review recommendations, limited streetscape improvements on Harold Way were added back into this design submittal. The DRC recommended that more detail and interest be added to the proposed streetscape improvements.

#### **IV. Community Discussion**

Prior to submitting the application to the City, the applicant erected a yellow pre-application poster at the site. As noted in Table 1 above, following project previews the LPC and DRC Design Review Subcommittees attended a San Francisco high-rise walking tour in 2013 and met throughout 2014 to review project design options. Preliminary Design Review (PDR) comments followed Draft EIR circulation in late 2014. Since project submittal, inquiries of concern and interest regarding the project's proposed location, height, design, and continuation of the existing Landmark Cinema uses have been submitted. The Responses to Comments document of the EIR was made available on March 30, 2015. DRC forwarded a favorable PDR recommendation to LPC at the April 16, 2015 DRC meeting.

On April 27, 2015 the City mailed 675 notices to adjoining property owners and occupants, and to interested neighborhood organizations, covering a notice area of 300-feet of the site. Recently received project comment letters are not attached to this report, but can be viewed on the website.

#### **V. Analysis and Issues**

Under the Design Review Process Section of the Zoning Ordinance, BMC Section 23E.12.020, the LPC has responsibility for Preliminary Design Review of projects which involve Landmarks. This section addresses conformance with the Secretary of the Interior's Standards and the Downtown Berkeley Design Guidelines (Design Guidelines),

as analyzed in the Project EIR and discussed in the April 7, 2015 letter from the project team's preservation consultant, a+h.

### **Secretary of the Interior's Standards**

The Secretary of the Interior's Standards for the Treatment of Historic Properties, were written with building renovation or alterations in mind. Of the four treatments (Preservation, Rehabilitation, Restoration, and Reconstruction), only Rehabilitation includes an opportunity to make possible an efficient contemporary use through alterations. This is the treatment that is referenced in analyzing the compatibility of new infill construction adjacent to existing historic resources.

In the case of this project, two standards are specifically relevant: *Standard Number 2* is relevant to the proposed removal of the 1926 addition and partial removal of the 1913 additions to the Shattuck Hotel, which contribute to the hotel's significance (CR-1). *Standard Number 9* is relevant to the compatibility of the new construction proposed to be located behind the 1910-1913 Shattuck Hotel building and affronting the 1913 Elks Lodge building (2016 Allston Way), the 1923 Armstrong College building (2222 Harold Way), and the 1930 Berkeley Public Library building (2090 Kittredge Street) (CR-2).

- *Standard Number 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The following information is included in Appendix B of the Project EIR: the *Historical Resources Technical Report* (HRTR). The Shattuck Hotel and former Hink's Department store (built in stages between 1910 and 1926) together contribute to the City of Berkeley landmark and appear eligible for the National/California Registers under Criteria A/1 (events) and C/3 (architecture). The original Hotel together with its 1912-13 additions appears eligible under Criterion C/3 (architecture), as a distinctive example of the Mission Revival style in Berkeley's downtown, and for its association with master architect Benjamin Geer McDougall. The 1926 addition, designed in the Spanish Revival style by Berkeley architect Walter Ratcliff, Jr., is modest in design and detail and subordinate to the Hotel buildings. While it does not appear eligible under Criterion C/3 (architecture), it does appear eligible under Criterion A/1 (events) for its association with Berkeley's early commercial development.

Therefore, the partial removal of the 1913 and total removal of the 1926 addition constitute a significant impact to historical resources. Even after mitigation measures for documentation, salvage, on-site interpretation, and contribution to the Historic Preservation Fund; the impact would remain significant and unavoidable (CR-1). As such specific findings would need to be made at the time of the use and structural alteration permit decisions to allow this impact.

The project does allow for the preservation of the most significant component of the landmarked site: the Mission Revival style original hotel, together with all of its 1912 and most of its 1913 additions. The LPC may find that the Hotel will still form a significant presence on Shattuck Avenue, retaining its distinctive form, stucco walls, decorative tile

work, wall surface ornamentation, squared towers, hipped roof forms, arched or arcaded wall openings, varied roof heights, red clay tile roof cladding, and broad eave overhangs with exposed rafter tails; with the new building rising behind.

- *Standard Number 9. New additions, exterior alterations, or related new construction will not destroy historic materials and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the historic integrity of the property and its environment.*

As noted in the Project EIR for the project and in the April 7, 2015 letter from project historical consultant a+h, the proposed design option incorporates the following design elements that are in keeping with this Standard and the Downtown Berkeley Design Guidelines; the goal of which is to enhance the compatibility of new construction with existing historical resources:

The project is kept visually and physically separate from the Shattuck Hotel. On Allston Way, the existing alley is retained and separates the project from the 1912 restaurant addition. On Kittredge Street, a two-story “hyphen” (corresponding to one of the movie theatre spaces) separates the Shattuck Hotel from the southern shoulder.

On Allston Way, Harold Way, and Kittredge Street, floors six and higher are set back approximately 15 feet from the project base below. The height of the base is subordinate to the Shattuck Hotel, and is in keeping with the Elks Lodge across Harold Way and the Public Library across Kittredge Street. The use of traditional building materials such as brick enhances the compatibility of the base.

The modulated tower with varying levels of height and scale are similar to the varying heights and eras of construction established in Downtown.

The Project EIR also identifies four mitigating design measures for the new construction to bring the project design more clearly in line with this Standard:

*CR-2(a) Incorporation of a horizontal belt course, projecting from the face of the building that corresponds to the cornice and parapet of the 1912 addition. By incorporating this belt, the proposed project, despite being considerably taller than the Shattuck Hotel, would better maintain the scale and feel of the historic building frontage along Allston Way.*

The LPC may recommend incorporating this element into the proposed project design option, or they may find that the current project design option which is further set back at the corner of Allston Way sufficiently maintains the scale and feel of the historic building frontage while providing a base that is subordinate to the Shattuck Hotel. While the Project EIR found that partially obscuring views from the Campanile Way on the UC Berkeley Campus would be a less than significant impact (CR-3), the LPC may

also want to acknowledge that this current project design option better addresses these views as an urban design issue.

*CR-2(b) Incorporation of punctured openings or other architectural elements into the design of the two story “hyphen” that separates the Shattuck Hotel from the 12- and 18-story portions of the project to the west. By incorporating these, the project would better maintain an active street frontage that is more in keeping with the ground floors of nearby historical resources.*

The LPC may recommend incorporating this element into the proposed project design option, or they may find that the “hyphen” as designed sufficiently maintains an active street frontage because it is limited in size and incorporates landscaping, consistent with Downtown Design Guidelines.

*CR-2(c) Modification of the proportion of void to wall in the wall systems on the shoulders of the proposed project; by replacing them with punched wall systems, or breaking them up with windowless bays; in order to make them more compatible with those exhibited in nearby historical resources.*

The LPC may recommend design modifications consistent with this recommendation, or they may find that the current project design option includes varied fenestration patterns and shading devices to break up the wall systems, which are articulated “in a manner compatible with the design of the front façade” consistent with Downtown Design Guidelines, and differentiated from a strong base with many traditional elements including storefront glass proportions.

*CR-2(d) Incorporation of entry plaza design features at the corner of Harold Way and Kittredge Street that maintain the zero lot-line setback characteristic of the nearby historical resources.*

The current project design option has been revised in response to LPC design review comments to maintain the zero lot-line set back, and as such the LPC may find that this design measure has been met.

### **Downtown Design Guidelines**

BMC Section 23E.12.020 states that design review shall consider the design of a project in relation to its urban context, and shall focus on the application of design guidelines, in this case the Downtown Design Guidelines, which are draw on guidance from the Secretary of the Interior’s Standards. The purpose of the Design Guidelines is to “implement the objectives and policies of the Preservation and Urban Design chapter of the Downtown Area Plan (DAP) ...” Consistent with the vision of an additive city, the Design Guidelines set as “a priority the preservation of historic buildings, while promoting new development that complements Downtown’s traditional and human-scaled character.”

In using the Design Guidelines each project will be reviewed on a case by case basis, based on the specific project and building type. In this case, given the scale and

independence of the proposed project from the landmarked hotel, the project type for consideration would be new construction adjacent to historic resources. As such, three chapters relate closely to this project: Building Design; Site Design; and Subareas Where Historic Resources are Concentrated, which was updated in conjunction with the Downtown Area Plan. Following are several key guidelines from these chapters for LPC consideration.

### **Building Design: Facades**

- *Articulate side and rear facades in a manner compatible with design of front façade.*

The current design option illustrates glass curtain wall on both the north and south shoulders, articulating all facades of the shoulders in a manner compatible with the design of the front façades.

- *Avoid large blank wall surfaces on side and rear facades which are visible from public areas. In these locations, display windows, store entrances and upper windows are encouraged. When this is not feasible, consider the use of ornament, murals, or landscaping along large blank walls.*

The “hyphen” proposes to incorporate ornament, murals, or landscaping to avoid a large blank wall surface on the side façade while serving to separate the new construction from the Shattuck Hotel.

- *The facades of Downtown’s historic buildings are comprised of load-bearing walls and frames, the limits of which give similar scale and expression. Maintain the typical rhythm of structural bays and enframed storefronts of 15-30 feet spacing at ground level, in order to enhance continuity with existing buildings and pedestrian scale.*

The five-story base is made of traditional materials and designed to give similar scale and expression to that of load-bearing walls and frames, and maintain the typical rhythm of structural bays and enframed storefronts at ground level, enhancing continuity with existing buildings and pedestrian scale.

- *Curtain walls, if used, should be designed with rhythm, patterns and modulation to be visually interesting.*

The current project design option includes varied fenestration patterns and shading devices to break up curtain wall systems used on the shoulders, which are set back from the base.

### **Site Design: Frontages, Setbacks, & Heights**

- *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.*

The project design includes setbacks above the fifth floor base to relate new construction to the scale of nearby buildings. The vertical curtain wall tower element has been redesigned to maintain and reinforce Downtown's historic street wall at the property line.

- *Consider ways that buildings with upper-story setbacks can avoid the "wedding cake effect," such as by incorporating features that tie buildings together visually.*
- *Consider how the building's form and orientation can take advantage of sun and shade to appropriately heat and cool the building.*

The project design incorporates a vertical curtain wall tower element at the primary corner that ties the building together visually.

- *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 main activities of the proposed use can be carried out towards the front of the space.*

The project design provides at least one publicly-accessible street-level entrance for every 40 feet along its street facing frontages, with clear glass storefronts that are visually open to pedestrians.

### **Subareas Where Historic Resources are Concentrated**

- *Building alterations, new construction, and public improvements should be designed with particular concern for compatibility with their surroundings, while recognizing the need for continued growth and increased building densities in Downtown's mixed-use areas.*

The project design incorporates features which illustrate particular concern for compatibility with its surroundings, including: physical separation from historic buildings; setbacks above the base; and variations in massing, rooflines and materials. The project's location near historic buildings of similar heights, on narrow urban side streets, results in a contextual high-rise infill mixed-use

project that is compatible with its surroundings while recognizing the need for continued growth and increased building densities in Downtown's mixed-use area.

- *Design new construction and alterations to resonate with prevalent architectural characteristics of historic development in the vicinity of the project including but not limited to: materials, color, cornice, fenestration patterns, structural bays, roof form, vertical projections, overhanging elements, and motif. New features should not precisely replicate but should generally reinforce patterns associated with historic development.*

The project design features, such as strong visual separations and design differentiations between the tower and shoulder elements provide varied massing and scale, which do not precisely replicate but reinforce patterns associated with historic development.

A complete set of the downtown guidelines can be found on-line at:

<http://www.cityofberkeley.info/ContentDisplay.aspx?id=14260>

## V. Recommendation

LPC discuss the issues above and forward a favorable recommendation with findings and special conditions for Final Design Review with DRC as necessary.

### Attachments:

1. PDR Draft Findings and Conditions
- 2.a. April 2, 2015 Project Design Plans
- 2.b. April 7, 2015 Preservation Consultant Letter
3. LPC Design Review Meeting Notice
4. April 16, 2015 DRC Summary
5. Recent Project Correspondence Received (no paper copies)- refer to the website:  
[http://www.ci.berkeley.ca.us/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/2211\\_Harold.aspx](http://www.ci.berkeley.ca.us/Planning_and_Development/Zoning_Adjustment_Board/2211_Harold.aspx)

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