COMMENT FOR ZONING ADJUSTMENTS BOARD & DESIGN REVIEW COMMITTEE
Originally submitted December 21, 2017
Updated with additional signatures January 3, 2018

RE: 1499 University Avenue modification (MODDRCF2017-0001).

FROM: Susan Felix, 1436 Berkeley Way
Patricia Kazmierowski & Christopher Berg, 1434 Berkeley Way
Elizabeth McAnally & Aeron Weiss, 1446 Berkeley Way

We are landowners and occupants to the immediate northwest and north of the hotel under construction at 1499 University, and are writing to object to certain aspects of the proposed rooftop terrace and associated projections (the bathrooms, stairwells, and elevator structure).

We have two main concerns:

1) We want the proposed terrace addition -- which increases the height of the overall structure and its projections from 39' to a proposed 48' (nearly an entire storey) -- to fully comply with the 1997 University Avenue Strategic Plan Design Guidelines and all other zoning regulations.

2) We do not wish to have hotel guests looking down into our private walled backyards from the proposed rooftop terrace.

While we do believe the design of the hotel overall is modern and attractive, we would like to point out that the shadows cast by some elements of the new rooftop projections appear to clearly violate the University Avenue Strategic Plan design guidelines. Specifically, according to the plan, new buildings along the north side of University Avenue "shall not cast a shadow more than twenty (20) feet onto the adjacent property rear yard when the southern sun is at a 29 degree angle on the winter solstice" (page 92).

For example, by our calculations the length of the shadow cast onto the northern property by the proposed rooftop bathrooms, when the sun is at a 29 degree angle, is approximately 28' 8". This is nearly 9 feet or 45% longer than the 20' permitted. The bathrooms are set back 47' 10" from the north property line (see Roof Plan, A2.4A in the submitted designs from Kava Massih architects) and have an elevation of at least a foot more than the trellis elevation of 41' 6". Perhaps it was just an oversight that these bathrooms, which appear to violate the University Avenue Strategic Plan design guidelines, seem not to have an elevation precisely specified in the plans submitted to the city.

The 20 foot maximum shadow described in the Strategic Plan is calculated when the sun is at its highest point in the sky on that winter day; at all other times during the day the shadow will be longer. During the winter months in the mornings with the sun to the east, the shadows can be very much longer and will extend onto our properties to the northwest of the building. Each extra foot of height of any rooftop structure increases the length of northward shadows cast on the winter solstice, when the sun is at its 29 degree highest point in the sky, by an extra 1.8 feet. Shadows are increased by much more than this factor of 1.8 at earlier times in the day (when the sun is lower in the sky) onto our properties to the northwest.
We also note that the proposed stairwells, bathrooms and elevator shaft are not minor projections such as planters, vegetation or air conditioning units would be. In fact we do not believe characterizing them as rooftop projections is accurate: these are enclosed integrated components of the building, with cement plaster and composite panel walls and sidings. Because the stairway and elevator structures, and the bathrooms in particular, will surely have roofs, they likely meet the legal definition of being a (4th) storey, which is 'The space between two floors or between the floor and the building's roof' (Blacks Law Dictionary). To argue that the floor of the bathrooms, for example, is really the building's roof would require the designers to not put a roof over the bathrooms.

We would thus ask that the DRC, ZAB and city planners please consider these proposed rooftop "projections" to be part of the building itself and to please check that the shadows cast by these rooftop structures, and all other issues related to such structures, are fully in compliance with the University Avenue Strategic Plan design guidelines, other city zoning regulations and the property's building permits. In particular we point out that this building is permitted for 3 stories maximum.

Similarly, we would like to ask -- in order to help discourage hotel guests from looking down directly into our back yards -- that tables and chairs or other items designed to attract and retain guests not be allowed on the northern side of the rooftop terrace. Current plans place three table and chair sets with views from the rooftop to the north. Our back yards are private, fully walled spaces and we would not like to feel we are exposed to a succession of different hotel guests with little connection to the community every day. Direct views down into our yards by large numbers of strangers may even have safety concerns for us, particularly for the women who live here. Alternately we would ask that the north guardrail of the terrace be set back even farther from the northern property line, so that guests on the proposed terrace can not look down to our backyards at all.

Finally, we would also like to point out that the row of large trees on the north border of the 1499 property have all been cut down. At previous meetings we were given public assurances by the property owners/architect that these trees would help screen the north and northwest neighbors from hotel guests in their rooms looking into our yards. We are disappointed that such assurances were just as ephemeral as the trees themselves turned out to be. We hope that the property owners have plans to replace these trees.

We thank the members of the DRC, ZAB, and the city planner’s office for their time and consideration of this matter.

Sincerely,

Susan Felix, 1436 Berkeley Way

Patricia Kazmierowski & Christopher Berg, 1434 Berkeley Way

Elizabeth McAnally & Aeron Weiss, 1446 Berkeley Way
COMMENT FOR ZONING ADJUSTMENTS BOARD
January 3, 2018

RE: 1499 University Avenue modification (MODDRCF2017-0001).

FROM: Susan Felix, 1436 Berkeley Way
Patricia Kazmierowski & Christopher Berg, 1434 Berkeley Way
Elizabeth McAnally & Aeron Weiss, 1446 Berkeley Way

This letter is a follow-up to our original letter dated December 21, 2017. We offer some additional comments and feedback for the proposed rooftop terrace atop the hotel under construction at 1499 University Avenue. We are landowners to the immediate northwest of the hotel (1434 and 1436 Berkeley Way) and occupants in the apartment building to the north (1446 Berkeley Way). Our new comments arise from our attending the Design Review Committee (DRC) meeting for this project.

Here is a summary of our requests and concerns, some of which echo issues raised by DRC board members during their meeting:

1. Like the DRC, we would request that rooftop access be limited to “room-renting hotel guests” only (and the term “guest” used alone seems slightly loose to us).
2. We would again request that hotel guests on the terrace do not have any sight lines into our windows or yards, or into those of any other residents to the north and northwest. We greatly appreciate the DRC members concerns and support about this issue.
3. We would ask that the use of any amplified sound systems not be allowed on the rooftop terrace.
4. We would ask that the ZAB ensure that the sale of alcohol is also not permitted on the rooftop terrace.
5. After attending the DRC meeting and seeing the developer’s presentation, we also question the need for rooftop bathrooms at all. We raise some issues presented by these bathrooms and provide additional thoughts below.

Regarding the two proposed rooftop bathrooms: we are trying to understand the need for such bathrooms at all. First, every hotel guest already has their own private bathroom. It seems odd to plan for a such a large crowd of room-renting guests on the roof that two additional bathrooms will be required to meet their needs. We wonder who exactly are these proposed rooftop bathrooms designed for?

Unless the developers have future plans to turn the rooftop into something like an outdoor bar, restaurant or dance club (to which we would strongly object) there also does not seem to be any need for these bathrooms. So we view the bathrooms with concern because they appear to presage future, more intrusive use of this terrace space.

Again we would also note (see our previous letter) that to consider the bathrooms to simply be ‘rooftop projections’ that do not contribute to creating a 4th storey for this building seems odd to us: they are fully-enclosed and roofed structures designed not for minor mechanical equipment such as air conditioning, but rather for people.
The issue of sound mitigation is very important to us. It would considerably impact our ability to enjoy our yards, and likely the value of our properties and all nearby properties, if a noisy outdoor terrace used for commercial purposes (like a restaurant, bar or club) were allowed to appear -- approved gradually step by step until it is a fait accompli -- adjacent to and above our residential area to the north. This would negatively impact the community.

Finally, we would also like to point out that the developers are likely calculating the solar shadow cast by their proposed terrace (and its rooftop structures) using the higher ground level elevation that the middle of the apartment property directly to the north of their hotel enjoys. This makes the shadow cast onto those parts of the northern property shorter. However, we believe it is somewhat deceptive to calculate the shadow impact this way for two reasons:

1. Our properties to the northwest of the hotel do not have this increased ground level elevation. Thus shadows cast by the rooftop terrace structures will be considerably longer onto our properties. We believe the spirit of the 1997 University Avenue Strategic Plan Design Guidelines applies to all shadows cast to the north, and not just to the one property to the immediate north.

2. The apartment property to the immediate north of the hotel also faces Sacramento street, and has a driveway access to the road there. Some of the east side of that property thus declines in elevation to meet Sacramento street. So not all areas of this apartment property enjoy the maximum elevation advantage that the developer may have used to calculate shorter shadows. Shadows cast on some parts of the northern apartment property will indeed be longer.

Thus we would respectfully ask that the ZAB please ensure this terrace addition and all its rooftop “projections” (which include the bathrooms) fully complies with both the letter and spirit of the 1997 University Avenue Strategic Plan with respect to length of shadows cast to all properties north and northwest of the hotel.

We thank the members of the ZAB, DRC and the city planner’s office for their time and consideration of this matter.

Sincerely,

Susan Felix
1436 Berkeley Way

Patricia Kazmierowski & Christopher Berg
1434 Berkeley Way

Elizabeth McAnally & Aeron Weiss
1446 Berkeley Way
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2. We do not wish to have hotel guests looking down into our private walled backyards from the proposed rooftop terrace;

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