2129 SHATTUCK AVENUE

Pre Application Preview of a proposal to construct a new 16-story/180’ high-rise hotel to replace the 14,765 square foot Bank of America building. The building will contain new banking facilities, as well as office, retail/restaurant and hotel space, with a 284,000 square foot building.

I. Application Basics:
   A. Application Number:
      • PLN2014-0005
   B. Land Use Designations:
      • General Plan: Downtown Commercial
      • Area Plan: Downtown Area Plan
      • Zoning: C-DMU – Commercial- Downtown Mixed Use
   C. CEQA Determination: An EIR will be prepared.
   D. Applicant: James Didion, Center Street Partners, LLC, C/O Matt Taecker, 2140 Shattuck Avenue, Suite 208, Berkeley, CA
   E. Web Access: Application materials are available via the internet: http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_PHN/web_Shattuck%202129_PREAPP_2014-02-05.pdf
II. Introduction:
This pre application is for a project located on the northeast corner of Shattuck Avenue and Center Street. Review of this project is subject to Compliance to the Development Standards for development in the Core Area of the C-DMU Commercial Downtown Mixed Use Zoning District and is guided by the Downtown Area Plan, the Downtown Design Guidelines and the performance standards established by the Downtown Area Plan EIR. These documents are available as noted below:

- **C-DMU Commercial Downtown Mixed Use Zoning District:**
- **Downtown Area Plan:**
- **Downtown Design Guidelines:**
- **Downtown Area Plan EIR:**
  [http://www.ci.berkeley.ca.us/Planning_and_Development/Downtown_Area_Plan/dap_-_EIR.aspx](http://www.ci.berkeley.ca.us/Planning_and_Development/Downtown_Area_Plan/dap_-_EIR.aspx)

The December 2013, pre-application requested that the City consider amendments to the Zoning Ordinance to allow a width of the tower to be more than 120-feet wide (when above 120-feet in height) and to place hotel rooms within the 15-foot setback along Center Street (please see Figures 5 & 6 on page 7 for details). As submitted, the width of the tower above the 120-foot height is as much as 220 feet and hotel rooms would be located as close as five-feet along Center Street. After reviewing the C-DMU Development Standards, and based on the pre-application materials presented so far, staff has informed the applicant that we believe this may be instead allowed via a use permit, subject to the Board making specific findings as set forth in Section 23E.68.090.F of the Zoning Ordinance. However, a final determination will not be made until a formal application is presented to the City, and we complete our full review of that project. Until then, the Zoning Adjustments Board is asked to provide comment on the size of the tower and the location of the proposed hotel rooms along Center Street.

This project was also previewed by the Design Review Committee on March 20 and the Landmarks Preservation Commission on April 3. Any comments offered at those meetings, along with comments offered by the Zoning Adjustments Board, will be provided to the applicant to help them prepare a formal Use Permit application.

For your reference, the setback standards for the C-DMU and the Downtown Design Guidelines are included in this report on pages 8-10.

Table 1: Land Use Information

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Use(s)</th>
<th>Zoning District</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Property</td>
<td>Bank of America building</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surrounding Properties</td>
<td>North Apartments above ground floor Restaurants</td>
<td>C-DMU, Core</td>
<td>Downtown</td>
</tr>
<tr>
<td></td>
<td>South Offices above ground floor Retail &amp; Restaurants</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>East Berkeley Art Museum (under construction)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>West Offices above ground floor Restaurants</td>
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</tbody>
</table>
Figure 1: Vicinity Map & Aerial Photo

Note: Double-hatched shading indicates landmarked properties.
Figure 2: Ground Floor Plan
Figure 3: Elevations:
View from Center Street looking north-

- View from Oxford Street looking west
Figure 4: Elevations:
View from Shattuck Avenue looking east-

-View from Addison Street looking south
Figure 5: C-DMU Setback from Center Street for this Project:

Figure 6: C-DMU 120-foot Width for this Project:
III. **Project Description:**

This project consists of demolition of an existing bank building and construction of a 16 story mixed-use high-rise hotel at the corner of Shattuck Avenue and Center Street. The ground floor would have commercial space with new bank facilities and a meeting room, floors 2-4 would have office space and floors 5-16 would have 293 hotel rooms. 70 parking spaces would be located at the basement level with entrance to the garage along Shattuck Avenue.

The pre application submittal is attached and offers more information about the proposed program, their design direction, and broader development goals.

**Supplemental Project Information**

Supplemental information on the proposed building mass has been submitted by the applicant and is included for your review. It offers further analysis on how this design relates to the C-DMU development standards. Views of the tower from various vantage points are included as well as shadow studies of the proposed tower with the 120’ required dimension overlaid for comparison.

- **Bulk Requirements** - bird’s eye perspectives are included and illustrate bulk requirements included in the C-DMU development standards. While the graphics clearly show where the tower exceeds the requirements on the tower portion on three corners, and the mid-rise section on the Center Street side, it also illustrates considerable area in the mid-rise and base sections that would be allowed within the C-DMU development standards but are not at maximum envelope capacity in order to achieve a better design fit in the neighborhood.

- **Views of the Tower from Surrounding Area** - the tower was oriented east-west to help preserve views both to the bay and the hills. Views appear to be more impacted from the Northwest and Northeast, as well as from the South entering Downtown.

- **Solar Analysis** - shows where the greatest impact is in the winter, and in the Northwest and Northeast directions, like view impacts.

- **Wind Analysis** - although only a general discussion on the effects of wind on a tower structure was included, it does note that a variety of design options are available that can address these issues. The applicant has acknowledged that wind analysis should happen early in the design process.

IV. **C-DMU Core Development Standards:**

Development Standards for new development in the C-DMU include heights, widths, and setbacks, are included in BMC Section 23E.68.030. Excerpts from this section are provided below for your reference. The project as proposed does not meet the provision that requires the portion of the building over 120 feet in height to be less than 120 feet in width when measured at the widest point diagonally in plan view (BMC Section 23E.68.030.C.1); or the required 15’ minimum setback for a building above 76 feet. The text that follows provides the relevant C-DMU Development Standards and Findings:

23E.68.030.C: No yards for main buildings, accessory buildings, or accessory structures shall be required, except as required in Section 23E.04.050 for commercial lots abutting or confronting residential zoning. In addition buildings shall be set back from property lines as set forth in the table and provisions below, unless modified by a Use Permit subject to the findings in Section 23E.68.090.F.
Portion of Building at Height of:  
<table>
<thead>
<tr>
<th></th>
<th>Front Lot Line</th>
<th>Interior Side Lot Line</th>
<th>Rear Lot Line</th>
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<tbody>
<tr>
<td></td>
<td>65' and less from lot frontage</td>
<td>Over 65' from lot frontage</td>
<td></td>
</tr>
<tr>
<td>Zero to 20 feet</td>
<td>0' minimum, 5' maximum</td>
<td>0' minimum</td>
<td>0' minimum</td>
</tr>
<tr>
<td>21 feet to 75 feet</td>
<td>0' minimum</td>
<td>0' minimum</td>
<td>5' minimum</td>
</tr>
<tr>
<td>76 feet to 120 feet</td>
<td>15' minimum</td>
<td>5' minimum</td>
<td>15' minimum</td>
</tr>
<tr>
<td>Over 120 feet</td>
<td>15' minimum</td>
<td>15' minimum</td>
<td>15' minimum</td>
</tr>
</tbody>
</table>

23E.68.030.C.1: For buildings over 120 feet in height, that portion of the building over 120 feet must be less than 120 feet in width when measured at the widest point on the diagonal in plan view.

23E.68.090.F: In order to approve a Use Permit for modification of the setback requirements of 23E.68.070.C, the Board must find that the modified setbacks will not unreasonably limit solar access or create significant increases in wind experienced on the public sidewalk.

V. Design Review Guidelines:
Following are several key guidelines in the Downtown Design Guidelines which relate closely to this project.

Frontages, Setbacks & Heights (p. 56)
- 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 new construction projects located on narrow east-to-west streets and over 75 feet in height, prepare an analysis of shade impacts on public open spaces and pedestrian sidewalks across the street.
- Maintain and reinforce Downtown’s historic street wall at the property line. Upper floor step backs are desirable above 60 feet and should be used above 75 feet.
- For buildings over 85 feet in height, prepare an analysis of potential wind impacts. Protect sidewalk and public open space by deflecting downward wind drafts (“wind shear”) by using building setbacks, recesses, projections and other devices.
- Consider using continuous vertical features to unify upper and lower floors, while stepping back upper floors. (Figure 38)
- Respect the height of neighboring buildings, and provide a sense of continuity and enclosure which avoids abrupt changes in height.
- On the corner sites, locate the tallest elements at the corners, particularly at major intersections, except where ridgeline views may be obstructed

Subareas Where Historic Resources Are Concentrated (p. 75)
Compatibility
- Design new construction and alterations to resonate with prevalent architectural characteristics of historic development in the vicinity of the project including but 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.

- Build consistently with the existing street wall, particularly at corner sites. Continue dominant rhythms for structural bays and other vertical elements, and for dominant cornice lines, such as between ground floors and upper stories and at the top of facades that meet a street. Set back upper floors so that dominant roof and cornice lines remain generally consistent as seen from the street.

Extent & Character of Subareas
- Refer to the Downtown Area Plan Draft Environmental Impact Report (DEIR) for additional discussion on "character-defining features" in the Downtown Area.

VI. Downtown Area Plan EIR, Aesthetics:
The potential to affect the historic context for designated historic structures is addressed in Chapter 4.E. Cultural Resources of the DAP EIR, including mitigation measures to establish parameters for compatible infill development in the downtown area with the updated Design Guidelines. The Berkeley Downtown Area Plan Environmental Impact Report Chapter 4.A – Aesthetics, includes anticipated mitigation measures for site-specific visual and shadow analyses for proposed structures near the eastern edge of the downtown area.

VII. Recommendation

**HOLD** a Public Hearing to preview the project, to solicit community comments, and to provide comments to the Staff and to the applicant.

Attachments to this report:
1. Initial Submittal, received December 20, 2013
2. Supplemental Information, received February 28, 2014
3. Public Hearing Notice, dated March 27, 2014
4. March 20, 2014, DRC Meeting Summary
5. Correspondence, if any

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