



Planning and Development
Land Use Planning Division

April 20, 2021

Steve Rigor
c/o Arris Studio Architects
1327 Archer Street, Suite 220
San Luis Obispo, CA 93401

Sent via email to:
srigor@arris-studio.com

RE: Application for Use Permit #ZP2020-0118 for 2801 Adeline Street/2900-20 Shattuck Avenue

Dear Mr. Rigor,

Thank you for submitting the materials to support the proposal to demolish three commercial buildings and construct two new buildings: a seven-story, mixed use building with 222-room hotel, 84 residential units, and retail at 2801 Adeline; and a six-story, mixed use building with 90 residential units (including 18 VLI and 17LI units) and retail at 2900-2920 Shattuck.

Because of the recent establishment of the C-AC zoning district over the 2801 Adeline site, and determinations related to the mixed-use/residential-only status of the two sites, the project has been reviewed against currently applicable standards.

Application – The application includes the following approval requests:

1. Use Permit under BMC 23C.08.050 to demolish two commercial buildings (2801 Adeline and 2900 Shattuck)
2. Administrative Use Permit under BMC 23E.04.020.C to construct rooftop projections, such as mechanical appurtenances or architectural elements which exceed the maximum height limit for the district (2801 Adeline and 2900 Shattuck)
3. Use Permit under BMC 23E.52.030.A to construct dwelling units (2900 Shattuck)
4. Use Permit under BMC 23E.52.050 to construct new floor area of 3,000 square feet or more (2900 Shattuck)
5. Variance under BMC 23E.52.070.B.3 to exceed the height limit (2900 Shattuck)
6. Use Permit under BMC 23E.52.070.E to modify setback, lot coverage, and usable open space requirements (R-4 standards) (2900 Shattuck)

Staff has reviewed the application and has determined that the following **additional** approvals will be required for the proposed project. (See below for additional fees due):

7. Use Permit under BMC 23E.70.030.A to construct a tourist hotel (2801 Adeline)

8. Use Permit under BMC 23E.70.030.A to construct a mixed-use development (2801 Adeline)
9. Use Permit under BMC 23E.70.030.A to construct dwelling units (2801 Adeline)
10. Variance under BMC 23E.70.045.C to exceed the 2,500-square-foot area maximum for a residential amenity on the ground floor in a designated Active Commercial area (2801 Adeline)
11. Use Permit under BMC 23E.70.050 to construct a new main building (2801 Adeline)
12. Variance under BMC 23E.70.070.B.9 to construct commercial uses above the second story (2801 Adeline)
13. Variance under BMC 23E.28.080.B to locate unenclosed, ground-level, off-street parking spaces within 20 feet of the street frontage (2801 Adeline)
14. Administrative Use Permit under BMC 23E.04.040 construct a fence on a property line that exceeds the 6-foot height limit (2900 Shattuck)
15. Variance under BMC 23E.28.080.B to locate unenclosed, ground-level, off-street parking spaces within 20 feet of the street frontage (2900 Shattuck)
16. Variance under BMC 23E.28.080.D to construct a parking screening wall adjacent to a public right-of-way or front lot line that exceeds 4 feet in height, and a parking screening wall adjacent to a side lot line that exceeds 6 feet in height (2900 Shattuck)
17. Variance under BMC 23E.28.080.E to omit a three-foot-wide minimum landscape strip between parking and the public right-of-way or front lot line (2900 Shattuck)
18. Variance under BMC 23E.28.080.F to omit a four-foot-wide minimum (averaged along the lot line) landscape strip between parking and adjacent rear and side lot lines, for a parking area of four or more spaces (2900 Shattuck)
19. Administrative Use Permit under BMC 23E.28.080.H for the driveway to exceed 20 feet in width at a property line abutting a street (2900 Shattuck)

Incomplete Items – Staff has also determined that application is incomplete at this time. Please address the following items to continue with the application review:

1. Fees: The additional approvals listed above require a payment of fees for each. Fees for additional approvals will be due once they are finalized and an invoice will be sent to you. Please be aware that with the submittal of information requested by staff, additional approvals may be added to the permit and associated fees will be due.
2. Consulting Arborist Fee: The City provides a review of ordinance-protected trees in the project (street trees, Live Oak trees) through a consulting arborist. The applicant shall be responsible for the payment of consulting arborist fees, separate from all other permit fees, to perform a review for compliance with the municipal code. Your project planner will periodically send you an invoice of incurred fees for payment throughout permit application review.
3. Affordable Housing. Please clarify the affordable housing distribution for each site. Your response letter indicates 25% BMR at the Adeline site and 20% at the Shattuck site, while your Housing Affordability Statement says otherwise. List the exact number of BMR units and their affordability level for each site.

4. Hotel Food Service. Provide more information the programming for the food service portion of the hotel use. Will food service be open to the public? Will there be alcohol service and will it be open to the public? What are the hours of operation? Please fill out a Zoning Use Questionnaire for staff's use in evaluating the proposed use of known tenant(s). The form can be found at this web page:
https://www.cityofberkeley.info/uploadedFiles/Online_Service_Center/Planning/Zoning_Use_Questionnaire.pdf
5. 2801 Adeline Plans.
 - a. Provide gross floor area (per the definition in BMC 23F) for each use – hotel, retail, and dwellings. Some spaces may be for both.
 - b. Provide the tallest parapet height, which appears to be along Shattuck. The “upper parapet” height – 86'-8” – is not the tallest.
 - c. Identify/label the trash/recycling room at the ground floor, and label it as for hotel and residential use.
 - d. Provide the total area of all rooftop projections in the Rooftop Elements calculations.
 - e. Give a dwelling units/acre amount to show compliance with the C-AC standard.
 - f. Provide landscape plans. Show compliance with 40% landscape requirement.
 - g. Usable open space (UOS).
 - i. Demonstrate compliance with BMC 23D.04.050 and BMC 23E.70.070.B requirements with numerical amounts.
 - ii. Indicate on the open space diagrams which areas are considered Publicly Accessible Open Space (PAOS). Note that PAOS must also comply with BMC 23D.04.050 UOS requirements.
 - iii. Ground-level open space that does not comply with the dimensional UOS requirement should be left out of total UOS provided.
 - iv. The roof decks must be accessible to residents only (not hotel guests) to satisfy the UOS requirement.
 - h. Show transparent calculations for FAR and lot coverage (square feet).
 - i. Show how the ground floor residential amenities complies with BMC 23E.70.045 requirements for the Active Commercial use along the Shattuck frontage. The total area (lobby plus the residential laundry room) appears to exceed 2,500 square feet.
 - j. Parking.
 - i. Hotel parking is per BMC 23E.70.080, non-residential requirement for >10,000 SF of new construction: 1/1000 SF min., 1.5/1000 SF max. Residential parking is 0 min., 1/dwelling unit max.
 - ii. Motorcycle spaces don't count toward the parking total.
 - iii. Show on the plans how the loading spaces comply with BMC 23E.32 Loading Space Requirements – 14' height clear, 12'x25'.
 - iv. The bedroom total in the bike calculations is not consistent.

- v. Indicate how many bike parking is in the basement levels; verify that all long term bike parking is for residents only.
 - vi. Identify the commercial versus residential parking spaces in the floorplans.
 - k. Clearly label all amenities with the intended users – hotel guests only, residents only, hotel guests and residents. Will any areas be open to the public?
 - l. Tabulation Form. Please revise the Tabulation Form to reflect changes made in response to all other comments in this letter.
6. 2900-20 Shattuck Plans. Note that this is a **residential-only** building and the corresponding development standards apply. In this district (C-SA), the R-4 District standards for building site area, yard, coverage, Usable Open Space, and parking requirements are applied.
- a. Check all amounts on the A0.30 project statistics sheet – data should be for this site only.
 - b. Show the parking screening walls on the site plan.
 - c. Show transparent calculations for FAR and lot coverage (square feet).
 - d. Setbacks are per R-4 development standards for a residential-only building. See BMC 23D.40.070. Use the 6th floor setbacks for the proposed 7th floor. Please show the setback lines on each floor plan. Give a dimension for the right side setbacks. Russell is front; Shattuck is the street side; the south property line is the rear; the west property line is the right side.
 - e. Provide landscape plans. Show compliance with 40% landscape requirement.
 - f. Usable open space.
 - i. Demonstrate compliance with BMC 23D.04.050 using numerical amounts (dimensions, square footage).
 - ii. Ground-level open space that does not comply with the dimensional requirement should be left out of total UOS provided.
 - iii. The roof decks must be accessible to residents only (not hotel guests) to satisfy the UOS requirement.
 - iv. R-4 standards for UOS is 200 SF/dwelling unit. Please revise calculations.
 - g. Parking.
 - i. Verify the residential parking requirement calculations. Per the Parking Reform, the residential requirement is now zero. (See R-4 standard.)
 - ii. Check the bike parking calculations per the new standard in BMC 23E.28.070.
 - h. Provide the total area of all rooftop projections in the Rooftop Elements calculations.
 - i. Tabulation Form. Please revise the Tabulation Form to reflect changes made in response to all other comments in this letter.
7. Zoning Project Submittal Requirements (ZPASR; link: <https://tinyurl.com/rahe8ld>). The following required items were missing from the application submittal, and must be submitted for application completeness:

- a. Survey. Lot area amounts on the lot coverage diagrams are inconsistent with the survey.
- b. Conceptual Grading Plan. A grading plan is required for all project with more than 50 cubic yards of cut and/or fill. See the Section 2.H of the ZPASR for more information.
- c. Shadow Studies.
 - i. 2801 Adeline. Label the adjacent parking lots. Label the building uses across Adeline on the 6/21 after sunrise study.
 - ii. 2900-20 Shattuck. Clearly label the building uses immediately east of the site on all after sunrise studies.
 - iii. Please double check that the noon shadow angles are correct on all studies.
- d. Parking Survey. A parking survey is required for projects requesting a waiver of any required off-street vehicular parking spaces located in a commercial district. Parking Survey Instructions are available online at: <https://tinyurl.com/t8ry9gk> [If a parking waiver is not needed per the revised calculations, survey is not required.]
- e. Traffic Impact Analysis Memorandum. Submit a Traffic Impact Analysis, per item 3.G of the ZPASR. Please contact the Traffic Engineering Division [(510) 981-6445] to determine required scope of study.
- f. Percentage for Public Art. The project is subject to the provisions for Percentage_for Public Art on Private Projects, per BMC 23C.23. Submit the following form: https://www.cityofberkeley.info/uploadedFiles/City_Manager/Level_3_-_Civic_Arts/Allocation%20declaration%2009-18-18.pdf
- g. Historical Resource. The demolition or substantial change of any building that is more than 40 years old requires further study. City records indicate that the buildings you are proposing to demolish may be more than 40 years old. Please submit a DPR 523A and 523B form. Forms can be found here: http://ohp.parks.ca.gov/?page_id=28351. Evaluations should include references to development history documentation (including but not limited to photographs, building permits, Sanborn maps, and directory listings); completed by a qualified historian, architectural historian or historic architect. Provide supplemental information in accordance with the Landmarks Preservation Ordinance criteria (BMC Section 3.24.110).
- h. Hazardous Waste. The subject site is located within the Toxic Management Division's Environmental Management Area. Submit a Phase I or II Assessment for the site. Please contact Toxics Management Division directly for any questions on this requirement (510) 981-7460.
- i. State General Construction Permit. This is required for projects disturbing one acre or more of soil (or less than one acre if part of a larger development plan that disturbs one acre or more). Submit a copy of the Notice of Intent (NOI) submitted for the State General Construction Permit, and the Storm Water Pollution Prevention Plan (SWPPP) prior to building permit issuance. Further information is available online at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml
- j. Stormwater Requirements Checklist. Projects with 2,500 square feet or more of newly created or replaced impervious surface are required to submit a Stormwater

Requirements Checklist. Indicate the area of new or replaced impervious surface, submit the checklist if applicable. An overview of the requirements is available online at: <https://tinyurl.com/yh5w8ena>

- k. Landscape. Projects with 500 square feet or more of new, or 2,500 square feet or more of renovated irrigated landscaping must comply with water efficient landscaping requirements. Indicate how much landscaping is proposed, and submit MWELO-compliant landscape documentation including a planting, grading, and irrigation plan. The planting plan should include proposed street trees in the public right-of-way with an underlay of utilities to show the relationship to the trees. See the Section 6.A of the ZPASR for links to more information.

Advisory Comments

1. Interdepartmental Roundtable Meeting: An interdepartmental review will be scheduled as an opportunity for you to receive comments on the project from City departments such as Building and Safety, Transportation, Zero Waste, Parks, Toxics and Public Works. I will coordinate with you to schedule a time when you can attend.
2. Previews. Be advised that this project will undergo a Preview with the Zoning Adjustments Board, and a separate Preview with the Design Review Committee, prior to being scheduled for a Preliminary DRC meeting and a ZAB decision hearing.
3. Landmarks Preservation Commission. The project will be scheduled for an LPC to obtain a recommendation for the demolition of the existing building, as required by BMC Section 23C.08.050.C.

Due to COVID-19, the Permit Service Center is closed to the public. Revised submittal items should be uploaded to the Box.com project folder link that was previously sent to you. Also, submit two 11x17 prints of the plan set to my attention, to the Land Use Planning office at 1947 Center Street, 2nd floor.

Please submit responses to **all** requested items at once, and not incrementally. Also, please be aware that if you do not take action on the above items within 60 days, the application may be deemed withdrawn and returned to you.

Should you have questions regarding this letter or your application, please feel free to contact me.

Sincerely,



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