

**Applicant Response to City of Berkeley's  
July 1, 2021 Incomplete Letter for  
Use Permit #ZP2021-0043 for 2213 Fourth Street.  
September 14, 2021**

Please find Applicant's responses to The City of Berkeley's July 1, 2021 Incomplete Letter re: Application for Use Permit #ZP2021-0043 for 2213 Fourth Street.

**Items Required for Submittal or Correction-** The following required items were missing from the application submittal, and must be submitted for application completeness, per the Zoning Project Submittal Requirements:

1. Applicant Statement. Please revise the applicant statement to address the following comments:

- a. Please submit an updated applicant statement that includes text in italics in the response letter to comments 1.c and 1.d and provides a response to the required findings for demolition of the existing duplex (BMC Sections 23C.08.010 and 23C.08.020).

**Response:** *Please see Page 3 of the revised Applicant Statement for proposed findings.*

- b. The demolition of 2212 Fifth is required to allow construction of the proposed new parking structure. The applicant statement includes the suggested finding under BMC Section 23C.08.020.A, regarding demolition of the existing duplex at 2212 Fifth, that the building is "hazardous and unusable and is infeasible to repair...and demolition...and establishment of a parking garage to support expanded light industrial and R&D is an appropriate use of the lot...". The Structural Evaluation Report prepared on May 19, 2021 and submitted on June 1, 2021 provides a structural condition assessment and qualitative seismic evaluation. This report is useful for providing recommendations for seismic retrofits and repairs; however, the report does not contain an evaluation of whether the building is 1) hazardous and 2) infeasible to repair. Therefore, in order to establish the finding suggested under 23C.08.020A.1 that the building is "hazardous or unusable and is infeasible to repair," please provide a structural evaluation completed by an independent, fully credentialed structural engineer that evaluates whether, in the engineer's opinion, the structure is 1) hazardous and unusable, and 2) infeasible to repair. Regarding whether the structure is hazardous and unusable, the Report should contain information regarding whether the building is structurally unsafe, constitutes a hazard, or is dangerous to life, safety or health of occupants or occupants of adjacent properties. Regarding whether the structure is infeasible to repair, the Report should include an evaluation of the economic feasibility of repairing the building (e.g., estimate of repair cost versus cost of constructing a new duplex similar in size and quality to the original duplex).

**Response:** *The project proponent, Steelwave, is amenable to having a Condition of Approval similar to the COA relating the two brown shingle buildings that were part of*

*the Acheson Commons project. Steelwave would advertise the opportunity in a local publication such as Berkeleyside for 3 months and would offer that a willing and able party could move the structure off-site to another parcel in Berkeley. It is not financially feasible to rehabilitate the duplex and, more importantly, maintaining a residential use on-site would be inappropriate in the context of the proposed project which is centered around light manufacturing and research and development uses.*

## 2. Plans.

### a. Site Plan (Sheet A102) –

- i. Show the outline of and label the portions of neighboring buildings within 20 feet of the property line, including building-to-building separation.

**Response:** *Please see the requested information on Sheet A102 of the revised plan set.*

- ii. Dimension the driveways.

**Response:** *Please see the added dimensions of Sheet A102 of the revised plan set.*

### b. Demolition Plan (Sheet C-2) – The demolition plan is a copy of the site survey. Through hatching or other means, include features proposed for demolition, including buildings, trees, street lights, etc. that are indicated as existing on the site survey.

**Response:** *please see added hatching on Sheet C-2 of the revised plan set.*

### c. Fifth (Roof) Level Plan (Sheet A107) – Per BMC Section 23E.04.020.C, certain architectural elements are prohibited except upon issuance of an AUP, and no such structure shall represent more than 15% of the average of the building's floors. Thank you for adding hatching and height for the trellis. However, more information is needed. Please dimension the areas of and label the elevator and trellis that are projecting from the roof and provide the total area in square feet.

**Response:** *Please see requested dimensions and area calculation on Sheet A107 of the revised plan set.*

## Design Review Comments

**Response:** *Please see attached email correspondence with City staff, including the Design Review Secretary, dated July 7, 2021 and September 14, 2021. The updated landscape plan was also included in the updated Drawing set (part of this submittal application and uploaded to the City Box Folder.*

## Advisory Comments

### 1. Planning Division Comments.

- a. Staff suggests consideration of either relocating the existing duplex or providing two replacement units within the overall project area. For reference, existing residential buildings were relocated as part of the Acheson Commons project in 2017, and more recently at 1940 Haste: Berkeleyside articles regarding relocation:

<https://www.berkeleyside.com/2017/05/08/116-year-old-brown-shingle-home-moved-streets-berkeley>.

- i. <https://www.berkeleyside.com/2020/07/27/123-year-old-berkeley-ca-house-moved-downtown-streets>
- ii. Project documents, include EIR and Cultural Resources Evaluation:  
[https://www.cityofberkeley.info/Planning\\_and\\_Development/Home/Acheson\\_Commons.aspx](https://www.cityofberkeley.info/Planning_and_Development/Home/Acheson_Commons.aspx)

**Response:** *Please see response to Item 1.b. above regarding the advertisement for relocation of the duplex.*

- b. The application materials indicate that the project may not be Categorical Exempt from CEQA, as the Historic Resource Evaluation for 2212 Fifth indicates that the duplex is eligible for designation as a City of Berkeley Structure of Merit. Therefore, an Initial Study (Section 15063 of the CEQA Guidelines) will be required to determine whether the project would have a significant effect on the environment. Pursuant to Section 15378 of the CEQA Guidelines, the proposed project must include the whole or an action which has a potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment. This Use Permit application is part of a phased development which includes a Use Permit request at 747 Bancroft (ZP2021-0096) for demolition of existing buildings and construction of a new three story, 162,375 square-foot building, one Initial Study covering the whole of the phased development will be conducted by the City. The Initial Study will assist the preparation of an EIR, if one is required, by focusing the EIR on the effects determined to be significant, identifying the effects determined not to be significant, and explaining the reasons for determining that potentially significant effects would not be significant. An RFP has been issued to the on-call consultant list, and the Cost Proposal (not-to-exceed time and materials contract) will be sent to you for review and acceptance. Full payment must be received prior to execution of the contract.

**Response:** *Applicant made full payment on 8/12/21 and Initial Study is in process.*

- c. Please note that per the Incomplete Letter for ZP2021-0096, assuming that the remaining 3,060 square feet requiring replacement in Phase II would be provided through construction of newly protected floor area at 716 Allston Way, please note that a condition of approval would be that prior to demolition of 2221 Fourth Street, replacement protected floor area would be available at 716 Allston.

**Response:** *This comment is not applicable as the Renovation of 716 Allston will be submitted under a separate Administrative Use Permit Application*