



Planning and Development
Land Use Planning Division

July 1, 2021

Raju Nandwana
International Parking Design
560 14th Street, Suite 300
Oakland, CA 94111

Sent via email to:
rmandwana@ipd-oak.com

Re: Application for Use Permit #ZP2021-0043 for 2213 Fourth Street.

Mr. Nandwana -

The Land Use Division has reviewed the above referenced application, submitted on March 24, 2021, revised materials received on June 1, 2021 to demolish three existing non-residential buildings and one existing duplex on-site and construct a new 124,667 square-foot, five-story parking garage containing 415 off-street automobile parking spaces to serve uses in the vicinity of the project site.

Application – The application includes the following approval requests:

1. Use Permit pursuant to BMC Section 23C.08.050.A to demolish main buildings used for non-residential purposes.
2. Use Permit pursuant to BMC Section 23C.08.020, to demolish a duplex.
3. Use Permit pursuant to BMC Section 23E.80.045.B, to remove protected floor area used for manufacturing, wholesale trade, warehousing or Material Recovery Enterprise.
4. Administrative Use Permit pursuant to BMC Sections 23E.80.030.B and 23E.84.030.B to construct a parking structure on a split-zoned parcel in the MU-LI and MU-R districts.
5. Administrative Use Permit pursuant to BMC Section 23E.04.020.C to allow architectural elements to exceed the height limit in a mixed-use district.

Staff has determined that the application is incomplete. Please review the comments below, as well as the list of items required to complete the application. Staff is unable to take further action on the project until all the items listed below are corrected and/or submitted.

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).

- 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).
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.
 - ii. Dimension the driveways.
 - 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.
 - 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.

Design Review Comments

Will be provided under separate letter.

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:
 - i. Berkeleyside articles regarding relocation:
<https://www.berkeleyside.com/2017/05/08/116-year-old-brown-shingle-home-moved-streets-berkeley>.
 - ii. <https://www.berkeleyside.com/2020/07/27/123-year-old-berkeley-ca-house-moved-downtown-streets>
 - iii. Project documents, include EIR and Cultural Resources Evaluation:
https://www.cityofberkeley.info/Planning_and_Development/Home/Acheson_Commons.aspx
- b. The application materials indicate that the project may not be Categorically 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.
- 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.

Revised submittal items should be submitted in electronic form (uploaded to the project folder on Box.com). Should you have questions regarding this letter or your application, please feel free to contact me.

Sincerely,



Ashley James

Associate Planner
(510) 981-7458
ajames@cityofberkeley.info