

July 8, 2014

Honorable Mayor and Councilmembers
City of Berkeley
2180 Milvia Street
Berkeley, California, 94704

Re: July 8 Council Item 47, "Referral...for Downtown Hotel Projects"

Dear Mayor Bates and Councilmembers,

I am before you tonight as a private citizen and Berkeley resident. While I have been representing the high-rise hotel project at 2129 Shattuck as a consultant, that project is on hold pending the outcome of the Councilmember Arreguin's Downtown Initiative. I am not being compensated by the hotel developer, but I remain personally interested in attracting a high-rise hotel because of the extraordinary benefits it would bring.

While all proposals for expediting approval of the high-rise hotel project are appreciated, the proposed zoning amendment is not needed. The existing zoning code gives the Zoning Adjustments Board discretion to get a hotel approved. Berkeley Municipal Code section 23E.68.070C allows ZAB to grant a Use Permit for setback adjustments needed to make hotel floors wide enough to make a hotel project economically feasible.

The need for the Amendment appears to be proposed because Councilmember Arreguin's Downtown Initiative would strike out the section of the code that gives ZAB discretion on setbacks. Arreguin offers a solution in anticipation of the problem. But note that this assumes that the Amendment would supersede the zoning language in the Downtown Initiative. I believe that it would not. California's Constitution gives referendums precedence over city council actions, whether council action comes after or before a referendum.

Even if courts found otherwise, several components within the Initiative would kill any high-rise hotel project and render the proposed Amendment moot. Under the Initiative, buildings over 60 feet would be required to reduce shade on sidewalks to be less than 75% of what a building would cast if it filled out allowable setbacks. Since this provision uses current setback provisions as the "baseline" and would reduce a building's allowable mass even further, it would make the hotel infeasible. In addition, the Initiative contains excessive and costly requirements which -- on top of high construction costs and existing fees -- would push any hotel project into the red.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Matthew Taecker". The signature is fluid and cursive, with a large, sweeping initial "M".

Matthew Taecker AIA AICP, 1044 Sierra Street, Berkeley, California, 94707

cc: City Clerk, City Manager, James J. Didion