Case File Number: PLN18523

September 25, 2019

Location:	98th and San Leandro (921 98th Ave)
Assessor's Parcel Number(s):	044 508018000 and 044 508017900
Proposal:	Preliminary Development Plan (PDP) for a Planned Unit Development at
	98th and San Leandro, including 369 residential units, 35 work/live units,
	and 2,468 sf of ground-floor commercial space.
Applicant:	Fleischmann Property, LLC
Contact Person/Phone Number:	Claire Han, 510-452-2944
Owner:	Fleischmann Property, LLC
Case File Number:	PLN18523
Planning Permits Required:	PDP, Variance for work/live units, Design Review, Vesting Tentative
	Tract Map, compliance with CEQA
General Plan:	Housing and Business Mix
Zoning:	HBX-1
Environmental Determination:	TBD
Historic Status:	Non-Historic Property
City Council District:	CCD7, Larry Reid
Finality of Decision:	NA
For Further Information:	Contact Case Planner Dara O'Byrne at 510-238-6983 or by e-mail at
	dobyrne@oaklandca.gov

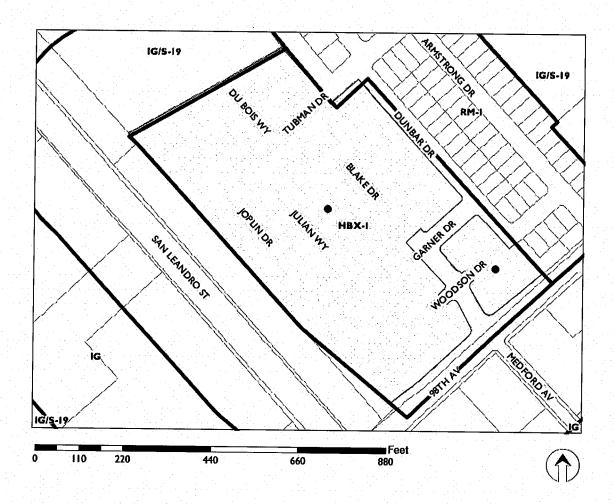
SUMMARY

The proposed project is a Preliminary Development Plan (PDP) for a Planned Unit Development at 98th and San Leandro (921 98th Ave). The project proposes 247 apartment units, 122 townhomes, and 48,082 square feet of commercial area including 35 work/live commercial units and 2,468 square feet of ground floor retail. The project also includes public streets, a shared pedestrian and vehicular street (woonerf), a park, and a plaza. The project will include a Vesting Tentative Tract Map and 98th/San Leandro Design Guidelines.

PROJECT SITE AND SURROUNDING AREA

The project is located in East Oakland, and encompasses a 10.16-acre site bounded by San Leandro Street, 98th Avenue, and Dunbar Drive. Elevated BART tracks and at-grade Western Pacific Railway Company right of way run between the property and San Leandro Street. The project site is located adjacent to the recently constructed Arcadia Park Development.

CITY OF OAKLAND PLANNING COMMISSION



Case File:

PLN 18523

Applicant:

Fleischmann Property, LLC

Address:

98th and San Leandro (921 98th Ave)

Zone:

HBX-I

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PROJECT BACKGROUND

Project History

The proposed project location was originally part of the 27.5-acre Arcadia Park project site and was planned to be the site of the final phase of the Arcadia Park project, which was evaluated in the Arcadia Park EIR but has not yet been developed. On September 21, 2005, the City of Oakland certified the Final Arcadia Park Residential Project Environmental Impact Report (Arcadia Park EIR), pursuant to the California Environmental Quality Act (CEQA). The project evaluated in the Arcadia Park EIR (Arcadia Park project) included development across 27.5 acres (including the 10.16-acre proposed project site), containing 366 residential units (74 single-family units, 108 detached condominium units, 184 townhomes), 732 covered, off-street parking spaces, 235 on-street parking spaces, 1.6 acres of landscaped open space, and 6.4 acres of new streets and emergency vehicle access.

In 2007, Pulte Homes, the developer of the Arcadia Park project, revised the PUD to exclude the current project site from their development plans. The revisions to the Planned Unit Development (PUD) in 2011 indicate that only 164 of the 366 homes originally proposed for the Arcadia Park project were completed and the subject 10.16 acres were left undeveloped.

PROJECT DESCRIPTION

The proposed 98th and San Leandro project is a multi-phase Planned Unit Development that will include 7 development parcels (as shown in Attachment A):

- Parcel A: 12 work/live units, 2,468 square feet retail, 90 apartments, 106 parking spaces
- Parcel B: 12 work/live units, 74 apartments, 86 parking spaces
- Parcel C: 34 apartments, 34 parking spaces
- Parcel D: 11 work/live units, 49 apartments, 54 parking spaces
- Parcel E: 48 townhomes, 96 parking spaces
- Parcel F: 48 townhomes, 96 parking spaces
- Parcel G: 26 townhomes, 52 parking spaces

The full project includes 369 residential units (247 residential apartments and 122 townhomes) and 48,082 square feet of commercial space (35 work/live units and 2,468 square feet of retail), as well as 517 parking spaces. The project height ranges from 65 feet to 30 feet. In addition, the project includes open space provided in a park, a public plaza, private balconies, and podium amenity spaces. Plans, elevations and illustratives are provided in Attachment A to this report.

GENERAL PLAN ANALYSIS

The General Plan land use designation for this site is Housing and Business Mix. The classification is intended to "guide a transition from heavy industry to low impact light industrial and other businesses that can co-exist compatibly with residential development."

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The desired character and uses include providing buffers to ensure "business and housing will coexist." The classification allows mixed housing type density housing, live-work, low impact light industrial, commercial, and service businesses, and compatible community facilities.

The maximum residential density is 30 principal units per gross acre (approximately 1,000 square feet of site area per residential unit). The proposed project proposes 369 residential units and the General Plan maximum density would allow 370 units. The maximum non-residential FAR is 3.0. The proposed non-residential FAR is 0.13.

The following is an analysis of how the proposed project meets applicable General Plan objectives (staff analysis in indented, italicized text below each objective):

- Objective N3. Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.
 - The proposal will deliver new residential development combined with work/live opportunities to meet the needs of the Oakland community.
- Objective N5. Minimize conflicts between residential and non-residential activities while providing opportunities for residents to live and work at the same location.
 - O The proposal will deliver new residential development combined with work/live opportunities to help transition from the industrial uses in the IG zones and the residential uses in the Arcadia Park development. The 35 work/live units provide opportunities for residents to live and work at the same location.
- Objective N6. Encourage a mix of housing costs, unit sizes, types, and ownership structures.
 - O The proposal provides a mixture of housing types, including townhomes and apartments, as well as a mix of unit sizes (ranging from 1- to 3-bedroom apartments). The commercial work/live units also contribute to the variety of housing types.
- Objective N9. Promote a strong sense of community within the City of Oakland, and support and enhance the distinct character of different areas of the city, while promoting linkages between them.
 - The proposal provides an appropriate transition between industrial and residential uses in East Oakland. The design and work/live uses link to the industrial character of the neighborhood, while the apartments and townhomes help link to the residential character of Arcadia Park and other residential neighborhoods.

ZONING ANALYSIS

The proposed project is located within the Housing Business Mix (HBX) Zone. The intent of the HBX Zone is to provide development standards that provide for the compatible coexistence of industrial and heavy commercial activities and medium density residential development. This zone recognizes the equal importance of housing and business.

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The following discussion outlines the purpose of the HBX zone, with staff analysis provided below in indented, italicized text:

The purposes of the Housing and Business Mix (HBX) Zones are to (with staff analysis of the proposed project provided in indented, italicized text below each purpose):

- Allow for mixed use districts that recognize both residential and business activities;
 - The proposal includes a combination of residential units and work/live units, which allow for both residential and business activities.
- Establish development standards that allow residential and business activities to compatibly coexist;
 - The PUD will include design guidelines to address the transition from industrial areas, incorporation of work/live units in the development, and the transition to the singlefamily development across the street.
- Provide a transition between industrial areas and residential neighborhoods;
 - O The proposal provides townhomes across the street from the single-family homes in the Arcadia Park development, providing a good transition between the single-family homes and the higher density apartment building closer to the BART tracks. The work/live units also provide a good transition from the more industrial and commercial activities along 98th Ave to the more residential character of the townhomes.
- Encourage development that respects environmental quality and historic patterns of development; Foster a variety of small, entrepreneurial, and flexible home-based businesses.
 - The work/live units will foster a variety of businesses and the residential units will also be able to have home-based businesses.

Zoning Analysis Table

Criteria	Housing and Business Mix	Required HBX1	Proposed	Analysis
Residential multi-	P	P	247 Apartments	Complies
family	7		122 Townhouses	
Work/Live	P	P	35 Work/Live Units	Complies
General Retail	P	P	2,468 sf commercial	Complies
Minimum lot area		4000 sf	9 parcels are proposed – each parcel meets minimum standard	Each parcel meets minimum standard
Min lot width mean/frontage		35 ft	9 parcels are proposed – each parcel meets minimum standard	Each parcel meets minimum standard
Max Density	30 units per gross acre (1,000 sf of site area per unit) Max 370	1,000 sf of lot area per unit (370 units without calculating commercial) 25% bonus allowed 17.142.100	369 units proposed	342 residential units allowed by zoning (incorporating the commercial), plus 25% PUD bonus, allows for 428 units, which exceeds General Plan, so General Plan maximum of 370 units applies. Project complies.

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Criteria	Housing and Business Mix	Required HBX1	Proposed	Analysis
Maximum Floor- Area Ratio	Maximum non- residential FAR is	FAR for structures: 1.75 FAR for	Proposed Structure FAR is 1.6 Proposed non residential FAR is 0.13	Proposed FAR meets requirements
Height	3.0	nonresidential: 1.75 35 ft	30 – 33' townhouse	32' townhouse complies;
		(75 ft within 125 ft of BART track)	43' – 65' apartment	Sections don't show height of Parcel C; TBD
Yard – Front min Yard – side min		0	0	Complies No side yard required;
Yard – rear res		0	0	No rear yard required;
Min. Usable Open Space		200 sf/unit of usable open space =200*369= 73,800 sf 75 sf/wl unit = 75*35 = 2,625 sf 76,425 sf of open space required	83,282 sf of usable open space provided	Complies Complies - Exceeds open space requirement; Planner unable to verify open space meets minimum size requirements. TBD prior to Planning Commission consideration.
Parking Min		Residential: 1 space/ dwelling (369 total required) Work/Live: 1 space/ work/live unit: 35 spaces required	273 spaces provided for apartments and work/live combined. Claiming 10% reduction for providing car share 244 spaces provided for townhouses	282 spaces required for apartments and work/live units, 273 provided. 4 carshare spaces provided, so total spaces reduced by 20%. 244 spaces for townhomes exceeds requirement
Parking Max		Residential: No Maximum	NA	NA
Loading		0: less than 50,000 residential 1: more than 50,000 sf residential	Not provided?	Information not provided. TBD prior to Planning Commission consideration.
Bike Parking Long-term		With private garage for each unit: None Without private garage: 1 space per 4 residential unit and work/live unit: 71 spaces required	85 spaces provided	Complies
Bike Parking short-term		1 space per 20 dwelling unit or work/live unit 20 spaces required	20 provided	Complies

Criteria	Housing and Business Mix	Required HBX1	Proposed	Analysis
Recycling Space Allocation		Residential 2 cubic ft of space/ residential unit, with min 10 cubic feet Commercial: 2 cubic ft of space per 1,000 sq ft, of building ft2, with min 10 cubic feet.		Not enough information provided. TBD prior to Planning Commission consideration.
17.65.150 Special regulations for HBX Work/Live		Type 3 Units: 1. The majority of the nonresidential floor area for the ground floor units must be at a public street level and directly accessible to the street; and 2. The ground floor units must have a	The work/live units facing 98th Ave are elevated and setback from the street	The work/live units facing 98th Ave do not comply with the standard to be at street level, so a Minor Variance will be required.
		clearly designated business entrance.		

17.65.150 Special regulations for HBX Work/Live units.

The planning code includes specific design review criteria for work/live units, included below. Staff analysis is indented and italicized below.

Regular Design Review Criteria. Regular design review approval for HBX Work/Live units may be granted only upon determination that the proposal conforms to the Regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

- 1. That the exterior of a new building containing primarily HBX Work/Live units has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques.
 - The conceptual designs in the PDP include the use of some nonresidential building styles, but the individual building designs will be guided by the Design Guidelines and at the Final Development Plan (FDP) stage. The Design Guidelines have not been finalized and will be submitted to the DRC at a later date.
- 2. That a building containing HBX Work/Live units has Nonresidential Activities and nonresidential floor area on the ground floor or level and at street fronting elevations.
 - O The work/live units facing Parcel H, Garner Drive, Tubman Drive, and Ellington Way are all proposed to be located at street level and facing the street. The design guidelines should support the design criteria to ensure the work/live units that are proposed in future FDPs meet the criteria that the units will be at ground level and at street fronting elevation. The work/live units facing 98th Ave are elevated and set back from the street with an elevated walkway and ramp to access the units. This elevation from the street level will require a Minor Variance from the zoning requirements. The desire of the

applicant is to provide a greater transition from the activity on 98th Ave to the ground floor commercial activity in the work/live units facing 98th Ave.

- 3. That units on the ground floor or level of a building have nonresidential floor area that is directly accessible from and oriented towards the street.
 - O The work/live units have nonresidential floor area that is accessible from and oriented towards the street. The units on 98th Ave have individual stairs from the public sidewalk to access the work/live units as well as a ramp and walkway. The units are oriented toward the street, but the landscaping setback and gates create a visual and physical barrier from truly being oriented toward the street. The work/live units facing other streets do not have enough design detail to comment on at this time, but the design guidelines should ensure they meet these design criteria and they will be analyzed in the FDP stage.
- 4. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing storefront style windows, roll-up doors, a business door oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques.
 - O The work/live units facing 98th Ave have too many barriers between the business door and the sidewalk to meet this criteria, including stairs, a setback, and a gate. Staff recommends removing the gate and the fence enclosing the patio to create a more obvious and welcoming business entry. The other work/live units do not have enough design detail to analyze, but the design guidelines and future FDPs should comply with these criteria.
- 5. That the layout of nonresidential floor areas within a unit provides a functional open area for working activities.
 - o There are not enough details at the PDP level to analyze this criteria.
- 6. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators and
 - d. Wide corridors for the movement of oversized items.
 - In general, loading has not been analyzed in the PDP for the work/live units or for the residential units. On-street and off-street loading access should be considered and provided. Other elements in this criteria will be included in the FDP stage of this project.
- 7. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees, and other business visitors.
 - O The work/live units facing 98th Ave have too many barriers between the business door and the sidewalk to meet this criteria, including stairs, a setback, and a gate. Staff recommends removing the gate and the fence enclosing the patio to create a more obvious and welcoming business entry that is conveniently accessible. The other work/live units do not have enough design detail to analyze, but the design guidelines and future FDPs should comply with these criteria.

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DESIGN REVIEW

Because this is a Preliminary Development Plan and the Design Guidelines associated with the PDP are still being drafted, the design of the buildings are conceptual, so the design review focuses on the site plan and details that are provided. The Design Guidelines will be brought before DRC at a later date before going to Planning Commission.

HBX Design Guidelines Manual

Design Objective #1: Create a development pattern that encloses the street space by defining a street wall and street section while providing transitions from existing patterns and respecting the light and air of residential properties, if present

The townhomes facing Dunbar Dr. provide a good transition from the single-family homes across the street, and include a five-foot front yard setback. The design guidelines should provide guidance for the front porch stoops and front yard landscaping.

Design Objective #2: Site parking to maintain an attractive streetscape and preserve on-street parking.

 Parking is provided in parking garages off the alley for the townhomes or in interior podiums for the apartment buildings, therefore maintaining an attractive streetscape.
 On-street parking is provided throughout the site.

Design Objective #3: Integrate functional open space into the design of the site.

 The project includes a combination of publically accessible open space in the form of the public plaza at Dunbar Dr. and 98th Ave. as well as the pocket park off of Tubman Dr. as well as residential open space provided in the form of patios, balconies, and courtyards.

Design Objective #4: Use design techniques to scale buildings appropriate to their location.

Guideline 4.2: Avoid abrupt transitions in height and scale from a neighboring property

• The proposed project places the lower height townhomes across the street from the single-family homes on Dunbar Dr., providing for an appropriate height transition. The taller buildings are adjacent to the BART tracks, the industrial container yard, or along 98th Ave.

Guideline 4.3: Use open areas, building modulation, or other methods to transition from the rhythm and scale of traditional residential streets.

O The residential streets that are part of the Arcadia Park development include small lot single family homes that are a very similar scale to the scale of townhomes. The townhomes are broken up by the pedestrian walkway (or paseo) to break up the building wall. The design guidelines should provide guidance to ensure the townhomes provide stoops and building modulation to ensure the scale and rhythm of the development transitions well from the Arcadia Park development.

Guideline 4.4 Emphasize human scale design and an active streetscape.

- Provide a ground level ceiling height greater than the upper stories
 Design a regular cadence of storefront sized windows and entrances at the front façade
- Locate nonresidential activities facing the street and at street level, including the nonresidential activities within work/live units

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- Provide transparent glazing for nonresidential activities facing the street and at street level, including the nonresidential activities within work/live units
- o Provide prominent stoops
- o Provide a prominent front entrance

The work/live units should provide storefront sized windows and entrances with transparent glazing at the front façade, and the Design Guidelines should reflect this. Currently, the designs for the work/live units facing 98th and San Leandro provide storefront windows, but the entryways are separated by stairs, a setback, and a gate.

The townhouses should have prominent stoops with prominent front entrances, and this should be reinforced through the Design Guidelines.

Guideline 4.5: Clearly identify the main entrance from the street. A main entrance should be clearly identifiable from the street. Techniques a designer should consider to clearly identify a main entrance include, but are not limited to, projecting or recessing the entrance, or providing a porch, awning, or lobby feature.

O The work/live units need to provide a more prominent entrance by removing the gate and fenced patio, which gives the appearance of a residential unit.

Design Objective #5: Consider a variety of architectural styles.

• The design guidelines should allow for a variety of architectural styles in the different phases of the development.

Design Objective #6: Provide visual interest to street facing areas.

The townhomes and ground level apartments should provide stoops and front yard landscaping to provide visual interest. The work/live units should provide prominent entrances and transparent storefront windows to provide visual interest. The PDP does not contain this level of design detail, but it should be included in the Design Guidelines.

Design Objective #7: Provide visual emphasis to buildings at street corners.

O The most critical street corners are 98th and Blake and 98th and Dunbar Dr. The Design Guidelines should ensure these corners are emphasized.

Design Objective #8: Provide well designed landscaping and buffering for street fronting yards, parking areas, nonresidential activities, and parking podiums.

Guideline 8.4: Provide landscape and architectural wall buffers for commercial and industrial activities.

• The site has an existing concrete wall along the San Leandro frontage and separating the container yard to the west from the development. The project should provide landscaping to buffer the wall from San Leandro, particularly because a greenway is planned in this location. The wall is often tagged and landscaping would both soften the wall and help deter graffiti and blight.

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ZONING AND DESIGN RELATED ISSUES

Design

Staff has worked with the applicant to refine the site plan for the PDP to accommodate the requirements of the Fire Department and the Department of Transportation, while creating a site plan for a complete community that transitions between the residential community at Arcadia Park and other adjacent industrial areas. Because this is a PDP, much of the specific design of the buildings is conceptual, but staff seeks to ensure the entitlement of the residential and work/live units will work within the overall site plan. The Design Guidelines still need to be updated and finalized for review by the DRC, before the PDP can be approved.

Issues

In general, staff finds the project to be well-designed and much improved since the original submittal. That said, staff has a few remaining design concerns and asks the DRC to consider the following:

- Work/Live Units Facing 98th Ave. As currently designed, the work/live units facing 98th Ave. do not meet the zoning requirements for Type 3 units, requiring a Minor Variance, and do not meet the design review criteria for work/live units. The applicant has incorporated the setback and elevation of the work/live units to buffer the work/live units from the traffic on 98th Ave, but the design features make the units appear like residential entries instead of commercial entries that are open to the public. Staff is willing to support the Minor Variance if the commercial uses are better connected to the street. Staff recommends that, at a minimum, the gates to each business door and the fenced patio be removed to create a better connection. The connection between the street and the commercial entryways should be more porous. The elevated walkway in front of the entries could also be widened to create more of a gathering place, to mimic places like Yaletown in Vancouver, Pearl District in Portland, or even along 4th Street in Berkeley.
 - O Does the DRC think the elevated, setback work/live units with gates meets the design intent of work/live units? Do you have suggestions about how these units can be designed to better meet the design criteria?
- Work/Live Units Facing other streets. The work/live units facing streets other than 98th Ave. do not have design details to analyze at this stage in the process. The Design Guidelines and future FDPs will provide more design details related to these work/live units. One concern related to the proposed site plan is in buildings that contain both ground floor residential units and ground floor work/live units. The ground floor residential units should provide elevated stoops, while the ground floor work/live units should be at street level, without stoops. It is unclear how this transition will be accommodated for Parcel D, Parcel B, and Parcel A.
 - O How does the DRC think these buildings can accommodate both work/live and residential units on the ground floor, particularly when the units are next to each other? What would the DRC like to see in terms of design to distinguish these units from one another?

- Woonerf. The applicant has introduced a shared-use woonerf-style street on Parcel H that will be designed as a private street with public access and Emergency Vehicle Access. The desire is to create a park-like street with traffic calming features.
 - Does the DRC think this is an effective design for the street?

On-going, Non-design Related Issues

- Work/Live Units. Work/Live units in the HBX-1 zone are Nonresidential Facilities, and therefore do not count toward residential density. The project proposes 35 Type 3 work/live units, which have the following requirements:
 - 1. The majority of the nonresidential floor area for the ground floor units must be at a public street level and directly accessible to the street; and
 - 2. The ground floor units must have a clearly designated business entrance.

The work/live units along 98th Ave are elevated and set back from the street and therefore do not meet the standards in #1 above, so the project will require a Minor Variance. Staff is willing to support this Minor Variance if the design of the entrances is improved to better connect to the public realm.

- Residential density. In the HBX zone, the residential density in the General Plan and in zoning are equivalent at 1,000 square feet of site area per principal unit. The bonus allowed through the PUD ordinance allows a bonus beyond what is allowed by zoning, but the General Plan density maximum cannot be exceeded, therefore the General Plan residential maximum is the limiting factor, at 370 dwelling units. In calculating the residential density for zoning, no portion of lot area used to meet the density requirements for a Residential Facility shall be used as a basis for computing, through such FAR, the maximum amount of floor area for any Nonresidential Facility on the same lot. Therefore, the zoning calculation for residential density considers the FAR dedicated to the commercial work/live units and relies on the PUD 25% bonus to reach the General Plan maximum residential density of 370 dwelling units.
- Loading. How the project is accommodating residential loading has not been resolved. Additional review of the approach to commercial loading is needed.

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RECOMMENDATION

Staff recommends the DRC review and comment on the proposed 98th and San Leandro PDP, with attention to the issues raised by staff in this report. The PDP will be presented to DRC again with the relevant Design Guidelines.

Prepared by:

Reviewed by:

Catherine Payne, Acting Development Planning Manager

Bureau of Planning

Attachment A:

A. Proposed 98th and San Leandro PUD/PDP Plans, dated August 26, 2019

