

Case File Number: PLN20108-PUDF01, -PUDF02

May 25, 2022

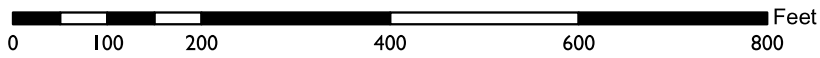
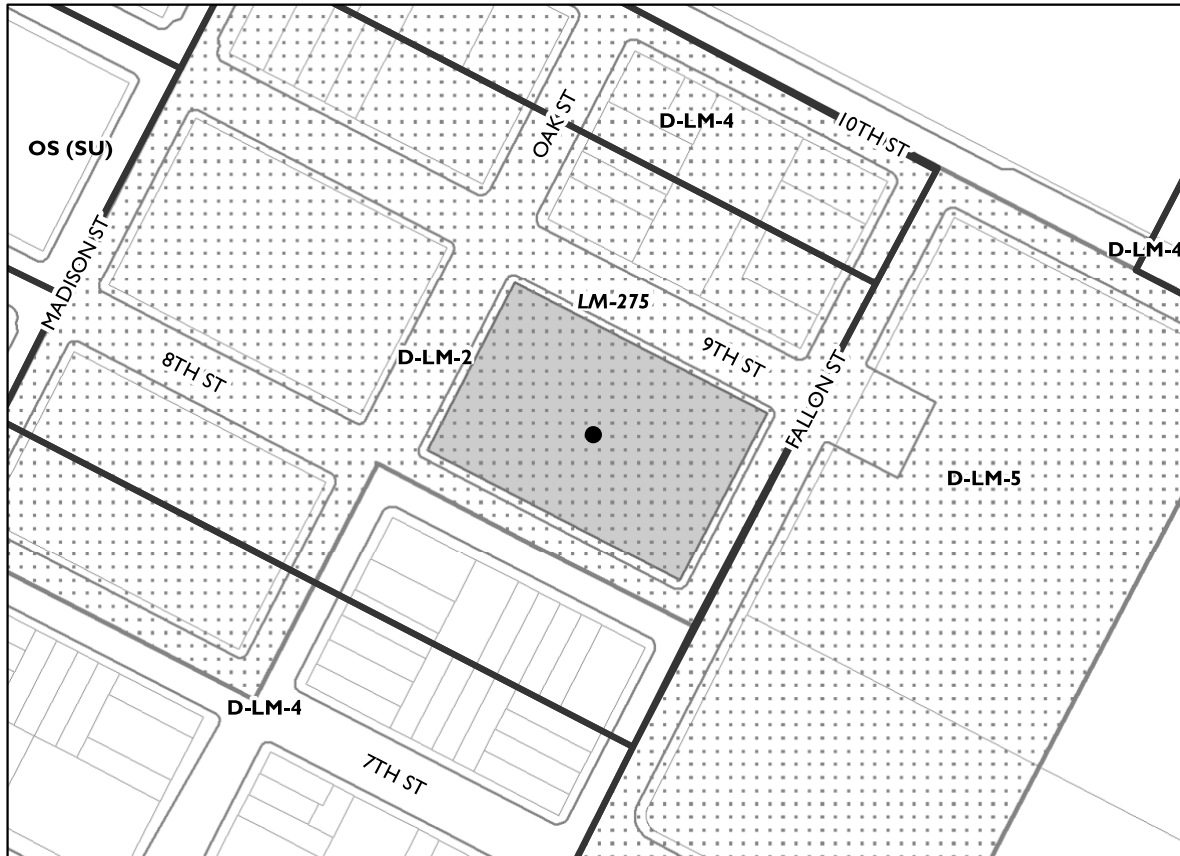
Location:	Lake Merritt Bart (51 9 th Street)
Accessor's Parcel Number:	001 016900100
Proposal:	The proposed project is a Final Development Permit application for Lake Merritt Bart Block One, Phase One, Building B and Horizontal improvements, part of the previously approved Planned Unit Development (PUD) for Lake Merritt Bart, located on 51 9th Street (APN 001 016900100). The Lake Merritt Bart PUD was approved on May 19, 2021. This is the first Final Development Permit application for the development at Lake Merritt Bart. Phase One includes Building B & Block One; the proposal is for vertical interventions of a 97-foot, 4-inch tall building with up to 97 residential units, 3,218 square feet of ground-floor commercial space, and related ancillary uses. Additionally, horizontal interventions are proposed for hard landscaping of Block One and the perimeter public ROW. The applicant requests design review prior to consideration of the Final Development Permit by the Planning Commission. For further information contact Karen August by e-mail at kaugust@oaklandca.gov .
Applicant:	East Bay Asian Local Development Corporation (EBALDC), James Perez
Phone Number:	(510) 512-2444
Owner:	San Francisco Bay Area Rapid Transit District (BART)
Case File Number:	PLN20108-PUDF01 & PLN20108-PUDF02
Planning Permits Required:	FDP, compliance with CEQA.
General Plan:	Central Business District
Zoning:	Lake Merritt Station Area District Pedestrian - 2 Commercial Zone (D-LM-2)
Environmental Determination:	TBD
Historic Status:	n/a
City Council District:	2 – Nikki Fortunato Bas
Status:	Under Review
Staff Recommendation:	Receive public and DRC comments on the design of the proposed project Final Development Plan, phase one.
Finality of Decision:	No decision requested by DRC; Receive public testimony and provide comments on design.
For further information:	Contact case planner Karen August by e-mail at kaugust@oaklandca.gov .

SUMMARY

The proposed project is a Phase One Final Development Permit (FDP) for vertical and horizontal improvements on Block One of the previously approved Lake Merritt Bart Planned Unit Development [**2021 LM Bart-PUD**]. The Project is located at 51-9th Street (APN 001 016900100). This is the first FDP for the 2021 LM Bart-PUD. The Phase One includes Building B and the associated horizontal improvements related to Block One. Building B is proposed as a 97-foot, 4-inch-tall mixed-use building with up to 97 residential units, 3,218 square feet of ground-floor commercial space, and related ancillary uses. The horizontal improvements comprise hard landscaping of Block One, with a public promenade and improvements to the perimeter public Right of Way (ROW), as required by the PUD and related conditions of approval. The purpose of this report is to seek design review comments and input from the public and Design Review Committee (DRC) of the Planning Commission.

CITY OF OAKLAND PLANNING COMMISSION

Design Review Committee



Case File: PLN20108-PUDF01 & PLN20108-PUDF02
Applicant: East Bay Asian Local Development Corporation (EBALDC), James F
Address: Lake Merritt Bart (51 9th Street)
Zone: D-LM-2
Height Area: LM-275

PROJECT SITE AND SURROUNDING AREA

Block 1 is bounded by 9th Street to the north, Fallon St to the east, 8th Street to the south, and Oak Street to west. The block currently contains BART parking, BART station head houses, and a small BART plaza. The block is surrounded by Laney College to the east, the BART plaza to the west, small scale commercial buildings to the south, and a pair of residential rowhouses to the north. Other nearby neighbors include Chinatown, the Oakland Museum of California, Lake Merritt, and Jack London Square. The site is on the eastern boundary of the Central Business District (General Plan and Estuary Policy Plan Amendments; City of Oakland, Department of Planning and Building July 3, 2014).

PROJECT BACKGROUND

Project History

On May 19, 2021, the Lake Merritt Bart PUD was approved by the City Planning Commission. The Lake Merritt BART PUD encompasses two city blocks located at 51 9th Street and 107 8TH ST, composed 60,260 and 59,978 square feet, respectively. The Project's Block 1 is bounded by 9th Street, Fallon Street, 8th Street, and Oak Street. Currently this block serves the station as a surface parking lot owned and operated by BART, and the BART tunnel runs underneath the centre of the site from Oak to Fallon. Additionally, this block has two station headhouse entrances on Oak, at the corners of 8th Street and 9th Street, which are not part of the 2021 LM Bart-PUD. The Project's Block 2 is bounded by 8th Street, Oak Street, 7th Street, and Madison Street. Block 2 is currently occupied by the existing office building and its private parking lot. Block 2 is not part of the current Phase One FDP.

In Spring of 2022, the applicant team lead by James Perez, MCP of East Bay Asian Local Development Corporation, applied for the Phase One FDP on Block One for horizontal and vertical improvements in compliance with the prior approved 2021 LM Bart-PUD Design Guidelines.

The Phase One application considered in this report includes two design proposals: the horizontal improvements consist of all rehabilitation to the City Block One as laid out in the 2021 Lake Merritt PUD: The vertical improvements are limited to Building B on Block One, which is the 97-foot, 4-inch-tall mixed-use building with up to 97 residential units, 3,218 square feet of ground-floor commercial space, and related ancillary uses, of which 100% affordable, deed restricted, Senior housing units. Finally, it should be noted that the City of Oakland and the master developer, East Bay Asian Local Development Corporation, are undertaking a parcel exchange to ease development of affordable housing on the Lake Merritt Bart Block One and Block Two. The East Bay Asian Local Development Corporation was rewarded significant funding (24.4 million dollars) from Affordable Housing Sustainable Communities (AHSC) on January 2022 and applied for further funding in January 2022 from City of Oakland New Construction Notice of Funding Availability (NOFA). Additional plans to apply for Federal Housing and Urban Development (HUD) funding under Section 202 are anticipated in the Summer of 2022. Following the exchange, staff expects to receive FDP applications for the remaining Phase 1 parcels in the near future.

Most recently, in April 2022, the Tree Permit was extended to May 7, 2023.

PROJECT DESCRIPTION

Proposed FDP --- Vertical, Building B (PLN20108-PUDF01)

The proposed Lake Merritt Bart Block One, Building B project is a 97-foot 4-inch-tall building encompassing approximately a third of a city block. The project includes 97 residential units, which are 100% affordable, deed restricted, Senior housing units and 3,235 square feet of ground-floor commercial space and related ancillary uses (3,218 square feet is noted in the Blurb). The ground floor is divided into commercial, back-of-house, and common area for the residents. The project includes a mix of studios, one- and two-bedroom units. In addition, the project includes a common area in the form of a lounge with a rooftop patio and with laundry facilities at the top level, level 7. Plans, elevations and illustrative are provided in Attachment A to this report.

Use	Floor Area	Vertical FDP Sheets	Notes
Commercial	3,235	G0.11 (Area by Occupancy Plan)	Incl. Commercial Restroom
Back-of-House	2,865	G0.11 (Area by Occupancy Plan)	Incl. Waste, Utility, Bike Rooms, FCC
Common Area	4,489	G0.11 (Area by Occupancy Plan)	Incl. Acc. Storage, Ground Floor Community Room, Lobby, Roof Deck, Laundry, Roof Community Room, Computer Room
Total Floor Area			
	79,318	G0.01A (Project Data and Building Code Summary)	Total Floor Area Proposed/Building Area
Total Commercial	3,235	G0.01A (Zoning Code Summary)	
Total Residential	76,083	G0.01A (Total less Commercial)	
Building Footprint			
	11,523	G0.01A (GSF PER OMC Zoning)	Gross Square Feet
Lot Size/Site Area	11,633	G0.01A	Gross Square Feet

Proposed FDP --- Horizontal (PLN20108-PUDF02)

The proposed Lake Merritt Bart Block One, horizontal improvement project includes the creation of a paseo/promenade stretching across the site from a plaza on Oak Street to Fallon Street. The paseo/promenade includes seating, planting, ADA ramps, bike parking, and lighting. The paseo/promenade is bordered to the south by proposed Building B and to the north by future Building A. Additional rehabilitation is proposed for the perimeter sidewalk, including the addition of 19 street trees. Plans, elevations and illustrative are provided in Attachment B to this report.

GENERAL PLAN ANALYSIS

Central Business District General Plan designation

The General Plan land use designation for this site is Central Business District. The classification is intended to “encourage, support, and enhance the downtown area as a high-density mixed use urban center of regional

importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California.”

The desired character and use for the CBD classification includes a mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

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 T2. Provide mixed use, transit-oriented development that encourages public transit use and increases pedestrian and bicycle trips at major transportation nodes.

The proposed project provides a mixed-use, transit-oriented development at the Lake Merritt BART station, including residential, office, and retail. The project provides streetscape improvements that improve the conditions for pedestrians and bicyclists and includes a paseo to improve connections to the Lake Merritt BART station.

- Objective D1. Enhance the identify of Downtown Oakland and its distinctive districts; Policy D1.8 Planning for the Channel Park Arts, Educational, and Cultural Center. The area south of Lake Merritt that includes Laney College, the Henry J. Kaiser Auditorium, the Oakland Museum, and Alameda County offices should be enhanced as a walkable, bicycle-friendly educational, cultural and institutional center in downtown Oakland. Efforts to strengthen this area's identity and create transportation linkages with the Jack London Waterfront, City Center, and the Financial District, and BART should be promoted.

The proposed project creates a transit-oriented development at the Lake Merritt BART station that helps create a node of activity to connect Laney College and the Oakland Museum to the BART station, with improved bicycle and pedestrian connections and a mid-block activated paseo.

- Objective D3. Create a pedestrian-friendly downtown

The project improves the sidewalks on the four frontages of each block, providing a minimum 5.5-foot clear width for pedestrians on all frontages. The project also includes intersection improvements that improve pedestrian safety. The streetscape improvements also include landscaping, street furniture, and other amenities. The pedestrian paseo provides mid-block pedestrian access to the BART station.

- Objective D5. Enhance the safety and perception of safety downtown at all hours

The proposed project (Limited to Building B and the hard Landscaping) is being designed to activate the transit node at all hours, with ground floor active uses, activation of the paseo, and incorporation of Crime Prevention through Environmental Design (CPTED) techniques.

- Objective D7. Facilitate and promote downtown Oakland’s position as the primary office center for the region.

This is phase one (Limited to Building B and the hard Landscaping) of a multi-phased PUD. The PUD proposed provides 500,000 square feet of office space located in Building C, with direct access to the BART station. Building B is limited to 100% affordable, deed restricted, Senior housing units and ground-floor commercial space and related ancillary uses.

- Objective D10. Maximize housing opportunities in the downtown to create a better sense of community

The proposed project provides 97 new residential, affordable units of varying size and affordability levels.

- Objective D11. Foster mixed use developments to help create a diverse, lively, and vibrant downtown

The proposed project provides a mixed-use transit-oriented development with ground floor retail. The pedestrian paseo envisions a food hub near the BART head houses, with a commercial kitchen, restaurants, and outdoor seating. The corner of 8th and Oak will also be a focal point for vibrant activity.

Lake Merritt Station Area Plan policies

The Lake Merritt Station Area Plan provides land use policies for the plan area and, more specifically, for the Lake Merritt BART Station Area District.

Area-Wide Land Use Policies

LU-2 High intensity development potential. Support transit-oriented development and accommodate regional growth projections by promoting high intensity and high-density development in the Planning Area.

The project includes 97 new residential, affordable units of varying size and affordability levels and a pedestrian paseo and food hub near the BART head houses, contributing to achieving regional growth projections by providing senior housing and thus creating a safer neighborhood with more eyes on the street and diverse denizens.

LU-3 Ground floor commercial uses. Expand active commercial uses, including retail and restaurants, throughout the Planning Area. This expansion supports an enhanced regional destination, building on and complementing the existing success of the Chinatown Commercial Center and diversifying retail options as an expansion of Oakland's Central Business District.

The Project provides ground floor limited-service restaurant space around the BART station entrances and retail along Oak St.

LU-4 Active ground floor uses. Encourage active uses in new buildings on key streets in neighborhood hubs in order to transform key streets into activated pedestrian connections over time and expand the vibrancy and activity that already exists in some areas. These active ground floor uses should be located at the street edge, or at the edge of parks, plazas, or other public spaces. Activated neighborhood hubs include:

LU-5 Lake Merritt BART Station Area: key streets through this hub include Oak Street, Madison Street (excluding Madison Square Park), 8th Street, and 9th Street

The Project provides ground floor commercial uses (as described above) as well as residential lobbies, residential amenity space, and daycare activities to activate the ground floor.

LU-7 Diverse housing types. Ensure a diverse community by incentivizing a range of housing types, including housing for individuals and families of all sizes and all income levels.

The overall PUD project includes diverse housing types, including family-oriented affordable housing in Building D, affordable senior housing in Building B, and a mix of unit types in the market-rate Building A. The proposed project is for one part of this diversity, Building B.

Land Use Policies for the Lake Merritt BART Station Area District

LU-26 High intensity development. Promote high intensity development on the BART-owned blocks to support transit-oriented development. Ensure neighborhood compatibility through application of design guidelines.

The Project complies with the Lake Merritt Station Area Plan Design Guidelines as well as the project specific design guidelines, ensuring compatibility of the project with the overarching land use entitlements and policies.

LU-27 Community benefit. New development on the Lake Merritt BART blocks should reflect the unique community heritage of Chinatown, serve the existing and future community, and incorporate public amenities.

The Project serves the existing and future community by providing affordable housing options for families and seniors and provides community gathering spaces in the paseo.

LU-28 Community involvement. Work closely with the community and BART to develop the desired program of uses for the Lake Merritt BART blocks and ensure the provision of an appropriate range of community services, public uses, and amenities throughout the area.

The Project applicant has led extensive community engagement to help shape the Project. Engagement efforts included stakeholder meetings and interviews, Community Design Workshops, and community surveys.

LU-29 Catalyst development. Promote development on the Lake Merritt BART blocks that acts as a catalyst project that creates an active neighborhood hub and serves as part of activated spines along 8th, 9th, and Oak Streets, connecting the heart of Chinatown, the Lake Merritt BART Station, and Laney College.

The Project will serve as a catalyst within the broader neighborhood, creating a food hub and community gathering space in the paseo, providing safe and comfortable pedestrian and bicycle connections to the BART station, and providing 97 units of the PUD's proposed 557 residential units.

ZONING ANALYSIS

The 2021 LM Bart-PUD for this project is located within the D-LM Lake Merritt Station Area District Zones. The intent of the Lake Merritt Station Area District (D-LM) Zones is to implement the Lake Merritt Station Area Plan. Development in this zoning district shall be consistent with the Lake Merritt Station Area Plan, of a high-quality design, and include active ground floor uses where appropriate and feasible.

The project is the first FDP subject to the 2021 LM Bart-PUD, representing phase one. There are four planned phases specified in the design sheets L3.1 to L3.4. The first phase covers the construction of Building B and the hard landscaping for the majority of Block One; inclusive of the paseo, urban infrastructure on 8th and Fallon. The second phase covers the construction of the market rate units and commercial space in Building A and the remaining hard landscaping of Block One, inclusive of urban infrastructure on 9th St. and Oak St. The third phase covers the construction of Building C, the office tower and the majority of the urban infrastructure for Block Two,

including work on 8th St., Oak St, and 7th St. The final and fourth phase covers Building D, affordable residential units and the remainder of the urban infrastructure for Block Two on Madison St.

The objectives of 2021 Approved 2021 LM Bart-PUD produced 206 itemized guidelines. Each guideline is address in the Zoning Matrix provided below. As demonstrated in the Zoning Matrix, the project meets the regulator requirements delineated in the 2021 PUD.

Six overarching objects of the 2021 LM Bart-PUD Design Guidelines applicable to the phase One follow:

1. Create a more active and vibrant Lake Merritt Station Area District to serve and attract residents, businesses, students, and visitors;

The Project creates a mixed-use, transit-oriented development on one City Block of the Lake Merritt Station Area that will transform an existing parking lot into a mixed-use building with 100% affordable housing, with a paseo providing mid-block pedestrian connections to the BART station.

2. Increase activity and vibrancy in the area by encouraging vital retail nodes that provide services, restaurants, and shopping opportunities;

The commercial spaces in Block 1 will create a food hub, with restaurants and outdoor seating to create a food destination in the neighborhood.

3. Improve connections between the Lake Merritt BART Station and major destinations outside the Station Area District;

The pedestrian paseo provides an important connection between Laney College and the BART station.

4. Improve safety and pedestrian-orientation;

The proposed project provides pedestrian improvements including improved sidewalks with minimum 5.5 ft. clear width, improved intersections with curb bulbs, curb ramps, and crosswalks, and activation to improve safety.

5. Identify additional recreation and open space opportunities and improve existing resources; and

The pedestrian paseo in Block 1 provides increased landscaping and greening of the block as well as opportunities for gathering and potential play space for children.

6. Encourage and enhance a pedestrian-oriented streetscape.

The project includes improvements to the streetscape on all frontages, which provide pedestrian-oriented streetscapes with improved sidewalks, landscaping, and street furniture.

The proposed project works to fulfill the 2021 LM Bart-PUD vision for transit-oriented development at the Lake Merritt BART station. The project provides ground-level, pedestrian-oriented, active storefront uses along Oak St and portions of 8th St. The project also provides pedestrian-oriented residential lobby entrances on Fallon St.

Please see Attachment A for a comprehensive Zoning Regulations Matrix that delineates that the proposed project within the 2021 LM Bart-PUD is consistent with the intent of the zoning.

ZONING AND RELATED ISSUES

Issues

In general, staff finds the project to be well-designed and improved since the original submittal. The project is visually interesting, although it may still be overly busy. The location of ground floor uses maximize activity and transparency along the public right-of-way and at the corners of the building. Back-of-house uses are generally contained within the project and are minimized along the middle of Building B. That said, staff has a few remaining design concerns and asks the DRC to consider the following:

- **Materials:** The project includes a mix of materials, including “thin brick”, “wood composite panel”, “Cement paster”, and “Standing seam metal panel --- for both roofing and siding. Staff recommends that the DRC request high-quality finishes for this project, specifically regarding the proposed featured “wood composite panel” and standing seam metal panel as siding.
- **Colors:** Staff recommends that the applicant explore different options for the white vinyl window products to be used for all floors above the ground level. Picking up on the darker Bronze Aluminum Windows on the ground floor would offer consistency and unity to the building, the windows should be complemented by the other dominant material colors.
- **Massing:** Refinement of the busy façade layers and uncoordinated roofline would offer ease of transition between existing urban contest and proposed later phase market rate units for Building A. For example, the proposed roofline has a gable on the west elevation, a half sawtooth formation in the middle section of the building, and a parapet in the east elevation. A simplification of the multiple façade layers (up to six layers on one elevation) and a unified roofline would visually present the building as an intentionally designed structure situated in the context of Downtown Oakland, Chinatown and the Lake Merritt District.
- **Overall,** further refinement of the material language, improved selection of window products, simplification of the façade layers and roofline would improve the project and establish a more realistic relationship with the future architecture language of the market rate units proposed for phase two, Building A.

RECOMMENDATION

Staff recommends the DRC review and comment on design for the proposed Lake Merritt Bart FDP, with attention to the issues raised by staff in this report.

Prepared by:

Karen August

Karen August, Historic Preservation Planner III

Reviewed by:

Catherine Payne

Catherine Payne, Development Planning Manager
Bureau of Planning

Attachment:

- A. Zoning Regulations Matrix
- B. Proposed Plans, *2022-05-03_Horizontal FDP Set with Civil*, dated May 2, 2022
- C. Proposed Plans, *22-05-04_Vertical FDP Set-Bldg B*, dated May 4, 2022
- D. 2021 LM Bart-PUD---DESIGN GUIDLINES
- E. 2021 LM Bart-PUD---Approval Letter
- F. 2021 LM Bart-PUD---CEQA Recorded NOE + NOD
- G. 2022 Tree Permit Extension--- *T20-021 - 51 9th Street*

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