

Case File Number: PLN18523

September 25, 2019

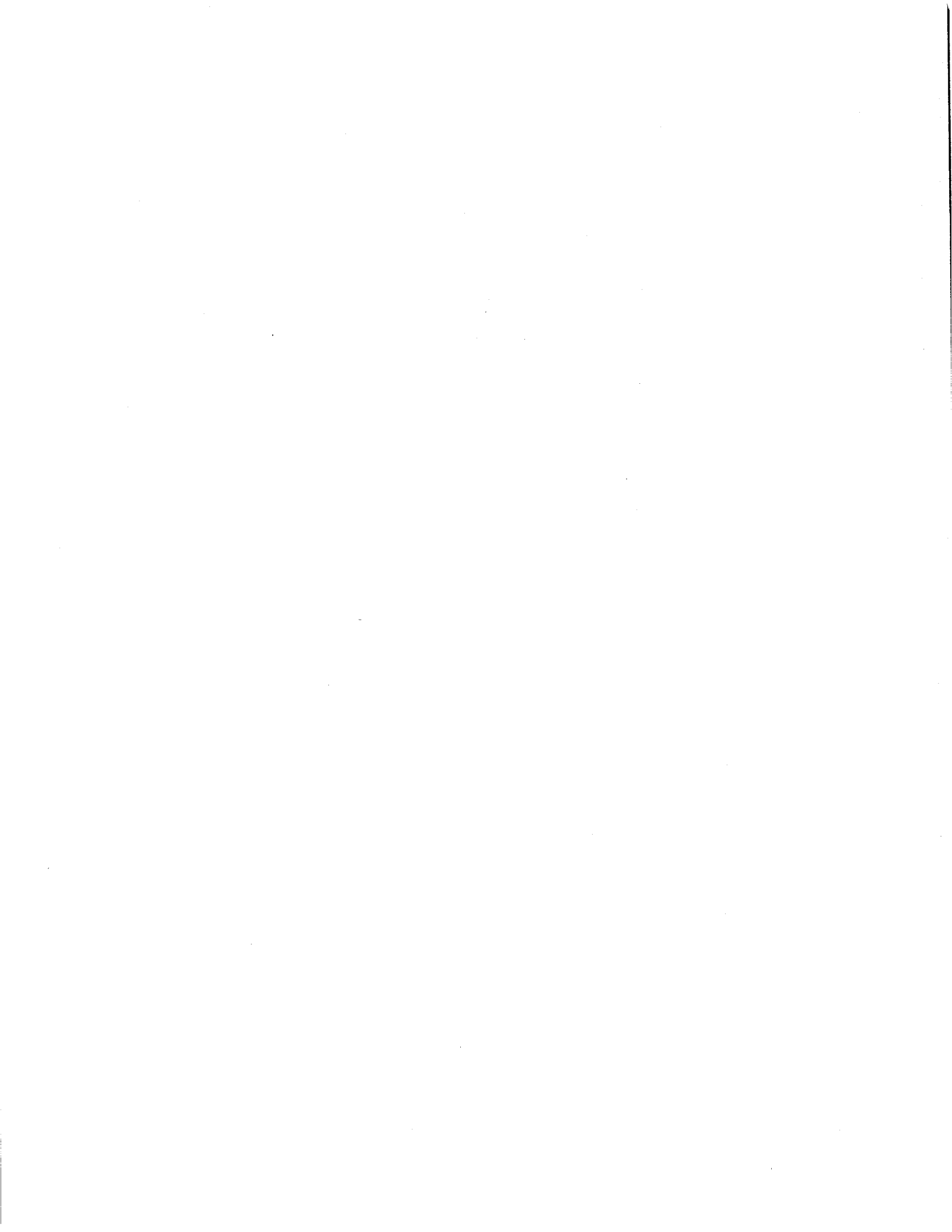
Location:	98th and San Leandro (921 98th Ave)
Assessor's Parcel Number(s):	044 508018000 and 044 508017900
Proposal:	Preliminary Development Plan (PDP) for a Planned Unit Development at 98 th and San Leandro, including 369 residential units, 35 work/live units, and 2,468 sf of ground-floor commercial 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

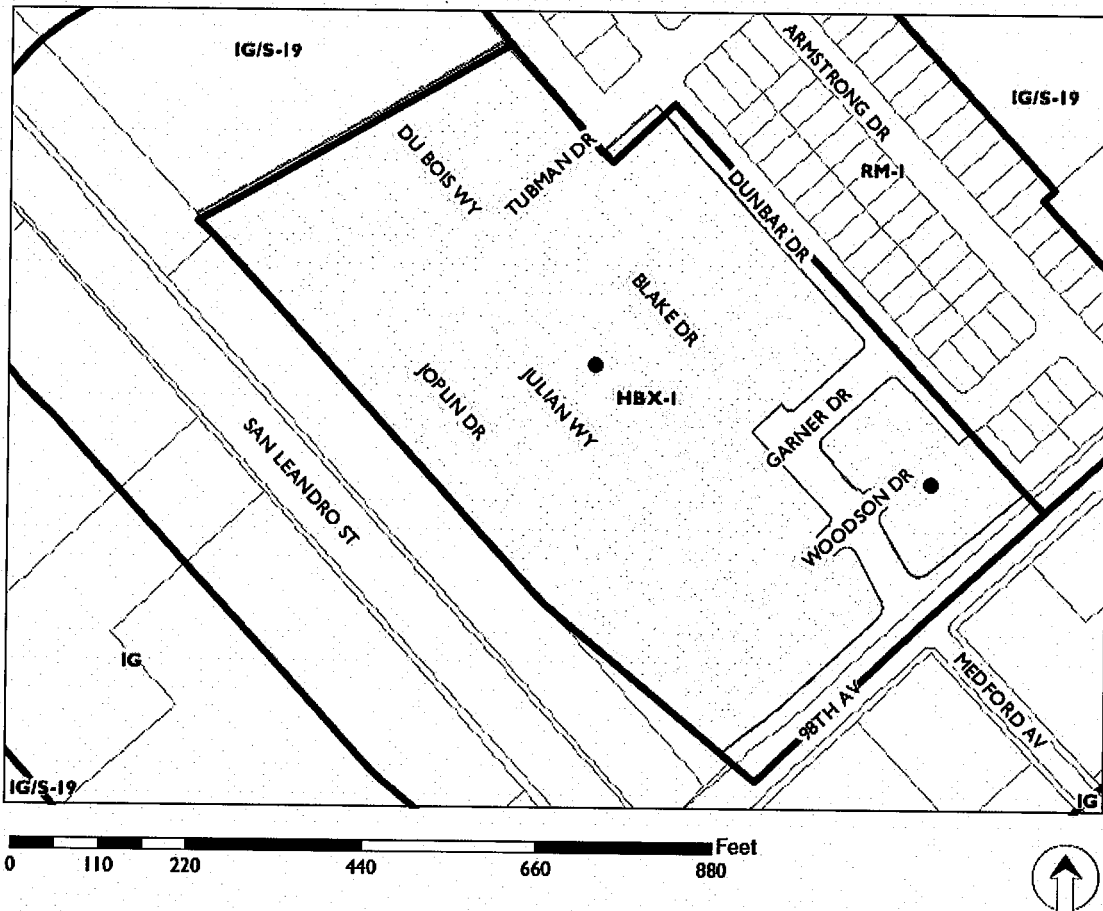
The proposed project is a Preliminary Development Plan (PDP) for a Planned Unit Development at 98th and San Leandro (921 98th Ave). The project proposes 247 apartment units, 122 townhomes, and 48,082 square feet of commercial area including 35 work/live commercial units and 2,468 square feet of ground 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

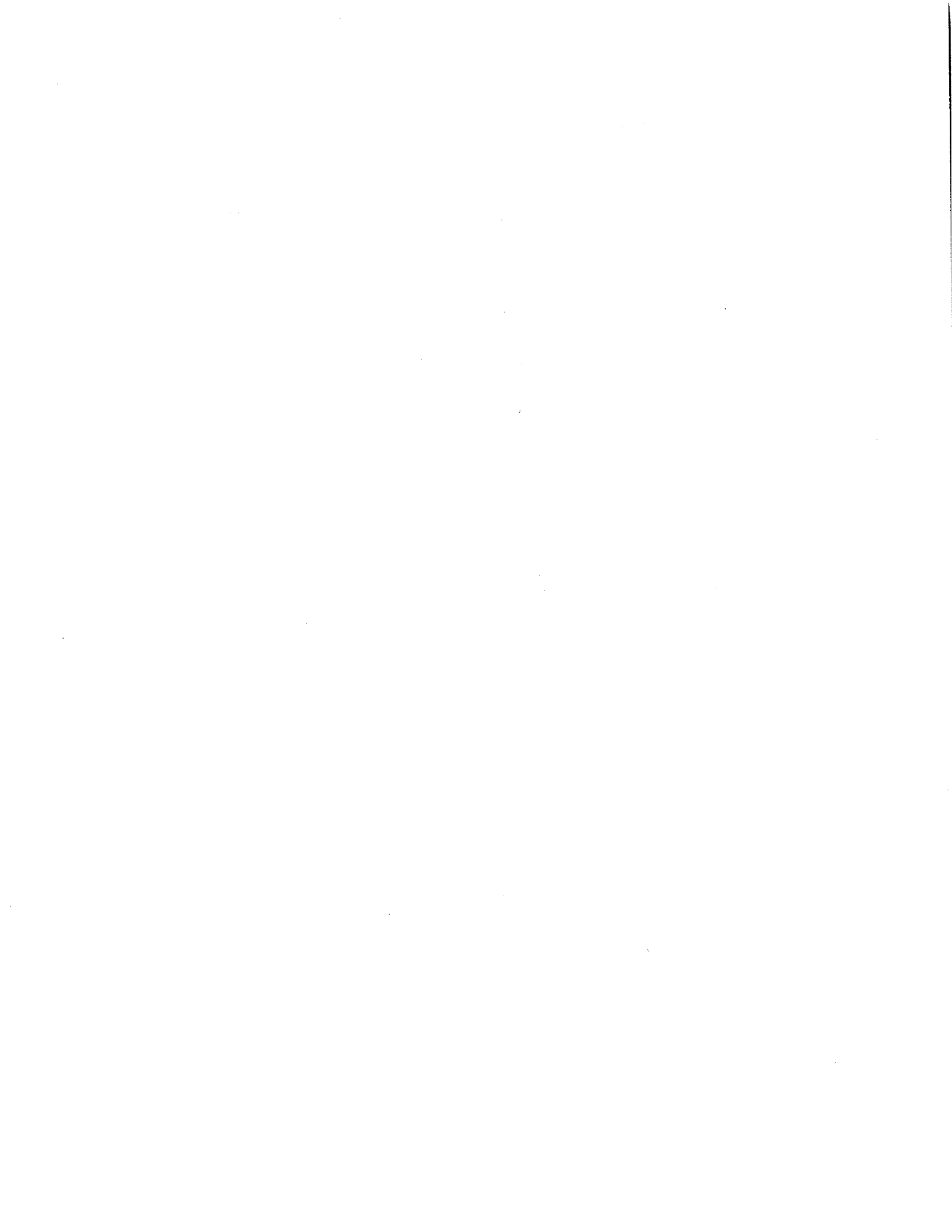
The project is located in East Oakland, and encompasses a 10.16-acre site bounded by San Leandro Street, 98th Avenue, and Dunbar Drive. Elevated BART tracks and at-grade Western Pacific Railway Company right of way run between the property and San Leandro Street. The project site is located adjacent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



CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN18523
Applicant: Fleischmann Property, LLC
Address: 98th and San Leandro (921 98th Ave)
Zone: HBX-1



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.”



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.
 - *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.
 - *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.



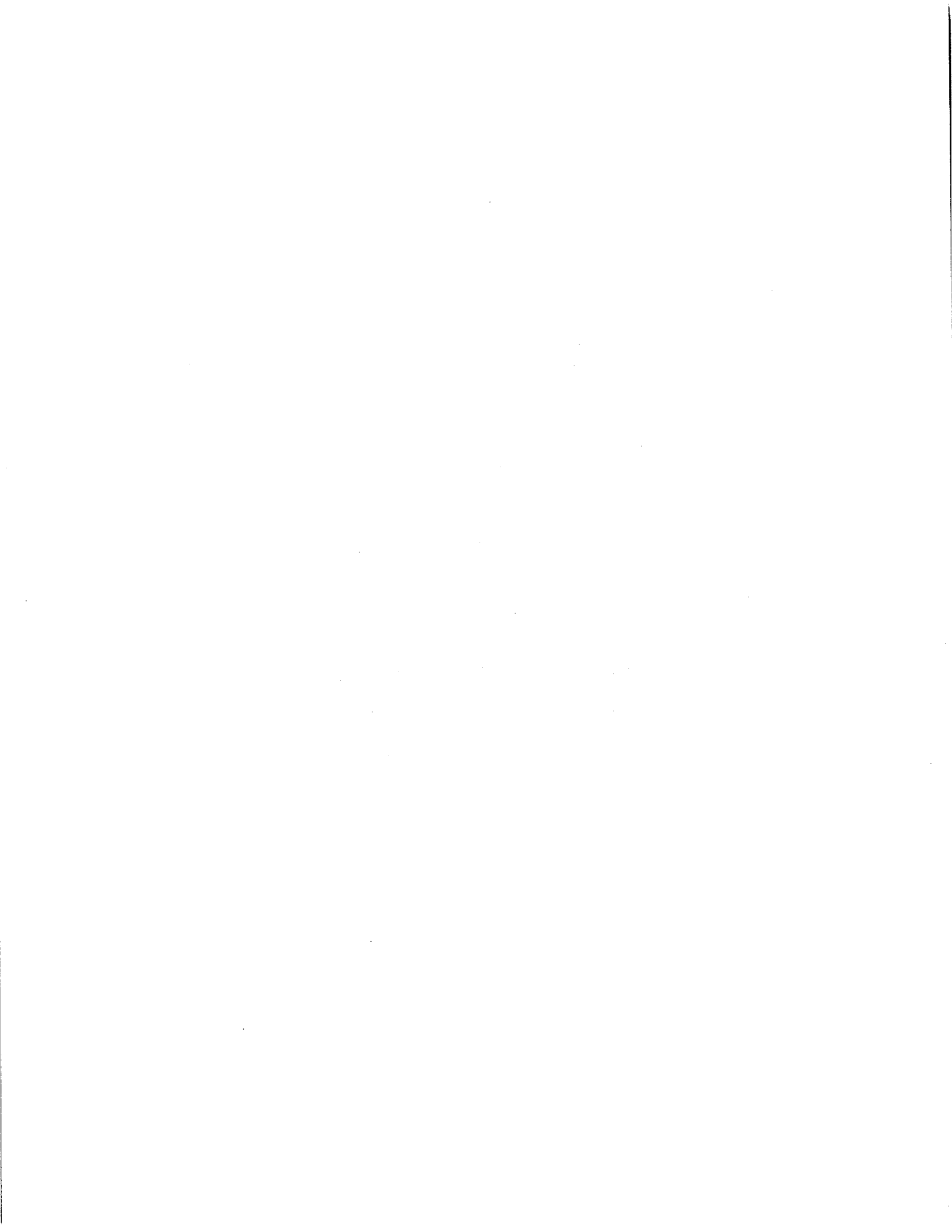
The following discussion outlines the purpose of the HBX zone, with staff analysis provided below in indented, italicized text:

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):

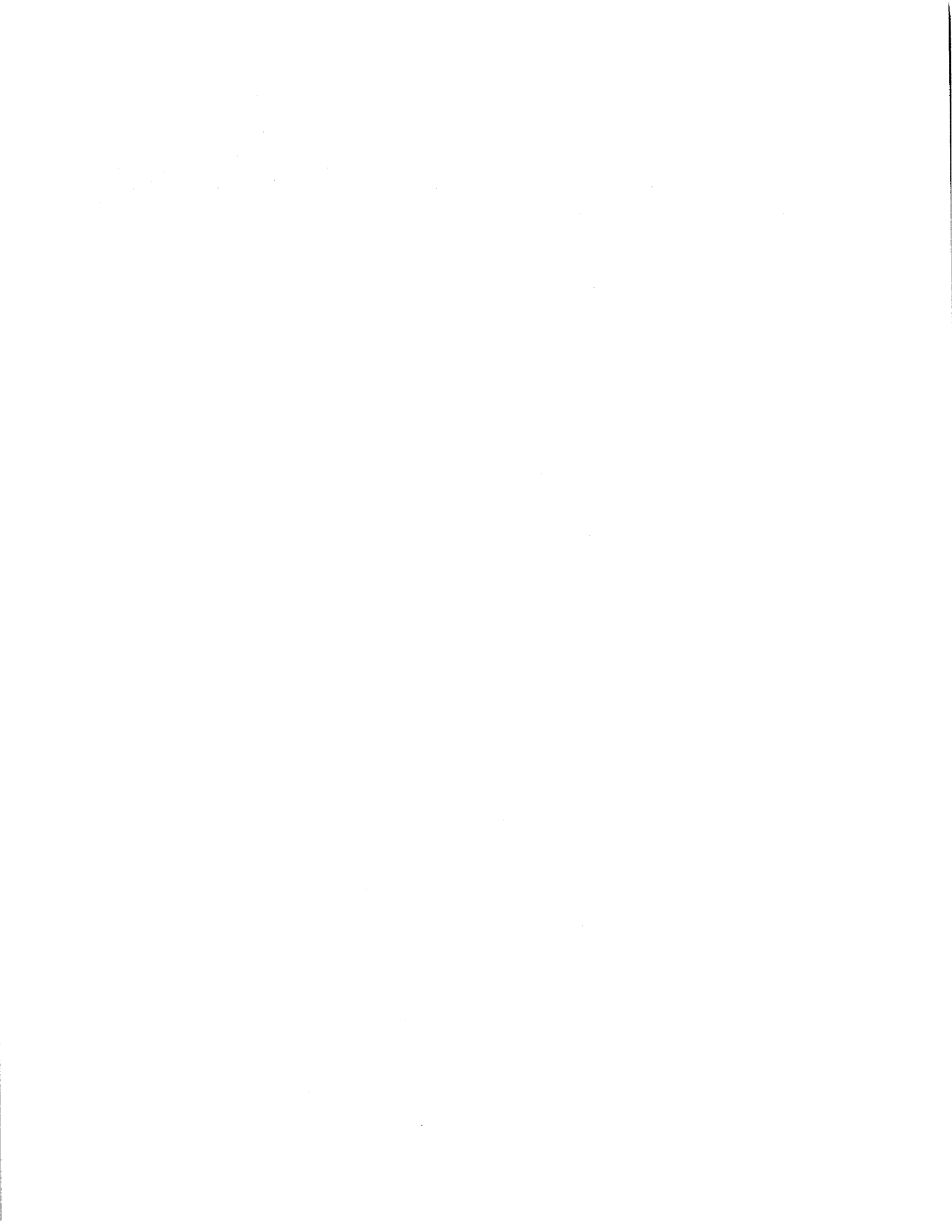
- Allow for mixed use districts that recognize both residential and business activities;
 - *The proposal includes a combination of residential units and work/live units, which allow for both residential and business activities.*
- Establish development standards that allow residential and business activities to compatibly co-exist;
 - *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 single-family development across the street.*
- Provide a transition between industrial areas and residential neighborhoods;
 - *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-family	P	P	247 Apartments 122 Townhouses	Complies
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.



Criteria	Housing and Business Mix	Required HBX1	Proposed	Analysis
Maximum Floor-Area Ratio	Maximum non-residential FAR is 3.0	FAR for structures: 1.75 FAR for nonresidential: 1.75	Proposed Structure FAR is 1.6 Proposed non residential FAR is 0.13	Proposed FAR meets requirements
Height		35 ft (75 ft within 125 ft of BART track)	30 – 33' townhouse 43' – 65' apartment	32' townhouse complies; Sections don't show height of Parcel C; TBD
Yard – Front min		0	0	Complies
Yard – side min		0	0	No side yard required; Complies
Yard – rear res		0	0	No rear yard required; Complies
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 - 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 ft ² , 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 clearly designated business entrance.	The work/live units facing 98 th Ave are elevated and setback from the street	The work/live units facing 98 th Ave do not comply with the standard to be at street level, so a Minor Variance will be required.

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.
 - o *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.

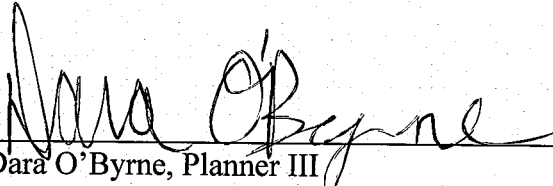
3. That units on the ground floor or level of a building have nonresidential floor area that is directly accessible from and oriented towards the street.
 - *The work/live units have nonresidential floor area that is accessible from and oriented towards the street. The units on 98th Ave have individual 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.
 - *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.
 - *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.
 - *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.*



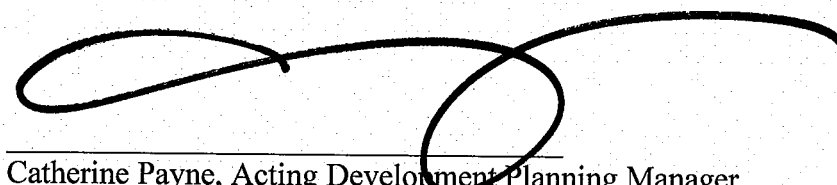
RECOMMENDATION

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:


Dara O'Byrne, Planner III

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

