

<b>Location:</b>	222 19 <sup>th</sup> Street (APN: 008-0634-003-00)
<b>Proposal:</b>	Demolition of the Schilling Gardens and construction a 42-story residential tower that would provide 370 units, a 993 sq. ft. ground floor café and five levels of below grade parking.
<b>Applicant:</b>	Ian Birchall / (415) 512-9660
<b>Owner:</b>	David and Kari O’Keefe
<b>Planning Permits Required:</b>	Major Interim Conditional Use Permit (CUP) for a project that exceeds the density allowed by the zoning but is consistent with the General Plan; Major CUP for Large-Scale Developments (100,000 square feet of new floor area, or a new building more than one hundred twenty 120’ in height); Minor CUP for General Food Sales; Minor Variances for outside General Food Sales (17.32.090); percentage of compact parking spaces, tandem spaces, total number of parking spaces for residential and food sales, parking space dimensions when next to a column or other obstruction, omission of loading berths, Design Review and High Density Design Review criteria; Tree permit
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	R-90 Downtown Apartment Residential Zone S-4 Design Review Combining Zone S-17 Downtown Residential Open Space Combining Zone
<b>Environmental Determination:</b>	Staff has determined that an Environmental Impact Report (EIR) must be prepared for this project. A Notice of Preparation (NOP) to prepare the EIR was published on November 9, 2007. The comment period for the NOP ended on December 10, 2007.
<b>Historic Status:</b>	The proposed project would be constructed on the site of the Schilling (August) Gardens, located behind the 244 Lakeside Apartment Building and adjacent to Snow Park. This garden is a Designated Historic Property (DHP) and rated an A1+, of the “highest importance” by the Oakland Cultural Heritage Survey (OCHS). The garden is also an anchor and primary contributor to the 244 Lakeside Drive Building Group, an Area of Primary Importance (API). Besides the garden, this building group also includes the boathouse, 244 Lakeside Apartments, and the Regillus Apartments. All of these properties are located on the Preservation Study List. Furthermore, the property is also a primary contributor to the Lake Merritt Historic District.
<b>Service Delivery District:</b>	Downtown Metro
<b>City Council District:</b>	3
<b>For further information:</b>	Contact case planner <b>Heather Klein</b> at <b>510 238-3659</b> or by e-mail at <b>hklein@oaklandnet.com</b>

**(Contains map showing the project site and general vicinity)**

## SUMMARY

The purpose of this report is to provide preliminary design review comments for a project proposing the demolition of an existing private formal garden associated with the historic Alfred Schilling Estate and construction of a 42-story residential high-rise (457' tall) with 370 units and five levels of underground parking. The site is located between Snow Park and the Regillus apartment building and behind the 244 Lakeside apartment building.

In the late 1800's, August Schilling of the spice firm A. Schilling & Co., purchased several large parcels in order to develop a grand estate. In addition to the main house, the estate also included a separate servant's residence, playhouse, garage, several out-buildings, boathouse, boat landing (since the property directly bordered Lake Merritt), as well as an extensive garden. The garden included exotic plants, rare ferns, a pond, an artificial cave, fountains, statuary, and a rustic concrete arbor. The project site is last remaining portion of the original estate and occupies about one-fifth of its previous size. The City of Oakland's Cultural Heritage Survey (OCHS) has identified the garden as a Designated Historic Property (DHP) with a rating of A1+, the "highest importance". The garden is an anchor and primary contributor to the 244 Lakeside Drive Building Group, an Area of Primary Importance (API). Besides the garden, this group also includes the boathouse, 244 Lakeside Apartments, and the Regillus Apartments. All of these properties are located on the Preservation Study List.

The project requires a Major Interim Conditional Use Permit (CUP) for a project that exceeds the density allowed by the zoning but is consistent with the General Plan; Major CUP for Large-Scale Developments (100,000 square feet of new floor area, or a new building more than one hundred twenty 120' in height); Minor CUP for General Food Sales; Minor Variance for outside General Food Sales (17.32.090); the percentage of compact parking spaces, tandem spaces, total number of parking spaces for residential and food sales, parking space dimensions when next to a column or other obstruction, and the omission of loading berths. Design review and a Tree Removal Permit also required for the project.

Staff has determined that an Environmental Impact Report (EIR) must be prepared for this project. A Notice of Preparation (NOP) to prepare the EIR was published on November 9, 2007 and the comment period ended on December 10, 2007. At public hearings before the Landmarks Preservation Advisory Committee (LPAB) and Planning Commission, staff received comments and direction on what types of information and analysis should be considered in the EIR. Staff is currently preparing the EIR and is anticipating publication later this year.

Staff has noted several key issues pertaining to the project including number of requested entitlements, height, and compatibility with the historic districts. These are outlined in more detail in the body of the report. Staff is interested in comments from the LPAB and the public regarding the design of the proposed project that may provide direction to the applicant and staff as design development and environmental work proceeds toward publication of the DEIR and full Planning Commission review.

## PROJECT SITE AND SURROUNDING AREA

### Existing Conditions

The approximately 32,209 sq. ft. site currently contains a private, formal landscaped garden, several mature redwood trees and garden elements associated with the historic August Shilling Estate. The northern and central portions of the site contain a manicured lawn surrounded by a semi-circular walkway that forms the boundary between the lawn and formal garden areas to the east, south and west. The garden areas slope upwards away from the lawn. The garden areas include mature trees, shrubs and flowers as well as foot paths, benches, and fountains. The upper planting area includes mature redwood trees, a

concrete arbor with wysteria and climbing roses (also known as the “hanging gardens”). There are two small green houses (totaling approximately 1,000 sq. ft.) on the southwestern portion of the site. A chain-link fence with a wrought-iron medallion containing the initials A. S. and a paved entrance provide restricted access from 19<sup>th</sup> Street. Also a chain link fence surrounds the site and is intermittently covered with vines and bushes. The southern and eastern edges of the project site contain a rock embankment, covered in ivy, rising to a maximum of nine feet above the adjacent property. The eastern embankment drops down to the driveway at the Regillus building and the southern embankment drops down to 19th Street.

### **Surrounding Area**

The proposed project site is located within Downtown Oakland on the northern edge of the Gold Coast District and adjacent to the Kaiser Center and Lake Merritt District. The project site is surrounded by civic and residential uses. Directly adjacent to the project are the 12-story 244 Lakeside apartment building and the 2-story garage to the north. To the east are the 8-story Regillus apartment building and open space and recreational areas associated with Lake Merritt. To the west is the City owned Snow Park with commercial and retail high rise buildings further to the west of the site. Across 19<sup>th</sup> Street to the south, there are mid-rise office and residential buildings.

## **ARCHITECTURE/HISTORY**

In the late 1800's, August Schilling, cofounder of the well-known coffee, tea, and spice firm A. Schilling & Co., purchased several large parcels in order to develop a grand estate. These parcels included the house at the corner of 19<sup>th</sup> and Jackson Street built by Jonas Sedy as well as the Judge O. L. Shafter House. Schilling removed the Shafter House and combined the parcels. In addition to the main house, the estate also included a separate servant's residence, playhouse, and garage, several out-buildings, boathouse, and boat landing (since the property directly bordered Lake Merritt), as well as an extensive garden. The garden included exotic plants, rare ferns, a pond, an artificial cave, fountains, statuary, and a rustic concrete arbor.

The Schilling House and Garden remained until 1921 when it was sold to Percival Palmer who developed the Regillus Apartments at 200 Lakeside Drive. The western portion was developed with the 244 Lakeside Apartments in 1924-1925. The original carriage house remained and is still used today.

The City of Oakland's Cultural Heritage Survey (OCHS) has identified the garden as a Designated Historic Property (DHP) with a rating of A1+, the “highest importance”. The garden is an anchor and primary contributor to the 244 Lakeside Drive Building Group, an Area of Primary Importance (API). Besides the garden, this group also includes the boathouse, 244 Lakeside Apartments, and the Regillus Apartments. All of these properties are located on the Preservation Study List. The garden and the buildings with the group are also contributors to the Lake Merritt Historic District.

## **PROJECT DESCRIPTION**

The design is intent for the project from the architect follows. “The design proposed for Emerald Views draws its inspiration and architectural responses from a number of contextual sources and stimuli. The strong symmetry of the slim mass, reinforced by the vertical fins at both ends of the main axis, reflects the Beaux Arts composition of the two neighboring historic buildings, the Regillus and the Bechtel building. Through a studied manipulation of materials and formal elements in the lower floors of the tower, the traditional "base, middle and top" composition of the two neighboring structures has been recognized architecturally, without adopting literal and false historicist treatments. The main tower form has been carefully sculpted through gently angled walls and calculated arrays of balconies to minimize the mass and as a response to the

neighboring context. The tower culminates in a distinctive split pyramidal glass roof-form that will also serve as a basic structure for an array of solar panels and wind-driven generators.”

The applicant is proposing the demolition of the existing garden and the construction of 370 units in a 42-story high-rise tower with five levels of below grade parking. The tower would be approximately 457’ tall (measured from grade to the top of roof forms). The project also includes a 933 sq. ft. of café space on the ground floor. The project sponsor is no longer including the relocation of several trees, the fountain, and benches from the existing garden as part of the project. Only if relocation of the arbor is feasible will it be located, otherwise a new arbor will be created.

#### Building Program and Floor Plans

The residential tower would have a footprint of approximately 12,200 sq. ft. The east and west sides of the tower would curve slightly outwards, the north and south sides of the tower angle slightly inward. The residential tower would have an overall contemporary appearance. The lower floors (floors 1 through 3) would be clad in pre-cast simulated stone panels with aluminum spandrel panels forming a transition to the all glass skin of the upper floors. Floors 4 through 42 would be sheathed in light-green glass. The tower would include a vertical design element on both narrow facades (northern and southern facades) of the building, which would consist of a notched aluminum composite panel structure. Up-lighting would be placed at the base of the notch to emphasize the verticality at night. The tower would terminate in a split pyramidal roof-form, with louvered sloped planes and twin spires. The night-time illumination shown on the plans is internal to the pyramids and is intended to allow light to be seen from below, but maintaining a "dark sky" from above the building.

The ground floor would include a lobby, a cafe, a lounge, management offices, mail boxes, back-of-house mechanical spaces and recycling and trash areas. The lounge and cafe would have access to a patio adjacent to Snow Park. The 2nd and 3rd floors of the residential tower would include an interior swimming pool, whirlpool, gym and locker rooms, in addition to a private party room, screening rooms, and a meeting room. The residential units start on the 4th floor and continue up to the 41<sup>st</sup> floor; floors 40 and 41 contain penthouse units. The 42nd floor would be dedicated to the mechanical equipment. The condominiums are a combination of one-bedroom (689-741 sq. ft.), two-bedroom (1,190-1,254 sq. ft.), and penthouse units (1,189-1,960 sq. ft.).

Five stories of below-grade parking would be constructed to provide approximately 357 off-street parking spaces. Ingress and egress to the garage within the site would be from 19<sup>th</sup> Street via a sloped driveway on the southern portion of the site. A curb cut/drop-off area would be provided along 19<sup>th</sup> Street. The applicant has prepared a traffic management plan that explains in detail how parking, loading, and circulation, will be addressed on the project site.

Open space is provided through a 20,322 sq. ft. of group space and 14,618 sq. ft. of private space. The group open space includes:

- An entry plaza with colored concrete, stone paving, a water feature, and landscaping along 19<sup>th</sup> Street.
- A stone patio, a water feature, and an arbor would be adjacent to Snow Park. A portion of this area will be used as outdoor seating for the café.
- A fountain and several benches relocated from the existing garden, trees and plants, a decorative concrete sidewalk, and potting shed are located along the northern edge of the site, adjacent to 244 Lakeside.
- Trees and plants, and a trellis with vines is shown located adjacent to the Regillus.
- Two open to the air viewing terraces at the 40<sup>th</sup> floor.
- Roof deck space on the 42<sup>nd</sup> floor with planter boxes and seating.

Private open space is provided through terraces and balconies.

### **Green Building**

The proposed office tower would incorporate a number of green building features and would seek a Build It Green rating certification. The applicant has submitted the checklist which shows a preliminary score of 153 points. The proposed green building features that the project applicant is committed to include:

- Photovoltaic panels.
- Solar collectors (pre-heated domestic hot water).
- Rain water collection for irrigating plants on the roof terrace and the garden at ground floor level.
- Sprinkler reservoir for geo-thermal exchange HVAC for common areas.
- Materials with a high recycled content and/or from sustainable sources and promoting recycling.
- Promote indoor environmental quality by using low-VOC materials and promoting daylighting and views.

The proposed green building features that the project applicant is still reviewing include:

- Vertical axis wind turbines as an alternative source of energy.
- Treating and recycling rain water to use it for flushing toilets.

## **GENERAL PLAN ANALYSIS**

The project site is located in the Central Business District (CBD) General Plan designation. The maximum residential density provided in the CBD category is 300 dwelling units per gross acre or 500 dwelling units per net acre. The 32,209 sq. ft. project site could support a maximum of 370 units. The 370-unit project is at the maximum allowable density.

The General Plan states the *intent* of the CBD designation is 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 General Plan states that the *desired character* of future development in the area should include “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 General Plan also states that “in some areas identified by the Policy Framework, such areas as the Broadway spine, the highest FAR may be encouraged while in other areas such as Lake Merritt and Old Oakland, lower FARs may be appropriate.”

The current zoning potentially conflicts with the CBD land use designation, in that, R-90 zone does not permit a maximum density equal to the General Plan. In these situations, pursuant to the *Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations* (as amended Dec. 2001), the General Plan governs, and the higher density is permitted with an Interim Major Conditional Use Permit. (Section 17.01.100.B)

## **ZONING COMPLIANCE**

### **Density**

The project is located in the R-90 Downtown Apartment Residential Zone. The R-90 zone is intended to create, preserve, and enhance areas for high-rise apartment living at very high densities in desirable settings, and is typically appropriate to areas within, or in close proximity to, the Oakland central district.

The maximum residential density permitted in the R-90 zone is 1 unit per 150 sq. ft. of lot area. The approximately 32,209 sq. ft. site would permit a maximum density of 215 units. As stated above in the GENERAL PLAN ANALYSIS, the 370 units are permitted with approval of an Interim Major Conditional Use Permit.

### **Overlay Zones**

The S-4 Design Review Combining Zone and the S-17 Downtown Residential Open Space Combining Zone are additional zoning designations overlaid on the site. The S-4 zone is intended to create, preserve, and enhance the visual harmony and attractiveness of areas which require special treatment and the consideration of relationships between facilities, and is typically appropriate to areas of special community, historical, or visual significance. The S-17 zone is intended to provide open space standards for residential development that are appropriate to the unique density, urban character and historic character of the central business district. The S-17 zone allows for a reduced open space requirement per unit.

The following table depicts the project's comparison to the R-90 Zone development standards:

**Zoning Regulation Comparison Table**

<b>Criteria</b>	<b>Requirement R-90</b>	<b>Proposed</b>	<b>Comment</b>
Yard – Front	10'	9'-19'*	Meets the R-90 requirements.

Yard – Interior Lot Line	0' not required to exceed 12% of lot width or 17-22'	17'-40'	Meets the R-90 requirements.
Yard- Rear	10'	30-31'	Meets R-90 requirements.
Height	No maximum	530'-1" to the top of the roof spires.	Meets R-90 requirements.
Usable Group Open Space	75 sq. ft. / unit = 27,750 sq. ft.	15,064 private 20,848 group= 35,912 sq. ft.	Meets R-90 requirements.
Parking- Residential	1 space / unit = 370 spaces	357 spaces	Does not meet the R-90 requirements. Variance required.
Parking – General Food Service	1 space / 200 sq. ft. = 993 sf of cafe = 5 spaces	0 spaces	Does not meet the R-90 requirements. Variance required.
Loading	150,000-- 299,999 sq. ft. = 2 berths  Each additional 300,000 square feet or fraction of one-half or more thereof. = 1 berth  3 berths required	0 berths	Does not meet the R-90 requirements. Loading off-site on street with new curb cut. Variance required.
Density	1/ unit per 150 sq. ft. of floor area= 215 units lot area 32,209 sq. ft.	370	Does not meet zoning. Allowed with a Major Interim CUP to achieve density allowed by the General Plan.

*Table Notes:*

\* awnings can extend 4' into front setback.

## ENVIRONMENTAL DETERMINATION

Staff determined that an EIR was required and the NOP was published on November 9, 2007. Staff expects the Draft EIR (DEIR) will be available spring of 2008. Once the DEIR is published, staff will continue to work with the project sponsor to refine their project, respond to the information and analysis contained in the DEIR and move ahead toward the final consideration of the project once the Final EIR is completed.



As with previous projects, and as permitted by CEQA (Section 15004), the EIR process and project review, to the maximum extent feasible, should be coordinated and run concurrently.

## **KEY ISSUES**

The project is a high-rise residential development in a predominantly mixed-use neighborhood. The community, neighbors, and staff have participated in two community meetings regarding height requirements along/adjacent to Lake Merritt. Public comments included ecology, sunlight, view, shadow, and recreation impacts to Lake Merritt, compatibility with existing character of the neighborhood, historic districts, impacts to the Lake, traffic, and architecture. There have been extensive comments on this project at those meetings. Currently, Strategic Planning staff is examining the issue as part of the Zoning Ordinance / General Plan conformity update.

The applicant held several meetings with the residents of the 244 Lakeside and Regillus apartment buildings. In addition, the project sponsor held a community meeting on July 31, 2007. Over 100 people attended the meeting and again there were extensive public comments. Those persons in opposition to the project cited appropriateness of the site, design, height, historic compatibility, demolition of a historic resource, shade, shadow, recreation impacts to Lake Merritt, traffic, lack of affordable housing, and overall project feasibility as concerns. Those supporting the project cited smart growth principals, the need for housing, the creation of jobs, and an increase in the tax base. Public comment notes are in Attachment B.

Based on these public comments staff has identified a number of planning and design issues in the next section of this report. Staff requests that the LPAB provide preliminary comments and recommendations on these issues as well as on any other layout or design elements that should be considered before the completion of the DEIR. Staff will return to the LPAB after the publication of the DEIR so the Board can provide their final comments with the benefit of the analysis contained within the environmental document.

### **1. Site Location and Demolition of a Historic Resource**

As noted previously, in the staff report the existing garden located on the project site is a Designated Historic Property (DHP) and rated an A1+, of the "highest importance" by the Oakland Cultural Heritage Survey (OCHS). The garden is also an anchor and primary contributor to the 244 Lakeside Drive Building Group, an Area of Primary Importance (API). Besides the garden, this building group also includes the boathouse, 244 Lakeside Apartments, and the Regillus Apartments. All of these properties are located on the Preservation Study List. Furthermore, the property is also a primary contributor to the Lake Merritt Historic District.

Although the DEIR will analyze the impacts to the proposed project on the garden, staff has brought this up as a significant issue to the ongoing project due to the number of public comments on this topic. In general, the community is concerned that the project proposes the demolition of an A1+ resource and that there are many vacant or surface parking lots in Downtown that would be more appropriate for this type of development. Staff wishes the LPAB to comment on the site location and demolition of an A1+ resource.

### **2. Compatibility with the Neighborhood**

Typically compatibility of a project with the neighborhood is a concern for smaller neighborhoods and not Downtown locations. However, staff has identified this as a concern due to 1) the number of comment letters that we received; 2) the importance of this site and the adjacent neighboring buildings as contributors to several historic districts; and 3) entitlement findings that discuss compatibility. Staff would define compatibility as any identifiable strong, positive visual patterns presented by the neighboring buildings. The pattern could be created by height, materials, proportions, setbacks, building forms, etc.

*Height/Scale*

The Strategic Planning Division is reviewing the Central Business District Zoning in terms of density, mass, and height. These changes are preliminary and will go through a thorough review process with a final recommendation by the Zoning Update Committee, approval for forwarding by the Planning Commission, and with final approval by the City Council. Currently, staff has limited the height for projects in this immediate area to 115' based on the height of buildings in the immediate context. The proposed building would contain 42 stories reaching a height of approximately 457 feet. The proposed building would be one of the tallest buildings in Oakland and significantly taller (+300') than other existing buildings located in the 244 Lakeside historic district immediately adjacent to the project site.

*Building Design / Proportions and Materials*

The proposal essentially involves a thin metal and glass tower located on the site of the existing Schilling Garden and between three historic structures. The project's point tower design minimizes the mass and scale of the building while providing a distinct contrast to the surrounding structures. The architect has stated that the project provides the traditional "base, middle and top" composition. The base of the building would be clad in pre-cast simulated stone panels with aluminum spandrel panels forming a transition to middle of the building. This portion would be mostly greenish glass. The top of the building then terminates in a split pyramidal roof form.

The Regillus also exhibits a tripartite vertical composition in a Beaux-Arts derivative. The base is clearly distinguished by a wrap around balcony above the 2nd story. The middle section has well proportioned window openings and is punctuated by smaller balconies. The top is defined by the capital, another wrap around balcony and a flat roof. The materials include stucco, concrete, cast iron ornament, and wrought iron. The architect of the 244 Lakeside Apartment Building used an unusual two-part vertical composition. The shaft rises directly from an understated 1<sup>st</sup> floor. The top is highly ornamental in a Baroque or Spanish Renaissance style with a center elevator tower. The materials include stucco, cast cement, and wrought iron.

Although impacts to the historic districts and other cultural resources will be analyzed in the DEIR, staff wishes the LPAB comment on neighborhood compatibility in terms of height/scale, building design and materials, and overall mass.

**3. Findings**

The Major Conditional Use Permit criteria require that the proposed development be consistent with the Oakland Comprehensive Plan and with any other applicable plan, development control map or ordinance adopted by the City Council. The Zoning Ordinance requires regular design review for any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulation of Title 17 of the Oakland Planning Code. In addition, additional High-Density Design Review findings are required. Outlined below are required design review findings that staff will need to make. Staff wishes the LPAB to comment on the whether they believe that the project meets the appropriate design review findings.

*Section 17.136.070A (Residential Facilities Design Review Findings)*

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures;
2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;
3. That the proposed design will be sensitive to the topography and landscape;
4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;

5. That the proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by City Council.

*Additional Criterion for Higher Residential Density Projects:*

That the proposal will provide for its residents sufficient sunlight, privacy, and quiet, and in general, a convenient, attractive, and functional living environment, with consideration given to site planning, building and room orientation, circulation, and similar relevant factors.

*For Local Register Properties that are not Landmarks or located in the S-7 or S-20 zone:*

1. That for demolition or removal,

- a. The affected structure or portion thereof is not considered irreplaceable in terms of its visual, cultural, or educational value to the area or community; or
- b. The structure or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or
- c. Considering the economic feasibility of preserving or restoring the structure or portion thereof, and balancing the interest of the public in such preservation or restoration and the interest of the owner of the property in the utilization thereof, approval is required by considerations of equity.

#### **4. Entitlements**

The applicant is requesting a Major Interim Conditional Use Permit (CUP) for a project that exceeds the density allowed by the zoning but is consistent with the General Plan and a Major CUP for Large-Scale Developments (100,000 square feet of new floor area, or a new building more than one hundred twenty 120' in height). A Minor CUP for General Food Sales is required for the café space. In addition, the project is also asking for several Minor Variances including the percentage of compact parking spaces, tandem spaces, total number of parking spaces for residential and food sales, parking space dimensions when next to a column or other obstruction, omission of loading berths. To address these parking issues, the applicant has retained Nelson/Nygaard to prepare a Transportation Demand Management Program (TDM) for the project. The TDM for the project includes several components: increased transit use, on-site pedestrian/bike facilities, carpool/vanpool/ridematching/carsharing, and unbundled parking.

Although comments and recommendations on these specific entitlements are not within the purview of the LPAB, the design and mass of the building is contingent upon the granting of these Variances. Strict compliance of the zoning regulations would require the applicant to dig further underground to provide parking and loading; construct a taller building to provide these requirements; increase the mass of the building and build to the lot line; or reduce the number of units. These possible outcomes would affect the design of the building and the overall project. Below is list of Variances the applicant is requesting. Staff wishes the LPAB to provide preliminary comments on the design in terms of the strict application of the Variances.

- *Total number of parking spaces for residential and food sales:* Section 17.116.060 states that for multi-family projects in the R-90 zone, 1 parking space is required for each dwelling unit. The project is currently only providing 357 parking spaces where 370 parking spaces is required. Furthermore, Section 17.116.080 states that for General Food Sales in the R-90 zone 1 parking space is provided for each 200 sq. ft. of floor area. The project is proposing 993 sq. ft. of inside café space which would require 5 additional spaces. The project is not providing any additional spaces.

- *Percentage of Compact Parking Spaces:* Section 17.116.200 states that on a lot containing a total of three or more required spaces, one compact space may be provided in lieu of one regular space for each three required spaces, or remaining fraction of one-half or more thereof. Of the 357 provided parking spaces, 117 spaces are compact. In addition the mechanical platform and stacked parking do not meet the required dimensions for a regular space so staff is counting them as compact spaces. In total the percentage of compact spaces to regular spaces is 76%. This is well over the 33% permitted by the Zoning Ordinance.
- *Tandem Spaces:* Section 17.116.240 states that on any lot containing three or more required off-street parking spaces, or containing required spaces for two or more residential living units, a vehicle shall not have to cross another parking space, or a loading berth, in order to gain access to a required parking space. Of the 357 provided parking spaces, 94 spaces are tandem.
- *Parking Space Dimension when Adjacent to a Wall or other Obstruction:* Section 17.116.200 states that when a parking space abuts a wall or other similar obstruction, the width shall be increased by 3'.

## CONCLUSION

Staff wishes the LPAB to provide preliminary comments and direction on the design of the proposed project with emphasis discussed above. Specifically, staff wishes the LPAB comment on:

1. The demolition of an A1+ historic resource and possible precedent setting implications
2. The appropriateness of the site given the number of vacant lots
3. Compatibility with the neighborhood in terms of height/scale and building design/materials
4. Consistency with the findings
5. Requested entitlements as it relates to possible design issues.

Staff will return to the LPAB after publication of the DEIR for final design review comments.

## RECOMMENDATION:

Staff recommends that the Board:

- 1) Receive public comment on the proposed project;
- 2) Review and discuss the project;
- 3) Make recommendations to the applicant/staff on any design issues raised by the public or Board Members; and
- 4) Forward those recommendations to the Design Review Committee.

Respectfully submitted:

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Gary Patton  
Major Projects Manager  
Deputy Director of Planning and Zoning

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Dan Lindheim  
Director  
Community and Economic Development Agency

Prepared by:

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Attachments:

- A: Plans, Elevations, Sections
- B: Public Comment Letters