

Case File Number: CMDV04-249

August 11, 2004

Location:	2501 Chestnut Street (APN: 005-0436-002-00 through 005-0436-007-00)
Proposal:	Demolition of an existing 2 story warehouse and shed and construction of 50 joint living and working quarters.
Applicant:	Robert Stevenson / (415) 989-1111
Owner:	BRIDGE Housing Ventures Inc.
Planning Permits Required:	Major Conditional Use Permit for a non-residential project that is more than twenty-five thousand (25,000) square feet of floor area; Minor Conditional Use Permit for new joint living and working quarters; Minor Variances for the rear yard setback, street side setback, for loading berths, building height along a residential zone or activity, dimension of parking space against a wall or other obstruction, and usable open space; Design Review.
General Plan:	Business Mix
Zoning:	M-20 Light Industrial Zone / S-16 Industrial-Residential Transition Combining Zone
Environmental Determination:	In Review
Historic Status:	The majority of the project site is vacant. The existing warehouse and shed are not Potentially Designated Historic Properties (PDHP).
Service Delivery District:	I-West Oakland
City Council District:	3
For further information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com

SUMMARY

The purpose of this report is to provide preliminary design review comments for a project proposing construction of 50 new joint living and working quarters (live/work). The project site is located at the corner of 26th and Chestnut Streets.

The design of the proposed building would have a contemporary character that is compatible both in design and scale with the residential project across Chestnut Street and the overall industrial/warehouse aesthetic of the area. The proposed materials are stucco, wood slating, metal awnings with flat roofs, and aluminum windows.

For CEQA purposes, staff is presently reviewing technical reports and other information to determine the type and extent of environmental review required for this project.

The project requires a Major Conditional Use Permit for a non-residential project that is more than twenty-five thousand (25,000) square feet of floor area, a Minor Conditional Use Permit for live work, and Minor Variances for the 10' rear yard setback, the 10' street side setback, for loading berths, building height along a residential zone or activity, for the parking space dimension when adjacent to a wall or other obstruction, and for the amount of open space.

Additional discussion of these issues is provided later in the ZONING COMPLIANCE and DESIGN ISSUES sections. Design review is also required for the project.

Staff is interested in comments from the Design Review Committee and the public regarding the design of the proposed project that may provide direction to the applicant and staff as design work proceeds toward full Planning Commission Review.

PROJECT SITE AND SURROUNDING AREA

The 1.23 acre site is located at the corner of 26th and Chestnut Streets. The majority of the site is vacant; however the existing use of the project site is light industrial. Located to the north, across 26th Street, are several 1 and 2-story industrial office buildings and a Queen Anne style cottage that was converted to a duplex. This cottage is a Potentially Designated Historic Property (PDHP) of minor importance with a rating of Dc3. Also to the north, across Chestnut Street is McClymond's High School. The recently constructed Linden Courts, a utilitarian warehouse, and a "Stick" cottage are located to the east. This cottage is also a Potentially Designated Historic Property (PDHP) of minor importance with a rating of Dc3. To the south is a church, a convenience market, and single-family dwelling. Directly adjacent to the west is a black smith shop, Alchemy Metal Works, a computer graphic design business, and live/work units.

PROJECT DESCRIPTION

The project proposes construction of 50 joint living and working quarters and 60 parking spaces (10 spaces accessed via lifts). An 11' setback is proposed for the front property line. Along the interior side property line, adjacent to industrial warehouses, a 0' setback is proposed. Adjacent to the church, along the rear property line, a 5' setback is proposed, while along the Chestnut Street side, a 7-12' setback is proposed. The proposed setbacks are generally consistent with the existing setbacks for the adjacent properties.

The project site is divided by 5 internal driveways that double as pedestrian areas. Ten units front onto and have access from each driveway, while the units located along the 26th and Chestnut Streets will also have access from the street. One parallel parking space is provided for each unit, except the last two units in each row. These units have 2 spaces, 1 of which will be accessed via a lift. The plans show 3 different unit types. Unit A fronts onto Chestnut Street and is a 3-story, 1421 sf unit. Unit B is generally located within the interior of the project and is a 2-story, 869 sf unit. Unit C is located along the interior side property line and is a 3-story, 1,458 sf unit. The average unit size is 1097 sf and the 2/3 commercial space 1/3 residential space zoning regulations are generally met with the floor plans shown for each unit.

Architecturally, the building forms are simple and reminiscent of a modern, 1950's, box-style. The exterior treatment of the units is compatible with the residential project across the street and with the industrial aesthetic of the area. The building construction type will be either wood frame or light gauge metal stud. The buildings are composed of painted stucco with wood slating, and metal awnings with flat roofs. Aluminum windows punctuate the facades and provide interest and contrast to the other materials. Open space is provided through front, side and rear yards as well as private patio areas.

GENERAL PLAN ANALYSIS

The General Plan designation for the project site is Business Mix (BX). The maximum floor area ratio (FAR) for this classification is 4.0. The proposed project of 50 units (54,860 sf) has an FAR of 1.02 and is under the maximum allowable intensity. The intent of the BMX designation is to “create, preserve, and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. The General Plan states that the future development in the area should include a mix of businesses such as light industrial, manufacturing, food processing, commercial, bioscience and biotechnology, research, and development, environmental technology, large-scale offices, commercial, urban residential, institutional, cultural, entertainment, and visitor services. The BX designation is silent on whether live/work is permitted, however according to the “Guidelines for Determining General Plan Conformity”, when the zoning conditionally permits the activity then the activity is allowed with a Conditional Use Permit. Additional discussion of this issue is provided below.

ZONING COMPLIANCE

The zoning of the site is designated M-20 or Light Industrial Zone with an S-16 Industrial-Residential Transition Combining Zone overlay. The M-20 regulations do not permit residential or live/work activities. New joint living and working quarters are conditionally permitted in the S-16 overlay zone. According to Section 17.101.020, the S-16 zone may be combined with any other zone whose General Plan land use classification is Business Mix and abuts a residential zone. The project site meets both of these provisions. The maximum FAR for the S-16 zone is 4.0. As stated above, the project has an FAR of 1.02 and is well under the allowable intensity as determined by both the General Plan and Zoning.

The criteria for review and approval of this facility at this location, includes the following: The General Use Permit criteria in Section 17.134.050, the criteria for Variances in Section 17.148.050, and the Design Review criteria in Section 17.136.070. All applicable criteria will be analyzed and appropriate findings will be made by staff.

The following table depicts the project’s comparison to the M-20 and the S-16 development standards:

Zoning Regulation Comparison Table

Criteria	Requirement M-20	Requirement S-16	Proposed	Comment
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Yard – Front	5'	10'	11'	Meets both M-20 and S-16 requirements.
Yard – Street Side of Corner Lot	7'	10'	7-12'	Portions of the site do not meet the S-16 requirements.
Yard – Interior Lot Line	0'	0'	0'	Meets both M-20 and S-16 requirements.
Yard – Rear	10'	10'	5'	Does not meet M-20 or S-16 requirements.
Height	30'	30'*	22-34'	Does not meet M-20 or S-16 requirements.
Unit Size	N/A	800 sf minimum	869 sf minimum (Unit B) and 1097 sf average	Meets the S-16 requirements.
Use of Space	N/A	Generally 2/3 commercial and 1/3 residential	Generally 2/3 commercial and 1/3 residential	Meets the S-16 requirements.
Usable Group Open Space	N/A	75 sf /unit = 3, 750	0 sf**	Does not meet S-16 requirements.
Parking	N/A	1 space / 1000 sf = 55 spaces	60 spaces	Meets S-16 requirements.
FAR	N/A	4.0	1.02	Meets S-16 requirements.

Table Notes:

* No maximum height is prescribed except when a lot line is along a residential zone boundary or a residential activity. In this case, no building shall exceed 30' in height unless each portion is stepped back away from that lot line.

** Although the project is proposing 7,972 sf in private open space, only a portion may count toward the group open space requirement due to the size and shape provisions.

DESIGN ISSUES

The mixed-use neighborhood contains a combination of residential, light industrial, commercial, and civic uses that range from 1-3 stories in height. The proposed project is consistent with the surrounding neighborhood in terms of building bulk and massing and staff believes that the overall site plan, height, massing, and architectural character are appropriate to the area.

Staff has identified a number of design issues and staff's approach to resolving these issues in the next section of this report. It is requested that the DRC comment on these issues as well as any other layout or design elements.

- *Rear Yard & Street Side Setbacks:* Section 17.101.090 states that a setback with a minimum of 10' shall be provided on lots that abut a residential zone or on a block with residential activity. Although the rear yard setback is 10' only a 5' rear yard setback is proposed, staff believes that a variance for rear yard setback can be supported. Of the three properties located directly to the rear of the proposed project, 2 are commercial and built to the property lines and 1 is residential. Because this is a reversed key lot, the appearance from Chestnut Street is that this space will be a side yard setback. If the full 10' setback was provided it would create an awkward gap or "dead space" in the streetscape and the extra 5' would still not count toward the group open space size and shape requirement. The minimum required street side setback is 10' but the project's setback varies from 7'-12'. Staff believes that a variance could be supported because the varying setback width is the result of a 5' jog in the interior side property line. Also, the proposed project is actually providing a larger street side setback than either the properties to the rear or properties across the street.
- *Loading Berths:* Pursuant to Section 17.116.140, the loading requirement is stipulated by the activity type. Since these units will be live/work, the units will be commercial but the activity for each "work" space is unknown. The S-16 does not specify loading requirements. Since loading will be necessary for the project, staff has had to make a determination about how many loading berths are required. The S-16 regulations state that as a guideline 2/3 of the unit is to be used as commercial space. Staff divided the overall project square footage by 1/3 and determined that 2 loading berths would be required for 36,574 sf of commercial space; however the project is not providing any loading berths on site. Staff believes that a variance for the loading berths can be supported. The lack of designated loading spaces on-site is not expected to cause significant traffic or circulation problems in the vicinity. Because of the small size of the individual commercial spaces most deliveries would be made in small delivery vans. These vans could use on-street parking and if deemed acceptable to the City of Oakland Public Works Agency and the City Council, a loading zone could be marked for this area and be time restricted to account for peak hour traffic.
- *Building Height along a Residential Zone or Activity:* Section 17.101.090 states that on a portion of a lot that abuts a residential zone or residential activity no building shall exceed 30' in height unless each portion of the height is setback a minimum of one foot for each foot in height. Unit A is 34' in height and unit C is 31' in height. Along the front setback (26th Street) there are only two instances where the height is over 30'. Along the street side setback (along Chestnut Street) there are 9 instances where the height is exceeded, and to the rear there is only one instance. Staff believes that a minor variance for height in these 12 instances could be supported since the increase in height is only 1-4' and the structures are consistent in height with the surrounding structures. Also, this difference in height provides a beneficial variation in roof forms and visual interest.
- *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'. Unit C is the only unit in the project with a garage and the width dimension for the garage does not meet this requirement. Staff believes that a variance could be supported for these 10 units because the parking spaces will be used consistently by the same group of people on a daily basis, thus creating familiarity with

how to maneuver in and out of the spaces. In addition, staff would require that the owners disclose the width deficiency is the CC&R's.

- *Open Space:* Section 17.101.090 states that a minimum of 75 sf of group open space be provided for each live/work unit. Although the project is providing landscaped setbacks and small private patio areas totaling 7,972 sf, not all of this space can be counted due to the size and shape requirement. Staff believes that a variance can be supported since the depth of the setbacks conforms to surrounding adjacent setbacks, providing visual continuity to the streetscapes along 26th and Chestnut Streets. In addition, 159 sf of private open space is being provided per unit, which is double the required amount of group open space even though the size shape requirements are not being met. Furthermore, McClymond's Mini-Park is located a block and a half away.
- *Materials and colors* are a crucial component of this project given the strong geometric forms and massing. Staff is requested a sample materials and color board for review.
- *Large Expanses of Blank Wall along Chestnut and 26th Street:* The street edges have more blank walls than the inside facades, especially units A and B-2. Staff recommends that more attention be given to details that would help to orient these units more toward the street such as further definition of the building entrances, material change, or additional windows.
- *Gates:* Staff believes that the entry gates give an insular look to the project. Staff is requesting that the gates become more transparent and that additional details of this element be submitted.
- *Paving:* The driving aisle and parking spaces will double as pedestrian walkways. Staff is requesting that the driveway be a different material than the parking spaces and these materials be submitted for review. The materials should be of high quality.
- *Fenestration, Window Design, and Window Quality* are a critical part of the success of this project as several different window types and proportions are used on the façades. More detail on the window quality, types, along with a specification of recesses needs to be provided in order to assure a high design quality.
- *More detail should be provided for the Landscape Plan:* The plan should indicate plant and hardscape materials. The landscape plan should complement the design of the building and the surrounding context.
- *Public Comment Letters:* Staff received one public comment letter concerning this project. The adjacent owners had three main concerns: privacy, parking, and complaints from future tenants.

The plans currently do not show windows on the facades that face the interior side property line. All the windows are facing the interior project driveways or toward the streets. The applicant is planning on building a fence or wall along the interior side property line and the height of this element is still being reviewed. However, along with providing privacy to the existing property owners on that side, the fence should be solid to reduce sound.

The project is currently providing 60 parking spaces for 50 units. The larger live/work units have garages that will hold 2 spaces. Staff has requested the applicant submit a traffic study that also analyzes the on-street parking situation.

The project site is surrounded by mixed-uses including a school, light industrial warehouses, live/work, and residential. The adjacent property owners attended a community meeting on June 28, 2004 and voiced concerns that because of the 0' lot line, the project's future occupants would complain about noise, odors, vibrations, and/or other conditions that are currently part of the operation of their businesses which are allowed in that zone. They requested that any conditions attached to this project address this issue. In the past, the Commission has required a "buyer beware" written statement be incorporated into the disclosures for the project noting that the S-16 zone is not a residential district and that there are industrial and commercial activities immediately surrounding the site that may result in noise, traffic patterns, and hours of activity that are typical of mixed use areas.

CONCLUSION

Staff believes that the overall conceptual design and site plan of the project is successful with attention given to comments raised in this report. Staff recommends the Design Review Committee provide comments and direction on the design of the proposed project with emphasis discussed above, as well as any other issues the Committee may have.

Respectfully submitted:

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Development Director

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Planner II, Major Development Projects

Attachments:

- A. Project Plans, Sections, and Elevations
- B. Public Comment Letters