

Case File Number: CMD03-236

July 23, 2003

Location:	206 2nd Street – 206 Second Street Residential Lofts (APN 001-0157-003-00)
Proposal:	Demolition of 2 existing warehouses and the construction of 75 condominium residential dwellings, a structured parking garage, 2,380 S.F. of live/work and 1,310 S.F. of retail space on the ground level.
Owners and Applicants:	MV Jackson, LLC
Planning Permits Required:	Interim Conditional Use Permit for maximum residential density and for parking and driveways within 75 feet of the front property line; a Variance for parking space dimensions in a parking garage when adjacent to a wall or other obstruction; a Variance for rear yard setback; a Variance for interior side yard setback; a Variance for the height of an accessory parking structure within the rear setback; a Variance for minimum open space.
General Plan:	Mixed Use District – Estuary Policy Plan
Zoning:	C-45 (Community Shopping Commercial) / S-4 Overlay
Environmental Determination:	In Review
Historic Status:	The existing buildings are not PDHP's; The project is adjacent to the Waterfront Warehouse District (WWD) and this district is an Oakland Cultural Heritage Survey (OCHS) Area of Primary Importance (API) and has been listed on the California Register of Historical Places.
Service Delivery District:	I-Downtown Metro
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 composed of 75 residential condominium units at 206 2nd Street, between Alice and Jackson Streets. The proposed 6-½ story (approximately 65 feet tall) building includes a parking podium 1½ levels above grade, ground level work/live, retail space, and 75 units on floors 2-6. The project proposes 1 vehicular access point on 2nd Street and 1 on Jackson Street. The main pedestrian entrance/exit to the condominium units is on 2nd Street and a secondary access is on Jackson. On the ground level, off the public sidewalk, there are 2 proposed entrance/exits to the work/live space on 2nd Street and 2 off of Jackson Street to the ground floor retail space.

The project includes the demolition of two 1-story warehouse buildings and a 2-story warehouse building located on the site. The three buildings are non-historic properties with ratings of Ed3 D3, and E3. The project site abuts the Waterfront Warehouse District (WWD). The WWD was listed on the California Register of Historic Places in 2000 and is identified as a significant cultural resource under the California Environmental Quality Act (CEQA).

The surrounding area supports an eclectic mix of building styles and uses, but it is predominantly industrial in form, massing, and architectural character. Several residential and work/live projects have been approved in the area including, the completed Allegro residential project, the

300 Harrison project, and the 100 unit residential project at 121-129 Second Street. Significant interest in other residential and work/live facilities has been evident throughout this neighborhood. For CEQA purposes, staff is presently reviewing technical reports and other information to determine if this project can be processed with an infill exemption under CEQA Guidelines, Section 15332.

The project requires an Interim Conditional Use Permit for units above the maximum residential density allowed by the zoning regulations, but consistent with the General Plan, Land Use and Transportation Elements (LUTE), and the Estuary Policy Plan (EPP), and for accessory parking and driveways within 75 feet of the front lot line. A Variance for parking space dimensions is requested for spaces that are adjacent to a wall or other obstruction. A Variance is requested for rear yard and interior side yard setbacks and for the height of an accessory parking structure within the rear setback. A Variance is also requested to provide less than the required minimum useable open space. Additional discussion of these issues is provided later in the GENERAL PLAN ANALYSIS, 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 in processing the Conditional Use Permit and Minor Variances for the project, prior to the project coming to the full Commission, during the fall.

PROJECT SITE AND SURROUNDING AREA

The .46 acre site is on 2nd Street between Jackson and Alice Streets. Existing use of the project site is light industrial. The project site abuts the Brick House Lofts and the WWD to the north. Yia Yia's Café and an office building are located immediately to the west and adjacent to the east is the Allegro residential project. To the southeast is the Monohan Paper Co., and to the south are the Amtrak Station and a warehouse building owned by Miller Packing Company. The area is designated Mixed-Use District (MUD), according to the EPP (as described in more detail below), which anticipates transition to more residential uses that can co-exist with light industrial and business uses. Recent projects in the immediate vicinity include the 121-129 Second Street project (100 units), the completed Allegro residential project, and the 300 Harrison residential project (approved but not yet constructed).

PROJECT DESCRIPTION

The proposed project is a 65 foot high building along Second and Jackson Streets built to the property line along the two street frontages. Along the rear property line it will be directly adjacent to an existing single story painted concrete building for the first level, and then step 5 feet back. Along the interior side property line, backing up to the Brick House Lofts, a 0-foot setback is proposed for the first level and then the building steps 20 feet back. The plans show 76 structured spaces on a 2 level parking podium, with work/live spaces facing Second Street and retail uses on the corner of Second and Jackson. The main residential entry is proposed at Second Street and vehicle access would be from Second and also from Jackson. The structured parking is in the interior of the building, along the Brick House Lofts edge.

The building is composed of concrete and glass on the first floor and a gauge metal stud framework with stucco finish for the residential floors above. The ground floor work/live and retail spaces have been distinguished from the condominium units through the use of plate glass on Second and Jackson. Large-scale windows of various sizes, types, and proportions are proposed to break up the mass of the building. A warm off-white color is proposed for the stucco with a blue and orange color for accent.

The proposed units range in size from 620 square feet to 1150 square feet and are a combination of one and two bedrooms. The building is composed of a long linear form rising 5-stories above the podium level. A 325 S.F. landscaped group open space is provided as part of the entry court to condominium units. Additional open space is provided through large private landscaped patios on the podium level facing the Brick House Lofts and private balconies located on the exterior of the building.

GENERAL PLAN ANALYSIS

The General Plan designation of the project site is Mixed Use District (MUD), pursuant to the Estuary Policy Plan (EPP). The maximum residential density provided in the MUD category is 125 dwelling units per gross acre, which equates to 166.67 dwelling units per net acre. The .46 acre (20,000 S.F.) residential site could support a maximum of 76 units. Thus the proposed project of 76 units is equal to the maximum allowable density. The MUD designation is predominantly occupied by a mix of residential, warehousing and service-oriented uses. Several of the formerly industrial buildings have been converted to work/live facilities, and there have been several residential projects completed in the area within the last five years. The intent of MUD pursuant to the EPP is to “Encourage the development of non-traditional higher density housing (work/live, lofts, artist studios) within the context of commercial and light industrial/manufacturing uses.” The EPP states that the future development in the area should be light industrial, warehousing, residential, live/work, neighborhood-serving retail, offices, public parks, and open spaces.

ZONING COMPLIANCE

The zoning of the site is designated C-45 or Community Shopping Commercial. This zoning district, which allows residential uses, is consistent with the EPP land use designation intent and character. The maximum residential density for this zone is set forth in the R-80 regulations. The R-80 regulations state that “one regular dwelling unit is permitted for each three hundred square feet of lot area.” The maximum residential density for the 20,000 square foot project site is 66.6 units. The 76-unit project on the site is 10 units over the allowable zoning density. The current C-45 zoning potentially conflicts with the EPP land use designation in that the C-45 zone does not permit a higher maximum residential density. 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 76 units is permitted with an Interim Conditional Use Permit.

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 and the design review criteria in Section 17.136.070, and the special use permit criteria in Section 17.01.100.B. In addition, the criteria for Variances in Section 17.148.050 apply. All applicable criteria will be analyzed and appropriate findings will be made in conjunction with review by the full Planning Commission.

The following table depicts the project's comparison to C-45 zoning requirements.

Zoning Regulation Comparison Table

Criteria	Requirement	Proposed	Comment
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		C-45		
Yard – Front		0’*	0’	Meets C-45 requirements.
Yard – Street Side of Corner Lot		0’*	0’	Meets C-45 requirements.
Yard – Interior Lot Line		8’ min, plus 2’ for each story, not to exceed 12% of the lot width. **	5’-20’	Unit B3 does not meet the C-45 requirements.
Yard – Rear		10’*	5’	Does not meet C-45 requirements.
Height		N/A*	65’ to roof ridge.	Proposed is 65’ to the roof ridge.
Open Space		150 S.F. / unit =11,250***	123 S.F. / unit = 9201***	Does not meet C-45 requirements;
Parking	Residential	1 space / unit = 75 spaces	75 spaces	Meets C-45 requirements; Does not meet parking demand for Jack London District.
	Work/Live	1 space / 900 S.F. = 2.6 spaces****	1 space	Does not meet the C-45 requirements, given the most conservative estimate of the parking for the use.
	Commercial	1 space / 900 S.F. = 1.45 spaces	0 spaces	Does not meet C-45 requirements.
Density		1 unit / 300 S.F.=66.6 ***	76 units	Meets the maximum allowable density for the MUD, but does not meet the C-45 requirements.
FAR		7.0	3.3	Meets the FAR for the General Plan (5.0) and the FAR of the C-45 zone.

Explanatory Notes for Table:

*Except when adjacent to a Residential Zoning District, which is not the case for the subject site.

** The side yard opposite a legal living room window is a minimum width of 8’ plus two feet for each story at or above the level of the aforesaid window, provided that the side yard shall not be required to exceed 12% of the lot width in the C-45 zone. In no case shall the yard be less than 5 feet.

*** The C-45 zone refers to R-80 zoning regulations for both maximum residential density and minimum usable open space.

**** Currently the use is not determined for the work portion of the work/live space. Staff has used the parking requirements for general retail (1 space per 900 S.F.) in order to determine the most conservative parking demand for this area.

As shown in the above table, the project generally complies with C-45 development standards, but requests some variances.

A Variance is proposed for the required dimensions of parking spaces when adjacent to a wall, column, or other obstruction, pursuant to 17.116.200.A. An additional 3 feet of width is required under these conditions and 0 additional feet is proposed.

A Variance is proposed for the minimum rear yard and interior side yard setback, pursuant to Section 17.56.170.

A Variance is proposed for the height of an accessory parking structure within a rear setback, pursuant to Section 17.108.130.

A Variance is also proposed for the amount of minimum useable open space, pursuant to Section 17.30.170.

All of these issues are discussed further in the DESIGN ISSUES Section, below.

DESIGN ISSUES

The project is a medium density residential project that is striving to create an urban-scaled, residential project in a predominantly mixed-use neighborhood. The neighborhood contains many relatively urban-scaled warehouses, residential buildings (Allegro and the Sierra) and work/live conversions, many of which are 40 to 80 feet or more in height, as well as many smaller-scaled industrial buildings of 30 feet or less. Although the area will undoubtedly continue to transition into a more residential and mixed-use neighborhood (as supported by the General Plan), it is staff's opinion that the character of future development should maintain a significant industrial quality with regard to overall building form and design character, particularly given the strong industrial warehouse character of the historic buildings in the area (Monahan Paper, Safeway, the American Bag Building, and the Greeno Building), as well as the character and form of the adjacent WWD. The proposed building and many of the surrounding buildings incorporate stucco and glass building materials, larger proportioned windows, and relatively large, simple building massing.

Although the proposed building has a simple form and relatively large mass, there is a good modulation of the facade to create interest. Staff is requesting additional detail on materials, color, the metal balconies, and window quality. These details should reflect the industrial aesthetic of the area and also succeed in breaking up the mass of the building. The ground floor work/live spaces along Second Street and the retail spaces on Jackson Street have been detailed with plate glass windows and doors and will provide an active and engaging street front. Staff believes more detail should be specified regarding the glass and the concrete finish. A different

high-quality material at the base (such as stone, pre-cast concrete,...) is recommended in order to add interest.

Overall, from an architectural standpoint, the proposed project will blend well with the industrial building forms and character of the area. The use of glass and the solid-void proportions are well executed. Staff has identified a number of other design issues that are presented 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.

Outstanding Issues

- The existing parcel is located in the 2nd - 4th Jackson Warehouse District (WX2) and currently has 3 buildings on the site. All three buildings were rated in the citywide URM survey in 1994. At that time the west building was rated E2+, the middle building was D2+, and the east building was Ed2+. The 3 buildings were considered Potentially Designated Historic Properties (PDHP's), as an Area of Secondary Importance (ASI) contributors (2+), but individually only of minor importance (D) or of no particular interest (E). However, with the demolition of the 208 Jackson warehouse, a major component of the district, there is no longer much of an ASI. The buildings were re-rated on the Oakland Cultural Heritage Survey record to E3, D3, and Ed3 in March of 2001 after the demolition of 208 Jackson.

The effect on the historical integrity of the nearby WWD is under review by Carey & Co. Inc. A thorough analysis was done regarding the proposed project, in regards of the seven aspects that define integrity for the WWD. The analysis showed that the new building is outside the District's boundary, would be typical of other new residential projects in the southern portion of the district, and will largely be obscured by its neighbors. The cumulative effect of the proposed project was found to be a non-issue given the number of alterations that have occurred within the District.

(See attachment B)

- Parking spaces for this project will require a variance regarding space dimensions in a garage when adjacent to a column, wall, or other obstruction. Also, parking spaces are currently being provided at 1 space per unit, including just 1 parking space for the entire work/live area (2,380 S.F.). The current plans show 1,310 S.F. of retail. According to the C-45 zoning regulations the minimum total size for which parking is required is 1,000 S.F. If this is exceeded, 1 space is required for every 900 S.F. of floor area. The plans are showing 0 parking spaces for the retail space. Currently the use for the work portion of the work/live space has not been identified, but one space has been provided. Staff has conservatively estimated that 2.6 spaces are needed to meet the parking demand for this area. In addition, the recommended amount of parking found in this area through research and analysis for the 426 Alice and 300 Harrison EIR's is 1.16 spaces per residential unit. Staff is concerned about the parking demand in the area and this concern has been echoed by neighbors during community meetings. Two approaches used by the Commission in the recent past to reduce parking demand are participation in the CarShare program and a parking management plan.

- Open space requirements, for the C-45 zone, are 150 square feet per unit. The project is currently proposing 123 S.F. per unit and is a total of 2,050 square feet short of the required amount of open space (see Zoning Comparison Chart). Currently a variance is being proposed, however staff does not support a variance for this amount of open space and is currently working with the applicant to meet the open space requirements. Staff is also concerned about the starkness of the podium level patios, and the privacy of these patios from above. A landscaping plan should be provided to address these concerns. The proposal also shows a wall surrounding the open space, along the side and rear property lines. Further information must be provided as to the material and details of this wall.

Shadow studies, showing existing and proposed conditions, were submitted to address concerns regarding shade on the private patios and the Brick House Loft's private side garden. The studies showed no significant change in shade impacts due to the project.

- Variances are being proposed for the rear yard and interior side yard setback requirements. According to the zoning definitions the rear lot line of the proposed project site is opposite the front lot line along Jackson Street and the interior side yard is adjacent to the Brick House Lofts and the WWD. Using the correct definitions, the applicant would increase the rear setback adjacent to a non-historical building/district and reduce the side setback adjacent to the Brick House Lofts and the WWD. The applicant has been working with Brick House Lofts and believes that increasing the interior side setback along this edge and not the rear setback is the more important issue due to the small narrow site. At this point, staff is reviewing whether they can support these variances and whether there are options.
- The height of the accessory parking structure in the rear setback is an issue. Pursuant to Section 17.108.130, the maximum height of the garage shall not exceed 9' if located in a setback. The proposed height for the parking structure is 15' to the plate above finished grade. Stepping the garage back out of the rear setback would reduce the area needed for mechanical for the building and the number of parking spaces, which is already a concern. Lowering the lowest garage level fully below grade would add great expense because mechanical ventilation would be required, and parking spaces would be lost.
- Fenestration, window design, and window quality are a critical part of the success of this building. More detail on the window quality types, recesses, and balcony railings needs to be provided in order to maintain a high design quality.
- Ground floor design and details are an important part of how the building will read from the pedestrian level. Although the architects have provided some information for this portion, larger scaled drawings and further details must be provided including materials, proportions, signage for the retail space, the garage entrance gates, the layout of the work/live space, and the finish for the concrete columns. The use of a different high-quality material at the base is recommended in order to add interest at the pedestrian level.
- Materials and colors are a crucial component of this project given the geometric forms and simple massing and details. Further details including quality and finishes must be provided.

- The roof edge cap should be further detailed in regards to the Brick House Lofts edge.
- The sidewalk and streetscape details have been conceptually shown on the plans and should be further defined to create a harmonious edge along Second Street.

CONCLUSION

Staff recommends the Design Review Committee review and comment on the site layout and building design of the proposed project, with emphasis on the issues discussed above, as well as any other issues the Committee may have.

Respectfully submitted:

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Attachments:

- A. Project Plans
- B. Historic Letter,