

Location:	707 Washington Street (adjacent to 7th Street).
APN:	001 020302000
Proposal:	To construct a new seven-story (79.9-foot tall), 51,520 square-foot mixed-use residential and commercial building on a 7,500 square-foot lot. The project includes 38 residential units, a 1,614 square-foot, ground floor commercial space, five ground floor off-street parking spaces, private balconies, fitness and amenity rooms and open space rooftop. The project includes 27 market-rate units and 11 moderate-income affordable units, for a total of 38 rental dwelling units. The project includes a waiver pursuant to the State Density Bonus Law (California Government Code 65915-65918) for a building height of 79.9 feet (maximum 55 feet)
Applicant:	Jeremy Schaub, Schaub Li Architects
Phone Number:	(415) 682-8060
Owner:	Donner, LLC
Case File Number:	PLN22169
Planning Permits Required:	Regular Design Review for new residential and commercial construction in the CBD-P and S-7 Combining Zone District.
General Plan:	Central Business District
Zoning:	Central Business District - Pedestrian (CBD-P); and the S-7 Preservation Combining Zone
Proposed Environmental Determination:	The project is exempt under the following sections of the State CEQA Guidelines: 15332: In-fill development projects; and 15183: Projects Consistent with a Community Plan, General Plan, or Zoning.
Historic Status:	S-7 Designated Historic Properties, Area of Primary Importance (API) / Old Oakland
City Council district	3
Status:	Pending
Staff Recommendation	Review and provide input to applicant and staff.
Finality of Decision:	No decision at this hearing. Decision to be made administratively after input from the Board.
For further information:	Contact Case Planner Mike Rivera at (510) 238-6417 or mriviera@oaklandca.gov

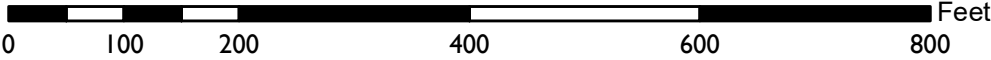
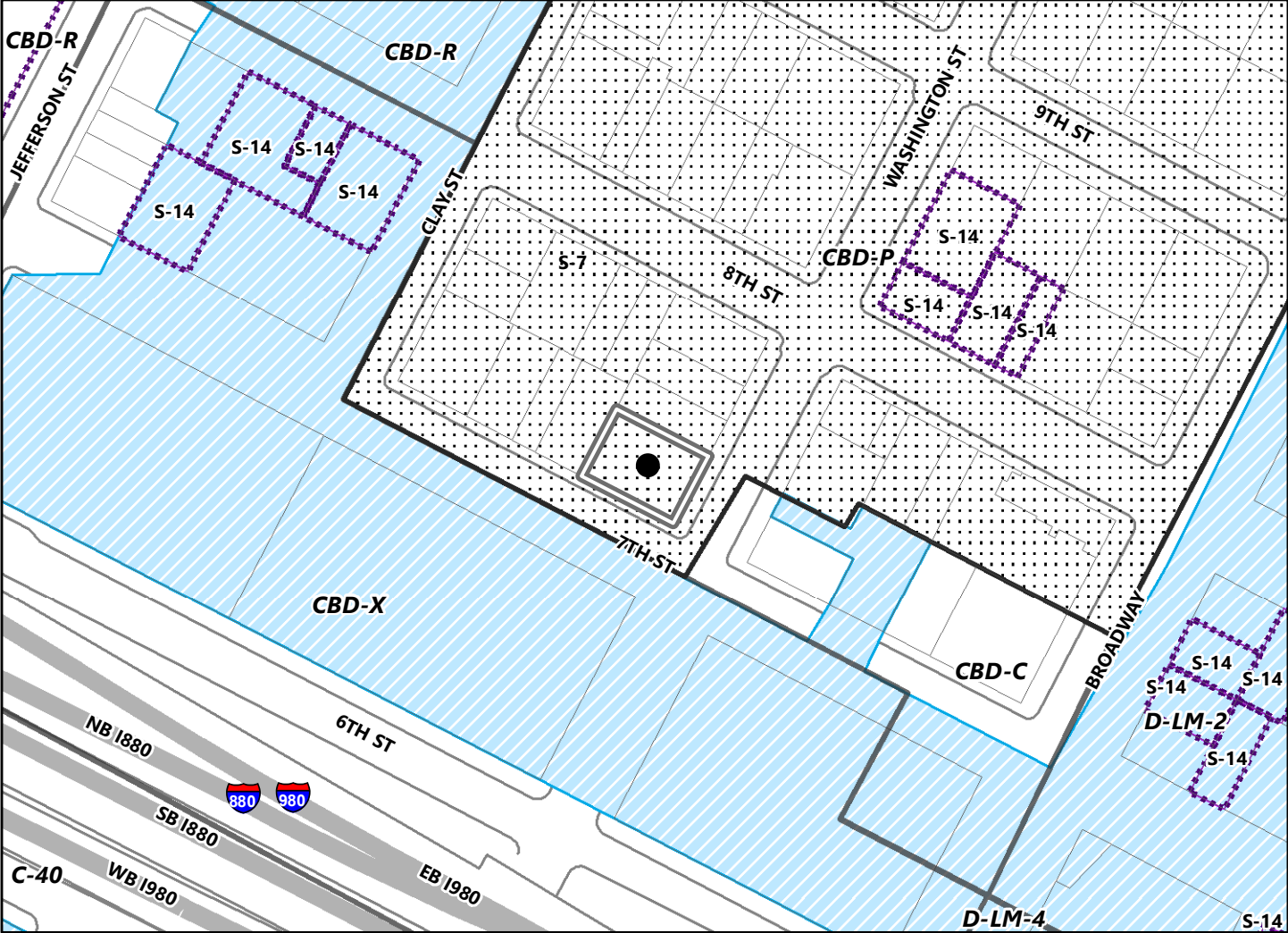
SUMMARY

The proposal is to construct a seven-story, 51,520 square-foot mixed-use building on a vacant corner lot facing 7th and Washington Streets in Downtown. This site is within the historically significant Old Oakland Area of Primary Importance. The project would contain 38 units, which includes eleven moderate-income affordable units, and ground floor commercial space, and includes a waiver under the State Density Bonus law for exceeding the maximum building height (55-foot maximum, 79.9 feet proposed).

A Project Compliance Memorandum indicates that the project complies with the Secretary of Interior’s Standards for Rehabilitation and Planning Code Design Review criteria for new construction and historic properties in the Central Business District Zones.

Staff requests that LPAB provide comments and recommendations to staff for a decision by the Zoning Manager.

LANDMARKS PRESERVATION ADVISORY BOARD



S-13 Combining Zone

Case File: PLN22169
 Applicant: Jeremy Schaub
 Address: 707 Washington Street
 Base Zone: CBD-P
 Combining Zones: S-7

PROPERTY AND NEIGHBORHOOD DESCRIPTION

The vacant, 7,500 square-foot lot is a vacant property located at the northwest corner of 7th and Washington Streets. The property is at the southern edge of the Old Oakland Area of Primary Importance (API). Traditional Old Oakland buildings with a 2-3 story height, Victorian character, storefronts, and upper story residential units are in the block adjacent to the site on Washington Street, while 7th Street has a mix of contemporary, Victorian style, and midcentury buildings. The 7th Street context is further distinguished from Washington Street by being a major one-way thoroughfare that leads to freeway on-ramps, containing buildings with a wide variety of building heights, and having a significantly less intact historic fabric. The relatively tall prison and police headquarter buildings are across 7th Street from the site.

A full description of the Old Oakland API is contained in the Project Compliance Memorandum in Attachment B.

PROJECT DESCRIPTIONOverall

The project is a seven-story, 79.9-foot-tall, 51,520 square-foot, mixed use building that includes 37 residential units on the upper floors, one ground floor residential unit, and a 1,614 square-foot ground floor commercial space. The residential component is a mix of one-, two-, and three-bedroom units and includes 11 units that are affordable for moderate income households. See Attachment A for the project plans.

Site Plan

The site plan focusses pedestrian interest and activity on the Washington Street ground floor façade, adjacent to the traditional storefront context in the central part of Old Oakland, by placing the retail space on the northern part of that facade and a residential lobby entrance near the intersection with 7th Street. A five-space parking garage, utility rooms, storage, bike parking, and a vehicular entry faces 7th Street. The roof includes a deck and solar panels.

Exterior Elevations

The building base facing Washington Street has the elements of a traditional storefront, including a bulkhead, transom windows, a wood overhang with recessed lighting, glazed porcelain tile walls, and recessed entries. The transom, bulkhead, and ground floor height of the proposed building approximately align with the neighboring building to the north.

Like the Washington Street façade, the ground floor fronting 7th Street has an aluminum frame with glazing and wall recesses. As mentioned, the ground floor has utilitarian elements facing 7th Street, and, therefore, has less transparency than the Washington Street ground façade. However, windows on the 7th Street façade adjacent to the residential lobby are proposed for the ground floor near Washington Street. The ground floor treatment on 7th Street is further discussed in the “Key Issues and Impacts” section of this report.

The upper stories incorporate a regular pattern of vertical bays and recessed walls with fiberglass recessed windows of various configurations and metal Juliette balconies. Exterior treatments include a smooth stucco finish with reveal joints and horizontal lap siding that contribute to the regular pattern of vertical

elements. A projecting element with additional transparency and a contrasting blue color punctuates the corner of the building at 7th and Washington Streets.

Landscaping

The applicant proposes to install at least seven street trees within the sidewalk and around the project site. The tree species are 24-inch box size “Ginkgo Biloba” trees that will have a drip irrigation system. The project roof deck, located to the southeast of the building, proposes landscaping with drip irrigation.

GENERAL PLAN ANALYSIS

Land Use and Transportation Element of the General Plan

The General Plan designation for the project site is Central Business District (CBD). 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 desired character and uses of the CBD classification is for 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 proposal for a seven-story, 38 residential unit and 1,614 square foot of commercial ground floor is consistent with this intent. The applicable Downtown policies for the project include:

- **Policy D1.4-Planning for Old Oakland:** Old Oakland should be respected should be respected and promoted as a significant historic resource and character-defining element, with Washington Street as its core. Residential development in Old Oakland should be of mixed housing type, with ground-floor retail where feasible.
- **Policy D6.1-Developing Vacant Lots:** Construction on vacant land or to replace surface parking lots should be encouraged throughout the downtown, where possible.
- **Policy D9.2-Meeting Daily Needs:** Downtown residents should have access to goods and services to meet their daily and long term needs within downtown area.
- **Policy D10.1-Encouraging Housing:** Housing in the downtown should be encouraged as a vital component of 24-hour community presence.
- **Policy D10.2-Locating Housing:** Housing in the downtown should be encouraged in identifiable districts, within walking distance of the 12th Street, 19th Street, City Center, and Lake Merritt Bart stations to encourage transit use, and in other locations where compatible with surrounding uses.
- **Policy D10.3-Framework for Housing Densities:** Downtown residential areas should generally be within the Urban Density Residential and Central Business District density range where not otherwise specified. The height and bulk should reflect existing and desired district character, the overall city skyline, and the existence of historic structures or areas.
- **Policy D10.4-Providing Housing for a Range of Needs:** Housing in the downtown should not be geared toward any one housing market, but rather should be promoted for a range of incomes, ownership options, household types, household sizes, and needs.
- **Policy D10.5-Designing Housing:** Housing in the downtown should be safe and attractive, of high-quality design, and respect the downtown’s distinct neighborhoods and its history.
- **Policy D10.6-Creating Infill Housing:** Infill Housing that respects surrounding development and the streetscape should be encouraged in the downtown to strengthen or create distinct districts.

- **Policy D11.2-Locating Mixed-Use Development:** Mixed use development should be allowed in commercial areas, where the residential component is compatible with the desired commercial function of the area.

Historic Preservation Element of the General Plan

Table 4-2 of the Historic Preservation Element of the General Plan states that all new construction on vacant lots must be compatible with the API in which it is located. Further, Policy 2.4 of the Element states that “Alterations or New Construction involving Landmarks or Preservation Districts will normally be approved if they are found to meet the Secretary of Interior’s Standards for the Treatment of Historic Properties or if certain other findings are made.” The Compliance Memorandum, prepared by Page & Turnbull (see Attachment B), states that the proposed development is compatible with the District and meets the Secretary of Interior’s Standards. Therefore, staff believes that the project is consistent with the Historic Preservation Element of the General Plan

ZONING ANALYSIS

The project is within the Central Business District – Pedestrian (CBD-P) Zone and the S-7 Preservation Combining Zone Regulations. The following describes the intent and requirements of these Zones.

Intent

The intent of the CBD-P Zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities. The proposed seven-story building with ground floor retail space and high density residential above is consistent with this intent.

The intent of the S-7 Combining Zone is to preserve and enhance the cultural, educational, aesthetic, environmental, and economic value of structures, other physical facilities, sites, and areas of special importance due to historical association, basic architectural merit, the embodiment of a style or special type of construction, or other special character, interest, or value, and is typically appropriate to selected older locations in the City.

As discussed in the “Key Issues and Impacts” section of this report, staff believes that the proposal is consistent with intent.

Required Planning Permits and Public Hearings

The CBD-P and S-7 Combining Zones both require Regular Design Review Approval for new building construction and the establishment of dwelling units. Planning Code Section 17.136.055(C) requires a public hearing before the Landmarks Preservation Advisory Board to advise the decision-making body for new construction in an Area of Primary Importance (API) such as the Old Oakland Historic District. Per Section 17.136.040(C), the final decision for the requested Regular Design Review Permit will be made by the Director of Planning after the application is noticed for public comment.

Development Standards

The following table shows the applicable and proposed development standards for the project:

Regulation	Required	Proposed	Compliance	Comments
Minimum setbacks	Front: 0' Interior: 0' Corner: 0' Rear: 0'	Front: 0' Interior: 3" Corner: 0' Rear: 3"	Complies	
Minimum ground floor transparency	65%	Greater than 65% of the principal street facade	Complies	
Minimum height of ground floor nonresidential facility	15-ft	17.4 ft	Complies	
Maximum residential density	25	38	Density Bonus	See Density Bonus section below.
Maximum building height	55'	79.90'	Waiver requested	See Density Bonus section below.
Minimum usable open space	2,280 sf	2,636 sf	Complies	
Minimum auto parking	None required	5 spaces	Complies	
Minimum long-term bicycle parking	12 spaces	16 spaces	Complies	
Minimum Residential short-term bicycle parking	2 spaces	2 spaces	Complies	
Commercial/Retail, short-term bicycle parking	Minimum 2 spaces	2 spaces	Complies	

Density Bonus

Through the State Density Bonus Law, the applicant seeks to construct 38 units when a maximum of 25 are permitted under the Planning Code. Under this law, the City must grant a density bonus in an amount depending on the number and category of affordable units provided in a project. By providing eleven moderate income affordable units, the applicant qualifies for a 50 percent density bonus, which, after rounding, allows the proposed number of units. The project also qualifies for “waivers” from those development standards that restrict a site from physically providing the additional units allowed under the law. The applicant is proposing a building height of approximately 80 feet when a maximum of 55 feet is allowed under the Planning Code through this waiver process.

ENVIRONMENTAL DETERMINATION

Through Section 15183 of State California Environmental Quality Act (CEQA) Guidelines, the State mandates that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. Staff anticipates that the proposal is eligible for this exemption because an analysis has determined that the project is consistent with the Old Oakland API (see Attachment B) and with the City’s development standards after application of the State Density Bonus law.

Staff also anticipates the project is categorically exempt from CEQA through Section 15332 of the State CEQA Guidelines. This exemption includes projects characterized as in-fill development meeting the following conditions:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
3. The project site has no value as habitat for endangered, rare or threatened species.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
5. The site can be adequately served by all required utilities and public services.

APPLICABLE DESIGN REVIEW CRITERIA

Staff has identified the following Planning Code criteria that must be met to approve the project:

Regular Design Review Criteria (17.136.050)

A. For Residential Facilities.

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 General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

B. For Nonresidential Facilities and Signs.

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060.
2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.
3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

Central Business District Special Regulations for Historic Properties (17.136.055(B)(2))

1. Any proposed new construction is compatible with the existing API in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing.

2. New street frontage has forms that reflect the widths and rhythm of the facades on the street, and entrances that reflect the patterns on the street.
3. The proposal provides high visual interest that either reflects the level and quality of visual interest of the API contributors or otherwise enhances the visual interest of the API.
4. The proposal is consistent with the visual cohesiveness of the API. For the purpose of this finding, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the API. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district while also conveying its own time. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When some combination of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results
5. Where height is a character-defining element of the API there are height transitions to any neighboring contributing historic buildings. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance. APIs with a character-defining height and their character defining height level are designated on the zoning maps; and
6. For construction of new principal buildings:
 - i) The project will not cause the API to lose its status as an API;
 - ii) The proposal will result in a building or addition with exterior visual quality, craftsmanship, detailing, and high quality and durable materials that is at least equal to that of the API contributors; and
 - iii) The proposal contains elements that relate to the character-defining height of the API, if any, through the use of a combination of upper story setbacks, window patterns, change of materials, prominent cornice lines, or other techniques. APIs with a character-defining height and their character-defining height level are designated on the zoning maps.

Design Review Criteria for construction or alteration in the S-7 Zone (17.84.040)

1. That the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, color, materials, texture, lighting, detailing and ornamentation, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.
2. That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities. Consideration shall be given to integration with, and subordination to, the desired overall character of any such area or grouping of facilities. All design elements or effects specified in Subsection A. of this Section shall be so considered.
3. That the proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally-related projects, with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

PROJECT COMPLIANCE MEMORANDUM

Attachment B is a “Compliance Memorandum”, prepared by the consulting firm of Page & Turnbull, dated September 28, 2023. The purpose of the Compliance Memorandum is to give an evaluation of the project’s compatibility based on the character-defining features of the Old Oakland Historic District and the Secretary of the Interior’s Standards for the Treatment of Historic Properties

The Page & Turnbull memorandum indicates that the proposed project is consistent with the Old Oakland Historic District by considering Standard 9 of the Secretary of the Interior’s Standards for Rehabilitation and the Oakland Planning Code Criteria. In sum, the Compliance Memorandum finds:

- There are no alterations made directly to any of the contributing buildings in the Old Oakland Historic District that will cause an impact to the eligibility of the historic district.
- The proposed seven-story building is taller than the adjacent and nearby contributors to the Old District by four or five stories, but the corner site is at the south end of the historic district where taller contemporary buildings are located across 7th Street. The project would serve as a transition between the small-scale 19th and early 20th century architectural style buildings in the historic district and the modern buildings to the south and east.
- The proposed design references other character aspects of the historic district to allow the building to be compatible with the contributing buildings in the district. The building will have a rectangular plan and will be built out to the property lines, which are standards in the historic district. Though the proposed massing will be wider than the existing small-scale historic buildings, the project building facades will have projecting bays and different siding materials. These street façade features will create rhythm and visual interest to be compatible with the historic buildings.
- The project’s horizontal belt courses and overhangs along the base top and top of building will help to break up the building verticality. The belt courses and overhangs are traditional features division between the base and top of building, and contributors to the buildings in the historic district. The project ground floor height and horizontal belt course and overhang at the base would align with the storefront of the historic buildings along Washington Street.
- The project’s exterior horizontal hardiplank cladding along the east, south and west facades and the horizontal wood cladding along the north façade and facing the contributing buildings provide compatibility with the historic district. Also, the use of high-quality materials from porcelain tiles to bronze aluminum windows at the storefronts will help the project building blend in or at least not detract from architectural details and quality materials found in the historic buildings.
- The project’s ground floor squared and angled recessed entrances, the storefront windows, bulkhead, and transom windows align and are compatible with the character and features with the nearby contributors in the historic district. The order of the punched openings with paired double-hung windows and square bay windows also references the style of the buildings found in the old historic district.

The Compliance Memorandum concludes that, although the project’s overall building scale is not compatible with the Old Oakland Historic District, the building uses several methods in the design to reference the materials, rhythm and features that are represented in the historic district. Based on the character-defining features of the historic district, the project appears to comply with the intent for Standard 9 of the Secretary of the Interior’s Standards for Rehabilitation, design review criteria for construction and alteration under the S-7 Preservation Zoning District, and special design regulations for historic properties in the Central Business District Zone.

KEY ISSUES AND IMPACTS

Overall, staff agrees with the Compliance Memorandum that the proposal is consistent with, and will not degrade, the API. The project will serve as a suitable transition from the height and design context of Old Oakland to that of 7th Street. This transition is further appropriate due to the contrasting characters of 7th Street, which is a one-way thoroughfare, and the narrower and less trafficked Washington Street.

The building’s proposed projections and recesses, vertical bay pattern, and ground floor treatment will relate to Old Oakland while having a design that still conveys its own time. Staff further believes that the proposed projecting corner element is an appropriate entrance feature into the Old Oakland API. However, staff believes that the 7th Street ground floor façade could be improved through design features such as art or additional transparency to minimize the impact of the blank walls on the pedestrian experience. Staff requests input from the Landmarks Board regarding this issue.

RECOMMENDATION

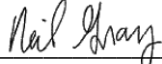
Staff recommends that the Landmarks Preservation Advisory Board provide recommendations and advice to staff regarding the proposal, particularly in regards of its appropriateness in the Old Oakland API and the ground floor façade treatment on 7th Street.

Prepared by:

Mike Rivera

Mike Rivera, Planner III
Bureau of Planning

Approved for forwarding to the
Landmarks Preservation Advisory Board:



Neil Gray, Planner IV
Bureau of Planning

ATTACHMENTS

- A. Design Plans, dated November 15, 2023
- B. Compliance Memorandum by Page & Turnbull, dated September 28, 2023