

Location:	222 19th Street (APN: 008-0634-003-00) (see map on the reverse)
Proposal:	Scoping Session to identify the issues that need to be addressed and receive comments for a Draft Environmental Impact Report (DEIR) regarding the proposal to demolish the Schilling Gardens and construct a 42-story residential tower that would provide 370 units, a 993 sq. ft. ground floor café and five levels of below grade parking. The proposed project would also include the relocation of several trees, the concrete arbor features, the fountain, and benches from the existing garden.
Applicant:	Ian Birchall / (415) 512-9660
Owner:	David and Kari O’Keefe
Case File Number:	ER06-0009; CMDV06-142
General Plan:	Central Business District
Zoning:	R-90 Downtown Apartment Residential Zone S-4 Design Review Combining Zone S-17 Downtown Residential Open Space Combining Zone
Environmental Determination:	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 ends on December 10, 2007.
Historic Status:	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 building is also an anchor and primary contributor to the 244 Lakeside Drive Building Group, an Area of Primary Importance (API). This building group includes the Garden, the Boathouse, 244 Lakeside Apartments, and the Regillus Apartments. All of these properties are located on the Preservation Study List.
Service Delivery District:	Downtown Metro
City Council District:	3
Staff Recommendation:	Receive public and Commission comments about what information and analysis should be included in the EIR.
For further information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com .

SUMMARY

David O’Keefe has filed an environmental review application to begin review and consideration of a high-rise residential project. The project is located on the site of an existing private formal garden associated with the historic Alfred Schilling Estate. The site is located between Snow Park and the Regillus apartment building and behind the 244 Lakeside apartment building. The proposed project would include demolition of the garden and construction of 370 units in a 42-story tower with five levels of underground parking.

(Contains map showing the project site and general vicinity)

The City has determined that project impacts may be significant and an Environmental Impact Report (EIR) is clearly required. According to CEQA Section 15060(d), staff will not prepare an Initial Study for the project. The City will be the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and the land use and project approvals. As such, the City has the responsibility to prepare an EIR for the project. The Notice of Preparation (NOP) was published on November 9, 2007 (See Attachment A). This scoping session is being held to solicit public and Commission comments on what information and analysis should be contained in the EIR. In addition to these oral comments, written comments will be accepted until December 10, 2007. Written comments are encouraged in order to provide an accurate record of public comments.

SITE DESCRIPTION

Existing Conditions

The approximately 31,830 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 foot paths and benches. There are two small green houses (totaling approximately 1,000 sq. ft.) on the southwestern portion of the site and a paved entrance providing restricted access from 19th Street. A chain link fence surrounds the site and is intermittently covered with vines and bushes. This garden is a Designated Historic Property (DHP) and is rated A1+, of the "highest importance" by the Oakland Cultural Heritage Survey (OCHS). The garden an anchor and primary contributor to the 244 Lakeside Drive Building Group, an Area of Primary Importance (API).

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 19th Street to the south, there are mid-rise office and residential buildings.

PROJECT DESCRIPTION

The applicant is proposing demolition of the existing garden and 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 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 notched aluminum composite panel structure, referencing similar vertical elements in 244 Lakeside. Up lighting would be placed at the base of the notch to emphasize the verticality at night.

The tower would terminate in a distinctive split pyramidal roof-form, with louvered sloped planes and twin spires. The roof-top feature would be constructed of horizontal brushed stainless steel louvers, and separated from each other by a continuous vertical gap. The night-time illumination is internal to the pyramids, allowing 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 41st 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 19th Street via a sloped driveway on the southern portion of the site. A curb cut/drop-off area would be provided along 19th 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 19th Street.
- A stone patio with an olive tree relocated from the existing garden, a water feature, and the concrete arbor relocated from the existing garden 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, new and relocated trees and plants, a decorative concrete sidewalk, and potting shed are located along the northern edge of the site, adjacent to 244 Lakeside.
- New and relocated trees and plants, and a trellis with vines is shown located adjacent to the Regillus.
- Two open to the air viewing terraces at the 40th floor.
- Roof deck space on the 42nd floor with planter boxes and seating.

Private open space is provided through terraces and balconies.

Project Review Process and Entitlements

At this time, the project applicant has applied for a Major Interim CUP for density that exceeds zoning but is permitted by 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; Variance for outside General Food Sales; Variance for percentage of compact parking spaces, tandem spaces, total number of spaces for residential and food sales, parking space dimensions when next to a column or other obstruction, loading berths, Design Review and High Design Review criteria. A Tree Removal permit is also required.

GENERAL PLAN

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 31,827 sq. ft. project site could support a maximum of 371 units. The 370-unit project is one unit under 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 following General Plan Land Use and Transportation Policies and Objectives apply to the proposed project:

Policy D5.1: Encouraging Twenty-Four Hour Activity

Policy D8.2: Respecting Public Parks

Policy D10.1: Encouraging Housing

ENVIRONMENTAL REVIEW PROCESS

Staff determined that an EIR was required and the NOP was published on November 9, 2007. Staff expects the 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 FEIR 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. The environmental impact report will address potential environmental impacts associated with construction and operation of the project including construction of the proposed project and obtainment of all necessary zoning, grading and building permits, and any other discretionary actions required by the City of Oakland and other governmental agencies.

The main purpose of this scoping session is to solicit comments from both the Commission and the public on what types of information and analysis should be considered in the EIR. Comments about the issues that should be considered, the types of information that should be included, and the range of alternatives to the project that should be assessed are all appropriate comments.

Community Process

The applicant held several meetings earlier this year with the residents of the 244 Lakeside and Regillus apartment buildings. The community, neighbors, and staff have also 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, the Lake, traffic, and architecture. At this time, Strategic Planning staff is examining the issue as part of the Zoning Ordinance / General Plan conformity update.

It is anticipated that there will be separate height findings for certain areas near Lake Merritt. However, no specific proposal or draft code language has been written.

In addition, the project sponsor held a community meeting on July 31, 2007. There was extensive public comments and concern regarding height, design, historic compatibility, demolition of a historic resource, shade, shadow, and recreation impacts to Lake Merritt, traffic, and overall project feasibility. Public comment notes from the community meeting are attached (See Attachment B).

From these notes and other comments received, staff has identified the following preliminary list of environmental and project issues that will be included in the EIR and during the review of the project:

Aesthetics

- View corridors
- Wind tunnels
- Shadow on the Lake and Snow Park
- Loss of open space in an area where the public wanted more parkland as shown in voter support for Measure DD
- Height of project

Air Quality

- Potential air quality impacts due to construction and vehicular activity
- Cumulative air quality impact

Biological Resources

- Lake ecology
- Migratory birds near Lake Merritt Wildlife Refuge
- Impacts to protected trees

Cultural Resources

- Demolition of a historic resource with a rating of A1+
- Impacts to the 244 Lakeside historic district
- Impacts to the Lakeside Apartment historic district
- Impacts to Lake Merritt historic district
- Impacts to one of only a handful of historic gardens/landscapes in Oakland
- Construction impacts to adjacent historic buildings

Geology and Soils

- Impacts related to seismic shaking

Hazards and Hazardous Materials

- Impacts to the Lakeside Drive and 19th Street evacuation routes

Hydrology

- Impacts to ground water from dewatering
- Impacts to Lake Merritt from grading and construction activities

Land Use and Planning

- Compatibility with the historic districts
- Height of project
- Conformity with all General Plan Elements

Noise

- Impacts of project-related noise on the surrounding area
- Construction noise adjacent to sensitive receptors (seniors)

Public Services

- Adequacy of fire protection services, police protection services, and other public facilities

Recreation

- Impacts to recreation in Snow Park and on Lake Merritt

Traffic and Transportation

- Traffic circulation
- Existing congestion and other operation problems at the intersections in and surrounding the project area
- Impacts on pedestrian access and safety resulting from project-generated traffic
- Cumulative traffic impacts
- Construction worker parking

Scoping Session before the Planning Commission

Staff presented the project at a scoping session before the full Planning Commission on November 28, 2007. The Commissioner's listed the following environmental issues and impacts to be analyzed:

- Analysis of another project site as an alternative
- Parking, traffic, transit, and the transportation demand management program
- Impacts to the Lake Merritt Wildlife Refuge
- Analysis of replicating the garden as an alternative
- Safety
- Air quality and construction impacts
- Shadows
- Impacts to Lake Merritt
- Historic status of the Schilling Garden
- Economic factors
- Soils, geology, and liquefaction
- Green building and energy section

In addition to the Commissioner's comments, the public also requested that Population and Housing impacts be studied. It is still not anticipated that the proposed project will have a significant effect on Agricultural and Mineral Resources. However, to ensure a comprehensive analysis of all the project's potential environmental effects is provided, these environmental factors will be analyzed in the EIR.

CONCLUSION

Staff requests the public and the Planning Commission to provide comments and direction on what types of information and analysis should be considered in the EIR.

Respectfully submitted:

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Attachments:

- A. Notice of Preparation (NOP)
- B. Public Comment Letters
- C. Project site plans/description materials