



To: Sheng Thao, Mayor, officeofthemayor@oaklandca.gov
Dan Kalb, City Councilperson Dist. 1: dkalb@oaklandca.gov;
Barbara Parker, City Attorney: bjparker@oaklandcityattorney.org
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Cc: Catherine Payne, Development Planning Manager: cpayne@oaklandca.gov
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Subject: 5295 College; Preliminary Application Nos. ZW2401297 and ZP240041

RCPC supports development of additional housing in our community, particularly affordable housing, and supports the core elements of the proposed program of 88 apartments with 20% of the units affordable to low- and moderate-income residents, above active street-front retail on College Avenue. We do have reservations about the large amount of space set aside for non-residential uses. RCPC has not yet taken a position on this project.

We write to follow up on our unanswered email to Director Gilchrist of July 29, 2024 (attached), which sought process information for this recent application to build a 15-story, 170-foot tall, mixed-use, high-rise tower on a single-story stretch of College Avenue. In addition to seeking answers to our earlier questions, we request specific clarification regarding the Planning Department's step-by-step time schedule for reviewing whether this project qualifies for all the ministerial streamlining, density bonuses, and the waivers of zoning and building standards asserted by the applicant's lawyer in her letter of June 27, 2024 (also attached).

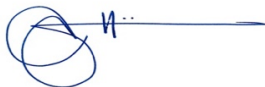
Recent state legislation streamlining and providing density bonuses for affordable housing projects still leaves to municipalities the responsibility for meaningfully reviewing whether applications to build such projects qualify for expedited processing and the bonuses sought. We also are interested in learning the Planning Department's intended scope of review. As examples of what we have in mind, we call your attention to the following four aspects of the project.

1. The Five-Story Mixed-Use Podium: The applicant asserts that adding 36,300 square feet of commercial space and 31,250 square feet of tenant/bicycle storage within the five-level podium are justifiable per SB 423 as "*components that significantly improve the financial feasibility of the affordable units.*" What is the burden on and what information will be sought from the applicant to support this assertion? We note that commercial office vacancies in Oakland's CBD are at 23%, and that the inclusion of a five-story podium to house these uses pushes the entire building into high-rise construction, adding 15-20% to the ultimate cost of the entire project.

2. Building Placement: The applicant proposes to place the podium and one side of a high-rise tower directly along property lines abutting a residential district, implicitly seeking a waiver of objective zoning standards. This also appears inconsistent with building codes, which prohibit unprotected openings, such as windows, directly on a property line. Further, the upper residential tower is set back from the street façade, and its other façades are buried within the site, resulting in no direct firefighting access from a public right of way. To what extent are such considerations of alternative means and methods part of the Planning Department's review?
3. Proposed Parking: The project proposes about 25,000 square feet of parking to accommodate 352 bicycles (*656 bicycles are shown in plans*) and 110 cars for just 88 units of housing. The stack parking systems consume the better part of two subterranean levels and half the ground level. Recent state laws allow for building unlimited residential capacity without any parking for housing that lies within ½ mile of a major transit facility. What legal provisions and other factors will the Planning Department be considering in reviewing the project's proposed parking plan?
4. Base Zoning Density Calculation: The applicant calculates a "Base Project" assumption on a 35-foot height limit with a "density factor" of one unit per 550 square feet of lot area. However, the updated city zoning allows a structure up to 55 feet tall with a "density factor" of up to one unit per 350 square feet of lot area. Correcting for this error would increase the base project from 44 units to as many as 67 units and, accordingly, would raise the number of low- and moderate-income units required to merit ministerial approvals, the various state density bonuses, and waivers of zoning standards proposed to be waived. When in the reviewing process and by what means will the Planning Department inform the public about its findings regarding the project sponsor's interpretation of applicable city and state land use laws?

We thank you for your consideration of our requests, and look forward to your response,

Sincerely,



Tom Lollini
RCPC Land Use Committee Chair



Casey Farmer
RCPC Board Chair

Att:

2024-7-29 RCPC email to Oakland Planning Director Gilchrist

2024-7-27 5295 College Avenue Attorney's Application Letter to Planning Director Gilchrist

Attachment 1:

From: Thomas Lollini tom@studiolollini.com
Subject: 5295 College; Pre-application Nos. ZW2401297 and ZP240041
Date: July 29, 2024 at 5:56 PM
To: wgilchrist@oaklandca.gov
Cc: Farmer Casey caseyfarmer@gmail.com, RCPC_2024-25@googlegroups.com, dthai@oaklandca.cov



Director Gilchrist,

On behalf of the Rockridge Community Planning Council Board of Directors, as Chair of the RCPC Land Use Committee, a position to which I was appointed this past April, I am writing to inquire about the status of the Pre-Application process for 5295 College Avenue. As there is little information on the City's website at present, and quite a bit of information on the developer's project website, we have the following questions regarding this project:

- 1) Can you give us an idea of the process and timeline that Planning will use to review this application?
- 2) Based on the department's review to date, does the project sponsor appear to be correctly using the state density bonus law(s), as recently amended?
- 3) The project is claiming to be eligible for streamlined, ministerial review under SB423. Based on our review, it is not clear that the project as currently proposed is eligible for streamlining under SB423. For example, a Hotel is not presently an allowable use in the CN-1 Zoning District. What is the department's position on these issues?
- 4) If you are not yet ready to answer questions 2 and 3 above, when do you expect to have answers.

We will be discussing this proposed project at our upcoming Board Meeting this Thursday evening, August 1st, and would appreciate receiving your response prior to our meeting. Thank you for your consideration of our request.

Best Regards,
Tom

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