

**CITY OF OAKLAND
COUNCIL AGENDA REPORT**


20160321 11:19

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: March 21, 2006
RE: **SUPPLEMENTAL REPORT REGARDING THE PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION DENYING THE APPEAL AND SUSTAINING THE DECISION OF THE PLANNING COMMISSION APPROVING CONSTRUCTION OF A NEW MIXED-USE DEVELOPMENT CONSISTING OF 67 RESIDENTIAL UNITS AND 2,990 SQUARE FEET OF COMMERCIAL SPACE LOCATED AT THE INTERSECTION OF 51ST STREET AND TELEGRAPH AVENUE (CASE FILE NUMBER CMDV05-469)**

This report provides additional information requested by Councilmember Brunner regarding the potential traffic impacts of the proposed project. The Public Works Agency has reviewed the project and the traffic impact analysis conducted by the traffic consultant. Public Works believes that the traffic impact analysis is sufficient and that no further analysis is warranted. Public Works also agrees with the Community and Economic Development Agency's responses to the appellant's traffic-related arguments, contained in the (original) March 21, 2006, Agenda Report. The potential traffic impacts of the project are not considered significant and no mitigation measures are warranted.

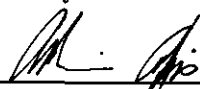
Attached is a memorandum from the Public Works Agency, dated March 14, 2006, and a memorandum from the traffic consultant, DKS Associates, dated March 14, 2006.

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



DEBORAH EDGERLY
OFFICE OF THE CITY ADMINISTRATOR

Respectfully submitted,



CLAUDIA CAPPIO
Director of Development
Community and Economic Development Agency

Item: **14.7**
City Council
March 21, 2006

Reviewed by:
Gary Patton
Deputy Director of Planning and Zoning
Planning & Zoning Division

Prepared by:
Darin Ranelletti
Planner III
Planning & Zoning Division

ATTACHMENTS:

- A. Memorandum from the Public Works Agency (dated March 14, 2006)
- B. Memorandum from DKS Associates (dated March 14, 2006)

ATTACHMENT A

**MEMORANDUM FROM THE
PUBLIC WORKS AGENCY
(Dated March 14, 2006)**

City of Oakland
Public Works Agency



Design & Construction Services Department
Transportation Services Division

Memorandum

To: Darin Ranelletti, CEDA Planning
From: Wladimir Wlassowsky, PWA Transportation Services Manager
Date: March 14, 2006
Re: 51st/Telegraph Mixed-Use Project (CMDV05-469)

A handwritten signature in black ink, appearing to read 'W. Wlassowsky', written over the 'From:' line of the memorandum.

This memorandum responds to the request of CEDA Planning for the PWA, Transportation Services Division to formally comment on the traffic impacts of the proposed 51st/Telegraph Mixed-Use Project (CMDV05-469) (Project).

My staff has reviewed and considered the following items:

- DKS Final Traffic Impact Analysis (December 15, 2005)
- The appeal and related materials (January 30 and February 9, 2006)
- DKS memo (March 1, 2006)
- City Council Agenda Report (for March 21, 2006 meeting)
- Numerous discussions with DKS and CEDA Planning
- DKS Memo (March 14, 2006)

Based upon our independent review, we offer the following conclusions:

- 1) The traffic analysis performed by DKS to date, for the Project, is sufficient and no further analysis is warranted.
- 2) The traffic impacts of the Project – both Project specific and cumulative – have been analyzed, and no mitigation measures are warranted.
- 3) We concur with the CEDA Planning responses to the appellant's traffic-related arguments, contained in the (original) March 21, 2006 City Council Agenda Report.

ATTACHMENT B

**MEMORANDUM FROM
DKS ASSOCIATES
(Dated March 14, 2006)**

MEMORANDUM

TO: Darin Ranelletti
FROM: Mark Spencer
DATE: March 14, 2006
SUBJECT: Response to Comments on Traffic Analysis - 05187-000
Civiq Project

DKS has prepared this memorandum to supplement information included in the Traffic Impact Analysis – Final Report prepared for the 5110 Telegraph Avenue – Mixed Use Development project, herein referred to as the Civiq Project.

The following items were analyzed as part of this memorandum:

1. Re-routing and re-assignment of existing Children’s Hospital Oakland employee parking lot vehicles at the proposed site.
2. Additional intersection level of service analysis to include the intersection of Shattuck Avenue & 52nd Street under the project condition.
3. Assumptions for study intersection and trip distribution
4. Percent contribution to cumulative conditions.

Similar to the results of the Final TIA and based on the significance criteria, the addition of project generated traffic would not result in a significant impact.

1. Rerouting and reassignment of existing parking lot vehicles

Vehicles that currently park on the Children’s Hospital Oakland (CHO) parking lot would be relocated to other existing CHO parking facilities that are outside the immediate study area. Approximately 20 cars will be parked at the surface lot at 5001 MLK Jr. Way and 15 cars will be parked at the CHRCO garage at 744 52nd Street.

A trip reduction of 35 vehicles was applied to the study intersections based on existing travel patterns to the proposed site and by percentage per turning movement volume at the intersections. The 35 vehicles were reassigned to the study intersections based on the anticipated travel patterns to/from the new parking locations.

2. Intersection Level of Service Analysis at Shattuck Avenue & 52nd Street

Due to the proximity of the proposed project and potential access to and from State Route 24, the intersection of Shattuck Avenue & 52nd Street was studied. DKS recalculated the intersection level of service analysis for all study intersections under the existing and project conditions. **Table 1** provides a summary of the level of service analysis results.

TABLE 1
Level of Service Summary Comparison

#	INTERSECTION	A.M. PEAK				P.M. PEAK			
		EXISTING		PROJECT		EXISTING		PROJECT	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1	Telegraph Avenue & 52 nd - Claremont Avenue	24.5	C	25.0	C	18.6	B	18.9	B
2	Clark Street & Claremont Avenue ^c	10.2	B	10.7	B	11.5	B	11.9	B
3	Telegraph Avenue & 51 st Street	22.9	C	23.0	C	28.5	C	28.5	C
4	Clarke Street & 51 st Street ^c	33.3	D	36.8	E	39.6	E	39.5	E
5	Shattuck Avenue & 52 nd Street	39.6	D	39.9	D	48.3	D	48.1	D

^a Delay - Average Delay (in seconds per vehicle) for signalized intersections. For unsignalized intersections, average control delay per worst approach. (in seconds per vehicle)

^b LOS: Level of Service

^c Unsignalized intersection.

Intersection Operation

According to the City of Oakland intersection level of service standards, all study intersections would continue to operate at an acceptable level of service for the project conditions, with the exception of the intersection of Clarke Street & 51st Street. This intersection would continue to operate at LOS E during the P.M. peak hour condition. The addition of project traffic would cause this unsignalized intersection to operate at LOS E during the A.M. peak hour. Similar to the results of the Final TIA and the significance criteria, the addition of project generated traffic would not result in a significant impact because the Caltrans warrants for signalization of the intersection would not be met.

DKS obtained A.M. and P.M. peak hour intersection turning movement counts from the City of Oakland for the intersection of Shattuck Avenue & 52nd Street. DKS performed an intersection total volume comparison for the intersection to determine the highest intersection volume for use in the operation analysis. Counts collected by DKS were higher and therefore used to provide a conservative analysis.

In addition, the intersection geometry was revised for the northbound and southbound legs. Only one lane in both the northbound and southbound directions is provided for left, thru and right-turn movements. However, based on field observations, the north and south legs are both wide enough to allow for

exclusive left-turns at the intersection and also allow for thru and right-turn movements to cross the intersection without having to wait for the left-turn to clear the intersection. Although the intersection is not striped for separate left-turn lanes, this is how the intersection actually functions, and therefore an adjustment was made to the geometry to reflect actual operating conditions.

3. Assumption for study intersections

The number of study intersections was based on the size of the project and the number of trips it would potentially generate, the surrounding study area, and with consideration to those study intersections that are most likely to be impacted by the proposed project. Since project-generated traffic dissipates the further one travels from the site, it is likely that potential impacts decrease as well. Therefore, no additional intersections were identified that are likely to be significantly impacted by the project.

4. Percent contribution to Cumulative Conditions

DKS also studied whether the project would result in significant cumulative impacts at the studied intersections. In Oakland, in order for a project to have a significant cumulative impact there must be unacceptable levels of service, the project must contribute five (5) percent or more of the cumulative traffic, and for unsignalized intersections, the unsignalized intersections must satisfy a Caltrans Peak-Hour traffic signal warrant. Cumulative traffic is measured by the difference between existing and future cumulative (with project) conditions.

In order to determine the cumulative traffic at the study intersections, a growth factor of 1.18% per year to year 2025 was applied to the existing intersection volumes. The growth factor was based on projected growth within the vicinity of the project, as determined by a comparison of data in the Kaiser Hospital EIR.

Based on the cumulative growth projected at the study intersections, the proposed project would contribute more than 5% of cumulative traffic at two unsignalized study intersections. Although the project contributes 5% or more of the incremental cumulative trips, the peak hour volumes would not satisfy a Caltrans Peak Hour Volume traffic signal warrant for signalization. Therefore, the project's cumulative impacts would not be considered significant. Because the 5% threshold was not met and/or the unsignalized intersections did not meet the Caltrans warrant requirements, there was no need to study the LOS in year 2025.

Tables 2 and 3 provide a summary of the cumulative traffic comparison results for the A.M. and P.M. peak hours, respectively.

TABLE 2

Cumulative Traffic Comparison - A.M. Peak

#	Intersection	Existing	Cumulative w/project	Δ	5% Threshold	Project Trips	More than 5%?	Signal Warrant?
1	Telegraph Avenue & 52 nd - Claremont Avenue	2,542	3,188	646	32	20	No	
2	Clark Street & Claremont Avenue	663	862	199	10	35	Yes	No
3	Telegraph Avenue & 51 st Street	3,140	3,937	797	40	23	No	
4	Clarke Street & 51 st Street	1,781	2,249	468	23	35	Yes	No
5	Shattuck Avenue & 52 nd Street	3,414	4,162	748	37	10	No	

TABLE 3

Cumulative Traffic Comparison - P.M. Peak

#	Intersection	Existing	Cumulative w/project	Δ	5% Threshold	Project Trips	More than 5%	Signal Warrant?
1	Telegraph Avenue & 52 nd - Claremont Avenue	3,114	3,914	800	40	27	No	
2	Clark Street & Claremont Avenue	724	954	230	11	43	Yes	No
3	Telegraph Avenue & 51 st Street	4,128	5,195	1,037	52	32	No	
4	Clarke Street & 51 st Street	1,966	2,480	514	26	46	Yes	No
5	Shattuck Avenue & 52 nd Street	3,555	4,347	792	40	13	No	

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

REVISED 3/14/06

2006 MAR 15 PM 1:11

APPROVED AS TO FORM
Mark P. Wall
DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION DENYING THE APPEAL AND SUSTAINING THE DECISION OF THE PLANNING COMMISSION APPROVING CONSTRUCTION OF A NEW MIXED-USE DEVELOPMENT CONSISTING OF 67 RESIDENTIAL UNITS AND 2,990 SQUARE FEET OF COMMERCIAL SPACE LOCATED AT THE INTERSECTION OF 51ST STREET AND TELEGRAPH AVENUE (CASE FILE NUMBER CMDV05-469)

WHEREAS, on September 16, 2005, 5110 Telegraph Avenue, LLC, (“Applicant”) filed an application for a major interim conditional use permit, major variance, regular design review, and minor variances to construct a mixed-use development containing 67 residential units and 2,990 square feet of commercial space (“Project”); and

WHEREAS, the Design Review Committee of the Planning Commission conducted a duly noticed public hearing on the Project on November 16, 2005; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the Project on January 18, 2006; and

WHEREAS, on January 18, 2006, the Planning Commission independently reviewed, considered and determined that the Project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15332 of the State CEQA Guidelines; and

WHEREAS, on January 18, 2006, the Planning Commission approved the application for a major interim conditional use permit, major variance, regular design review, and minor variances (collectively called “Development Permits”); and

WHEREAS, an appeal of the Planning Commission’s January 18, 2006 actions were filed by Jeff Norman on January 30, 2006, on behalf of the Telegraph/51st Gateway Coalition (“Appellant”); and

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ORA/COUNCIL

MAR 21 2006

WHEREAS, after giving due notice to the Appellants, the Applicant, all interested parties, and the public, the Appeal came before the City Council on March 21, 2006; and

WHEREAS, the Appellants and all other interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

WHEREAS, the public hearing on the Appeal was closed by the City Council on March 21, 2006; now, therefore, be it

RESOLVED: That the City Council, having independently heard, considered, and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Application, the Planning Commission's decision, and the Appeal, finds that the Appellant has **not** shown, by reliance on evidence in the record, that the Planning Commission's decision was made in error, that there was an abuse of discretion by the Commission, or that the Commission's decision was not supported by substantial evidence in the record. This decision is based, in part, on the March 21, 2006, City Council Agenda Reports (both original and supplemental), the January 18, 2006, Planning Commission report, and the November 16, 2005, Design Review Committee report, which are hereby incorporated by reference as if fully set forth herein. Accordingly, the Appeal is denied, the Planning Commission's environmental determination is upheld, and the Planning Commission's decision approving the Development Permits is upheld, subject to the final conditions of approval adopted by the Planning Commission; and be it

FURTHER RESOLVED: That in support of the City Council's decision to approve the Project's Development Permits, the City Council affirms and adopts, as its findings, the March 21, 2006, City Council Agenda Reports (both original and supplemental), the January 18, 2006, Planning Commission report, and the November 16, 2005, Design Review Committee report; and be it

FURTHER RESOLVED: That the City Council independently finds and determines that this Resolution complies with CEQA, as the Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15332, and the Environmental Review Officer is directed to cause to be filed a Notice of Exemption with the appropriate agencies; and be it

FURTHER RESOLVED: That the record before this Council relating to this Project application and appeal includes, without limitation, the following:

1. the Project application, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. all staff reports, decision letters and other documentation and information produced by or on behalf of the City, including without limitation technical studies and all related/supporting materials, and all notices relating to the Project application and attendant hearings;
4. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the application and appeal;

5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA; and be it

FURTHER RESOLVED: That the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID,
AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

14.7

ORA/COUNCIL

LEGAL NOTICE:

MAR 21 2006

ANY PARTY SEEKING TO CHALLENGE THIS FINAL DECISION IN COURT MUST DO SO WITHIN NINETY (90) DAYS OF THE DATE OF THE ANNOUNCEMENT OF THIS DECISION, PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 1094.6, UNLESS A SHORTER PERIOD APPLIES.