

**CITY OF OAKLAND  
COUNCIL AGENDA REPORT**

OFFICE OF THE CITY CLERK

2006 MAR 20 PM 2:58

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: March 21, 2006  
RE: **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 51<sup>ST</sup> STREET AND TELEGRAPH AVENUE (CASE FILE NUMBER CMDV05-469)**

---

**SUMMARY**

On January 18, 2006, the City Planning Commission approved (by a 5-0 vote) a proposal to construct a new mixed-use development containing 67 residential units and approximately 2,990 square feet of ground floor commercial space located at the corner of Telegraph Avenue and 51<sup>st</sup> Street in the Temescal neighborhood of North Oakland. On January 30, 2006, Jeff Norman, representing the Telegraph/51<sup>st</sup> Street Gateway Coalition, filed an appeal of the Planning Commission's decision. The appellant argues primarily that the project is not compatible with the surrounding neighborhood and would have negative impacts on the community. The arguments raised by the appellant are summarized below along with staff's response to each argument. Staff recommends that the Council deny the appeal thereby upholding the Planning Commission's decision to approve the project.

**FISCAL IMPACT**

The project is a private development on private property. No public funds are required for the project so there would be no direct fiscal impact to the City. The project does have the potential to result in indirect fiscal impacts to the City, both positive and negative. The new development would increase the property tax valuation of the property thereby providing a positive fiscal impact to the City through increased property tax revenue. The project would also increase the population in the Temescal neighborhood thereby expanding the consumer base for neighborhood businesses which would increase sales tax revenue. However, demand for City-funded services (e.g., library services, parks and recreation services, public safety services, street maintenance services) would increase resulting in a negative fiscal impact to the City. Given such positive and negative fiscal impacts, the project would have an unknown net fiscal impact.

Item: \_\_\_\_\_  
City Council  
March 21, 2006

## **BACKGROUND**

### ***Project Description***

The project consists of a new mixed-use development containing 67 residential units and approximately 2,990 square feet of ground floor commercial space. The project drawings for the proposal are attached to this report (see Attachment A and revised drawings contained in Attachment B). The development would be comprised of four buildings. Building 1, located at the corner of Telegraph Avenue and 51<sup>st</sup> Street, would contain four stories of residential units over one story of ground floor commercial space for a total of five stories. The majority of Building 1 would be 55 feet tall with the building rising to 65 feet at the corner of Telegraph Avenue and 51<sup>st</sup> Street. Buildings 2, 3, and 4 would be entirely residential. Building 2, located at the corner of 51<sup>st</sup> Street and Clarke Street in the eastern portion of the site, would be four stories tall with a height ranging from 47 to 49 feet (with the building stepping down to three stories and 38 feet right at the corner of 51<sup>st</sup> Street and Clarke Street). Building 3, located along Clarke Street, would contain three stories with a pitched roof that ranges from 27 feet to 37 feet in height. Building 3 would be articulated into two visually distinct sub-volumes to give the appearance of two single-family homes. Both Buildings 2 and 3 would contain ground floor residential units that would be entered directly from the sidewalk. Building 4, located in the central interior of the site would be five stories tall and range from 47 to 59 feet in height (with the building stepping down to three stories and 37 feet tall near Clarke Street).

The project contains a proposed plaza at the corner of Telegraph Avenue and 51<sup>st</sup> Street in front of Building 1 and a second plaza on 51<sup>st</sup> Street between Telegraph Avenue and Clarke Street. A common courtyard for use by the project residents would be located in the central portion of the site. As further detailed in Condition 24 of the Planning Commission's approval, the project will incorporate a walkway along the northwest border of the site to permit the extension of the Rockridge Temescal Greenbelt. Off-street parking would be located in an underground parking garage containing 100 parking spaces. The entrance and exit to the parking garage would be located on Clarke Street near 51<sup>st</sup> Street.

### ***General Plan and Zoning Information***

The General Plan allows a maximum of 67 residential units on the site, equal to the number of units proposed in the project. Telegraph Avenue in the Temescal neighborhood is a designated "Grow and Change" area in the General Plan. Areas designated Grow and Change are located primarily in Downtown Oakland and along the City's major arterials. According to the General Plan, Grow and Change areas should emphasize significant increases in density, activity, or use which are consistent with other City policies. The General Plan states that such growth and change can be achieved through a number of strategies, including the following:

- Construction on vacant infill sites
- Construction on sites in short-term use such as surface parking lots

Although the zoning for the site would allow a maximum of 25 residential units on the property, the General Plan, as stated above, and as implemented through application of the Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations, would allow a maximum of 67 units. The Zoning Regulations came into effect largely in 1965. The City adopted a new General Plan in 1998. As provided for in the General Plan and Oakland Planning Code, the density policies of the General Plan supersede the Zoning Regulations. In many areas of the city, particularly along major transit corridors such as Telegraph Avenue, the maximum residential density allowed under the General Plan is significantly higher than the density allowed by the zoning. However, the Zoning Regulations' development standards, such as parking requirements, setbacks, open space requirements, and height limitations, still apply.

The proposed project requires a number of zoning permits including a Major Interim Conditional Use Permit and a Major Variance to permit the residential density to match the level allowed by the General Plan, Regular Design Review, and Minor Variances to exceed the maximum building height allowed under current zoning and to reduce the minimum required front yard setback and courtyard width.

### ***Planning Commission's Approval***

At the January 18, 2006, Planning Commission hearing, the applicant made the following changes to the project: 1) A public walkway through the site that is to act as an extension of the Rockridge Temescal Greenbelt was to be deeded to the City in exchange for City-owned land on 51<sup>st</sup> Street the applicant is purchasing as part of the project; 2) The overall height of Building 3 (along Clarke Street) was lowered from 41 feet to 37 feet; and 3) Building 1 (at the corner of Telegraph Avenue and 51<sup>st</sup> Street) was redesigned so that the portion of the building above four stories was stepped back from Telegraph Avenue and the three-story portion of the building along 51<sup>st</sup> Street was extended further to Telegraph Avenue. The drawings showing these modifications are attached to this report (see Attachment B).

Although the appellant has submitted a petition signed by numerous individuals objecting to the height of the project, the City received significant testimonial and written support regarding the project at and before the Planning Commission hearing from numerous groups, including the Temescal/Telegraph Business Improvement District, the Sierra Club, Friends of the Rockridge-Temescal Greenbelt, and the East Bay Workforce Housing Coalition, and various individuals.

One of the primary issues at the Planning Commission hearing was the proposed height of the project. The Planning Commission determined that the proposed height was appropriate, complies with the policies of the General Plan, and provides for a livable, attractive development. Reducing the height of the project would result in the following:

- Reduction of the number of units; or
- Reduction of the sizes of the units; or
- Reduction of the amount of courtyard and open space areas on the site.

Item: \_\_\_\_\_  
City Council  
March 21, 2006

At the hearing, the Planning Commission voted unanimously to approve the project. The Planning Commission found that the project complies with all the necessary requirements for approval and is consistent with the policies of the General Plan. The staff report for the Planning Commission, which contains a more thorough discussion of the project and the findings made by the Planning Commission to approve the project, is attached to this report (see Attachment C). Also attached is the approval letter for the project which contains the final, adopted conditions of approval (see Attachment D).

Below are the key elements of the Planning Commission's decision to approve the project:

1. General Plan Consistency: The proposal would replace an existing vacant, blighted, and underutilized site located along a major transit corridor with needed housing opportunities and neighborhood-oriented commercial uses. Potential adverse impacts of the proposal on the surrounding neighborhood would be limited (i.e., less than significant) and the project incorporates high-quality design.
2. Environmental Determination: 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 ("In-Fill Development Projects").
3. Density and Site Planning: The density of the project is arranged so that the majority of units are incorporated into larger buildings near the commercial corridor of Telegraph Avenue and fewer units are incorporated into smaller buildings located near the existing residential neighborhood along Clarke Street.
4. Building Height: The height of the project relates well to the surrounding area. The immense street width of Telegraph Avenue and 51<sup>st</sup> Street is capable of accommodating the height of the proposal. The corner of Telegraph Avenue and 51<sup>st</sup> Street is a key intersection of two major arterials and serves as the gateway to the Temescal commercial district. Such an important intersection deserves a visually prominent architectural element at the corner. The height of the project steps down to the east towards the lower residential buildings on Clarke Street to limit impacts to the adjacent residential neighborhood. The use of separate buildings, a mixture of materials, façade articulations, and upper-story setbacks reduce the perceived visual height and mass of the project.
5. Traffic Impacts: A traffic impact analysis prepared for the project concluded that the anticipated traffic generated by the project would be considered less than significant under CEQA.
6. Rockridge Temescal Greenbelt Extension: The applicant proposed at the Planning Commission hearing to deed to the City a public walkway that would extend the Rockridge Temescal Greenbelt from FROG Park through the site towards the corner of Telegraph Avenue and 51<sup>st</sup> Street. The applicant's proposal to dedicate the walkway to the City is conditioned upon the applicant and the City entering into an agreement whereby the applicant swaps the walkway property to the City for the City-owned property located on 51<sup>st</sup>

Item: \_\_\_\_\_

City Council

March 21, 2006

Street that the applicant is in the process of purchasing from the City to incorporate into the project. In the event that an agreement can not be reached concerning the land swap, the walkway is still required to be incorporated into the project but the applicant would not be required to deed it to the City.

7. Off-Site Community Improvements: The subject property contains a number of liens against the property that were levied on the previous owner of the property for various code violations. The project approval includes a condition requiring the applicant to install off-site improvements in the surrounding neighborhood in place of paying off the liens. The proposed off-site improvements would be reviewed and approved by the Director of Development and may involve streetscape improvements called for by the City's Telegraph Avenue Pedestrian Streetscape Improvements Project.
8. Affordable Housing: The applicant has a goal of making 25 percent of the proposed residential units affordable units (affordable to households earning up to 80 percent of area median income). The project approval contains a condition encouraging, but not requiring, the applicant to achieve this goal.
9. Energy Efficiency: The applicant proposes to incorporate energy efficient design considerations into the project, including the use of solar power and sustainable and/or recycled materials.

Subsequent to the Planning Commission's approval of the project, the applicant submitted a statement that summarizes the community benefits of the project. Due to the costs associated with incorporating these benefits, many of the benefits proposed would not be able to be provided if the number of units in the project were reduced (see Attachment E).

## KEY ISSUES AND IMPACTS

### *Appellant's Arguments*

On January 30, 2006, Jeff Norman, representing the Telegraph/51<sup>st</sup> Street Gateway Coalition, filed an appeal of the Planning Commission's decision. The appellant's letter is attached to this report (see Attachment F). Included with the appellant's letter is a petition signed by 500 neighborhood residents objecting to the height of the project. Essentially, the appellant contends (1) that the project is not compatible with the surrounding neighborhood and would have negative impacts on the community; (2) the project is not consistent with the General Plan and thus does not meet the CEQA In-Fill exemption requirements; (3) the project will have significant air and traffic impacts (both project and cumulative) and thus not meet the CEQA In-Fill exemption requirements; and (4) the findings for the conditional use permit, design review, and variances have not been met. Listed below is a summary of the arguments raised by the appellant. Staff's response to each argument follows each item.

Item: \_\_\_\_\_  
City Council  
March 21, 2006

**General Plan Consistency**

- 1. Consistency with General Plan Policies, Generally: There are a number of General Plan policies applicable to the project that were not mentioned in the Planning Commission staff report which the project is not consistent with. Also, the project is not consistent with all of the policies that were mentioned in the staff report. Policies that were either omitted by the staff report or not fully supported in the staff report are listed below (see Arguments #2 through #8).**

*Staff Response: The Planning Commission found that the project is consistent with numerous policies of the General Plan (see Attachment C). The appellant argues that the project is not consistent with all of the General Plan policies outlined in the Planning Commission staff report and that there are other General Plan policies that the project does not meet. Arguments regarding these other "allegedly nonconforming" policies were presented by the appellant at the January 18, 2006, Planning Commission hearing and were heard and considered by the Planning Commission prior to its decision.*

*Although Staff believes the project is consistent with all of the applicable policies of the General Plan, according to the General Plan itself, in order for the Planning Commission or City Council to find that a project is consistent with the policies of the General Plan it is not necessary for the project to comply with each and every policy of the General Plan. Clarifying this, the General Plan (see City of Oakland Resolution No. 79312 C.M.S.) states the following:*

The General Plan contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. The Planning Commission and City Council, in deciding whether to approve a proposed project, must decide whether, on balance, the project is consistent (i.e., in general harmony) with the General Plan. The fact that a specific project does not meet all General Plan goals, policies and objectives does not inherently result in a significant effect on the environment within the context of the California Environmental Quality Act (CEQA)...

*Although, as stated above, the project need not be consistent with each and every General Plan policy raised by the appellant, the project is nevertheless consistent with all of the policies of the General Plan, as discussed below (see Arguments #2 through #8).*

*In addition to the General Plan policies of the Land Use and Transportation Element discussed in the Planning Commission staff report and below, the project is also consistent with the following policies of the Housing Element of the General Plan:*

- *Policy 1.3 (Appropriate Locations and Densities for Housing): The project includes a diversity of housing types including flats and townhomes.*

Item: \_\_\_\_\_  
City Council  
March 21, 2006

- Policy 2.7 (Large Families): The project includes a variety of housing unit sizes ranging from studio units to larger, family-sized three-bedroom units.
- Policy 3.2 (Flexible Zoning Standards): The General Plan encourages flexibility in the application of zoning and other regulations to facilitate successful developments in challenging in-fill locations. The project is in a location at the intersection of two major arterials and a local residential street and contains an irregular shape, multiple street frontages, two general plan designations, and three zoning designations. Variances to certain zoning standards have been granted to allow for a development that is consistent with the policies of the General Plan (as discussed below).
- Policy 7.1 (Sustainable Residential Development Programs): The project incorporates sustainable design principles, energy efficiency, and Smart Growth principles. The project involves energy efficient design considerations, such as the use of solar power and sustainable and/or recycled materials, and would be located on an urbanized in-fill site well-served by public transit.
- Policy 7.5 (Mixed Use Development): The project incorporates a mixture of uses, including residential, commercial, and public open space.

**2. Ensuring Compatible Development: The project is not consistent with Policy N7.1 of the General Plan (Ensuring Compatible Development) because the project is not compatible with the residential neighborhood on Clarke Street. Buildings 2 and 4 are significantly taller than the one- and two-story single-family homes on Clarke Street.**

*Staff Response: The project is consistent with Policy N7.1 of the General Plan. Buildings 2 and 4 are designed in a manner so that they are compatible with the homes on Clarke Street. Building 2 steps down to three stories (38 feet) at Clarke Street and Building 4 also steps down to three stories (37 feet) at Clarke Street. The modifications to the project design made by applicant at the January 18, 2006, Planning Commission meeting not only reduced the height of the buildings, but also included reductions in the size of certain units.*

*The City of Oakland High Density Housing Design Guidelines recommend that building walls and bulk be broken into smaller components to reflect the scale of adjacent development. An excerpt from the Guidelines is attached to this report (see Attachment G). Regarding neighborhood scale, the Guidelines state the following:*

A large building which is of a different scale than smaller structures in the immediate area can be softened and made more a part of the community by reducing its bulkiness into smaller component parts.

This does not necessarily mean that the entire building should be broken down into sections that are more the size of nearby buildings. The same objective might be achieved by sensitive use of setbacks and variations in the building plan and profile.

*The project is consistent with the Guidelines in that all the proposed buildings contain upper-story setbacks and façade articulations so that the visual scale of the project is compatible with the surrounding area. The project's consistency with the Guidelines is further demonstrated by the incorporation into the project design of other outstanding design elements, including varying and significant building setbacks and landscaping, pedestrian entryways and plazas providing transitions from the street to the buildings and community spaces, and window treatments of various sizes, grouping, spacing and shapes.*

3. **Recognizing Distinct Neighborhoods:** The project is not consistent with Policy N9.1 of the General Plan (Recognizing Distinct Neighborhoods) because the height of the project at the corner of Telegraph Avenue and 51<sup>st</sup> Street would disrupt the existing fabric of the Temescal commercial district which contains primarily two- and three-story buildings.

*Staff Response:* The project is consistent with Policy N9.1 of the General Plan. Telegraph Avenue in the Temescal neighborhood is a designated "Grow and Change" area in the General Plan. According to the General Plan, as discussed above, Grow and Change areas should emphasize significant increases in density. The General Plan envisions taller buildings along Telegraph Avenue in order to accommodate the density called for in the General Plan. The Planning Commission felt that the height of the project at the corner of Telegraph Avenue and 51<sup>st</sup> Street was appropriate due to the width of Telegraph Avenue and 51<sup>st</sup> Street, the desire to have a visually prominent architectural feature at the corner to further encourage a distinct identity for the neighborhood, and the design of the project which reduces the visual scale of the project as called for by the High Density Housing Design Guidelines (see response to Argument #2 above).

4. **Preserving History and Community:** The project is not consistent with Policy N9.8 [incorrectly referenced as Policy N9.9 in the appeal] of the General Plan (Preserving History and Community).

*Staff Response:* The project is consistent with Policy N9.8 of the General Plan. The Temescal neighborhood contains a number of historic buildings that create a sense of history and community. The project will not physically affect any of these historic buildings thereby preserving the sense of history these buildings provide to the neighborhood. Additionally, the project will develop and improve an existing vacant and blighted lot and an existing surface parking lot, and provide community spaces, thereby upgrading the sense of community for the Temescal neighborhood.

5. **Protect and Enhance Existing Areas of Residential Development:** The project is not consistent with Objective N7 of the General Plan. Objective N7 warns that, "While mixed unit neighborhoods are generally desirable, lack of attention to compatibility

Item: \_\_\_\_\_

City Council

March 21, 2006



concerns has affected the character and stability of some areas of the City.” Whose authority are the optimum height-to-width ratios defined? Many examples of thriving business districts can be found where these optimum ratios are not found. But even applying these ratios, if the height of the building at the corner of Telegraph Avenue and 51<sup>st</sup> Street was reduced to 50 feet, it would match exactly the optimum height-to-width ratio of 1:2.

*Staff Response:* The project is consistent with Objective N7 of the General Plan. Objective N7 is to, “Protect and enhance existing areas of predominantly ‘Detached Unit’ and ‘Mixed Housing Type’ residential development.” Accordingly, Objective N7 applies only to the relationship between the project and areas designated Detached Unit Residential and Mixed Housing Type Residential by the General Plan (i.e., current development adjacent to the eastern portion of the site near Clarke Street). The project is compatible with the residential area along Clarke Street as demonstrated above (see the response to Argument #2).

If, as suggested by the appellant, Objective N7 were to be applied to the project as it relates to Telegraph Avenue, which is not the intent of the Objective because Telegraph Avenue is designated Neighborhood Center Mixed Use in the General Plan, the height of the project on Telegraph Avenue positively contributes to Telegraph Avenue. The optimum height-to-width ratio is an accepted urban design principle. According to this principle, if the heights of buildings are too short in relation to the width of the street, the street space is less defined and loses a sense of enclosure. The optimum height-to-width ratio is between 1:1 (where the height of the building equals the width of the street) and 1:2 (where the height of the building is one-half the height of the street width). The height-to-width ratio is not the sole determining factor to the success of a business district so there are examples of thriving business districts where the optimum height-to-width ratio is not achieved, however, research has shown that this is a characteristic of many successful streets. Staff acknowledges that there is a range of building heights that fall within the range of optimum height-to-width ratios. The Planning Commission approved the proposed height because it felt a visually prominent architectural element was necessary at the corner and felt that the proposed height was appropriate as discussed in the “Planning Commission’s Approval” section of this report (see above). At the corner of Telegraph Avenue and 51<sup>st</sup> Street, where the building is 65 feet tall and setback 30 feet from the street right-of-way, the height-to-width ratio is 1:2.

- 6. Requiring Strict Compliance with Variance Criteria: The project is not consistent with Policy N11.3 of the General Plan (Requiring Strict Compliance with Variance Criteria). Approval of the variances for density and height would set a precedent for future development projects in the Temescal area to exceed the zoning standards.**

*Staff Response:* The project is consistent with Policy N11.3 of the General Plan. The specific responses to the appellant’s challenge to the findings for the minor variance for height are contained below (see Arguments #29 and #30). The Planning Commission approved the density and height variances because it felt that there were unique circumstances surrounding the project, the project was consistent with the General Plan, and the required

Item: \_\_\_\_\_

City Council

March 21, 2006

*findings for granting the variances could be met. The Planning Commission considered the uniqueness of the site, with respect to its location at the intersection of two major arterials and a local residential street, size, irregular shape, multiple street frontages, two general plan designations and three zoning designations, and the multiple project entrances, and determined that due to these circumstances, strict compliance with the zoning regulations would result in practical difficulty and preclude an effective design solution which would be inconsistent with the purposes of Zoning Regulations and the General Plan. Reducing the number of units in the project would compromise the ability of the project to provide the community benefits proposed by the applicant (see Attachment E). Every application for a variance is evaluated on its own merits. Since circumstances change over time, the approval of a variance for one development project does not necessarily set a precedent for future projects.*

7. **Required High-Quality Design:** The project is not consistent with Policy N3.8 of the General Plan (Required High-Quality Design). The proposal does not incorporate high-quality design because the type of construction proposed for Buildings 1 and 4—five stories of wood-frame construction over a concrete podium—results in a poor-quality building. According to some local architects and structural engineers, buildings of this type in other communities have shown signs of structural damage overtime. To ensure quality construction and proper engineering, a peer review for Buildings 1 and 4 should be required.

*Staff Response: The project is consistent with Policy N3.8 of the General Plan. The proposal employs high-quality materials, finishes, and details, and complies with the design review criteria (see the findings contained in the Planning Commission staff report (Attachment C)). The type of construction proposed for Buildings 1 and 4 is not five stories of wood-frame construction over a concrete podium as stated by the appellant. At this point in time, the applicant is proposing that the top (fifth) floor of Buildings 1 and 4, including the mezzanine areas within the fifth floor, be constructed with metal framing. The final proposed construction materials for the project will be determined during the building permit process to ensure that the proposal complies with all applicable local and state Building Code requirements.*

8. **Advocating for Affordable Housing:** The project is not consistent with Policy N4.2 of the General Plan (Advocating for Affordable Housing). Policy N4.2 states that, “The City encourages local non-profit organizations, affordable housing proponents, the business community, the real estate industry, and other local policy makers to join efforts to advocate for the provision of affordable housing in communities throughout the Bay Area region.” Lower income individuals and families will not be able to afford to live in the proposed development. The condition of approval concerning affordable units in the project does not require the developer to provide affordable units in the project. The developer should be required to provide a meaningful percentage of affordable units in the project.

*Staff Response:* This policy primarily relates to the efforts of the City of Oakland to encourage other communities to meet their fair share of affordable housing in the region, as Oakland has been an acknowledged leader in providing such housing within its jurisdiction. In any event, the approval of the project is consistent with Policy N4.2 because the condition of approval for the project concerning affordable units encourages the developer to meet the goal of making 25 percent of the units affordable to households earning up to 80 percent of the area median income. Policy N4.2 encourages the advocacy for the provision of affordable housing but does require the provision of affordable units in private development projects. The proposal is a privately-sponsored development and is not located in a redevelopment project area (where 25 percent of all housing developed in the project area must be affordable). The City does not have an inclusionary zoning requirement whereby privately-sponsored developments in non-redevelopment areas must include a percentage of affordable units in the project (or pay an in-lieu fee). The applicant intends to use Oakland's First-Time Homebuyer's Program and other affordable housing financing mechanisms to meet the affordable housing goal. Reduction in the density of the project would threaten the inclusion of affordable housing units (see Attachment E).

#### **CEQA Exemption – General Plan Consistency**

9. **CEQA Exemption – General Plan Consistency:** The project does not satisfy the requirements to be considered categorically exempt from CEQA review under the “in-fill exemption” (Section 15332 of the State CEQA Guidelines) because the project is inconsistent with the policies of the General Plan as described above in Arguments #1 through #8.

*Staff Response:* The project is consistent with the policies of the General Plan (see responses to Arguments #1 through #8 above). Even though the project is consistent with all of the applicable policies of the General Plan, according to the General Plan in order for the Planning Commission or City Council to find that a project is consistent with the policies of the General Plan it is not necessary for the project to comply with each and every policy of the General Plan since it is acknowledged that the General Plan contains competing policies. Also, as stated in the General Plan, the fact that a specific project is not consistent with each and every competing policy of the General Plan does not inherently result in a significant environmental effect under CEQA preventing the use of the in-fill exemption (see City of Oakland Resolution No. 79312 C.M.S. and the response to Argument #1 above).

#### **CEQA Exemption – Cumulative Impacts**

10. **CEQA Exemption – Cumulative Traffic Impacts:** The project does not satisfy the requirements to be considered categorically exempt from CEQA review under the “in-fill exemption” (Section 15332 of the State CEQA Guidelines) because the traffic study did not analyze the potential cumulative traffic impacts of other pending development projects nearby, such as the Kaiser Hospital expansion project, the MacArthur BART Transit Village project, the 4<sup>th</sup> Bore/Caldecott Tunnel project, and other mixed-use or

Item: \_\_\_\_\_  
City Council  
March 21, 2006

**residential impacts in the immediate neighborhood (see Attachment F for the complete list of pending neighborhood projects listed in the appellant's letter).**

*Staff Response:* At the time the environmental review started for this project (October 2005), except for the 4<sup>th</sup> Bore of the Caldecott tunnel (see below), only two active development applications were on file with the City for any of the projects cited by the appellant—the Kaiser Hospital expansion project located at MacArthur Boulevard and Broadway, and a 12-unit residential project located at 574 48<sup>th</sup> Street. Only those past, present, and reasonably foreseeable projects need to be included in any cumulative analysis. A reasonable cut-off date would be the time that the environmental review started for this project and other project applications submitted after that date should not have to be included in any cumulative analysis for this project. The application for environmental review for the MacArthur BART Transit Village project was submitted to the City in February 2006, after the Planning Commission's decision to approve this project (January 18, 2006) and well after the start of environmental review for this project (October 2005).

*Kaiser – The intersections analyzed in the traffic study would not be significantly impacted by the Kaiser project. An examination of the intersections studied for the Kaiser project disclosed only one intersection (Broadway and 51<sup>st</sup> Street) common to those recommended for study by the Public Works Agency (see Argument #32 below for more information regarding the Public Works Agency's recommendations). Therefore, the Kaiser project would only affect one intersection that the proposed project may also affect. The proposed project would contribute less than 0.20% of the incremental peak hour trips at the Broadway/51<sup>st</sup> Street intersection and, therefore, this contribution is not considered “cumulatively considerable” and thus there would be no significant cumulative impacts.*

*574-48<sup>th</sup> Street – This small 12-unit project would generate only approximately five a.m. peak hour trips and six p.m. peak hour trips, and would not change the projected level of service in the December 15, 2005, traffic study.*

*4<sup>th</sup> Bore of Caldecott Tunnel – Generally, transportation improvement projects are not included in cumulative CEQA analysis unless those projects have final, approved designs and are fully funded. To include such unapproved/unfunded projects would present an overly optimistic future condition and thus understate potential future impacts. The 4<sup>th</sup> Bore project is currently in the environmental review stage at the federal and state level and is far from fully funded, and thus is not appropriate to assume in any cumulative analysis. However, according to the traffic consultant, there is a reasonable likelihood that the 4<sup>th</sup> Bore would actually allow Highway 24 to accommodate additional traffic currently utilizing parallel surface streets, thus having a potentially positive impact on the roadways and intersections affected by the project (see Attachment H).*

- 11. CEQA Exemption – Cumulative Air Quality Impacts: The project does not satisfy the requirements to be considered categorically exempt from CEQA review under the “in-fill exemption” (Section 15332 of the State CEQA Guidelines) because the traffic study did not analyze the potential cumulative air quality impacts of other pending development**

Item: \_\_\_\_\_

City Council

March 21, 2006

**projects nearby, such as the Kaiser Hospital expansion project, the MacArthur BART Transit Village project, the 4<sup>th</sup> Bore/Caldecott Tunnel project, and other mixed-use or residential impacts in the immediate neighborhood (see Attachment F for the complete list of alleged pending neighborhood projects listed in the appellant's letter).**

*Staff Response:* According to the Bay Area Air Quality Management District CEQA Guidelines, in order for a cumulative air quality impact to occur (1) there must be a project specific air quality impact; (2) the project must be inconsistent with the general plan; or (3) the project is consistent with the general plan but the general plan is not consistent with the most recently adopted Clean Air Plan. Here, there are no project specific air quality impacts (see Argument #23 below). In addition, the project is consistent with the general plan and the general plan is considered consistent with the latest adopted Clean Air Plan. Indeed, one of the main purposes of an urban in-fill project, like this project, is to reduce air quality impacts that might otherwise occur with more suburban or rural development, not located in employment centers or near mass transit. That is one reason why the Sierra Club supports this project.

#### **CEQA Exemption – Traffic Impacts**

- 12. Width of Clarke Street: Clarke Street is unsafe for two-way traffic and parking because it is curved and 25 feet wide (curb-to-curb). The increased traffic on this substandard street resulting from the project would be hazardous.**

*Staff Response:* Clarke Street is **not** considered substandard in regards to curvature and roadway width. The radius of the curvature of Clarke Street at the centerline of the street at the point where it bends along the eastern boundary of the project site is 128 feet (based upon review of the survey submitted with the development application). According to the Oakland Municipal Code, the minimum radius of curvature for local residential streets is 100 feet. The curb-to-curb roadway width of Clarke Street is 30 feet (based upon field measurements). According to the Oakland Municipal Code, the standard curb-to-curb roadway width is 30 feet. Therefore, the curvature and width of Clarke Street are appropriate for accommodating the anticipated traffic from the project. Furthermore, research indicates that there is a correlation between vehicle accidents and street curvature and width whereby, in general, curving streets and narrow streets result in fewer accidents, and reduce the severity of accidents that do occur, because the design of the street encourages slower vehicle speeds.

- 13. Use of LOS: By focusing on Level of Service (LOS) as the defining method of analyzing transportation impacts, the traffic study ignores other transportation modes, specifically pedestrian and bicycle transportation.**

*Staff Response:* Level of Service (LOS) is a measure of roadway and intersection performance. LOS analysis is the accepted, principal method of evaluating potential transportation congestion impacts under CEQA and City policies. Other transportation

Item: \_\_\_\_\_

City Council

March 21, 2006

*modes, including pedestrian and bicycle transportation, are discussed in Sections 2.4 and 5.6 of the traffic study.*

**14. Pedestrian Safety: The traffic study fails to address the need to improve pedestrian safety.**

*Staff Response: The traffic study found that due to the moderate increase in vehicular traffic volumes, the project would not significantly impact pedestrian safety in the area. The project approval does include a condition requiring the applicant to install off-site improvements in the surrounding neighborhood in place of paying off the existing liens against the property. The proposed off-site improvements would be reviewed and approved by the Director of Development and may involve streetscape improvements called for by the City's Telegraph Avenue Pedestrian Streetscape Improvements Project to improve pedestrian safety and comfort on Telegraph Avenue. Streetscape improvements recommended in the Telegraph Avenue Pedestrian Streetscape Improvements Project include sidewalk bulb-outs, pedestrian refuge areas, and high-visibility "zebra" crosswalks.*

**15. Parking: The project will result in parking impacts by not providing enough off-street parking. The proposed amount of off-street parking for the residential units is insufficient. No off-street parking is proposed for customers of the commercial space, employees of the commercial space, visitors to the residential units, or maintenance staff.**

*Staff Response: Parking availability is not a consideration under CEQA. The Court of Appeal has held that parking is not part of the permanent physical environment, that parking conditions change over time as people change their travel patterns, and that unmet parking demand created by a project need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects. Parking supply/demand varies by time of day, day of week, and seasonally. As parking demand increases faster than the supply, parking prices rise to reach equilibrium between supply and demand. Decreased availability and increased costs result in changes to people's mode and pattern of travel.*

*Parking deficits may be associated with secondary physical environmental impacts, such as air quality and noise effects, caused by congestion resulting from drivers circling as they look for a parking space. However, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, shuttles, taxis, bicycles or travel by foot), may induce drivers to shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service, in particular, would be in keeping with the City's "Transit First" policy. Additionally, regarding potential secondary effects, cars circling and looking for a parking space in areas of limited parking supply is typically a temporary condition, often offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts that might result from a shortfall in parking in the vicinity of the proposed project are considered less than significant.*

*Even if parking were considered an environmental impact under CEQA, the project provides more parking than its projected demand. The City has recently used a parking demand rate of between 1.11 - 1.2 parking spaces per unit for high-density housing near transit lines (based upon adjusted ITE rates), which equates to a demand of about 81 spaces. For small, neighborhood serving commercial establishments, a demand rate of between .80-1.6 spaces per 1,000 square feet of retail has been used (adjusted ITE rates), which equates to a demand of about five spaces. Therefore, the total of 100 parking spaces is sufficient to meet demand, even if parking were considered a CEQA impact, which it is not. Also, as noted by the appellant, the project is characterized by convenience to public transportation and the ability of project residents to walk to nearby businesses in Temescal and Rockridge (see Attachment F, page 6).*

*In addition, the proposal provides more off-street parking than is required by the Zoning Regulations. The Zoning Regulations require a minimum of 93 off-street parking spaces to serve the 67 residential units in the project or approximately 1.4 parking spaces per unit (the zoning in the western portion of the site requires one space per unit while the zoning in the eastern portion of the site requires one and one-half spaces per unit). No off-street parking is required for the proposed 2,990 square-foot commercial space because it is less than the minimum 3,000 square-foot size threshold for when commercial parking is required. The proposal includes 100 off-street parking spaces in the underground parking garage. The seven surplus parking spaces could be used for commercial customers, commercial employees, residential visitors, or maintenance staff.*

- 16. Traffic Generation: The traffic study does not account for traffic generated by employees of the commercial space, visitors to the residential units, and maintenance staff.**

*Staff Response:* The estimated vehicle trip generation rates for the project were based upon the Institute of Transportation Engineers Trip Generation manual (7<sup>th</sup> Edition, 2003). The trip generation rates take into account all expected vehicles trips associated with the project including traffic generated by commercial employees, residential visitors, and project maintenance staff.

- 17. LOS for Telegraph Avenue/Claremont Avenue intersection: Assigning an LOS C to the Telegraph Avenue/Claremont Avenue intersection during p.m. peak hours must be challenged because it is not uncommon when traveling northbound to get stuck in the middle of the Telegraph Avenue/51<sup>st</sup> Street intersection.**

*Staff Response:* The rating of the Telegraph Avenue/Claremont Avenue intersection as LOS B during p.m. peak hours (not LOS C as stated in the appeal) was based upon standard traffic impact analysis methodology. Level of Service B means that there will be short traffic delays of between 10-15 seconds at controlled intersections.

- 18. Telegraph Avenue/51<sup>st</sup> Street Intersection: The project should not be considered exempt from CEQA review because the Telegraph Avenue/51<sup>st</sup> Street intersection**

Item: \_\_\_\_\_

City Council

March 21, 2006

**currently performs poorly with an LOS D (a.m. peak hours) and LOS E (p.m. peak hours) and the project will exacerbate this situation.**

*Staff Response:* According to the traffic study the existing rating of the intersection is LOS C (during both a.m. and p.m. peak hours) not LOS D or E as stated in the appeal. The intersection will continue to operate at LOS C after the project is built.

- 19. Maneuvering From Clarke Street to Telegraph Avenue: During peak hours it will be difficult for vehicles leaving the project on Clarke Street to turn right onto 51<sup>st</sup> Street and cross two lanes of traffic to turn left onto Telegraph Avenue because there is not enough road on 51<sup>st</sup> Street to travel from Clarke Street to the left-turn lanes.**

*Staff Response:* The traffic study estimates that approximately 12 vehicles (six during a.m. peak hours and six during p.m. peak hours) will exit the project on Clarke Street, turn right onto 51<sup>st</sup> Street, and turn left onto Telegraph Avenue, equaling approximately one vehicle every ten minutes. According to the traffic consultant (see Attachment H), given the relatively low volume of traffic associated with the project that would use this route, the traffic consultant does not expect this to be a problem because the Clarke Street/51<sup>st</sup> Street intersection and the 51<sup>st</sup> Street/Telegraph Avenue intersection are approximately 525 feet apart which is considered a sufficient distance to allow the type maneuvering in question.

- 20. Westbound Traffic on 51<sup>st</sup> Street: Currently, westbound traffic on 51<sup>st</sup> Street occasionally backs up as far as Miles Avenue, preventing drivers on Clarke Street and Miles Avenue from turning onto 51<sup>st</sup> Street, and the project will cause this situation to happen more frequently and for longer periods.**

*Staff Response:* Based on field observations by the traffic consultant, the westbound queue on 51<sup>st</sup> Street normally dissipates within each signal cycle length thereby allowing existing and projected traffic from Clarke Street and Miles Avenue to merge into 51<sup>st</sup> Street.

- 21. Trip Reduction for Existing Parking Lot: The number of vehicle trips expected to be generated by the project was erroneously calculated in the traffic study because the study subtracts 35 vehicle trips that are currently associated with the existing Children's Hospital parking lot on the site that would be replaced by the project. The 35 trips associated with the existing parking lot should not be compared to the proposed project because the peak in and out traffic for the parking lot would be at different times than for the project.**

*Staff Response:* The trip reduction was calculated correctly. According to the traffic consultant (see Attachment H), the trip reduction was applied for vehicles arriving to the site during the a.m. peak hour (when vehicles currently arrive at the parking lot) and for vehicles departing the site during the p.m. peak hour (when vehicles currently depart the parking lot).

- 22. Age of Traffic Data: The traffic counts used in the study are not current because they were collected in 2004.**



*Staff Response:* According to the traffic consultant (see Attachment H), data for the intersections of Clarke Street/51<sup>st</sup> Street and Clarke Street/Claremont Avenue were based upon vehicle counts taken during September 2005. Data for the intersections of Telegraph Avenue/Claremont Avenue and Telegraph Avenue/51<sup>st</sup> Street were based upon vehicle counts provided by the City. These counts were collected in 2004. The traffic consultant collected additional counts at these intersections in September 2005 to compare to the data provided by the City and found that the City-provided data from 2004 were 25 percent higher on average than recent counts. To provide a more conservative analysis, the traffic study used the data provided by the City.

### **CEQA Exemption – Air Quality Impacts**

**23. Air Quality Impacts: The additional traffic generated by the project will negatively impact air quality in the neighborhood.**

*Staff Response:* Potential air quality impacts due to traffic generated by the project are not significant. The traffic study expects the project to generate 778 vehicle trips per day, far fewer than the 2,000 vehicle trips per day that the Bay Area Air Quality Management District considers the normal minimum traffic volume warranting a detailed air quality analysis. There is nothing unique about this project, site, or location warranting a detailed air quality analysis. Indeed, one of the main purposes of an urban in-fill project, like this project, is to reduce air quality impacts that might otherwise occur with more suburban or rural development, not located in employment centers or near mass transit. That is one reason why the Sierra Club supports this project.

### **Conditional Use Permit Criteria**

**24. Height and Density: The project is not consistent with conditional use permit Criterion A because the height and density of the project will affect the livability of the surrounding neighborhood, and have a harmful effect with respect to “harmony in scale, bulk, coverage and density,” as well as “upon the desirable neighborhood character.” Buildings 2, 3, and 4 are significantly taller than all nearby residential buildings which are predominantly one- and two-story single-family homes.**

*Staff Response:* The Planning Commission found that the project is consistent with Criterion A as stated in the “Findings” section of the Planning Commission staff report (see Attachment C). Also, see the response to Argument #2 above. As noted by the appellant, there are other three- and four-story buildings in the neighborhood, including a four-story building close to the project site on Clarke Street (see Attachment F, page 9).

**25. Traffic Impact on Livability: The project is not consistent with conditional use permit Criterion A because the traffic generated by the project will adversely affect the livability of the immediate neighborhood.**

Item: \_\_\_\_\_  
City Council  
March 21, 2006

*Staff Response:* The Planning Commission found that the project is consistent with Criterion A as stated in the "Findings" section of the Planning Commission staff report (see Attachment C). Also, see the responses to Argument #10 and Arguments #12 through #22 above.

- 26. Compatibility:** The project is not consistent with conditional use permit Criterion E because the project is not consistent with Policy N7.1 of the General Plan (Ensuring Compatible Development). Buildings 2 and 4 are significantly taller than the one- and two-story single-family homes on Clarke Street.

*Staff Response:* The Planning Commission found that the project is consistent with Criterion E as stated in the "Findings" section of the Planning Commission staff report (see Attachment C). Also, see the response to Argument #2 above.

- 27. Building Scale:** The project is not consistent with the criteria for the interim conditional use permit because the project is out of scale with the neighborhood. The 65-foot end of Building 1 where it faces Telegraph Avenue makes no attempt to "minimize its visual impact," as the staff report claims; in fact its intent is just the opposite, to create a corner that is "prominent."

*Staff Response:* Overall, the project is designed to minimize its visual impact as stated in the "Findings" section of the Planning Commission staff report (see Attachment C). Much of appellant's argument is based on their own subjective views regarding appropriate aesthetics and design. As noted by appellant, however, there are a range of viewpoints on such issues (see Attachment F, pages 9-10). The Planning Commission found it necessary for the project to have a visually prominent statement at the corner of Telegraph Avenue and 51<sup>st</sup> Street as stated in the "Planning Commission's Decisions Approval" section of this report (see above).

### **Design Review Criteria**

- 28. Relationship to Surrounding Area:** The project is not consistent with residential design review Criteria 1 and 2 because the project will not relate well to the surrounding area and will not preserve or enhance desirable neighborhood characteristics. The overall height of the project is significantly higher than all of the buildings in the immediate vicinity. In contrast to the significantly lower heights along Telegraph Avenue, the height of the project will likely overwhelm, pedestrians.

*Staff Response:* The Planning Commission found that the project is consistent with Criterion A as stated in the "Findings" section of the Planning Commission staff report (see Attachment C). Also, see the responses to Arguments #2 through #5 above.

**Variance Findings**

- 29. Effect of Lowering Building Height: Variance Finding 1 is not fully supported. Staff's argument that reducing the number units would not allow the remaining number of units to cover the expense of providing underground parking is unsupported because staff has not reviewed a pro forma for the project. At the very least, lowering or stepping back the 65-foot tall portion of the building at the corner of Telegraph Avenue and 51<sup>st</sup> Street would neither preclude an effective design nor necessarily result in the loss of units.**

*Staff Response:* Reducing the height of the buildings to strictly comply with the Zoning Regulations would necessarily reduce the number, diversity of types, range of prices, and affordability of the housing units (see Attachment E). This in turn would defeat many of the General Plan policies, including the "Grow and Change" designation for the project and the other policies referenced above and on pages 4-6 of the Planning Commission staff report (see Attachment C). The applicant has submitted information (see Attachment E) showing significant per-unit cost increases attributable to a lower density project, both with and without underground parking. Development of the project site without the requested variances fails to promote numerous community benefits otherwise provided by the project, General Plan policies encouraging infill development, increased densities, mixed housing types, neighborhood activity centers, and the other General Plan policies referenced above.

Regarding the appellant's proposal to lower or step-back the 65-foot tall portion of the building at the corner, lowering or stepping back this portion of the building would preclude an effective design solution. Lowering the building height at the corner to 40 feet in compliance with the Zoning Regulations would result in a height-to-width ration of 1:2.5 (or 1:3.25 if the proposed 30-foot building setback from the street is included). This ratio is outside of the recommended range of height-to-width ratios as discussed in the response to Argument #5 above. Even reducing the height at the corner to 50 feet, as suggested by the appellant, would result to a height-to-width ratio of 1:2.6 if the proposed 30-foot building setback from the street is included. This ratio is also outside of the recommended range of height-to-width ratios. The Planning Commission also felt that lowering or stepping back the height at the corner would be contrary to the goal of providing a visually prominent architectural feature at this key intersection and would compromise the integrity of the architecture.

- 30. Impact of Building Height: Variance Finding 3 is not fully supported. Stepping down Building 2 along 51<sup>st</sup> Street does not justify the overall excessive height of the building, which does not relate optimally to the surrounding area. In addition, there is no factual justification for the 65-foot height of Building 1 on Telegraph Avenue. While some may be comforted by a sense of enclosure created by the 65-foot tall building, others will find it oppressive.**

*Staff Response:* The Planning Commission found that the height of the project relates well to the surrounding area. See the "Planning Commission's Approval" section of this report, the

Item: \_\_\_\_\_

City Council

March 21, 2006

*responses to Arguments #2, #3, and #5 above, and the "Findings" section of the Planning Commission staff report (Attachment C).*

### **Temescal Creek Culvert**

- 31. Temescal Creek Culvert:** The plaza proposed for the corner of Telegraph Avenue and 51<sup>st</sup> Street is directly over an arched brick portion of the Temescal Creek culvert that dates back to 1892. The culvert should be analyzed to determine the safest possible setback to allow for culvert failure, repair, replacement or removal, and an estimate of when the culvert will have to be accessed again. Documentation of the condition of the interior of the brick archway should be conducted prior to the start of construction and the archway should be monitored during construction. Also, it is unclear who has jurisdiction over the culvert. It must be determined who is responsible for the culvert before any permits are issued for the project. Finally, if any improvements are permitted above the culvert, the permits should explicitly state that the property owners are liable for any site improvements above the culvert.

*Staff Response: The project was approved with a condition that requires the applicant when applying for building permits to submit a statement from a licensed engineer certifying that the project is designed and engineered in a manner that does not compromise the integrity of the culvert. Staff has confirmed that the culvert is located within a City easement and is the responsibility of the City of Oakland. Consistent with standard City practices, when a permit is issued for plaza improvements over the culvert within the City easement, the project sponsor assumes liability for the improvements, and the responsibility for re-installing the improvements following future maintenance activities on the culvert would transfer to future owners of the property.*

### **Supplemental Arguments – Scope and Methodology of Traffic Study**

On February 9, 2006, the appellant submitted supplemental materials for the appeal. The supplemental materials focus on the scope and methodology of the traffic study prepared for the project. Each argument is listed below.

- 32. Traffic Study Scope and Methodology, Generally:** The traffic study is inadequate because it does not contain all of the information recommended by the Public Works Agency (PWA), Transportation Service Division, in a memorandum dated October 21, 2005.

*Staff Response: The project is a relatively small, urban in-fill project, located on a major transit corridor with easy access to mass transit. There are no unusual circumstances here warranting a more detailed traffic analysis. Under CEQA, the traffic impact analysis for a project, like other impact analysis, depends on a number of factors – project size, project location, unique circumstances, etc. Here, a traffic study, prepared by a licensed and qualified traffic engineering firm, was prepared, in accordance with standard traffic engineering methodology and all CEQA requirements, to evaluate the potential for traffic*

Item: \_\_\_\_\_

City Council

March 21, 2006

*impacts. The traffic study found that the project did not have the potential to result in significant traffic impacts.*

*The recommended scope of analysis contained in the October 21, 2005, memorandum was based upon a preliminary review of the project. The "Guidelines for Transportation Impact Studies," which was attached to the October 21<sup>st</sup> memorandum, is not intended to be, nor is it, applied uniformly to each and every project. It is not a mandate, but rather a general guidance document that is provided to traffic engineering consultants to assist them in formulating appropriate scope and methodology, based on the best traffic engineering judgment of the consultants, for specific projects. The failure to address each and every item in the document does not, in and of itself, indicate that the traffic analysis is deficient. Due to the relatively low level of traffic volume expected to be generated by the project and the conservative assumptions used, the scope and methodology of the traffic study is satisfactory and no further traffic impact analysis is necessary.*

- 33. Age of Traffic Data: The traffic counts used in the study are not current because they were collected in 2004.**

*Staff Response: See the response to Argument #22 above.*

- 34. Number of Intersections Analyzed: PWA recommended studying 16 intersections. The traffic study only analyzed four intersections.**

*Staff Response: The traffic study found that the project would not result in potentially significant traffic impacts at the four intersections closest to the project. Traffic impacts dissipate the further one travels from the site so no significant traffic impacts are anticipated at other intersections. Also, see the response to Argument #32 above.*

- 35. Nearby Bus Lines: PWA recommended analyzing peak hour ridership/peak hour load factors of nearby bus lines. This information was not included in the traffic study.**

*Staff Response: See the response to Argument #32 above.*

- 36. Parking Analysis: PWA recommended analyzing existing deficiency/surplus of on-street parking, including the number of parking spaces within three blocks or 1,200 feet of the project. This information was not included in the traffic study.**

*Staff Response: The traffic study did count the number of on-street parking adjacent to the site and concluded that there would be no adverse impacts to on-street parking. Also, see the responses to Arguments #15 and #32 above.*

- 37. Identify Pedestrian Problems: PWA recommended identifying existing special pedestrian problems. This information was not included in the traffic study.**

*Staff Response:* The traffic study found that due to the moderate increase in vehicular traffic volumes, the project would not significantly impact pedestrian safety in the area. Also, see the response to Argument #32 above.

- 38. Identify Other Issues:** PWA recommended identifying “any other issues.” This would include the narrow width of Clarke Street. This information was not included in the traffic study.

*Staff Response:* Clarke Street is not substandard in width (see the response to Argument #12 above). Also, see the response to Argument #32 above.

- 39. Projections and Cumulative Analysis:** PWA recommended an analysis of projections for traffic volumes, transit ridership, and parking demand in an (unspecified) forecast year. The traffic study does not include projections and does not analyze cumulative traffic impacts from nearby pending projects such as the Kaiser Hospital expansion project and the MacArthur BART Transit Village project.

*Staff Response:* See the responses to Arguments #10, #15, and #32 above.

- 40. Pedestrian Flows/LOS and Emergency Vehicle Access:** PWA recommended analyzing pedestrian flows/LOS for critical crosswalks and emergency vehicle access. This information was not included in the traffic study.

*Staff Response:* Pedestrian flows/LOS is not a consideration under CEQA. Also, see the responses to Arguments #32 and #37 above.

- 41. Mitigation Measures:** PWA recommended identifying proposed/suggested measures for mitigating adverse transportation impacts. This information was not included in the traffic study.

*Staff Response:* The traffic study found that the project did not have the potential to result in significant traffic impacts, so no mitigation measures were recommended nor were they required. Also, see the response to Argument #32 above.

- 42. Detailed Traffic Analysis Warranted:** PWA recommended a detailed traffic analysis because PWA considers any residential project containing over 25 units to be a large project (the proposal involves 67 units) and PWA was aware of the congested conditions that currently exist in the vicinity of the project.

*Staff Response:* A detailed traffic analysis was performed (see the response to Argument #32 above).

## **SUSTAINABLE OPPORTUNITIES**

The project would provide the following economic, environmental, and social equity benefits to the city:

Economic: The project would contribute to the economic vitality of the Temescal Commercial District by housing additional consumers to the area. The project would also increase the property tax valuation of the property thereby providing a positive fiscal impact to the City through increased property tax revenue. Since the project would involve residential condominiums, sales and resales of the residential units in the project would also generate transfer taxes for the City.

Environmental: The project is a compact, in-fill development in an already urbanized area thereby reducing the need for development in environmentally sensitive areas of the city. The project supports alternative modes of transportation; the site is well-served by public transit and shopping, cultural, and employment opportunities are within convenient walking and bicycling distance of the site.

Social Equity: The project involves a mixture of housing types and sizes thereby increasing housing opportunities for a range of incomes. The City is also encouraging the developer to meet his goal of making 25 percent of the units available to low income households.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

The project would be subject to the requirements of the Americans with Disabilities Act (ADA), as provided for in the California Building Code. Compliance with ADA regulations would be confirmed when building permits are issued for the project.

## **STAFF RECOMMENDATION AND RATIONALE**

Staff recommends that the City Council adopt the attached Resolution denying the appeal thereby upholding the Planning Commission's approval of the project for the following reasons: 1) The Planning Commission's decision was based on a thorough review of all pertinent aspects of the project and consideration of the objections raised by the appellant; 2) The project and the approval of the project comply with all applicable general plan policies and zoning regulations and review procedures; 3) The appellant has failed to demonstrate that there was an error or abuse of discretion in the Planning Commission's decision or that the Planning Commission's decision is not supported by substantial evidence in the administrative record; and 4) the project meets the CEQA In-Fill exemption requirements and there are no exceptions that would defeat use of the exemption.

## **ALTERNATIVE CITY COUNCIL ACTIONS**

The City Council has the option of taking one of the following alternative actions instead of the recommended action above:


Item: \_\_\_\_\_  
City Council  
March 21, 2006

1. Uphold the appeal and reverse the Planning Commission's decision thereby denying the project. This option would require the City Council to continue the item to a future hearing so that Staff can prepare and the Council have an opportunity to review the proposed findings and resolution for denial.
2. Uphold the Planning Commission's decision, but impose additional conditions on the project and/or modify the project.
3. Continue the item to a future hearing for further information or clarification.
4. Refer the matter back to the Planning Commission for further consideration on specific issues/concerns of the City Council. Under this option, the item would be forwarded back to the City Council with a recommendation after review by the Planning Commission.


**ACTION REQUESTED OF THE CITY COUNCIL**

1. Affirm the Planning Commission's environmental determination that the project is exempt from CEQA review pursuant to CEQA Guidelines section 15332 (In-Fill exemption).
2. Adopt the attached Resolution denying the appeal thereby upholding the Planning Commission's approval of the project.

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: \_\_\_\_\_  
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. Project Drawings
- B. Project Revisions (submitted at January 18, 2006, Planning Commission hearing)
- C. Planning Commission Staff Report (dated January 18, 2006; without attachments)
- D. Approval Letter for Project With Revised/Adopted Conditions (dated January 27, 2006)
- E. Community Benefits and Cost Analysis Submitted By Applicant (dated March 1, 2006)
- F. Appeal Letter (dated January 30, 2006, and February 9, 2006)
- G. Excerpt from High Density Housing Design Guidelines (“Neighborhood Scale”)
- H. Memorandum from Traffic Consultant, DKS Associates (dated March 1, 2006)

2006 MAR -9 PM 2:42

APPROVED AS TO FORM  
*Mark P. Wald*  
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 51<sup>ST</sup> 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/51<sup>st</sup> Gateway Coalition (“Appellant”); and

**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 Report, 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 Report, 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, 1<sup>st</sup> 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

**LEGAL NOTICE:**

**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.**

**ATTACHMENT A**

**PROJECT DRAWINGS**



**PROJECT DIRECTORY**

**OWNER:**  
 5110 TELEGRAPH, LLC  
 Oakland, CA 94609  
 PH: 510-550-4200 x516

**ARCHITECT:**  
 VAN METER WILLIAMS POLLACK, L.L.P.  
 18 De Boom Street, First Floor  
 San Francisco, CA 94107  
 PH: 415-974-5352

**LANDSCAPE ARCHITECT:**  
 PGA DESIGN  
 444 17th Street  
 Oakland, CA 94612  
 PH: 510-465-1284

**PROJECT STATISTICS**

**Project Address:** 5110 Telegraph Ave. Oakland CA, 94609  
**Applicant:** 5110 Telegraph, LLC Oakland, CA 94609 (510) 550-4200 x516  
**Site Area:** 40,790 sf (0.94 acres)  
**Zoning:** 5110 Telegraph C-28 (R-70) 5107 Clarke R-4C  
**Proposed Structures:** Basement Garage 34,166 sf  
 Civic 1 Bldg. 21,966 sf  
 Civic 2 Bldg. 22,140 sf  
 Civic 3 Bldg. 6,836 sf  
 Civic 4 Bldg. 19,087 sf  
 110,083 sf  
**Project Total:** 34,166 sf  
 Retail 2,990 -5,990 sf  
 Residential 69,993 sf  
 78,983 sf

**Building Heights:** Civic 1 Bldg. 5 stories max.  
 Civic 2 Bldg. 4 stories max.  
 Civic 3 Bldg. 3 stories max.  
 Civic 4 Bldg. 4 stories max.

**Dwelling Unit Summary:** Studios 3  
 1 Br. Flats 19  
 1 Br. Townhomes 25  
 2 Br. Flats 1  
 2 Br. Townhomes 15  
 3 Br. Townhomes 4  
 67

**Total Dwellings:** 67

**Parking Summary:** Total Spaces 87  
 HC Accessible 3

**Total Spaces:** 90

**Density:** Units/Acre 72.3  
 Lot Area/Unit 599.85 sq/ft

**Open Space:** Common Space 12,743 sf  
 Private Space 4,715 sf  
 Set-back areas 2,670 sf  
 19,628 sf

**Total:** 19,628 sf

**SHEET INDEX**

- A0.0 COVER SHEET SURVEY
- L1.1 TREE REMOVAL PLAN
- L2.1 LANDSCAPE PLAN
- L3.1 PLANTING PLAN
- A1.1 SITE PLAN
- A2.0 PARKING PLAN
- A2.1 FIRST FLOOR PLAN
- A2.2 SECOND FLOOR PLAN
- A2.3 THIRD FLOOR PLAN
- A2.4 FOURTH FLOOR PLAN
- A2.5 FIFTH FLOOR PLAN
- A3.1 ELEVATIONS
- A3.2 ELEVATIONS
- A3.3 PERSPECTIVES

**VICINITY MAP**

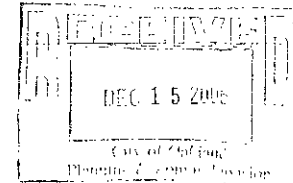


**Client**

**5110 Telegraph, LLC**  
 Oakland, CA

**Civic**

Oakland, CA  
 September 16, 2005: CUP Submittal  
 December 15, 2005: CUP Re-submittal

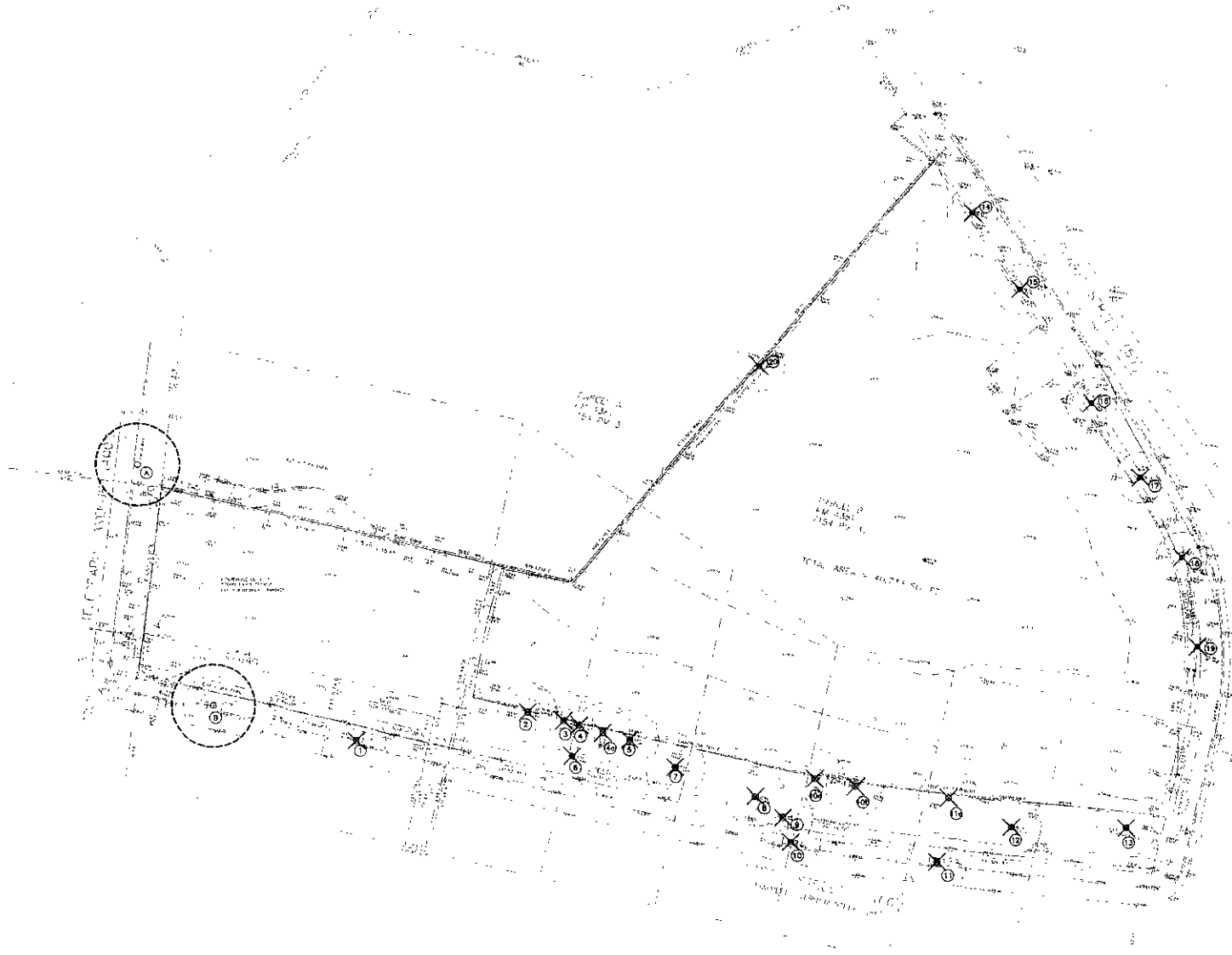


**A0.0 Cover Sheet**

**Architect**

**Van Meter Williams Pollack**  
 Architecture + Urban Design  
 San Francisco, CA





**TREE INVENTORY LEGEND**

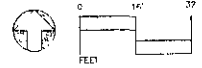
- EXISTING TREE AND CANOPY
- TREE PROTECTION FENCING  
TDF = TREE PROTECTION ZONE, IS DEFINED AS THE DROP LINE PLUS 4'. PLACE TREE PROTECTION FENCING AT THIS LOCATION
- ✕ TREE TO BE REMOVED, REMOVE TRUNK TO 2' BELOW FINISH GRADE
- Ⓟ TREE IDENTIFICATION NUMBER
- TREES ARE CONSIDERED PROTECTED ACCORDING TO CITY OF OAKLAND TREE PRESERVATION ORDINANCE

**TREES NOT PROPOSED FOR REMOVAL**

TREE NO	LATIN NAME (COMMON NAME)	DBH	NOTE
A	PLATANUS ACFIFOLIA (LONDON PLANE TREE)	36"	
B	FRAXINUS OXYCARPA (HAYWOOD ASH)	24"	

**TREES PROPOSED FOR REMOVAL**

TREE NO	LATIN NAME (COMMON NAME)	DBH	CONDITION
1	FRAXINUS OXYCARPA (RAYWOOD ASH)	6"	POOR CONDITION
2	QUERCUS AGRIFOLIA (LIVE OAK)	12"	FAIR
3	QUERCUS AGRIFOLIA (LIVE OAK)	8"	FAIR
4	QUERCUS AGRIFOLIA (LIVE OAK)	10"	FAIR
4a	QUERCUS AGRIFOLIA (LIVE OAK)	25"	FAIR
5	QUERCUS AGRIFOLIA (LIVE OAK)	14"	
6	PINUS MALTENSIS (ALLEPO PINE)	14"	POOR CONDITION
7	QUERCUS AGRIFOLIA (LIVE OAK)	18"	FAIR
8	QUERCUS AGRIFOLIA (LIVE OAK)	12"	FAIR
9	QUERCUS AGRIFOLIA (LIVE OAK)	6"	FAIR
10	FRAXINUS OXYCARPA (RAYWOOD ASH)	12"	POOR CONDITION
10a	QUERCUS AGRIFOLIA (LIVE OAK)	8"	FAIR
10b	QUERCUS AGRIFOLIA (LIVE OAK)	8"	FAIR
11	FRAXINUS OXYCARPA (RAYWOOD ASH)	12"	POOR CONDITION
11a	QUERCUS AGRIFOLIA (LIVE OAK)	4"	FAIR
12	PINUS MALTENSIS (ALLEPO PINE)	14"	POOR CONDITION
13	ACACIA (ACACIA)	20"	
14	PRUNUS CERASIFERA (PURPLE LEAF PLUM)	10"	
15	PRUNUS CERASIFERA (PURPLE LEAF PLUM)	10"	
16	PRUNUS CERASIFERA (PURPLE LEAF PLUM)	10"	
17	PRUNUS CERASIFERA (PURPLE LEAF PLUM)	10"	
18	PRUNUS CERASIFERA (PURPLE LEAF PLUM)	10"	
19	PRUNUS CERASIFERA (PURPLE LEAF PLUM)	10"	
20	FRAXINUS OXYCARPA (ASH)	8"	POOR



**L1.1 Tree Removal Plan**

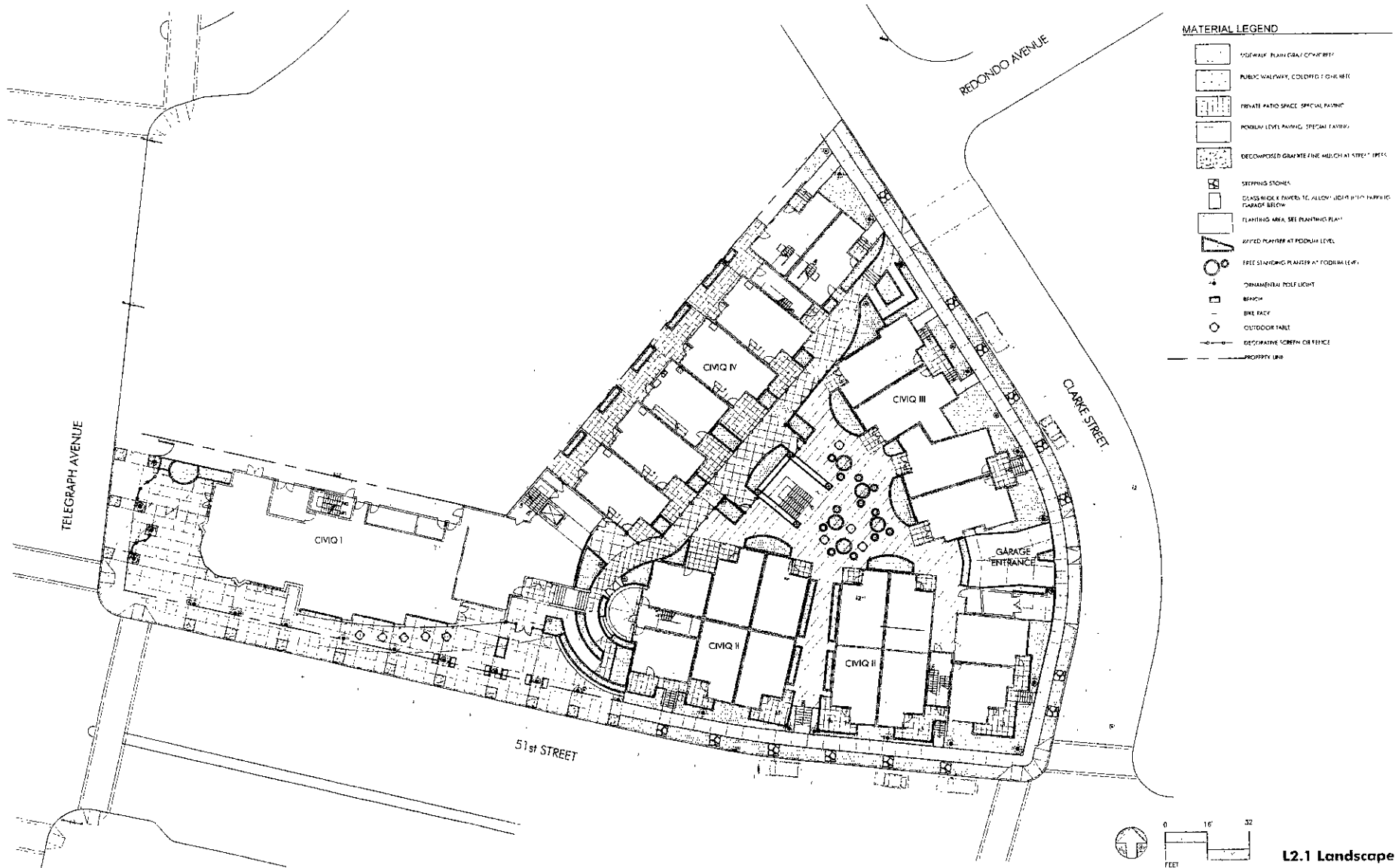
Client  
**5110 Telegraph LLC**  
 Oakland, CA

**Civiq**  
 Oakland, CA  
 September 16, 2005: CUP Submittal  
 December 15, 2005: CUP Re-Submittal

Landscape Architect  
**PGAdesign**  
 144 17th Street  
 Oakland, CA

Architect  
**Van Meter Williams Foltack**  
 Architecture + Urban Design  
 San Francisco, CA





**L2.1 Landscape Plan**

Client  
**5110 Telegraph LLC**  
 Oakland, CA

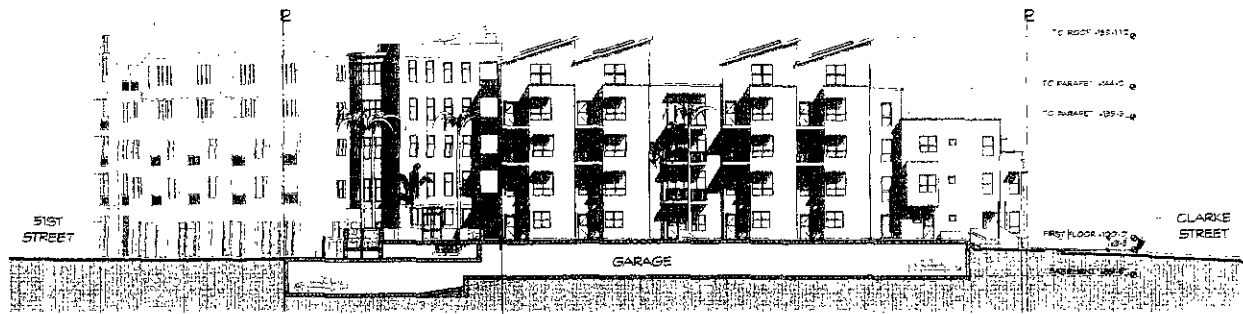
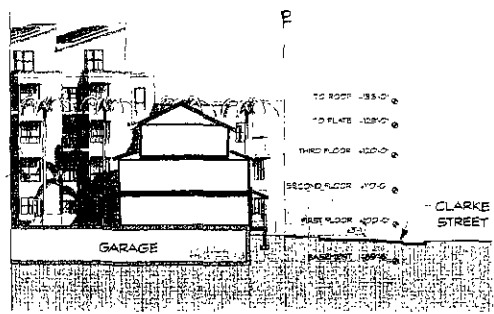
**Civiq**  
 Oakland, CA  
 September 16, 2005: CUP Submittal  
 December 15, 2005: CUP Re-Submittal

Landscape Architect  
**PGAdesign**  
 444 17th Street  
 Oakland, CA

Architect  
**Van Meter Williams Pollack**  
 Architecture + Urban Design  
 San Francisco, CA



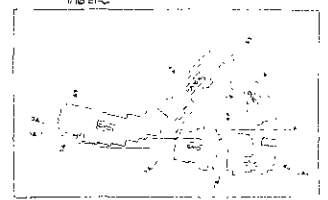
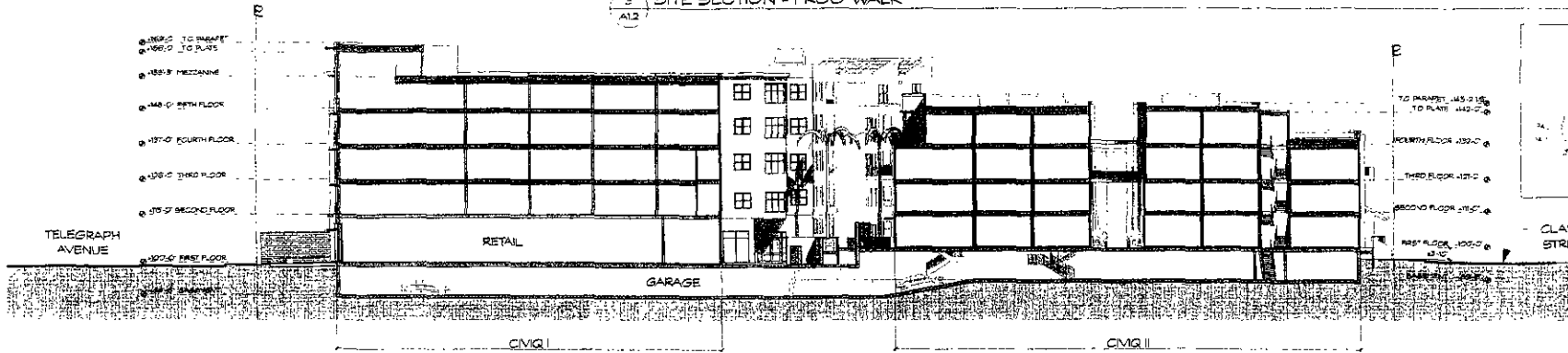




5 A12 SITE CROSS SECTION - CIVQ III 1/15/07

CIVQ I CIVQ IV

3 A12 SITE SECTION - FROG WALK



2 A12 SITE LONGITUDINAL SECTION - BLDGS I & II 1/15/07



4 A12 SITE CROSS SECTION - CIVQ I 1/15/07

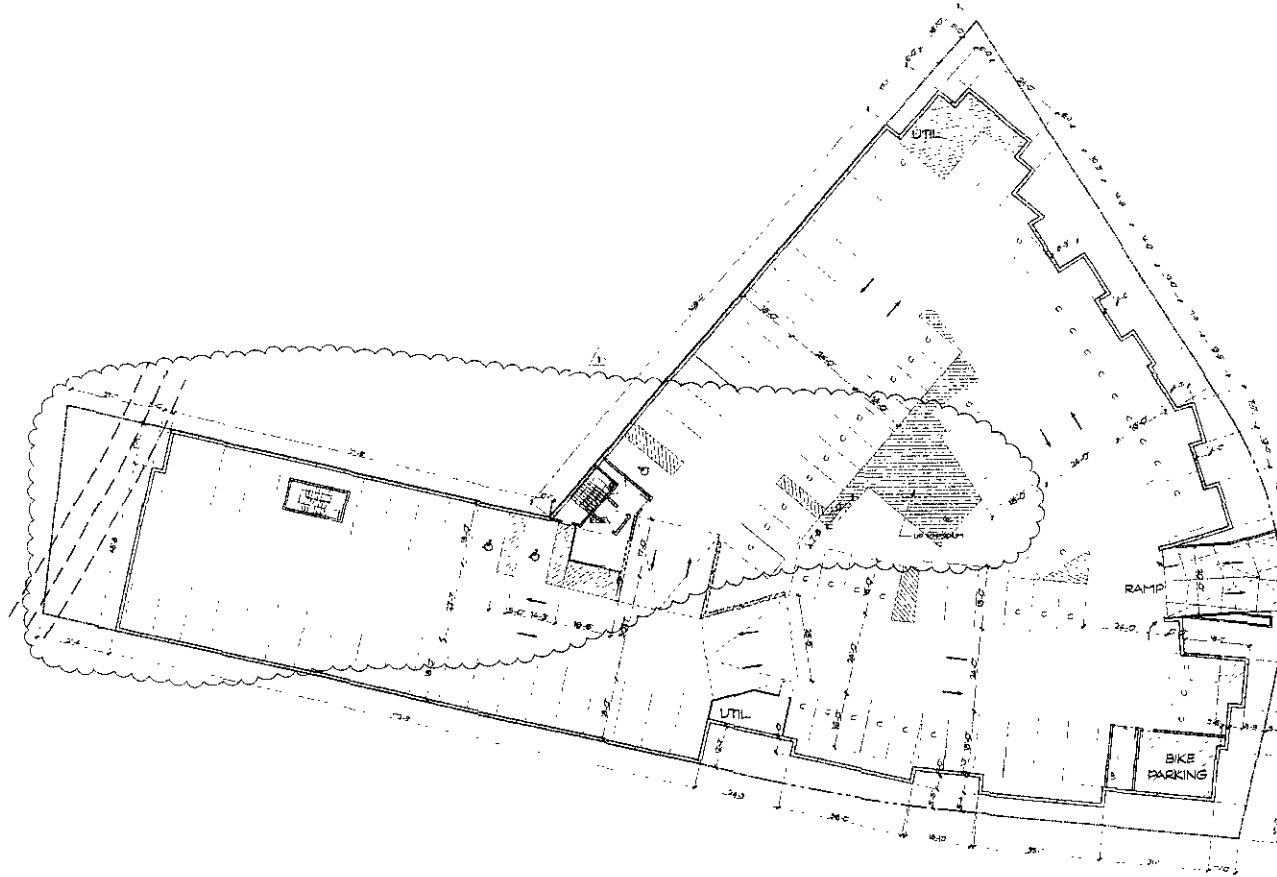
1 A12 SITE LONGITUDINAL SECTION - DRIVEWAY 1/15/07

**A1.2 Site Sections**

**Client**  
 5110 Telegraph, LLC  
 Oakland, CA

**Civq**  
 Oakland, CA  
 September 16, 2005: CUP Submittal  
 December 15, 2005: CUP Re-submittal

**Architect**  
 Van Meter Williams Pollack  
 Architecture + Urban Design  
 San Francisco, CA



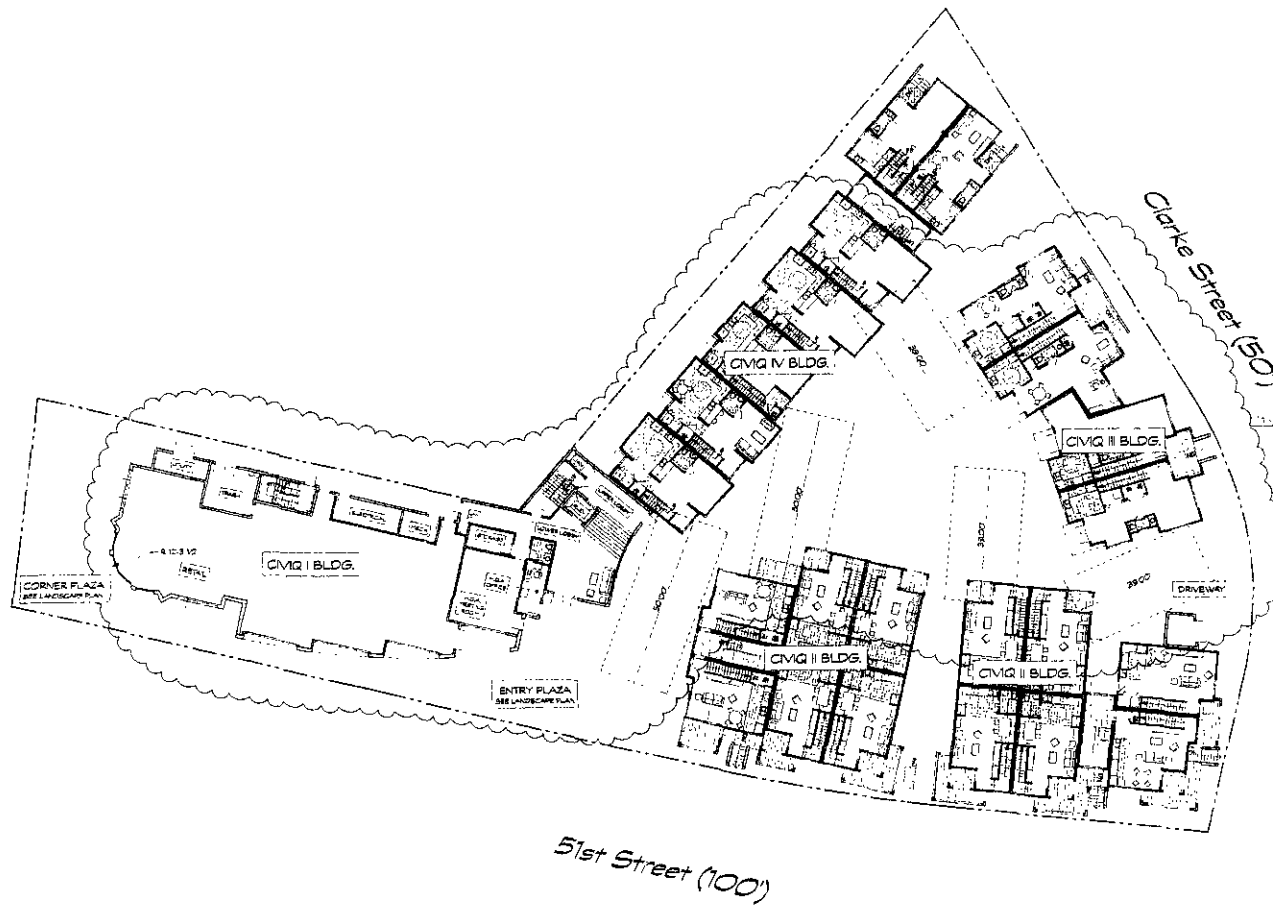
Client  
**5110 Telegraph, LLC**  
 Oakland, CA

**Civiq**  
 Oakland, CA  
 September 16, 2005: CUP Submittal  
 December 15, 2005: CUP Re-submittal

scale: 1/16" = 1'-0"



**A2.0 Parking Plan**  
 Architect  
**Van Meter Williams Pollack**  
 Architecture + Urban Design  
 San Francisco, CA



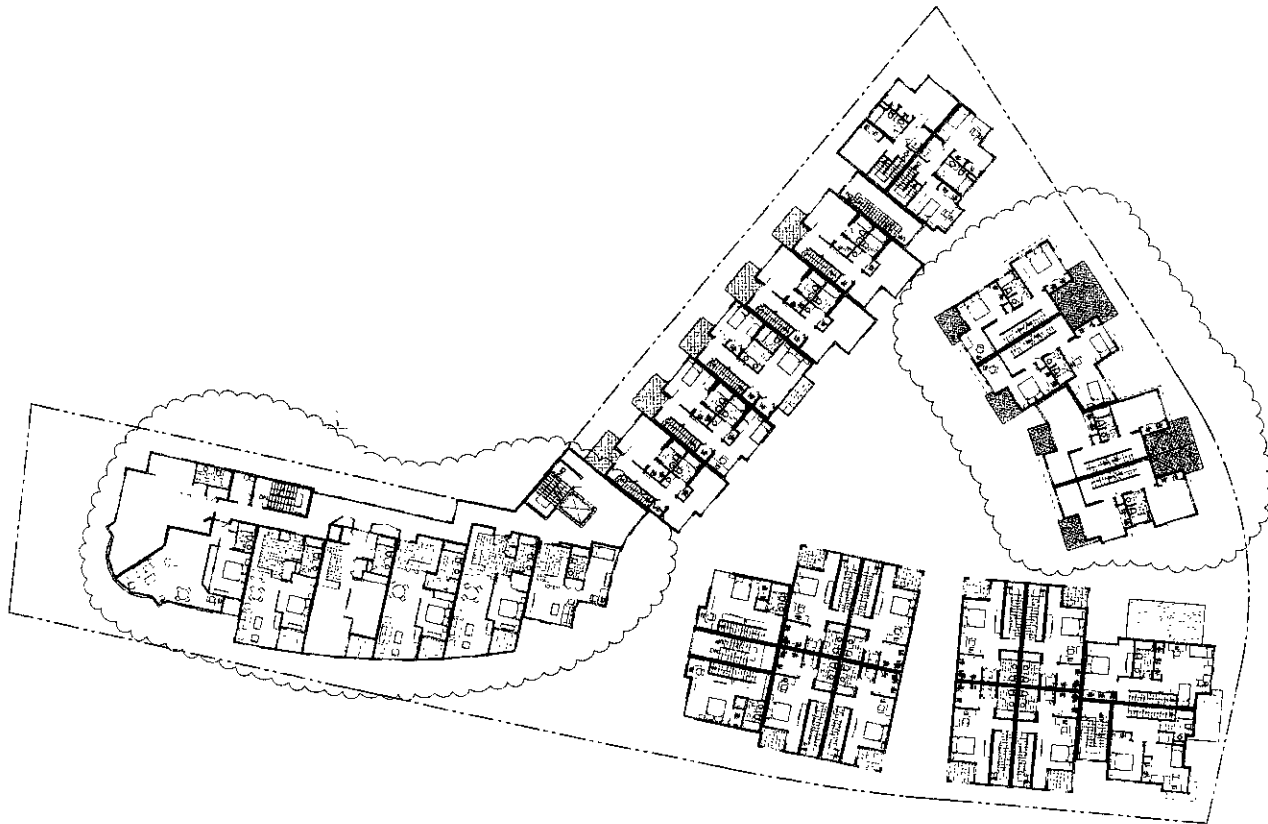
Client  
 5110 Telegraph, LLC  
 Oakland, CA

Civiq  
 Oakland, CA  
 September 16, 2005: CUP Submittal  
 December 15, 2005: CUP Re-submittal

scale 1/16" = 1'-0"



A2.1 First Floor Plan  
 Architect  
 Van Meter Williams Pollack  
 Architecture + Urban Design  
 San Francisco, CA



Client  
**5110 Telegraph, LLC**  
Oakland, CA

Civiq  
Oakland, CA  
September 16, 2005: CUP Submittal  
December 15, 2005: CUP Re-submittal

scale 1/16" = 1'-0"



## A2.2 Second Floor Plan

Architect

**Van Meter Williams Pollack**  
Architecture + Urban Design  
San Francisco, CA



Client  
**5110 Telegraph, LLC**  
Oakland, CA

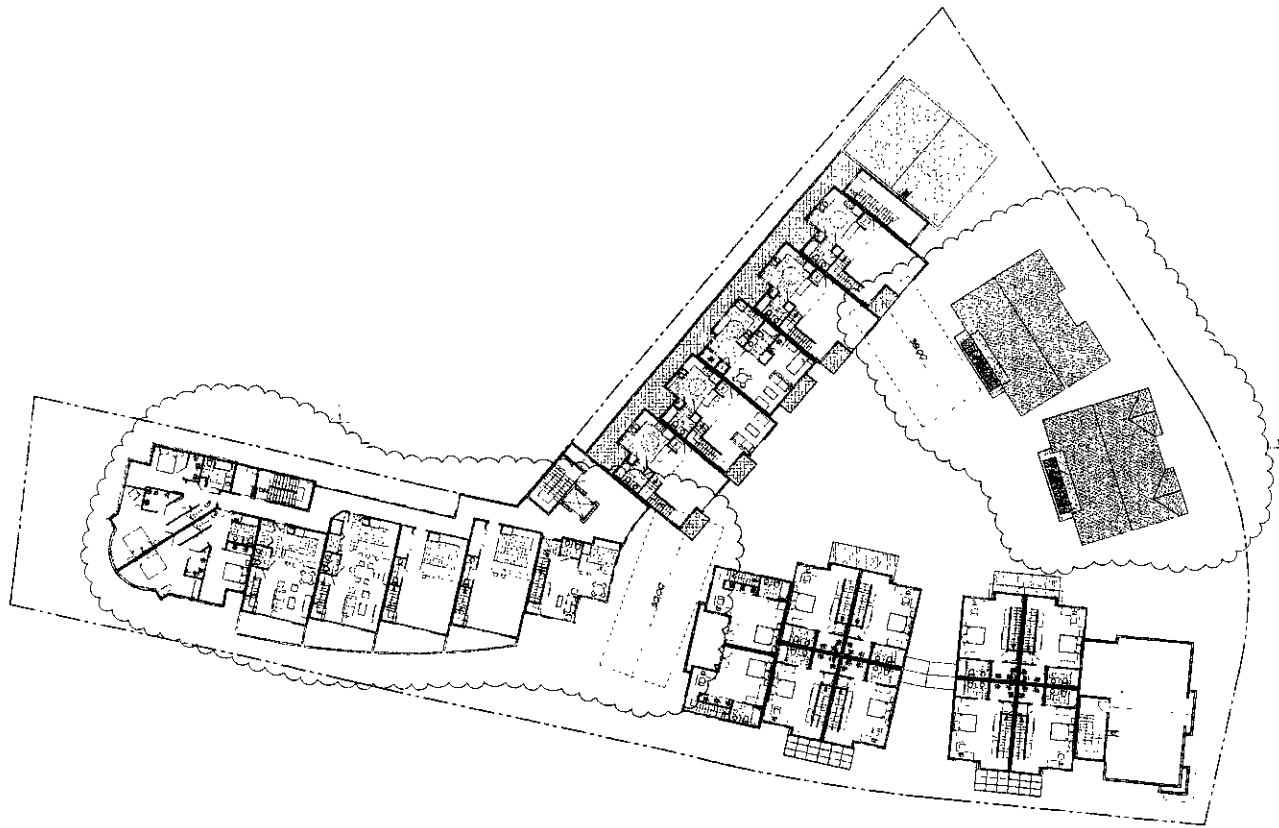
**Civiq**  
Oakland, CA  
September 16, 2005: CUP Submittal  
December 15, 2005: CUP Re-submittal

scale: 1/16" = 1'-0"



**A2.3 Third Floor Plan**  
Architect  
**Van Meter Williams Pollack**  
Architecture + Urban Design  
San Francisco, CA





Client  
**5110 Telegraph, LLC**  
Oakland, CA

**Civiq**  
Oakland, CA  
September 16, 2005: CUP Submittal  
December 15, 2005: CUP Re-submittal, 1.

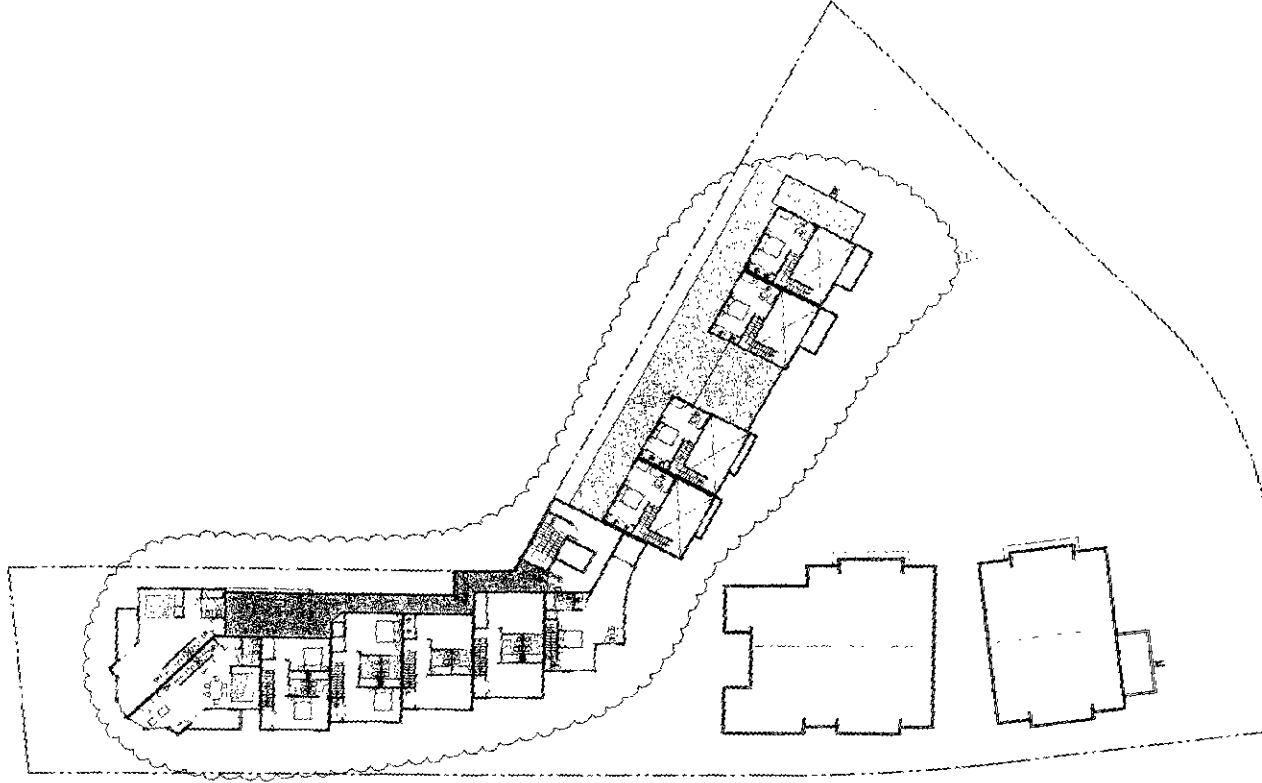
scale 1/16" = 1'-0"




**A2.4 Fourth Floor Plan**

Architect

**Van Meter Williams Pollack**  
Architecture + Urban Design  
San Francisco, CA

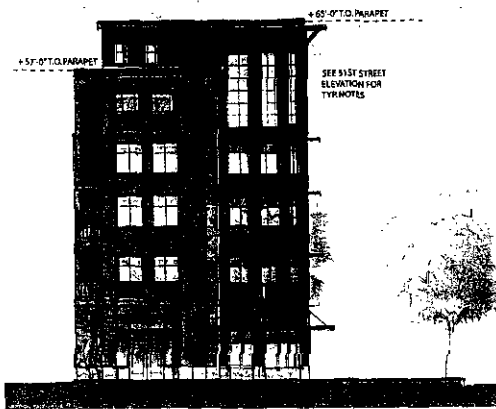


**A2.5 Fifth Floor Plan**  
Architect  
**Van Meter Williams Pollack**  
Architecture + Urban Design  
San Francisco, CA

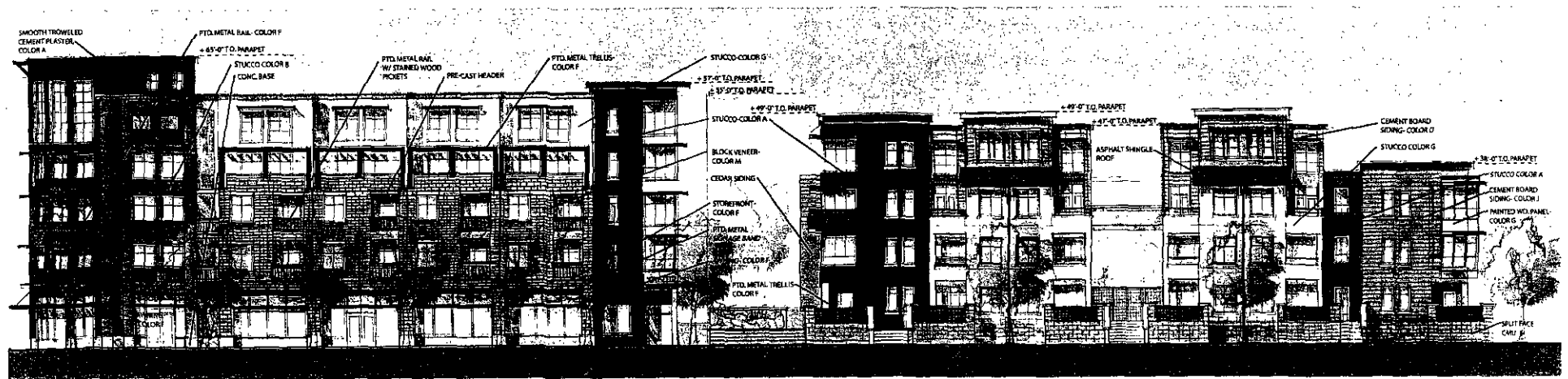
scale 1/16" = 1'-0"  


**Civiq**  
Oakland, CA  
September 16, 2005: CUP Submittal  
December 15, 2005: CUP Re-submittal

Client  
**5110 Telegraph, LLC**  
Oakland, CA



TELEGRAPH AVENUE ELEVATION



51ST STREET ELEVATION

1" = 10'-0"

**A3.1 Elevations**

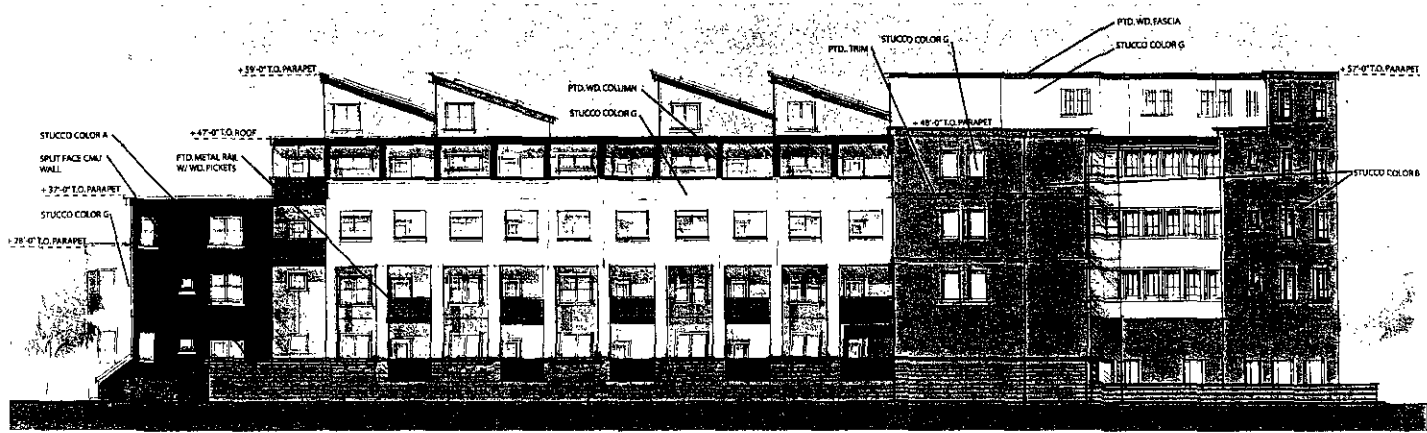
Client  
**5110 Telegraph, LLC**  
 Oakland, CA

Civiq  
 Oakland, CA  
 December 15, 2005: CUP Resubmittal

Architect  
**Van Meter Williams Pollack**  
 Architecture + Urban Design  
 San Francisco, CA



CLARKE STREET ELEVATION



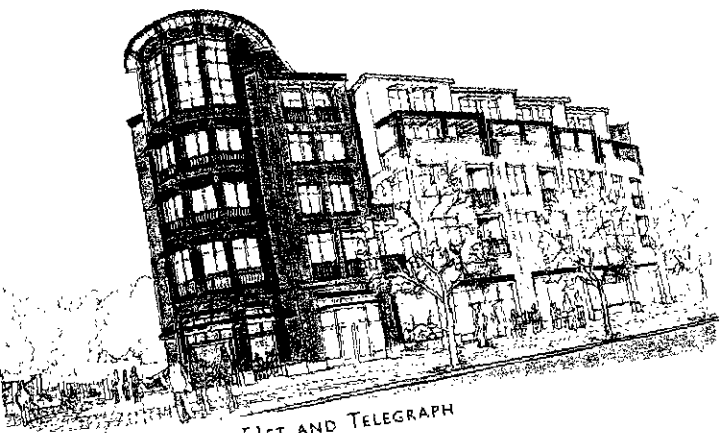
NORTH ELEVATION

1" = 10'-0" **A3.2 Elevations**

Client  
**5110 Telegraph, LLC**  
 Oakland, CA

**Civiq**  
 Oakland, CA  
 December 15, 2005: CUP Resubmittal

Architect  
**Van Meter Williams Pollack**  
 Architecture + Urban Design  
 San Francisco, CA



VIEW OF CORNER AT 51ST AND TELEGRAPH



VIEW OF ENTRY PLAZA ALONG 51ST



VIEW OF 51ST AT CLARKE STREET



VIEW OF CLARKE ST. AND WALK AT REDONDO

Client  
5110 Telegraph, LLC  
Oakland, CA

Civic  
Oakland, CA  
December 15, 2005: CUP Resubmittal

**A3.3 Perspectives**

Architect  
Van Meter Williams Pollack  
Architecture + Urban Design  
San Francisco, CA

# **ATTACHMENT B**

**PROJECT REVISIONS**  
**(Submitted at January 18, 2006,**  
**Planning Commission hearing)**

CIVIQ  
5110 Telegraph, LLC  
limited liability company  
P.O. Box 3538  
Oakland, CA 94609  
(510) 550-7177

January 11, 2006

Mr. Darin Ranelletti  
Community and Economic Development Agency  
City of Oakland  
250 Frank Ogawa Plaza, Suite 3315  
Oakland, CA 94612

**RE: Civiq Project  
51<sup>st</sup> Street and Telegraph Avenue  
Case File No. CMDV05-469**

Dear Mr. Ranelletti,

As you know, Councilmember Jane Brunner, assisted by Claudia Cappio, has graciously tried to mediate a resolution of differences between the developers of the Civiq project and a group of neighbors who decided late in the public process to oppose the project on the basis of its height and density. It became clear yesterday that a final resolution of the differences is unlikely before the project is heard by the Planning Commission on January 18. Nothing short of lowering the landmark design element at the corner of 51<sup>st</sup> Street and Telegraph Avenue will satisfy them and we are not prepared to compromise the architectural integrity of the building at that strategic intersection.

You have also received inquiries, comments and requests for changes in the project from several other groups and individuals, as have we. The groups include FROG Park, DMV Neighbors, NCPC, RCPC, Temescal Merchants Association and Temescal/Telegraph Business Improvement District. Many of the requests overlap, while others conflict. After reviewing the positions of the various groups, we believe that the concerns of most can be met by incorporating three changes into the project. In the interest of being a good neighbor, and without any assurance of additional support, we have decided to make those changes in the project design. The changes are as follows:

**1. FROG Park Walkway**

The walkway from FROG Park will be relocated to the northwest boundary of the parcel and the buildings will be reoriented to provide a through path to 51<sup>st</sup> Street. The development company will subdivide the parcel and deed this walkway to the City. Further, the development company will develop and landscape the walkway in a manner consistent with FROG Park designs and will install pedestrian friendly lighting from Clarke Street to 51<sup>st</sup> Street. The primary entrances for the ground floor units along the walkway will face the walkway.

This permanent public walkway and extension of FROG Park will replace the walkway that was in the design initially submitted to the Commission. It will create the direct pedestrian linkage along FROG Park that both Temescal and Rockridge residents have sought for years and will set the stage for the adjacent property to participate in expanding the walkway if and when that property is developed.

This change is conditioned on three things which can be summarized as follows: 1) the City agreeing to swap this land for other land the City Council has already agreed to sell us along 51<sup>st</sup> Street; 2) the City granting a permanent easement for access beneath the walkway to connect a redesigned parking lot to the elevator lobby in Civic 1; and 3) the Planning Commission authorizing the Planning Director to grant a variance for parking in the event that redesign of the parking garage reduces the number of spaces in the garage to a number that requires a variance, but in no event less than one space per unit plus 4 spaces for the commercial users.

## **2. Redesign of Clarke Street Bungalow Style Buildings**

The bungalow style buildings on Clarke Street will be redesigned to lower the peak of the roof to 37' and the roof eave line to 27' from grade. This change will reduce both the actual and perceived height of these buildings at the street level and will also enhance the architectural differentiation of these buildings so they appear to be developed at different times by different people.

## **3. Redesign of the corner building at 51<sup>st</sup> Street and Telegraph Avenue**

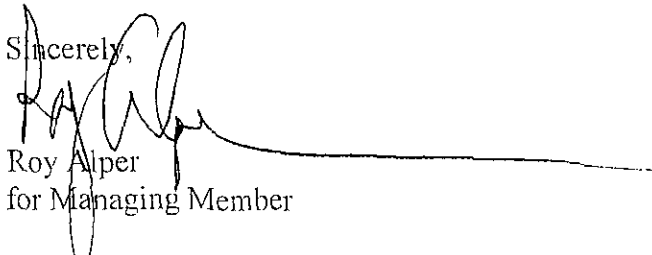
The building at the corner of 51<sup>st</sup> Street and Telegraph Avenue will be redesigned. Along 51<sup>st</sup> Street, the graceful three story curve will be expanded one bay to the west, eliminating the shoulder adjacent to the corner design element. This will lower this entire facade to three stories from the pedestrian perspective and will further emphasize the strong horizontal element of the curve. Along Telegraph Avenue, the facade will be lowered to four stories and then stepped back 6' before rising an additional story, thereby reducing facade experienced by pedestrians along Telegraph Avenue as well.

Hard copies of the revised drawings are attached and electronic drawings have been sent to you separately. We request that any additional review of these design changes and the implementation of our conditions to change the FROG Park walkway be delegated to the Planning Director for final action.

We are informed that the above changes were well received by the group of neighbors opposing the project, but they still insist that the corner building at 51<sup>st</sup> and Telegraph be lowered one floor. Only the design element at the corner, which is about 600 square feet, will remain 65' high; we believe this is essential to landmark and bring strength to this huge and busy intersection. The continuing push by some to reduce the height of this element appears to be without regard to the fact that it is set back more than 30' from the Telegraph property line.

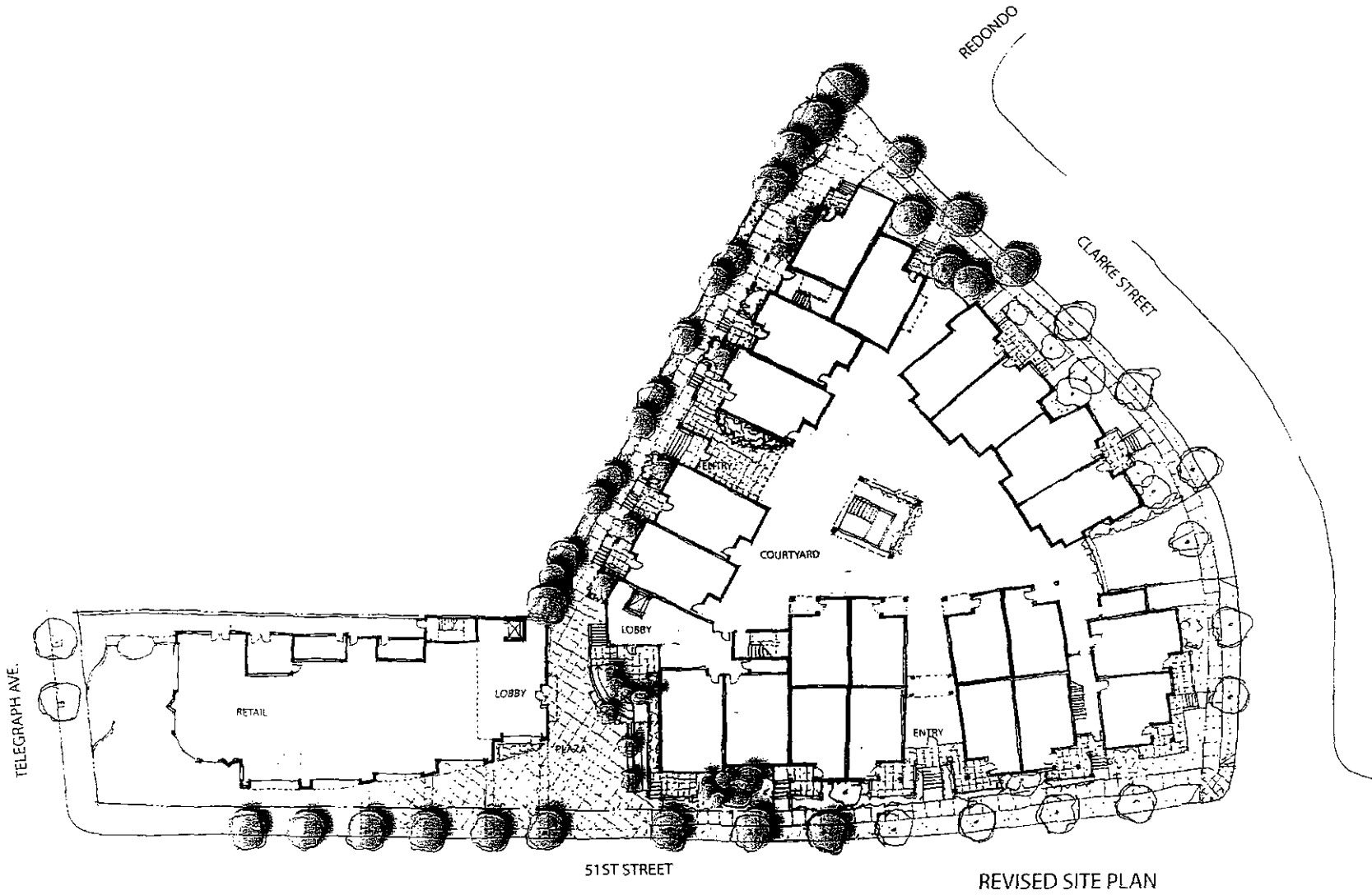
We regret that we cannot reach agreement with all of our neighbors, but are both pleased and excited to be able to offer further design changes that will satisfy most while bringing more residents and commercial vitality to our struggling neighborhood.

Sincerely,

  
Roy Alper  
for Managing Member

cc: Vice Mayor Jane Brunner  
Claudia Cappio, Director of Planning



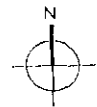


REVISED SITE PLAN

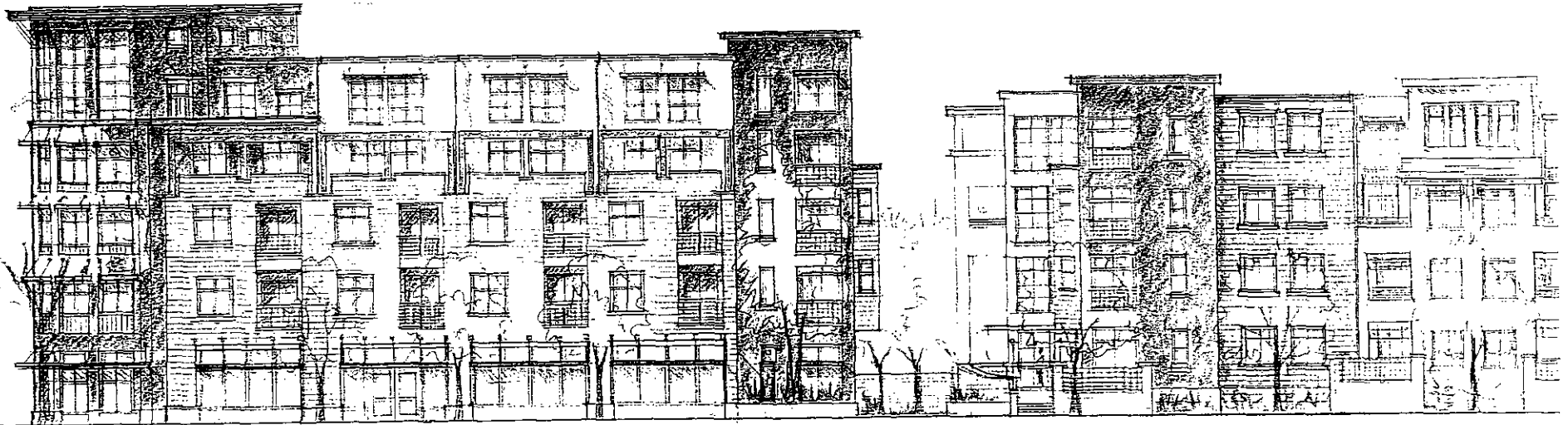
Client:  
 5110 Telegraph, L.L.C.  
 P.O. Box 3239  
 Oakland, CA

Civiq  
 Oakland, CA  
 January 3, 2006

Scale: 1" = 32'-0"



Architect:  
**Van Meter Williams Pollack**  
 Architecture + Urban Design  
 San Francisco, California



51 STREET PARTIAL ELEVATION - REVISED  
1/16" = 1'-0"

Client

5110 Telegraph, LLC  
P.O. BOX 3239  
Oakland, CA

Civiq

Oakland, CA

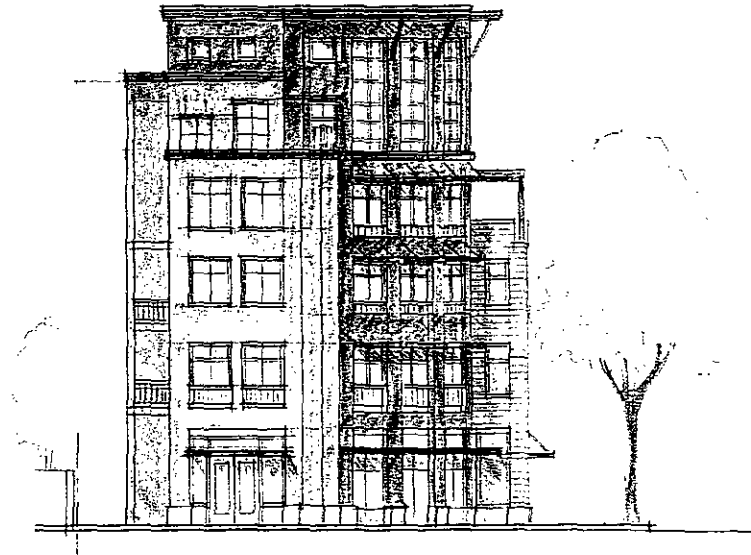
January 03, 2006

Architect

Van Meter Williams Pollack  
Architecture + Urban Design  
San Francisco, CA



TELEGRAPH AVENUE ELEVATION - ORIGINAL  
1/16" = 1'-0"

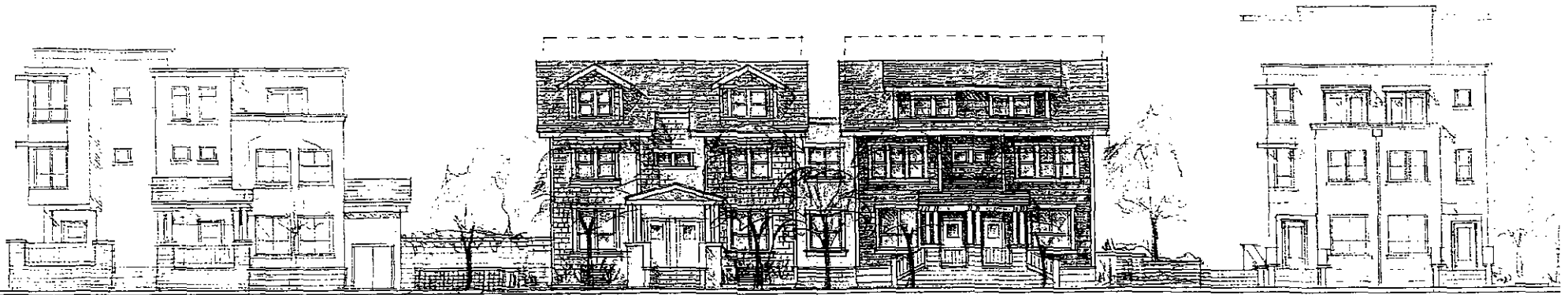


TELEGRAPH AVENUE ELEVATION - REVISED  
1/16" = 1'-0"

Client  
110 Telegraph, LLC  
P.O. BOX 3239  
Oakland, CA

Civiq  
Oakland, CA  
January 03, 2006

Architect  
Van Meter Williams Pollack  
Architecture + Urban Design  
San Francisco, CA



CLARKE STREET PARTIAL ELEVATION – REVISED  
1/16" = 1'-0"

Client

5110 Telegraph, LLC  
P.O. BOX 3239  
Oakland, CA

Civiq

Oakland, CA  
January 03, 2006

Architect

Van Meter Williams Pollack  
Architecture + Urban Design  
San Francisco, CA

**ATTACHMENT C**

**PLANNING COMMISSION  
STAFF REPORT  
(Dated January 18, 2006;  
without attachments)**

Case File Number: CMDV05-469

January 18, 2006

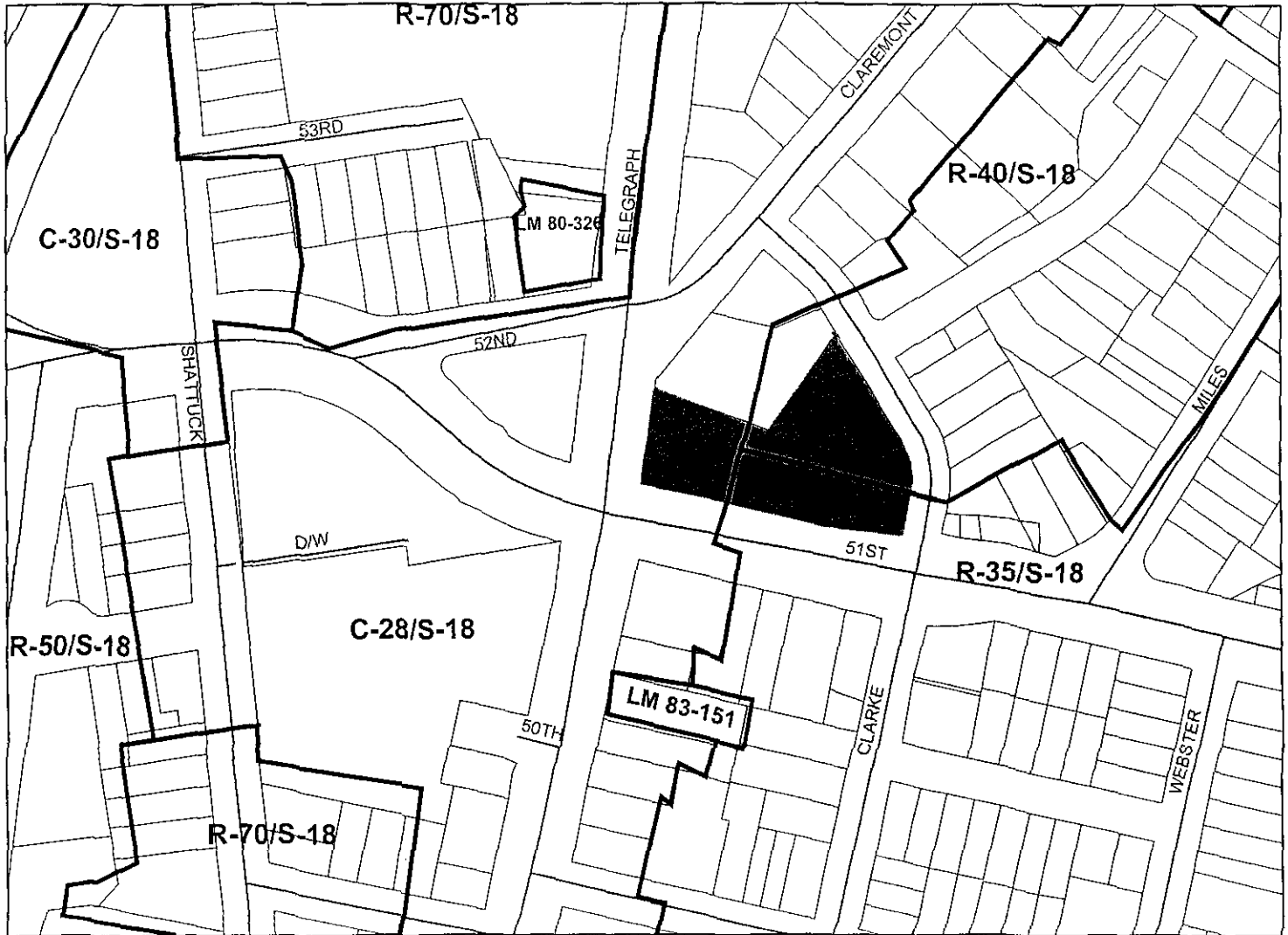
<b>Location:</b>	5100-5110 Telegraph Avenue, 450-478 51 <sup>st</sup> Street & 5107 Clarke Street (See map on reverse)
<b>Assessors Parcel Numbers:</b>	014-1226-003-03, -004-03, -005-02, -006-02, -007-02, -008-00, -009-01, -009-02 & -014-00
<b>Proposal:</b>	Construct a new mixed-use development consisting of 67 residential units and 2,990 square feet of commercial space.
<b>Applicant/Owner:</b>	5110 Telegraph Avenue, LLC
<b>Contact Person/Phone Number:</b>	Roy Alper / (510) 550-7177
<b>Planning Permits Required:</b>	Major Interim Conditional Use Permit to allow an increase in the residential density pursuant to the Neighborhood Center Mixed Use General Plan Land Use Classification; Major Variance to allow an increase in residential density pursuant to the Mixed Housing Type Residential General Plan Land Use Classification; Regular Design Review (Planning Commission) to construct more than 25,000 square feet of new floor area; and Minor Variances to allow: 1) Building height up to 65 feet where 40 feet is the maximum allowed and building height up to 59 feet where 25 feet (30 feet with a pitched roof) is the maximum allowed; 2) Front yard setback of three feet where 20 feet is the minimum required; and 3) Courtyard between buildings measuring 10 feet where 39 feet is the minimum required and 16 feet where 50 feet is the minimum required.
<b>General Plan:</b>	Neighborhood Center Mixed Use & Mixed Housing Type Residential
<b>Zoning:</b>	C-28 Commercial Shopping District Commercial Zone (portion of site); R-35 Special One-Family Residential Zone (portion of site); R-40 Garden Apartment Residential Zone (portion of site); S-18 Mediated Residential Design Review Combing Zone
<b>Environmental Determination:</b>	Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects
<b>Historic Status:</b>	Not a Potentially Designated Historic Property (the site is vacant)
<b>Service Delivery District:</b>	2
<b>City Council District:</b>	1
<b>Date Filed:</b>	September 16, 2005
<b>Status:</b>	The application was previously reviewed by the Design Review Committee on November 16, 2005.
<b>Action to be Taken:</b>	Decision on application based on staff report and public testimony
<b>Staff Recommendation:</b>	Approval subject to conditions
<b>Finality of Decision:</b>	Appealable to City Council
<b>For Further Information:</b>	Contact the case planner, <b>Darin Ranelletti</b> , at (510) 238-3663 or by e-mail at <a href="mailto:dranelletti@oaklandnet.com">dranelletti@oaklandnet.com</a> .

## SUMMARY

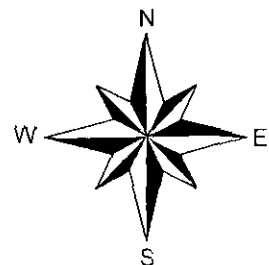
The applicant proposes to construct a new mixed-use development containing 67 residential units and approximately 2,990 square feet of ground floor commercial space. The project site is located in the Temescal neighborhood of North Oakland at the corner of Telegraph Avenue and 51<sup>st</sup> Street.

The proposed project requires a number of planning approvals including a Major Interim Conditional Use Permit and a Major Variance to allow an increase in the residential density pursuant to the Oakland General

# CITY OF OAKLAND PLANNING COMMISSION



Case File: CMDV05-469  
Applicant: 5110 Telegraph, LLC  
Address: 5100-5110 Telegraph Ave,  
450-478 51st St & 5107 Clarke St  
Zone: C-28/R-40/R-35/S-18



Plan, Regular Design Review, and Minor Variances to exceed the maximum allowed building height and reduce the minimum required front yard setback and courtyard width.

The proposal was previously reviewed by the Design Review Committee on November 16, 2005. The Committee expressed overall support for the design of the project. Staff believes the project is consistent with the goals and policies of the General Plan and recommends approval of the project subject to the attached findings and conditions.

## PROJECT DESCRIPTION

The project consists of a new mixed-use development containing 67 residential units and approximately 2,990 square feet of ground floor commercial. The project drawings for the proposal are attached to this report (see Attachment A). The development would be comprised of four buildings. Building 1, located at the corner of Telegraph Avenue and 51<sup>st</sup> Street, would contain four stories of residential units over one story of ground floor commercial space for a total of five stories. The majority of Building 1 would be 55 feet tall with the building rising to 65 feet at the corner of Telegraph Avenue and 51<sup>st</sup> Street. Buildings 2, 3, and 4 would be entirely residential. Building 2, located at the corner of 51<sup>st</sup> Street and Clarke Street in the eastern portion of the site, would be four stories tall with a height ranging from 47 to 49 feet (with the building stepping down to three stories and 38 feet tall right at the corner of 51<sup>st</sup> Street and Clarke Street). Building 3, located along Clarke Street, would contain three stories with a pitched roof that ranges from 35 feet to 41 feet in height. Building 3 would be articulated into two visually distinct sub-volumes to give the appearance of two single-family homes. Both Buildings 2 and 3 would contain ground floor residential units that would be entered directly from the sidewalk. Building 4, located in the central interior of the site would be five stories tall and range from 47 to 59 feet in height (with the building stepping down to three stories and 37 feet tall near Clarke Street).

The project contains a proposed plaza at the corner of Telegraph Avenue and 51<sup>st</sup> Street in front of Building 1 and a common courtyard for use by the project residents located in the central portion of the site. Off-street parking would be located in an underground parking garage containing 100 parking spaces. The entrance and exit to the parking garage would be located on Clarke Street near 51<sup>st</sup> Street.

## PROPERTY DESCRIPTION

The site is located at the intersection of Telegraph Avenue and 51<sup>st</sup> Street in the Temescal neighborhood of North Oakland. The site is an irregularly shaped property measuring approximately 40,790 square feet in area. The subject property stretches from the corner of Telegraph Avenue and 51<sup>st</sup> Street along 51<sup>st</sup> Street to Clarke Street in the east. The topography of the site is relatively level. The site includes a portion of City-owned right-of-way along 51<sup>st</sup> Street that consists of remnant parcels created when 51<sup>st</sup> Street was widened in the 1970s. The site is the former location of an adult movie theater located at the corner of Telegraph Avenue and 51<sup>st</sup> Street that has since been demolished. The eastern portion of the site near Clarke Street is currently being used as an off-site parking lot for Children's Hospital and Research Center.

In the vicinity of the site, Telegraph Avenue contains primarily one- and two-story commercial buildings. Adjacent to the north of the site near the intersection of Telegraph Avenue and Claremont Avenue are an existing approximately 30-foot tall commercial building (currently occupied by Global Video) and an approximately 48-foot tall 1920s multi-unit apartment building. To the south of the site along 51<sup>st</sup> Street is a mixture of one- and two-story commercial buildings transitioning to residential buildings further to the east. To the east of the site along Clarke Street are one- and two-story single-family homes.



## GENERAL PLAN ANALYSIS

The site contains two General Plan Land Use Designations. The western portion of the site towards the corner of Telegraph Avenue and 51<sup>st</sup> Street is designated Neighborhood Center Mixed Use (NCMU) by the General Plan. The maximum residential density allowed under the NCMU designation is 125 units per gross acre. According to the General Plan, the intent and desired character of the NCMU designation is the following:

The Neighborhood Center Mixed Use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial. (Page 149)

The eastern portion of the site towards Clarke Street is designated Mixed Housing Type Residential (MHTR) by the General Plan. The maximum residential density allowed under the MHTR designation is 30 units per gross acre. According to the General Plan, the intent and desired character of the MHTR designation is the following:

The Mixed Housing Type Residential classification is intended to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate. Future development within this classification should be primarily residential in character, with live-work types of developments, small commercial enterprises, schools, and other small scale, compatible civic uses possible in appropriate locations. (Page 146)

Given the above General Plan designations for the site and the size of the site, the maximum number of residential units allowed on the site under the General Plan is 67 units, equal to the number of units proposed in the project. The proposal includes a mixed-use residential and commercial building (Building 1) located at the corner of Telegraph Avenue and 51<sup>st</sup> Street within the NCMU General Plan designation. Building 1 would contain ground-floor neighborhood-oriented commercial space with continuous street frontage as called for by the General Plan. The remaining buildings in the development would be located within the MHTR General Plan designation. Buildings 2 and 3 along the perimeter of the site are designed with the character of single-family homes, townhouses, and small multi-unit apartment buildings consistent with the desired character of the MHTR designation.

Telegraph Avenue in the Temescal neighborhood is also designated as a "Grow and Change" area in the General Plan. Areas designated Grow and Change are located primarily in Downtown Oakland and along the City's major arterials. According to the General Plan, Grow and Change areas should "emphasize significant changes in density, activity, or use, which are consistent with the Land Use Diagram, Transportation Diagram, and the Policy Framework and other Elements of the General Plan." (Page 124)

Below are additional policies in the General Plan which are applicable to the project. Following each policy is an analysis of the project's consistency with the policy.

- Policy N1.1: Concentrating Commercial Development. Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for smaller scale, neighborhood-oriented retail.

Proposal: The commercial space included in the project would be located on Telegraph Avenue within the existing economically vibrant Temescal commercial district. The proposed commercial space would be designed to accommodate neighborhood-serving commercial uses.

- Policy N3.1: Facilitating Housing Construction. Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

Proposal: The project provides for 67 new housing units, the maximum number of units permitted under the General Plan.

- Policy N3.2: Encouraging Infill Development. In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should be take place throughout the City of Oakland.

Proposal: The project involves the reuse of an existing underutilized site located within the existing urbanized area of the city.

- Policy N3.8: Required High-Quality Design. High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

Proposal: The project involves high-quality design in that it employs high-quality materials, finishes, and details. The project complies with the design review criteria of the Planning Code (see attached Findings).

- Policy N3.9: Orienting Residential Development. Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.

Proposal: All the proposed buildings located along the street frontage of the site face the street. The site layout, including the unit orientations and courtyard location, has been designed to provide for adequate solar access to the new units. Due to the distance between the proposed development and nearby homes, potential solar access impacts to nearby homes located on Clarke Street would be limited. A shadow analysis conducted for the project shows that the project would not block sunlight to nearby residential properties located on Clarke Street except for sunlight to the front yard areas of nearby homes in the late afternoon during Spring, Summer, and Fall (and in the early afternoon during Winter). Due to the topography and location of the site, there are no views in the area which the new units could take advantage of or which the proposal would block from nearby homes.

- Policy N3.10: Guiding the Development of Parking. Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized.

Proposal: The amount of proposed off-street parking complies with the parking requirements of the Zoning Regulations. Off-street parking would be located in a new underground parking garage, located underneath the proposed building so that it is convenient to the new units and screened from view from surrounding streets.

- Policy N6.1: Mixing Housing Types. The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

Proposal: The project includes units ranging in size from studios to three-bedroom units in different housing types (multi-unit apartments and townhouses).

- Policy N7.1: Ensuring Compatible Development. New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.

Proposal: The eastern portion of the project located within the Mixed Housing Type Residential designation is designed to reflect the density, scale, design, and character of the existing nearby homes located along Clarke Street in that the proposed buildings in this area will be articulated into smaller identifiable sub-volumes to appear like single-family homes and will employ similar building forms as the existing nearby homes.

- Policy N8.2: Making Compatible Interfaces Between Densities. The height of development in urban residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.

Proposal: The height of the development steps down from 65 feet at the corner of Telegraph Avenue and 51<sup>st</sup> Street to buildings ranging in height from 36 to 41 feet in the eastern portion of the site along Clarke Street.

- Policy N10.1: Identifying Neighborhood "Activity Centers." Neighborhood Activity Centers should become identifiable commercial, activity and communication centers for the surrounding neighborhood. The physical design of neighborhood activity centers should support social interaction and attract persons to the area. Some of the attributes that may facilitate this interaction include plazas, pocket parks, outdoor seating on public and private property, ample sidewalk width, street amenities such as trash cans and benches, and attractive landscaping.

Proposal: The proposal includes a plaza at the corner of Telegraph Avenue and 51<sup>st</sup> Street which could be used for outdoor seating and social interaction to encourage community activity.

## ZONING ANALYSIS

The site is located in three different base zoning districts with one combining zoning district overlaying the entire site. The western portion of the site near the corner of Telegraph Avenue and 51<sup>st</sup> Street is located in the C-28 Commercial Shopping District Commercial Zone. The western portion of the site near the corner of 51<sup>st</sup> Street and Clarke Street is located in the R-35 Special One-Family Residential Zone and the northern portion of the site located along Clarke Street is located in the R-40 Garden Apartment Residential Zone. The S-18 Mediated Residential Design Review Combining Zone is an overlay zone that

covers the entire site. The S-18 Zone contains special procedural requirements for design review. The requirements of the S-18 Zone do not apply to the proposal because they are only applicable to one- and two-unit residential developments.

The intent of the C-28 Zone is the following:

[T]o create, preserve, and enhance major boulevards of medium-scale retail establishments featuring some specified higher density nodes in attractive settings oriented to pedestrian comparison shopping, and to encourage mixed-use residential and nonresidential developments, and is typically appropriate along major thoroughfares near residential communities. (OPC Sec. 17.44.010)

The intent of the R-35 Zone is the following:

[T]o create, preserve, and enhance areas containing a mixture of single- and two-family dwellings in desirable settings for urban living, and is typically appropriate to areas of existing lower or lower-medium density residential development. (OPC Sec. 17.18.010)

The intent of the R-40 Zone is the following:

[T]o create, preserve, and enhance areas containing a mixture of single- or two-family dwellings and garden apartments in spacious settings for urban living, and is typically appropriate to attractive areas of existing lower medium density residential development. (OPC Sec. 17.22.010)

The zoning for the site would allow a maximum of 25 residential units on the property. The proposal exceeds the number of units allowed by the zoning (67 units are proposed). The Zoning Regulations came into effect largely in 1965. Since that time, the City has adopted a new General Plan in 1998. The policies of the General Plan supersede the Zoning Regulations. In many areas of the city, particularly along major transit corridors such as Telegraph Avenue, the maximum residential density allowed under the General Plan is significantly higher than the density allowed by the zoning. The City is currently working to update the zoning districts so that they contain development standards that are consistent with the policies contained in the General Plan. Pursuant to the Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations, a Major Interim Conditional Use Permit is required to increase the project's residential density to the maximum allowed under the General Plan for the portion of the site located in the Neighborhood Center Mixed Use General Plan designation. For the portion of the site located in the Mixed Housing Type Residential General Plan designation, a Major Variance is required to increase the project's residential density to the maximum allowed under the General Plan. (Note: The Mixed Housing Type Residential designation is the only General Plan designation where a Major Variance, rather than an Interim Conditional Use Permit, is required to exceed the maximum density allowed by the Zoning Regulations.)

The project complies with all other zoning standards except for the maximum building height allowed and minimum front yard setback and courtyard width required. The applicant is seeking variances to waive these standards. Specifically, the proposal is seeking to allow: 1) Building height up to 65 feet where 40 feet is the maximum allowed and building height up to 59 feet where 25 to 30 feet is the maximum allowed; 2) Front yard setback of three feet where 20 feet is the minimum required; and 3) Courtyard between buildings measuring 10 feet where 39 feet is the minimum required and 16 feet where 50 feet is the minimum required. Each of these variances are further discussed under the "Key Issues and Impacts" section of this report.

**ENVIRONMENTAL DETERMINATION**

This 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 ("In-Fill Development Projects"). The criteria for the in-fill exemption, and staff's analysis of each criterion, are listed below.

- a) 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.

Analysis: The project is consistent with the General Plan designations for the site and with applicable General Plan policies as demonstrated in the "General Plan Analysis" and "Findings" sections of this report. The project is consistent with the zoning designations for the site and with applicable zoning regulations as demonstrated in the "Zoning Analysis" and "Findings" sections of this report. A number of variances to waive certain zoning standards are required for the project. The project complies with the variance procedures contained within the Zoning Regulations and satisfies the required findings for approval of the variances as demonstrated in the "Findings" section of this report. In the past, the Planning Commission has applied the in-fill exemption to projects that require variances finding that the project satisfies the zoning consistency requirement of the in-fill exemption because the findings for approval of the variances were made in accordance with the procedures outlined in the Zoning Regulations. The Planning Commission has not applied the in-fill exemption to projects that require a rezoning of the site to a different zoning designation. This project does not require rezoning the site.

- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Analysis: The project site is located within the city limits of the City of Oakland and consists of 40,790 square feet (0.94 acres). The site is surrounded by commercial and residential urban uses.

- c) The project site has no value as habitat for endangered, rare or threatened species.

Analysis: The project site is located in an urbanized area on a previously-developed lot. A portion of the site currently contains an existing parking lot and the other portion of the site previously contained a movie theater.

- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Analysis: A traffic impact analysis was prepared for the project. Potential traffic impacts from the project were reviewed at the key intersections surrounding the site. The project is anticipated to generate approximately 778 net new daily vehicle trips, including 70 AM peak hour trips and 90 PM peak hour trips. The Level of Service (LOS) for each of the four intersections studied would remain unchanged except for the intersection of Clarke Street and 51<sup>st</sup> Street where the LOS is anticipated to drop from LOS D to LOS E. The potential impact to the intersection of Clarke Street and 51<sup>st</sup> Street, an unsignalized intersection, is considered less than significant under CEQA because the project would not satisfy the Caltrans Peak Hour Volume Warrant for a new traffic signal because the minimum required threshold volume for the Clarke Street approach to the intersection is 100 vehicles per hour and the peak hour volume of the project is expected to be only 42 vehicles per hour.

Potential noise impacts of the project are anticipated to be limited. The project would consist primarily of residential uses consistent with the residential uses in the surrounding neighborhood. The proposed commercial uses would be located at the corner of Telegraph Avenue and 51<sup>st</sup> Street and is expected to generate noise consistent with the existing uses in the Temescal commercial district. Potential noise impacts related to construction of the project would also be limited. Standard noise reduction measures would be incorporated into the project (see Conditions of Approval #15 and #16).

Potential air quality impacts of the project would be limited. The vehicle trips associated with the project would generate far fewer than the 2,000 vehicle trips per day that the Bay Area Air Quality Management District (BAAQMD) considers the normal minimum traffic volume that should require a detailed air quality analysis. Potential air quality impacts related to construction of the project would also be limited. Standard dust control measures would be incorporated into the project to limit potential air quality impacts during construction (see Condition of Approval #13).

Potential water quality impacts of the project would be limited. The project involves the creation of less than one acre of new impervious surface, the minimum threshold for requiring on-site stormwater treatment facilities to remove stormwater pollutants under the National Pollutant Discharge Elimination System Permit issued by the San Francisco Bay Regional Water Quality Control Board to the Alameda Countywide Clean Water Program (of which the City of Oakland is a member). Potential water quality impacts related to construction of the project would also be limited. Standard construction-related water quality control measures would be incorporated into the project to limit potential water quality impacts during construction (see Condition of Approval #14).

- e) The site can be adequately served by all required utilities and public services.

Analysis: The project site is located in an urbanized area of the City of Oakland. Existing utilities and public services are located near the site.

Section 15300.2(f) of the CEQA Guidelines states that a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of an historical resource. Section 5020.1(q) of the California Public Resources Code defines the term "substantial adverse change" as follows: "'Substantial adverse change' means demolition, destruction, relocation or alteration such that the significance of an historical resource would be impaired." The project does not have the potential to result in a substantial adverse change in the significance of an historical resource. The site contains no existing buildings, is not a Designated Historic Property, and is not located in a Preservation District. The Temescal Commercial Historic District, a designated Preservation District (Area of Secondary Importance), is located across 51<sup>st</sup> Street south of the site on the east side of Telegraph Avenue stretching from 49<sup>th</sup> Street to 51<sup>st</sup> Street. Because the project is located across the street from the Historic District, the project would not result in the demolition, destruction, relocation, or alteration of any of the existing structures in the Historic District.

## **PUBLIC PARTICIPATION AND COMMENTS**

Beginning in 2000, the community surrounding the project site held a series of meetings to develop a set of goals for development of the site. Recently the applicant held a series of community meetings regarding the specific proposal. At a recent community meeting the applicant distributed a handout listing the goals developed for the site by the community and how the project fulfills these goals (see

Attachment B). The applicant argues that the project fulfills virtually all of the goals developed by the community.

Staff has received 23 letters and e-mails from interested members of the community regarding the project (see Attachment C). 19 of the letters and e-mails are in support of the proposal while four of the letters and e-mails are opposed to the proposal. Staff also received a petition opposing the project signed by 315 local residents. The letters and e-mails opposed to the project are primarily concerned about the height of the project, the existence of Temescal Creek under the project site, the possibility of extending the nearby *Rockridge Temescal Greenbelt through the site*, and traffic generated by the project, among other concerns. Each of these issues is discussed in more detail under the "Key Issues and Impacts" section of this report.

## RESULTS OF PREVIOUS HEARING

This proposal was reviewed by the Design Review Committee of the Planning Commission on November 16, 2005. Overall, the Committee expressed support for the design of the project including the proposed height and density of the proposal. One member of the Committee felt that the design of the tower feature located at the corner of Telegraph Avenue and 51<sup>st</sup> Street was somewhat generic or predictable (referring to the tower as the "Barnes and Noble" tower). The current proposal includes minor modifications to interior floor plans of the units. The exterior elevations and site planning for the project remain unchanged from the previous version reviewed by the Committee.

## KEY ISSUES AND IMPACTS

### *Density*

As mentioned under the "General Plan Analysis" and "Zoning Analysis" sections of this report, the proposal is consistent with the residential density limitations of the General Plan but exceeds the maximum density allowed by the Zoning Regulations. A Major Interim Conditional Use Permit (for the portion of the site designated Neighborhood Center Mixed use near the corner of Telegraph Avenue and 51<sup>st</sup> Street) and a Major Variance (for the portion of the site designated Mixed Housing Type Residential near Clarke Street) are required for the project. At the Design Review Committee meeting on November 16, 2005, the Committee expressed support for the proposed density. Staff feels that the proposed density is appropriate for the site given the housing policies of the General Plan, the high level of design quality incorporated into the project, and the location of the proposal at the intersection of two major arterials well-served by public transit. The density of the project is arranged so that the majority of units are incorporated into larger buildings near the commercial corridor of Telegraph Avenue and fewer units are incorporated into smaller buildings located near the existing residential neighborhood along Clarke Street.

### *Building Height*

As stated under the "Zoning Analysis" section of this report, the proposal exceeds the maximum building heights allowed by the Zoning Regulations. Building 1 would be primarily 55 feet tall (rising to 65 feet at the corner of Telegraph Avenue and 51<sup>st</sup> Street) where the maximum allowed height is 40 feet. Building 2 would be primarily 47 to 49 feet tall (stepping down to 38 feet at the corner of 51<sup>st</sup> Street and Clarke Street) where 25 feet (or 30 feet for a pitched roof) is the maximum height allowed. Building 3 would be 35 feet tall to the top of the building wall and 41 feet tall to the top of the pitched roof where 25 feet (or 30 feet for a pitched roof) is the maximum height allowed. Building 4 would be primarily 47 feet tall (with a sawtooth roof rising to 59 feet) where 25 feet (or 30 feet for a pitched roof) is the maximum height allowed.

The proposed height of the project is one of the primary concerns of some neighborhood residents, specifically that the proposal is out of scale with the existing buildings along the Telegraph Avenue commercial corridor and the existing homes in the surrounding residential neighborhood. At the Design Review Committee meeting on November 16, 2005, the Committee expressed support for the proposed height of the project. The Committee felt that the height of the proposal was appropriate given the location and design of the project. The site is located at the intersection of Telegraph Avenue and 51<sup>st</sup> Street, two of the widest streets in Oakland. Both Telegraph Avenue and 51<sup>st</sup> Street have a right-of-way width of 100 feet. Accepted urban design principles place a high level of importance on the relationship of building height to street width. If buildings are too short in relation to the width of the street, the street space is less defined and loses a sense of enclosure. The optimum height-to-width ratio is between 1:1 (where the height of the building equals the width of the street) and 1:2 (where the height of the building is one-half the height of the street width). At the corner of Telegraph Avenue and 51<sup>st</sup> Street, where the proposal is 65 feet tall, the height-to-width ratio is 1:1.5, within the range of recommended height-to-width ratios. If the height of the building is reduced to 40 feet in compliance with the Zoning Regulations, the height-to-street ratio would be 1:2.5, outside of the range of recommended height-to-width ratios. The height of the proposed project steps down in the east towards Clarke Street. In addition, the project is designed to reduce the visual height and mass of the buildings as seen from the street. All of the proposed buildings fronting on the surrounding streets contain upper-story setbacks thereby reducing their perceived height and preserving the pedestrian scale of the neighborhood. Building 1 is primarily five stories tall but the two top floors of the building are set back from the street. The corner feature of Building 1 at the intersection of Telegraph Avenue and 51<sup>st</sup> Street does not contain an upper-story setback because it is important to incorporate a prominent corner feature at the intersection to visually anchor the intersection and to provide visual interest. The corner of the project will be one of the signature buildings for the Temescal commercial district so the corner should be prominent. The prominence of the corner feature is aided by the additional height of the building at the corner. Stepping back the top portion of the building at the corner would weaken the architectural prominence and visual interest of the building. The top floor of Building 2 is set back from 51<sup>st</sup> Street and the top floor of the Building 3 is set back from Clarke Street. The proposal further reduces the visual height, mass, and scale of the buildings by incorporating significant façade articulation (projections and recesses) and varied materials and textures.

In order to reduce the height of the project, the proposal would need to reduce the number of units, reduce the size of the units (while maintaining the same number of units), or redistribute the units to other areas of the site (while maintaining the same number of units). According to the applicant, reducing the number of units would not allow the remaining number of units to cover the expense of providing underground parking. In staff's experience, providing underground parking is enormously expensive. Therefore reducing the number of units would require above-ground parking which would dramatically affect the appearance of the proposal because the parking would be more visible from the street which would be inconsistent with Policy N3.10 of the General Plan (see above "General Plan Analysis" section of this report) regarding parking visibility. Reducing the size of the units while maintaining the same number of units would reduce the variety of unit sizes and types in the proposal which would be inconsistent with Policy N6.1 of the General Plan (see above "General Plan Analysis" section of this report) regarding unit sizes and types. Redistributing the units within the site to reduce the building height while maintaining the same number of units would reduce the amount of open space in the project thereby reducing solar access to individual units and reducing the livability of the development. The height of the proposal is the result of complying with the policies of the General Plan and providing a livable, attractive development. The General Plan designates Telegraph Avenue as a Grow and Change area envisioning a significant change in the density of development along the corridor which requires buildings taller than existing buildings. Staff believes that the height of the project is



appropriate given the site's location and the techniques utilized to reduce the visual height and mass of the buildings.

*Site Plan*

The project is designed so that the proposed buildings line the perimeter of the site resulting in active street frontages. A large common courtyard is located in the central portion of the site. The Zoning Regulations require a front yard setback of 20 feet along Clarke Street. The proposal contains units fronting on Clarke Street with front porches located approximately three feet from the front property line. The applicant is seeking a variance to reduce the required front yard setback along Clarke Street. Staff believes the variance is appropriate because it allows for front porches close to the sidewalk to activate the street while maximizing the size of the interior courtyard. The Zoning Regulations require a minimum separation between buildings on opposite sides of the courtyard in order to provide for adequate light and area into the units. The courtyard width requirement is satisfied for the majority of the proposed units but because the courtyard is triangular in shape reflecting the triangular shape of the eastern portion of the site, the units at the ends of each building do not meet the minimum separation requirement. The east end of Building 2 is separated from the south end of Building 3 by 10 feet where a 39-foot separation is required and the west end of Building 2 is separated from the south end of Building 4 by 16 feet where a 50-foot separation is required. Staff believes the variance for courtyard width is appropriate given the unique shape of the site. If the western portion of the site was rectangular in shape, the project would be able to meet the building separation requirement.

*Traffic*

As discussed above in the "Environmental Determination" section of this report, a traffic impact analysis was prepared for the project. The results of the analysis indicate that the anticipated traffic generated by the project would be considered less than significant under state environmental law (CEQA). The project is anticipated to generate approximately 778 net new daily vehicle trips, including 70 AM peak hour trips and 90 PM peak hour trips. The Level of Service (LOS) for each of the four intersections studied would remain unchanged except for the intersection of Clarke Street and 51<sup>st</sup> Street where the LOS is anticipated to drop from LOS D to LOS E. The potential impact to the intersection of Clarke Street and 51<sup>st</sup> Street, an unsignalized intersection, is considered less than significant under CEQA because the project would not satisfy the Caltrans Peak Hour Volume Warrant for a new traffic signal because the minimum required threshold volume for the Clarke Street approach to the intersection is 100 vehicles per hour and the peak hour volume of project is expected to be only 42 vehicles per hour.

*Parking*

The Zoning Regulations require a minimum of 93 off-street parking spaces to serve the residential units in the development (the C-28 Zone in the western portion of the site requires one space per unit while the R-35 and R-40 Zones in the eastern portion of the site require one and one-half spaces per unit). No off-street parking is required for the proposed 2,990 square-foot commercial space because it is less than the minimum 3,000 square-foot size threshold for commercial parking. The proposal includes 100 off-street parking spaces in the underground garage. The seven parking spaces provided beyond the minimum number required would be used by employees of the commercial space.

*Rockridge Temescal Greenbelt Extension*

To the north of the site lies the Rockridge Temescal Greenbelt consisting of a path alongside Temescal Creek. The Greenbelt terminates at FROG Park, located just north of the site at the intersection of Clarke Street and Redondo Avenue. Some neighborhood residents are calling for the extension of the Greenbelt

from FROG Park to the south through the project site connecting the Greenbelt to the intersection of Telegraph Avenue and 51<sup>st</sup> Street. Staff believes extending a public walkway from FROG Park through the site could potentially provide a tremendous community benefit by providing a neighborhood amenity and improving pedestrian circulation in the area. However, staff does not believe the Planning Commission has the legal authority to require public access across the site to serve this purpose. In order for the City to require such a condition of approval, the City must demonstrate that the impact of the project that the condition seeks to mitigate is directly related to the condition of approval, meaning there must exist a "nexus," or relationship, between the impact and the condition. Staff does not believe that a nexus exists in this case because the condition of approval would require public access across the property where no public access currently exists (the site is fenced private property). The proposal does include a north-south path through the site, however, this pathway would remain private and access could be restricted.

*Temescal Creek Underground Culvert*

After leaving FROG Park, Temescal Creek enters an underground culvert which traverses the site near the corner of Telegraph Avenue and 51<sup>st</sup> Street. Some neighborhood residents are interested in removing the culvert to open and restore Temescal Creek on the site. If the creek was restored to its natural state with natural creek banks on each side, the width required to accommodate such a restoration would be substantial in size, reaching far out into the public right-of-way of Telegraph Avenue and far into the western portion of the site, rendering such a proposal infeasible. If the culvert was opened so that the creek became visible from above but remained in an engineered channel, because of the size of the culvert (10 feet wide), the creek would occupy almost the entire plaza area at the corner of Telegraph Avenue and 51<sup>st</sup> Street. It is questionable if replacing the plaza with an open culvert would equal the community benefit of the plaza since the creek would only be exposed for a short distance. In order to acknowledge the presence of the creek underneath the site, staff is recommending a condition of approval that requires that the design and improvement of the plaza located at the corner of Telegraph Avenue and 51<sup>st</sup> Street include an acknowledgement of the presence of the creek, such as a design feature that represents the creek and an informational plaque concerning the creek (see Condition of Approval #20).

The existing culvert was originally constructed in 1892. Some maintenance work was performed on the culvert in the 1980s. Because the project involves new construction and excavation for the underground parking garage within approximately 10 feet of the culvert, extreme care must be taken to ensure that the construction of the project does not affect the integrity of the culvert. Staff is recommending a condition of approval that requires a statement from a licensed engineer certifying that the project is designed and engineered in a manner that does not compromise the integrity of the culvert (see Condition of Approval #23).

**CONCLUSION**

Staff recommends approval of the proposal subject to the attached findings and conditions of approval. Staff believes the project is consistent with the goals and policies of the General Plan. The proposal would replace an existing underutilized site located along a major transit corridor with needed housing opportunities and neighborhood-oriented commercial uses. Potential adverse impacts of the proposal on the surrounding neighborhood would be limited and the project incorporates high-quality design.

**RECOMMENDATIONS:**

1. Affirm staff's environmental determination.
2. Approve the Major Interim Conditional Use Permit, Major Variance, Regular Design Review, and Minor Variances subject to the attached findings and conditions.

Prepared by:



DARIN RANELLETTI

Planner III

Approved by:



GARY PATTON

Deputy Director of Planning and Zoning

Approved for forwarding to the  
City Planning Commission:



CLAUDIA CAPPIO

Director of Development

**ATTACHMENTS:**

- A. Project Drawings (Dated December 15, 2005)
- B. Community Goals for Project (submitted by applicant)
- C. Public Comments

## FINDINGS FOR APPROVAL

This proposal meets the required findings under Sections 17.134.050 (General Conditional Use Permit Criteria), 17.136.070A (Residential Design Review Criteria), and 17.148.050 (Variance Findings) of the Oakland Planning Code. The proposal also meets the required findings for an Interim Conditional Use Permit as required by the Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations. Required findings are shown below in **bold type**; explanations as to why these findings can be made are in *normal type*.

### Section 17.134.050 – General Use Permit Criteria:

Subject: Increase in the residential density pursuant to the Neighborhood Center Mixed Use General Plan Land Use Classification (western portion of the site)

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

*The proposal will be compatible with and will not adversely affect abutting properties and the surrounding neighborhood. All of the proposed buildings contain ground-floor pedestrian-oriented entries, architectural articulations and detailing, and upper-story setbacks to preserve the pedestrian scale of the neighborhood. The use of multiple separate buildings, a mixture of materials, façade articulations, and upper-story setbacks of the proposal reduce the perceived visual bulk of the project. Substantial exterior plazas and a generous interior courtyard limit the site coverage of the project to a level consistent with the surrounding neighborhood. The proposed density will be greater than the surrounding neighborhood but because it is arranged in a manner, through the use of separate buildings and multiple unit types, upper-story setbacks, and generous plazas and open space, to reduce the perceived density of the proposal, the project harmonizes with the surrounding neighborhood.*

Adequate civic facilities and utilities are available nearby to serve the site.

The proposal will not harm the character of the neighborhood. The character of the Temescal commercial district consists of pedestrian-oriented buildings containing neighborhood-oriented commercial uses. The proposal will preserve the pedestrian orientation of the area as described above and contain neighborhood-oriented commercial space. The character of the nearby Temescal residential neighborhood consists of predominantly single-family homes and small multi-unit apartment buildings. The portion of the project near the Temescal residential neighborhood is designed to preserve the existing character of the residential neighborhood by utilizing building forms and massing arrangements similar to the surrounding neighborhood.

According to a traffic analysis prepared for the project, traffic impacts of the development are anticipated to be less than significant.

No other impacts are anticipated from the development.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The proposal will provide for a convenient and functional living, working, shopping, and civic environment. New living units will be located adjacent to Telegraph Avenue which provides public transportation and commercial opportunities for the new residents. Due to its proximity to public transit, the proposed commercial space will be highly accessible to employees and shoppers. The proposed plaza at the intersection of Telegraph Avenue and 51<sup>st</sup> Street will support civic-oriented social activity.

The proposal incorporates high-quality design, materials, and finishes providing an attractive appearance to the community.

- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The proposed residential units will provide needed housing opportunities and the proposed commercial space and additional residents will contribute to the economic vitality of the Temescal commercial district.

- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.**

The proposal satisfies this Criterion (see responses below to criteria for Section 17.136.070A).

- E. That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

The proposal conforms with the Oakland General Plan (formerly the Oakland Comprehensive Plan). There is no other plan or development control map adopted by the City Council or the site.

The site contains two General Plan Land Use Designations. The western portion of the site towards the corner of Telegraph Avenue and 51<sup>st</sup> Street is designated Neighborhood Center Mixed Use (NCMU) by the General Plan. The maximum residential density allowed under the NCMU designation is 125 units per gross acre. According to the General Plan, the intent and desired character of the NCMU designation is the following:

The Neighborhood Center Mixed Use classification is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale pedestrian-oriented, continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses. Future development within this classification should be commercial or mixed uses that are pedestrian-oriented and serve nearby neighborhoods, or urban residential with ground floor commercial. (Page 149)

The eastern portion of the site towards Clarke Street is designated Mixed Housing Type Residential (MHTR) by the General Plan. The maximum residential density allowed under the MHTR designation is 30 units per gross acre. According to the General Plan, the intent and desired character of the MHTR designation is the following:

The Mixed Housing Type Residential classification is intended to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate. Future development within this classification should be primarily residential in character, with live-work types of developments, small commercial enterprises, schools, and other small scale, compatible civic uses possible in appropriate locations. (Page 146)

Given the above General Plan designations for the site and the size of the site, the maximum number of residential units allowed on the site under the General Plan is 67 units, equal to the number of units proposed in the project. The proposal includes a mixed-use residential and commercial building (Building 1) located at the corner of Telegraph Avenue and 51<sup>st</sup> Street within the NCMU General Plan designation. Building 1 would contain ground-floor neighborhood-oriented commercial space with continuous street frontage as called for by the General Plan. The remaining buildings in the development would be located within the MHTR General Plan designation. Buildings 2 and 3 along the perimeter of the site are designed with the character of single-family homes, townhouses, and small multi-unit apartment buildings consistent with the desired character of the MHTR designation.

Telegraph Avenue in the Temescal neighborhood is also designed as a "Grow and Change" area in the General Plan. Areas designated Grow and Change are located primarily in Downtown Oakland and along the City's major arterials. According to the General Plan, Grow and Change areas should "emphasize significant changes in density, activity, or use, which are consistent with the Land Use Diagram, Transportation, and the Policy Framework and other Elements of the General Plan." (Page 124) The proposal introduces a significant level of density into the neighborhood.

Below are additional policies in the General Plan which are applicable to the project. Following each policy is a finding on the project's consistency with the policy.

- Policy N1.1: Concentrating Commercial Development. Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for smaller scale, neighborhood-oriented retail.

Finding: The commercial space included in the project would be located on Telegraph Avenue within the existing economically vibrant Temescal commercial district. The proposed commercial space would be designed to accommodate neighborhood-serving commercial uses.

- Policy N3.1: Facilitating Housing Construction. Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

Finding: The project provides for 67 new housing units, the maximum number of units permitted under the General Plan.

- Policy N3.2: Encouraging Infill Development. In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should be take place throughout the City of Oakland.

Finding: The project involves the reuse of an existing underutilized site located within the existing urbanized area of the city.

- Policy N3.8: Required High-Quality Design. High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

Finding: The project involves high-quality design in that it employs high-quality materials, finishes, and details. The project complies with the design review criteria of Section 17.134.050 of the Planning Code.

- Policy N3.9: Orienting Residential Development. Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.

Finding: All the proposed buildings located along the street frontage of the site face the street. The site layout, including the unit orientations and courtyard location, has been designed to provide for adequate solar access to the new units. Due to the distance between the proposed development and nearby homes, potential solar access impacts to nearby homes located on Clarke Street would be considered limited. A shadow analysis conducted for the project shows that the project would not block sunlight to nearby residential properties located on Clarke Street except for sunlight to the front yard areas of nearby homes in the late afternoon during Spring, Summer, and Fall (and in the early afternoon during Winter). Due to the topography and location of the site, there are no views in the area which the new units could take advantage of or which the proposal would block from nearby homes.

- Policy N3.10: Guiding the Development of Parking. Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized.

Finding: The amount of proposed off-street parking complies with the parking requirements of the Zoning Regulations. Off-street parking would be located in a new underground parking garage, located underneath the proposed building so that it is convenient to the new units and screened from view from surrounding streets.

- Policy N6.1: Mixing Housing Types. The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

Finding: The project includes units ranging in size from studios to three-bedroom units in different housing types (multi-unit apartments and townhouses).

- Policy N7.1: Ensuring Compatible Development. New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.

Finding: The eastern portion of the project located within the Mixed Housing Type Residential designation is designed to reflect the density, scale, design, and character of the existing nearby homes located along Clarke Street in that the proposed buildings in this area will be articulated into smaller identifiable sub-volumes to appear like single-family homes and will employ similar building forms as the existing nearby homes.

- Policy N8.2: Making Compatible Interfaces Between Densities. The height of development in urban residential and other higher density residential areas should step down as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.

Finding: The height of the development steps down from 65 feet at the corner of Telegraph Avenue and 51<sup>st</sup> Street to buildings ranging in height from 36 to 41 feet in the eastern portion of the site along Clarke Street.

- Policy N10.1: Identifying Neighborhood "Activity Centers." Neighborhood Activity Centers should become identifiable commercial, activity and communication centers for the surrounding neighborhood. The physical design of neighborhood activity centers should support social interaction and attract persons to the area. Some of the attributes that may facilitate this interaction include plazas, pocket parks, outdoor seating on public and private property, ample sidewalk width, street amenities such as trash cans and benches, and attractive landscaping.

Finding: The proposal includes a plaza at the corner of Telegraph Avenue and 51<sup>st</sup> Street which could be used for outdoor seating and social interaction to encourage community activity.

**Guidelines to Determine Project Conformity (Interim CUP for General Plan Density):**

- **That the proposal is clearly appropriate in consideration of the characteristics of the proposal and the surrounding area.**

The proposal is clearly appropriate given the characteristics of the proposal and the surrounding area. The site is located along a major arterial in an area designated as Grow and Change by the General Plan. The additional density is appropriate for the site; the site is well-served by transit, will contribute to the economic vitality of the Temescal commercial district, and is designed to minimize visual impacts of the project.

- **That the proposal is clearly consistent with the intent and desired character of the relevant Land Use Classification or Classifications of the General Plan and any associated policies.**

The proposal is clearly consistent with the General Plan as discussed under Criterion E above.

- **That the proposal will clearly promote implementation of the General Plan.**

The proposal will clearly implement the General Plan as discussed under Criterion E above.



**Section 17.136.070A – Residential Design Review Criteria:**

Subject: Design of the proposal

- 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.**

The proposed design will relate well to the surrounding area. The project is designed so that proposed buildings front the surrounding streets to create an active pedestrian-oriented streetscape. All of the proposed buildings contain ground-floor pedestrian-oriented entries, architectural articulations and detailing, and upper-story setbacks to preserve the pedestrian scale of the neighborhood. The use of multiple separate buildings, a mixture of materials, façade articulations, and upper-story setbacks of the proposal reduce the perceived visual bulk of the project. The height of the project relates well to the surrounding area in that the height transitions from the commercial corridor of Telegraph Avenue successfully by stepping down to the east towards the surrounding residential neighborhood. The proposed upper-story setbacks also contribute to reducing the perceived height of the proposed buildings. The height of the building at the corner of Telegraph Avenue and 51<sup>st</sup> Street is appropriate given the immense width of Telegraph Avenue and 51<sup>st</sup> Street. The project's height will enhance the street definition of Telegraph Avenue and 51<sup>st</sup> Street and increase pedestrian comfort by more successfully creating a sense of enclosure on the street. The project incorporates a variety of materials and textures to further reduce the visual bulk of the building. The proposed materials and textures are similar to those found in the surrounding neighborhood.

- 2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics.**

The proposed design will preserve and enhance desirable neighborhood characteristics. The proposal incorporates pedestrian-oriented elements as discussed under Criterion 1 (see above) in order to preserve the pedestrian character of the neighborhood. The proposed off-street parking will not impact the visual character of the neighborhood because parking will be located in an underground parking garage thereby minimizing its visibility. The project's height will enhance the street definition of Telegraph Avenue and 51<sup>st</sup> Street and increase pedestrian comfort by more successfully creating a sense of enclosure on the street. The proposed plaza at the corner of Telegraph Avenue and 51<sup>st</sup> Street will contribute to the sense of community in the area by providing a social gathering space and by recognizing the presence of Temescal Creek underneath the site.

- 3. That the proposed design will be sensitive to the topography and landscape.**

Except for the presence of Temescal Creek running underneath the site, there are no significant natural topographic or landscape features on the site. The project will be sensitive to the creek by acknowledging its presence in the plaza at the corner of Telegraph Avenue and 51<sup>st</sup> Street and by taking additional precautions to protect the integrity of the creek culvert during construction.

- 4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill.**

*The site is not located on a hill.*

5. **That the proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council.**

The proposed design conforms in all respects to the Oakland General Plan (formerly the Oakland Comprehensive Plan) as discussed under Criterion E of Section 17.134.050 (see above).

**Section 17.148.050 – Variance Findings:**

Subject: Major Variance to allow an increase in residential density pursuant to the Mixed Housing Type Residential General Plan Land Use Classification (eastern portion of the site); and Minor Variances to allow 1) building height up to 65 feet where 40 feet is the maximum allowed and building height up to 59 feet where 25 to 30 feet is the maximum allowed, 2) front yard setback of three feet where 20 feet is the minimum required, and 3) courtyard between buildings measuring 10 feet where 39 feet is the minimum required and 16 feet where 50 feet is the minimum required.

1. **That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.**

Density: Strict compliance with the maximum density allowed by the Zoning Regulations would result in practical difficulty due to unique circumstances. There are two General Plan Land Use Classifications for the site. The western portion of the site is designated Neighborhood Center Mixed Use. The eastern portion of the site is designated Mixed Housing Type Residential. Due to its large size and location at the intersection of two major arterials, the more appropriate General Plan designation for the entire site would be Neighborhood Center Mixed Use. Under the Neighborhood Center Mixed Use designation, a Major Variance would not be required in order to exceed the density limitations of the Zoning Regulations. Complying with the density limitations of the Zoning Regulations would require a significant reduction in the number of units. With a reduction in the number of units, the proposed underground parking garage would not be financially feasible thereby requiring unsightly above-ground parking.

Building Height: Strict compliance with the maximum building height regulations would preclude an effective design solution improving livability. In order to reduce the height of the project, the proposal would need to reduce the number of units, reduce the size of the units (while maintaining the same number of units), or redistribute the units to other areas of the site (while maintaining the same number of units). Reducing the number of units would not allow the remaining number of units to cover the expense of providing underground parking which would require above-ground parking. Above-ground parking would dramatically affect the appearance of the proposal because the parking would be more visible from the street which would be inconsistent with the policies of the General Plan regarding parking visibility. Reducing the size of the units while maintaining the same number of units would reduce the variety of unit sizes and types in the proposal which would be inconsistent with the policies of the General Plan regarding unit sizes and types. Redistributing the units within the site to reduce the building height while maintaining the same number of units would reduce the amount of open space in the project thereby reducing solar access to individual units and reducing the livability of the development.

Front Yard Setback: Strict compliance with the minimum front yard setback requirement for the buildings located along Clarke Street would preclude an effective design solution improving livability. Increasing the front yard setback would require reducing the size of the proposed units, reducing the size of the interior courtyard, or eliminating the front porches, each of which would impact the livability of the project.

Courtyard Width: Strict compliance with the minimum courtyard width regulation would result in a hardship due to unique circumstances. The courtyard width requirement is satisfied on the majority of the proposed units but because the courtyard is roughly triangular in shape reflecting the triangular shape of the eastern portion of the site, some of the units at the ends of each building do not meet the minimum separation requirement. Due to the triangular shape of the lot, units at the ends of buildings are facing one another. If the western portion of the site was rectangular in shape, the project would be able to meet the courtyard width requirement. Altering the proposal to comply with the courtyard width requirement would adversely affect the appearance of the project by requiring additional separation between the buildings which would result in visual "gaps" in the building frontage along the street.

- 2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.**

Density: Strict compliance with the maximum density allowed by the Zoning Regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property. Other similarly zoned properties located similarly along major arterials are typically designated in a General Plan land use classification other than Mixed Housing Type Residential where a Major Variance is not required to exceed the density limitations of the Zoning Regulations.

Building Height: Strict compliance would preclude an effective design solution as discussed under Finding 1 above.

Front Yard Setback: Strict compliance would preclude an effective design solution as discussed under Finding 1 above.

Courtyard Width: Strict compliance would preclude an effective design solution as discussed under Finding 1 above.

- 3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.**

Density: The proposed building height will not adversely affect the surrounding area. The proposed density will be greater than the surrounding neighborhood but because it is arranged in a manner, through the use of separate buildings and multiple unit types, upper-story setbacks, and generous plazas and open space, to reduce the perceived density of the proposal, the project harmonizes with the surrounding neighborhood.

Building Height: The proposed building height will not adversely affect the surrounding area. The height of the project relates well to the surrounding area in that the proposed height transitions from the commercial corridor of Telegraph Avenue successfully by stepping down to the east towards the

surrounding residential neighborhood. The proposed upper-story setbacks also contribute to reducing the perceived height of the proposed buildings. The height of the building at the corner of Telegraph Avenue and 51<sup>st</sup> Street is appropriate given the immense width of Telegraph Avenue and 51<sup>st</sup> Street. The project's height will enhance the street definition of Telegraph Avenue and 51<sup>st</sup> Street and increase pedestrian comfort by more successfully creating a sense of enclosure on the street.

Front Yard Setback: The proposed front yard setback will not adversely affect the surrounding area. The front yard setback reduction is for the purpose of the proposed front entry porches along Clarke Street. The porches are consistent with existing elements in the neighborhood and will enhance the neighborhood by acting as transitional space between the public realm of the street and the private realm of the dwelling unit. Residents will be able sit on the front porches thereby interacting with passersby on the sidewalk to enhance the sense of community.

Courtyard Width: The proposed courtyard width will not adversely affect the surrounding area. The intent of the courtyard width regulation is to provide for adequate light and air into the units on the site which has no bearing on the surrounding area. Adequate separation will be maintained between the buildings to provide light and air into the units and to provide a visual sense of separation between the buildings as seen from the surrounding area.

4. **That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.**

The variances will not constitute a grant of special privilege. Other similarly zoned properties under similar circumstances have been, and will be in the future, given similar considerations.

5. **For proposals involving one or two dwelling units on a lot: That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the design review criteria set forth in the design review procedure at Section 17.136.070.**

The proposal does not involve one or two dwelling units so this finding does not apply.

6. **For proposals involving one or two dwelling units on a lot and not requiring design review or site development and design review: That all elements of the proposal conform to the "Special Residential Design Review Checklist Standards and Discretionary Criteria" as adopted by the City Planning Commission.**

The proposal does not involve one or two dwelling units so this finding does not apply.

7. **For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:**

- a. **The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides**

- detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or
- b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

The proposal does not involve one or two dwelling units so this finding does not apply.

## CONDITIONS OF APPROVAL

This proposal is subject to the following conditions:

### STANDARD GENERAL CONDITIONS:

#### 1. Approved Use

##### a. Ongoing

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans submitted on December 15, 2005 and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and approved plans, will require a separate application and approval

#### 2. Effective Date, Expiration, and Extensions

##### a. Ongoing

This permit shall become effective upon satisfactory compliance with these conditions. This permit shall expire in **three years** from the date of this approval, unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees submitted no later than the expiration date, the Zoning Administrator may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

#### 3. Scope of This Approval; Major and Minor Changes

##### a. Ongoing

The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes, requirements, regulations, and guidelines imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to approved plans may be approved administratively by the Zoning Administrator; major changes shall be subject to review and approval by the City Planning Commission.

#### 4. Modification of Conditions or Revocation

##### a. Ongoing

The City Planning Commission reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the approved use or facility is violating any of the Conditions of Approval, any applicable codes, requirements, regulation, guideline or causing a public nuisance.

#### 5. Reproduction of Conditions on Building Plans

##### a. Prior to issuance of a building permit

These conditions of approval shall be reproduced on page one of any plans submitted for a building permit for this project.

#### 6. Indemnification

##### a. Ongoing

The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside,

**CONDITIONS OF APPROVAL**

void or annul, an approval by the City of Oakland, the Office of Planning and Zoning Division, Planning Commission, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

**7. Waste Reduction and Recycling**

**a. Prior to issuance of a building or demolition permit**

The applicant may be required to complete and submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253. Contact the City of Oakland Environmental Services Division of Public Works at (510) 238-7073 for information.

**8. Recycling Space Allocation Requirements**

**a. Prior to issuance of a building permit**

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

**9. Electrical Facilities**

**a. Prior to installation**

All new electric and telephone facilities, fire alarm conduits, streetlight wiring, and similar facilities shall be placed underground. Electric and telephone facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Division.

**10. Improvements in the Public Right-of-Way**

**a. Prior to issuance of a building permit for work in the public right-of-way**

The applicant shall submit Public Improvement Plans for adjacent public rights-of-way showing all proposed improvements and compliance with Conditions of Approval and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, locations of facilities required by the East Bay Municipal Utility District (EBMUD), and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this approval. Encroachment permits shall be obtained as necessary for any applicable improvements. Review and confirmation of the street trees by the City's Tree Division is required as part of this condition. The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of a certificate of occupancy.

**STANDARD CONSTRUCTION CONDITIONS:**

**11. Construction Hours**

**a. During all construction activities**

The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Services Division. Such activities are generally limited to

between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 p.m. and 1:30 p.m. No construction activities shall be allowed on weekends until after the building is enclosed, and then only within the interior of the building with the doors and windows closed, without prior authorization of the Building Services Division, and no extreme noise generating activities shall be allowed on weekends and holidays. Saturday construction activity prior to the building being enclosed shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for whether Saturday activity is acceptable if the overall duration of construction is shortened. No construction activity shall take place on Sundays or Federal holidays.

## 12. Construction Management

### a. *Prior to issuance of a demolition or building permit*

The project sponsor shall submit a construction management and staging plan to the Building Services Division with the application for the building permit for the project for review and approval. The plan shall include at least the following items and requirements:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information shall include a construction-staging plan for any right-of-way.
- Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- Notification procedures for adjacent property owners and public safety personnel (about 48 hours) regarding when major deliveries, detours and lane closures will occur.
- Provision for accommodation of pedestrian flow.
- Location of construction staging areas.
- Provisions for monitoring surface streets used for haul routes so that any damage to the street paving and debris attributable to the haul trucks can be identified and corrected.
- A temporary construction fence to contain debris and material and to secure the site.
- Provisions for removal of trash generated by project construction activity. The applicant shall ensure that debris and garbage is collected and removed from the site daily.
- At least one copy of the approved plans that include the Approval Letter and the Conditions of approval for this project shall be available for review at the job at all times.
- All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion, and sedimentation abatement per Chapter 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.
- Dust control measures as set forth in Condition #13, below.
- Noise control measures as set forth in Conditions #15 and #16, below.
- A process for responding to, and tracking, complaints pertaining to construction activity, including the identification of an on-site complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The Planning and Zoning Division shall be informed who the Manager is prior to the issuance of a building permit.



**13. Dust Control Measures****a. During all construction activities**

Dust control measures shall be instituted and maintained during construction to minimize air quality impacts. The measures shall include:

- Watering all active construction areas at least twice daily, or as required to control dust;
- Water or cover stockpiles of debris, soils, sand, or other material that can be blown by the wind;
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved roads, parking areas, and staging areas at construction sites;
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites,
- Sweeping adjacent public rights of way (preferably with water sweepers) and streets daily if visible soil material or debris is carried onto these areas.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Install sandbags or other erosion control measures to prevent silt runoff onto public roadways; and
- Replant vegetation in disturbed areas as quickly as possible.

**14. Grading, Erosion and Drainage Plan.****a. Prior to issuance of grading permit and during construction.**

The applicant shall submit for review and approval by the Building Services Division a Site Grading, Drainage, and Erosion Control plan in conformance with City standards and "Best Management Practices" (BMP) for use during construction.

- The plan shall indicate the methods, means, and design to conduct site stormwater run-off, attenuate storm drainage flow, and minimize sedimentation and erosion during and after construction activity (utilizing a combination of permeable surfaces, subsurface-drainage, silt debris barriers, drainage retention systems, and/or filtration swale landscaping). All graded slopes or disturbed areas shall be temporarily protected from erosion by implementing seeding, mulching and/or erosion control blankets/mats until permanent erosion control measures are in place. No grading shall occur without a valid grading permit issued by the Building Services Division or within the period of October 15 through April 15 unless specifically authorized in writing by the Building Services Division. The plan will be in effect for a period of time sufficient to stabilize the construction site throughout all phases of project development. Furthermore, storm drainage facilities shall be designed to meet applicable regulations.
- In order to minimize potential water quality impacts to surface runoff during construction, the proposed project will require standard erosion control measures as part of the project prior to issuance of grading or building permits. The applicant will be required to prepare a construction period erosion control plan and submit the plan to the Building Services Division for approval prior to issuance of a grading or building permit. The plan will be in effect for a period of time sufficient to stabilize the construction site for all phases of the project. These standard measures will address construction period erosion on the site by wind or water.

- Construction operations, especially grading operations, shall be confined as much as possible to the dry season in order to avoid erosion of disturbed soils.

## 15. Construction Related Noise Control

### a. *During all construction activities*

To reduce daytime noise impacts due to construction, to the maximum feasible extent, the City shall require the applicant to develop a site-specific noise reduction program, subject to city review and approval, which includes the following measures:

- Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
- Designate an on-site complaint and enforcement manager shall be posted to respond to and track complaints.
- A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.).
- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- *Impact tools* (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

## 16. Pile Driving and other Extreme Noise Generators

### a. *During all construction activities*

- To further mitigate other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. *This noise reduction plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile-driving activities:*
- Erect temporary plywood noise barriers around the construction site, to shield adjacent uses;
- Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

- Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.
  
- A process with the following components shall be established for responding to and tracking complaints pertaining to pile-driving construction noise:
- A procedure for notifying City Building Services Division staff and Oakland Police Department;
- A list of telephone numbers (during regular construction hours and off-hours);
- A plan for posting signs on-site pertaining to complaint procedures and who to notify in the event of a problem;
- Designation of a construction complaint manager for the project; and
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities.

#### **17. Site Maintenance**

##### ***a. During all construction activities***

The applicant shall ensure that debris and garbage is collected and removed from the site daily.

#### **18. Cultural Resources found during Site Work and Construction**

##### ***a. Prior to issuance of any grading permits and throughout construction***

In accordance with the California Environmental Quality Act (CEQA) Section 15064.5, if the applicant discovers any previously unidentified cultural resources during any onsite or offsite construction phase of the proposed project, the project applicant is required to cease work in the immediate area until such time as a qualified archaeologist and the City of Oakland can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall instruct the construction personnel on the project as to the potential for discovery of archeological, pre-historic, historic, cultural, or human remains. The contractor shall ensure that all construction personnel understands the need for proper and timely reporting of such finds, and the consequences of any failure to report them. Any recommendations of the qualified archeologist shall be implemented prior to resumption of work in the affected area.

#### **19. Special Instructor**

##### ***a. Throughout construction***

The project sponsor may be required to pay for on-call special inspector(s) as needed during the times of most intense construction or as directed by the Building Official.

**SPECIFIC CONDITIONS (CASE NO. CMDV05-469):**

**20. Landscape Plan**

**a. Information to be included on the plans submitted for a building permit**

The project drawings submitted for a building permit shall include a detailed landscape plan for review and approval by the Planning and Zoning Division. The landscaping plan shall include proposed surface materials and design details for all common areas in the development. A detailed planting schedule showing sizes, quantities, and names of plant species as well as the proposed method(s) of irrigation is required. The design of the plaza located at the corner of Telegraph Avenue and 51<sup>st</sup> Street shall acknowledge the presence of Temescal Creek under the site. Examples of appropriate forms of acknowledgment include a design feature that represents the creek and an informational plaque concerning the creek. Pursuant to Section 17.124.030 of the Oakland Planning Code, one fifteen-gallon street tree, as approved by the Public Works Agency, Tree Division, shall be provided for every twenty-five (25) feet of street frontage or for every twenty (20) feet of street frontage if a curbside planting strip exists. Fire and drought-resistant species are encouraged. The landscape plan shall also show the proposed design, height, and location of all proposed fencing and gates.

**b. Prior to issuance of a certificate of occupancy**

The applicant shall install all proposed landscape features indicated on the approved landscape plan prior to the issuance of a certificate of occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. The amount of such bond or cash deposit shall equal the greater of \$2,500 or the estimated cost of the required landscaping, based on a licensed contractor's bid.

**c. Ongoing**

All installed planting shall be permanently maintained in a healthy condition.

**21. Final Elevations**

**a. Information to be included on the plans submitted for a building permit**

The final proposed building elevations shall be reviewed and approved by the Planning and Zoning Division. All proposed exterior windows and doors shall be recessed a minimum of three inches from the surrounding wall surface and/or incorporate window trim or a pronounced sill. Detailed window section drawings are required.

**22. Final Building Colors and Materials**

**a. Information to be included with the materials submitted for a building permit**

The final proposed building colors and materials shall be submitted for review and approval by the Planning and Zoning Division. The material proposed for the base of Building 1 shall be a high-quality, durable material (e.g., stone, tile). Concrete or stucco is not allowed along the base of Building 1 unless the applicant can demonstrate that the proposed material will provide for a high level of quality and durability.

**23. Temescal Creek Culvert**

**a. Information to be included with the materials submitted for a building permit**

The applicant shall submit a statement from a licensed engineer certifying that the project is designed and engineered in a manner that does not compromise the integrity of the Temescal Creek culvert located on the site.

**APPROVED BY:** City Planning Commission: \_\_\_\_\_(date)\_\_\_\_\_ (vote)  
City Council: \_\_\_\_\_(date)\_\_\_\_\_ (vote)

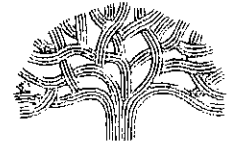
**ATTACHMENT D**

**APPROVAL LETTER FOR PROJECT  
WITH REVISED/ADOPTED  
CONDITIONS**

**(Dated January 27, 2006)**

*Darin*

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-1032

Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-2941  
FAX (510) 238-6538  
TDD (510) 238-3254

January 27, 2006

Roy Alper  
5110 Telegraph Avenue, LLC  
P.O. Box 3538  
Oakland, CA 94609

**RE: Case File No..CMDV05-469; 5110 Telegraph Avenue (APN 014-1226-009-02)**

Dear Mr. Alper:

Your application as noted above was **APPROVED** at the City Planning Commission meeting of **January 18, 2006**. The Commission's action is indicated below. This action becomes final ten (10) days after the date of the meeting unless an appeal to the City Council is filed.

- ( ) Granted in accordance with the plans submitted
- ( X ) Granted with required conditions (see attached) **(Vote: 5 - 0)**
- ( ) Denied

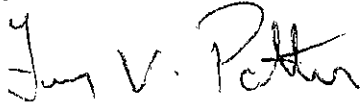
An Appeal to the City Council of this decision may be submitted within ten (10) calendar days (by 4:00 p.m.) of **January 18, 2006**. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California, 94612, and to the attention of **Darin Ranelletti, Planner III**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein its decision is not supported by substantial evidence and must include payment of **\$682.77** in accordance with the City of Oakland Master Fee Schedule. The Planning and Zoning Division shall forward a copy of appeals submitted to the City Council to the City Clerk for scheduling. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you from raising such issues during your appeal and/or in court.

A signed Notice of Exemption (NOE) is enclosed certifying that the project has been found to be exempt from California Environmental Quality Act (CEQA) review. You may record the enclosed NOE and Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$25.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Planning and Zoning Division, to the attention of **Darin Ranelletti, Planner III**. Although recordation of the NOE is optional pursuant to Section 15062(d) of the CEQA Guidelines, recordation of the NOE reduces the statute of limitations on legal challenges to your project, based on environmental issues, to 35

days after the NOE is recorded with the County. In the absence of a recorded NOE, the statute of limitations for legal challenges extends to 180 days.

If you have any questions, please contact the case planner, **Darin Ranelletti**, at (510) 238-3663 or [dranelletti@oaklandnet.com](mailto:dranelletti@oaklandnet.com).

Very truly yours,

A handwritten signature in black ink that reads "Gary V. Patton". The signature is written in a cursive style with a large initial "G".

GARY V. PATTON

Deputy Director of Planning and Zoning

Attachment: Conditions of Approval

Enclosures: Notice of Exemption  
Environmental Declaration

## CONDITIONS OF APPROVAL

Case No.: CMDV05-469

This proposal is subject to the following conditions (underlined language was added, by the City Planning Commission at the hearing dated January 18, 2006):

### STANDARD GENERAL CONDITIONS:

#### 1. Approved Use

##### *a. Ongoing*

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans submitted on December 15, 2005 and as amended by the following conditions. *Any additional uses or facilities other than those approved with this permit, as described in the project description and approved plans, will require a separate application and approval*

#### 2. Effective Date, Expiration, and Extensions

##### *a. Ongoing*

This permit shall become effective upon satisfactory compliance with these conditions. This permit shall expire in three years from the date of this approval, unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees submitted no later than the expiration date, the Zoning Administrator may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

#### 3. Scope of This Approval; Major and Minor Changes

##### *a. Ongoing*

The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes, requirements, regulations, and guidelines imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to approved plans may be approved administratively by the Zoning Administrator; major changes shall be subject to review and approval by the City Planning Commission.

#### 4. Modification of Conditions or Revocation

##### *a. Ongoing*

The City Planning Commission reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the approved use or facility is violating any of the Conditions of Approval, any applicable codes, requirements, regulation, guideline or causing a public nuisance.

#### 5. Reproduction of Conditions on Building Plans

##### *a. Prior to issuance of a building permit*

These conditions of approval shall be reproduced on page one of any plans submitted for a *building permit for this project.*

#### 6. Indemnification

##### *a. Ongoing*

The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Zoning Division,



## CONDITIONS OF APPROVAL (Case No.: CMDV05-469)

Planning Commission, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

### 7. Waste Reduction and Recycling

#### *a. Prior to issuance of a building or demolition permit*

The applicant may be required to complete and submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253. Contact the City of Oakland Environmental Services Division of Public Works at (510) 238-7073 for information.

### 8. Recycling Space Allocation Requirements

#### *a. Prior to issuance of a building permit*

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

### 9. Electrical Facilities

#### *a. Prior to installation*

All new electric and telephone facilities, fire alarm conduits, streetlight wiring, and similar facilities shall be placed underground. Electric and telephone facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Division.

### 10. Improvements in the Public Right-of-Way

#### *a. Prior to issuance of a building permit for work in the public right-of-way*

The applicant shall submit Public Improvement Plans for adjacent public rights-of-way showing all proposed improvements and compliance with Conditions of Approval and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, locations of facilities required by the East Bay Municipal Utility District (EBMUD), and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this approval. Encroachment permits shall be obtained as necessary for any applicable improvements. Review and confirmation of the street trees by the City's Tree Division is required as part of this condition. The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of a certificate of occupancy.

## STANDARD CONSTRUCTION CONDITIONS:

### 11. Construction Hours

#### *a. During all construction activities*

The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Services Division. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m.

## CONDITIONS OF APPROVAL (Case No.: CMDV05-469)

Monday through Friday, with no extreme noise generating activity permitted between 12:30 p.m. and 1:30 p.m. No construction activities shall be allowed on weekends until after the building is enclosed, and then only within the interior of the building with the doors and windows closed, without prior authorization of the Building Services Division, and no extreme noise generating activities shall be allowed on weekends and holidays. Saturday construction activity prior to the building being enclosed shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of resident's preferences for whether Saturday activity is acceptable if the overall duration of construction is shortened. No construction activity shall take place on Sundays or Federal holidays.

### 12. Construction Management

#### a. *Prior to issuance of a demolition or building permit*

The project sponsor shall submit a construction management and staging plan to the Building Services Division with the application for the building permit for the project for review and approval. The plan shall include at least the following items and requirements:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information shall include a construction-staging plan for any right-of-way.
- Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- Notification procedures for adjacent property owners and public safety personnel (about 48 hours) regarding when major deliveries, detours and lane closures will occur.
- Provision for accommodation of pedestrian flow.
- Location of construction staging areas.
- Provisions for monitoring surface streets used for haul routes so that any damage to the street paving and debris attributable to the haul trucks can be identified and corrected.
- A temporary construction fence to contain debris and material and to secure the site.
- Provisions for removal of trash generated by project construction activity. The applicant shall ensure that debris and garbage is collected and removed from the site daily.
- At least one copy of the approved plans that include the Approval Letter and the Conditions of approval for this project shall be available for review at the job at all times.
- All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion, and sedimentation abatement per Chapter 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.
- Dust control measures as set forth in Condition #13, below.
- Noise control measures as set forth in Conditions #15 and #16, below.
- A process for responding to, and tracking, complaints pertaining to construction activity, including the identification of an on-site complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The Planning and Zoning Division shall be informed who the Manager is prior to the issuance of a building permit.

### 13. Dust Control Measures

#### a. *During all construction activities*

Dust control measures shall be instituted and maintained during construction to minimize air quality impacts. The measures shall include:

- Watering all active construction areas at least twice daily, or as required to control dust;

## CONDITIONS OF APPROVAL (Case No.: CMDV05-469)

- Water or cover stockpiles of debris, soils, sand, or other material that can be blown by the wind;
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved roads, parking areas, and staging areas at construction sites;
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites,
- Sweeping adjacent public rights of way (preferably with water sweepers) and streets daily if visible soil material or debris is carried onto these areas.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Install sandbags or other erosion control measures to prevent silt runoff onto public roadways; and
- Replant vegetation in disturbed areas as quickly as possible.

### 14. Grading, Erosion and Drainage Plan.

#### a. *Prior to issuance of grading permit and during construction.*

The applicant shall submit for review and approval by the Building Services Division a Site Grading, Drainage, and Erosion Control plan in conformance with City standards and “Best Management Practices” (BMP) for use during construction.

- The plan shall indicate the methods, means, and design to conduct site stormwater run-off, attenuate storm drainage flow, and minimize sedimentation and erosion during and after construction activity (utilizing a combination of permeable surfaces, subsurface-drainage, silt debris barriers, drainage retention systems, and/or filtration swale landscaping). All graded slopes or disturbed areas shall be temporarily protected from erosion by implementing seeding, mulching and/or erosion control blankets/mats until permanent erosion control measures are in place. No grading shall occur without a valid grading permit issued by the Building Services Division or within the period of October 15 through April 15 unless specifically authorized in writing by the Building Services Division. The plan will be in effect for a period of time sufficient to stabilize the construction site throughout all phases of project development. Furthermore, storm drainage facilities shall be designed to meet applicable regulations.
- In order to minimize potential water quality impacts to surface runoff during construction, the proposed project will require standard erosion control measures as part of the project prior to issuance of grading or building permits. The applicant will be required to prepare a construction period erosion control plan and submit the plan to the Building Services Division for approval prior to issuance of a grading or building permit. The plan will be in effect for a period of time sufficient to stabilize the construction site for all phases of the project. These standard measures will address construction period erosion on the site by wind or water.
- Construction operations, especially grading operations, shall be confined as much as possible to the dry season in order to avoid erosion of disturbed soils.

### 15. Construction Related Noise Control

#### a. *During all construction activities*

To reduce daytime noise impacts due to construction, to the maximum feasible extent, the City

## CONDITIONS OF APPROVAL (Case No.: CMDV05-469)

shall require the applicant to develop a site-specific noise reduction program, subject to city review and approval, which includes the following measures:

- Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
- Designate an on-site complaint and enforcement manager shall be posted to respond to and track complaints.
- A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.).
- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

### 16. Pile Driving and other Extreme Noise Generators

#### *a. During all construction activities*

- To further mitigate other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. This noise reduction plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile-driving activities:
- Erect temporary plywood noise barriers around the construction site, to shield adjacent uses;
- Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.

## CONDITIONS OF APPROVAL (Case No.: CMDV05-469)

- A process with the following components shall be established for responding to and tracking complaints pertaining to pile-driving construction noise:
- A procedure for notifying City Building Services Division staff and Oakland Police Department;
- A list of telephone numbers (during regular construction hours and off-hours);
- A plan for posting signs on-site pertaining to complaint procedures and who to notify in the event of a problem;
- Designation of a construction complaint manager for the project; and
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities.

### 17. Site Maintenance

#### *a. During all construction activities*

The applicant shall ensure that debris and garbage is collected and removed from the site daily.

### 18. Cultural Resources found during Site Work and Construction

#### *a. Prior to issuance of any grading permits and throughout construction*

In accordance with the California Environmental Quality Act (CEQA) Section 15064.5, if the applicant discovers any previously unidentified cultural resources during any onsite or offsite construction phase of the proposed project, the project applicant is required to cease work in the immediate area until such time as a qualified archaeologist and the City of Oakland can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall instruct the construction personnel on the project as to the potential for discovery of archeological, pre-historic, historic, cultural, or human remains. The contractor shall ensure that all construction personnel understands the need for proper and timely reporting of such finds, and the consequences of any failure to report them. Any recommendations of the qualified archeologist shall be implemented prior to resumption of work in the affected area.

### 19. Special Instructor

#### *a. Throughout construction*

The project sponsor may be required to pay for on-call special inspector(s) as needed during the times of most intense construction or as directed by the Building Official.

## SPECIFIC CONDITIONS (CASE NO. CMDV05-469):

### 20. Landscape Plan

#### *a. Information to be included on the plans submitted for a building permit*

The project drawings submitted for a building permit shall include a detailed landscape plan for review and approval by the Planning and Zoning Division. The landscaping plan shall include proposed surface materials and design details for all common areas in the development. A detailed planting schedule showing sizes, quantities, and names of plant species as well as the proposed method(s) of irrigation is required. The design of the plaza located at the corner of Telegraph Avenue and 51<sup>st</sup> Street shall acknowledge the presence of Temescal Creek under the site. Examples of appropriate forms of acknowledgment include a design feature that represents the creek and an informational plaque concerning the creek. Pursuant to Section 17.124.030 of the Oakland Planning Code, one fifteen-gallon street tree, as approved by the Public Works Agency, Tree Division, shall be provided for every twenty-five (25) feet of street frontage or for every twenty (20) feet of street frontage if a curbside planting strip exists. Fire and drought-

## CONDITIONS OF APPROVAL (Case No.: CMDV05-469)

resistant species are encouraged. The landscape plan shall also show the proposed design, height, and location of all proposed fencing and gates. Prior to the submittal of the landscape plan to the Planning and Zoning Division, the applicant shall submit the proposed landscape plan to the Friends of the Rockridge Temescal Greenbelt ("FROG") for review.

**b. *Prior to issuance of a certificate of occupancy***

The applicant shall install all proposed landscape features indicated on the approved landscape plan prior to the issuance of a certificate of occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. The amount of such bond or cash deposit shall equal the greater of \$2,500 or the estimated cost of the required landscaping, based on a licensed contractor's bid.

**c. *Ongoing***

All installed planting shall be permanently maintained in a healthy condition.

### 21. Final Elevations

**a. *Information to be included on the plans submitted for a building permit***

The final proposed building elevations shall be reviewed and approved by the Planning and Zoning Division. All proposed exterior windows and doors shall be recessed a minimum of three inches from the surrounding wall surface and/or incorporate window trim or a pronounced sill. Detailed window section drawings are required. The final elevations shall include the revisions to Building 1 (located at the corner of Telegraph Avenue and 51<sup>st</sup> Street), Building 3 (located along Clarke Street), and Building 4 (located along the northwest boundary of the site) as proposed by the applicant in the correspondence dated January 11, 2006.

### 22. Final Building Colors and Materials

**a. *Information to be included with the materials submitted for a building permit***

The final proposed building colors and materials shall be submitted for review and approval by the Planning and Zoning Division. The material proposed for the base of Building 1 shall be a high-quality, durable material (e.g., stone, tile). Concrete or stucco is not allowed along the base of Building 1 unless the applicant can demonstrate that the proposed material will provide for a high level of quality and durability.

### 23. Temescal Creek Culvert

**a. *Information to be included with the materials submitted for a building permit***

The applicant shall submit a statement from a licensed engineer certifying that the project is designed and engineered in a manner that does not compromise the integrity of the Temescal Creek culvert located on the site.

### 24. Public Walkway

**a. *Ongoing (as explained below)***

The project shall incorporate the public walkway along the northwest boundary of the site (i.e., the extension of the Rockridge Temescal Greenbelt), as proposed by the applicant in the correspondence dated January 11, 2006, subject to the following provisions:

- 1) The public walkway shall be deeded to the City. The applicant shall enter into an agreement with the City, to be reviewed and approved by the Director of Development, for the exchange of the public walkway property for the City-owned property the City has already agreed to sell to the applicant.
- 2) The City shall grant a permanent right of use and access to the applicant as necessary to allow the proposed parking garage, service facilities and utilities, and pedestrian access underneath the public walkway.
- 3) The applicant shall enter into an agreement with the City, to be reviewed and approved by the Director of Development, regarding the ongoing maintenance responsibilities for the

CONDITIONS OF APPROVAL (Case No.: CMDV05-469)

- public walkway. The maintenance agreement shall be recorded at the Alameda County Recorder's Office prior to the finaling of the building permit.
- 4) The project drawings submitted for the building permit shall include improvement details for the public walkway to be reviewed and approved by the Planning and Zoning Division.
- 5) The public walkway shall be installed and improved in accordance with the approved plans prior to the finaling of the building permit for the project.
- 6) Incorporation of the public walkway into the project may result in the need for variances to the zoning requirements regarding the minimum number of off-street parking spaces and the minimum interior side yard setback opposite living room windows. These variances, if required, shall be reviewed and decided upon by the Director of Development in accordance with Chapter 17.148 of the Oakland Planning Code. If a variance is sought to reduce the amount of off-street parking spaces to less than one parking space per residential unit, the variance shall be reviewed and decided upon by the Planning Commission.
- 7) In the event that the project is approved with conditions requiring a modification to the project beyond what is currently proposed by the applicant, the applicant has the option of waiving compliance with this Condition (Condition #24).
- 8) In the event that the applicant and the City are unable to reach an agreement concerning the exchange of the public walkway property for the City-owned property, the applicant shall include the walkway in the project as proposed but shall not be required to deed it to the City and shall be entitled to have care, custody, and control of the walkway remain with the owner and/or homeowners association.

**25. Compliance Plan**

**a. Prior to issuance of a building permit**

The applicant shall submit a compliance plan to the Community and Economic Development Agency, for review and approval by the Director of Development, for abating any existing code violations and liens levied on the previous owner of the property. The compliance plan shall include off-site improvements to be installed in the surrounding neighborhood in place of paying off existing liens. Off-site improvements may include improvements consistent with the Telegraph Avenue Streetscape Project. The amount of off-site improvements required shall be at least equal in cost to the amount of the liens.

**b. Prior to finaling the building permit**

The applicant shall install the off-site improvements in accordance with the compliance plan prior to the finaling of the building permit or shall submit a security deposit equal to the amount of the cost to install the improvements. The applicant must obtain the necessary permits from the Building Services Division and/or Public Works Agency prior to the installation of the off-site improvements.

**25. Affordable Units**

**a. Ongoing**

The City encourages the applicant to achieve the goal of making 25 percent of the proposed dwelling units affordable to households earning up to 80 percent of the median income of Alameda County.

APPROVED BY: City Planning Commission: 1/18/00 (date) 5-0 (vote)  
City Council: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

City of Oakland  
Community and Economic Development Agency  
Zoning Division  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**NOTICE OF EXEMPTION**

---

TO: Alameda County Clerk  
1106 Madison Street  
Oakland, CA 94612

**Project Title:** Civiq  
**Project Applicant:** 5110 Telegraph Avenue, LLC  
**Project Location:** 5110 Telegraph Avenue, Oakland, CA (APN 014-1226-009-02)  
**Project Description:** Construction of a new mixed-use building containing 67 residential units and 2,990 sq. ft. of commercial space.

**Exempt Status:**

**Statutory Exemptions**  
{Article 18:Section 21080;15260}

- Ministerial {Sec.15268}
- Feasibility/Planning Study {Sec.15262}
- Emergency Project {Sec.15269}
- General Rule {Sec.15061(b)(3)}
- Other: {Sec.\_\_\_\_\_}

**Categorical Exemptions**  
{Article 19:Section 21084;15300}

- Existing Facilities {Sec.15301}
- Replacement or Reconstruction {Sec.15302}
- Small Structures {Sec.15303}
- Minor Alterations {Sec.15304}
- Other {Sec.\_\_\_\_\_}
- In-fill Development {Sec. 15332}

**Reasons why project is exempt:** The project consists of in-fill development in an urbanized area.

**Lead Agency:** City of Oakland, Community and Economic Development Agency, Zoning Division, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

**Department/Contact Person:** Darin Ranelletti

**Phone:** (510) 238-3663

  
\_\_\_\_\_  
Signature (Gary Patton, Deputy Director of Planning and Zoning)

1-31-06  
Date:

Pursuant to Section 711.4(d)(1) of the Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish and Game filing fees.



\*ENVIRONMENTAL DECLARATION  
(CALIF. FISH AND GAME CODE SEC. 711.4)

: FOR COURT USE ONLY  
:  
NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY :  
:  
LEAD AGENCY: :  
:  
                  COMMUNITY & ECONOMIC :  
                  DEVELOPMENT AGENCY/PLANNING: :  
                  250 Frank H. Ogawa Plaza :  
                  Room 2114 :  
                  Oakland, CA 94612 :  
:  
                  APPLICANT: 5110 Telegraph Avenue : \_\_\_\_\_  
:  
                  Contact: Roy Alper : FILING NO.  
: \_\_\_\_\_

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:		<u>CLERK'S USE ONLY</u>
1.	NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION	PLU 117
<input checked="" type="checkbox"/>	A - STATUTORILY OR CATEGORICALLY EXEMPT \$25.00 (Twenty-five Dollars) - CLERK'S FEE	
<input type="checkbox"/>	B - DE MINIMUS IMPACT - CERTIFICATE OF FEE EXEMPTION REQUIRED \$25.00 (Twenty-five Dollars) - CLERK'S FEE	PLU 117
2.	NOTICE OF DETERMINATION - FEE REQUIRED	
<input type="checkbox"/>	A - NEGATIVE DECLARATION \$1,250.00 (Twelve Hundred Fifty Dollars)- STATE FILING FEE \$25.00 (Twenty-five Dollars) - CLERK'S FEE	PLU 116
<input type="checkbox"/>	B - ENVIRONMENTAL IMPACT REPORT \$850.00 --(Eight Hundred Fifty Dollars) - STATE FILING FEE \$25.00 (Twenty-five Dollars) - CLERK'S FEE	PLU 115
<input type="checkbox"/>	C -- Certificate of Fee Exemption & De Minimis Impact Fee_ \$25.00 (Twenty-five Dollars) - CLERK'S FEE	PLU 117

\*THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

FIVE COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AN ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

MAKE CHECK PAYABLE TO: ALAMEDA COUNTY CLERK

**ATTACHMENT E**

**COMMUNITY BENEFITS AND  
COST ANALYSIS  
SUBMITTED BY APPLICANT  
(Dated March 1, 2006)**

**CIVIQ**  
5110 Telegraph, LLC  
limited liability company  
P.O. Box 3538  
Oakland, CA 94609  
(510) 550-7177

March 1, 2006

Mr. Darin Ranelletti  
City of Oakland  
Community & Economic Development Agency  
250 Frank H. Ogawa Plz, Ste 2114  
Oakland, CA 94612

**Re: Civiq Project (5110 Telegraph)  
Appeal of Planning Commission Approval**

Dear Mr. Ranelletti:

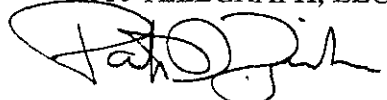
Enclosed with this letter is a list of unique benefits that we believe are afforded to the community by the Civiq project at 5110 Telegraph Avenue in Oakland, which was approved by the Planning Commission on January 18, 2006.

Also enclosed is "Comparison of Infrastructure Costs of Development Scenarios," which we believe, based on our development experience and first-hand knowledge of construction costs, illustrates how development of this project without the requested approvals would implicate the ability of the project to provide these community benefits.

Please ensure that this letter and its enclosures are included with your staff report to the City Council on this matter.

Very truly yours,

5110 TELEGRAPH, LLC



Patrick D. Zimski

Enclosures

**COMMUNITY BENEFITS OF "CIVIQ" PROJECT  
51<sup>ST</sup> ST. & TELEGRAPH AVE.**

<b>WHAT PEOPLE HAVE ASKED</b>	<b>WHAT CIVIQ IS GIVING</b>
Community participation	Over 20 meetings with community leaders and neighborhood groups since June 2005. 2 widely noticed public meetings (September and November), each attended by about 50 people. Full public disclosure. Many community ideas for improvement have been incorporated into the project.
Mixed use project	67 residential units plus a vibrant retail space at the corner of 51 <sup>st</sup> and Telegraph
Encourage diversity	Wide range of unit types: studios, 1 bedrooms, 2 bedrooms and 3 bedroom townhouses
Gathering place	2 new public plazas will be created
Recognize Temescal Creek in the design	The new plaza at 51 <sup>st</sup> and Telegraph is being designed to recognize that Temescal Creek flows below it and was enlarged after public input
High architectural quality	Excellent design with extensive articulation, quality materials, extensive landscaping
"Meet the street" design	All street level units will be accessible directly from the street.
Pedestrian and bicycle friendly	The garage will contain secure bicycle parking and the entire design of the project is intended to encourage walking to nearby shops and transit.
Conform to zoning	The General Plan targets the site for "growth and change" while the older zoning rules would call for suburban style apartments on most of the site. The General Plan takes precedence and the project complies with General Plan guidelines.
City CarShare	A Memorandum of Understanding has been executed with City CarShare to create space for 2 CarShare vehicles at the site.
Walkway from FROG Park to 51 <sup>st</sup> Street	The layout of the project has been modified twice to create a direct walk from FROG Park to 51 <sup>st</sup> Street that will be compatible with FROG Park. The developers have proposed to deed the greenbelt extension to the City in exchange for other City property to be included in the project.
Affordable housing	Goal: 25% of the units affordable to people earning less than 80% of median income

<b>WHAT ELSE DOES CIVIQ DO?</b>	<b>WHAT CIVIQ IS GIVING</b>
Environmental Responsibility	Will set a new standard for sustainable development in multi-family projects in the Bay Area, with the highest contribution from solar thermal and electric sources (initial engineering estimates exceed 70%). Will use sustainable or recycled materials where applicable; is pedestrian, bicycle and transit friendly to encourage less automobile use.
Underground parking	The project meets all City parking requirements and has placed all spaces underground with ingress/egress designed carefully to minimize impacts.
Blight removal / community revitalization	The project will convert a long term eyesore - a fenced, vacant lot and an unattractive, barbed-wire-encircled, surface parking lot - into an attractive, vibrant area amenity.
Abundant landscaping	The entire perimeter along Clarke and 51 <sup>st</sup> Streets will be extensively landscaped, including twice as many trees as the City requires, and lit with pedestrian level lighting.
Reduced urban sprawl	The project fulfills the overwhelming support of Alameda County voters to reduce urban sprawl and increase density in the inner city. 75% of the voters in our neighborhood voted for that measure. Every 4 units at the project can save an acre or more of rural land from sprawl development.

## **COMPARISON OF INFRASTRUCTURE COSTS OF DEVELOPMENT SCENARIOS 51<sup>st</sup> Street and Telegraph Avenue**

Attached is a comparison of infrastructure costs for three development scenarios at the northeast corner of 51<sup>st</sup> Street and Telegraph Avenue. The costs included are the cost of land, design, development, solar energy & sustainable materials and parking. These costs do not include any of the costs of building the actual housing units themselves.

These infrastructure costs have to be spread across the number of units in the development. They represent basic tiers of costs that have to be recovered in the sales price of units, irrespective of the cost of construction of the units themselves and costs of financing and sales, which vary widely depending on the number and type of units and sales prices of the units.

The scenarios are as follows:

1. The Civiq project as currently proposed (67 units)
2. A "by right" project with no conditional use permit or variances and with underground parking (~25 units)
3. A "by right" project with no conditional use permit or variances and with surface parking (~25 units)

The key attributes of each of the scenarios can be summarized as follows:

### **1. The Civiq project as currently proposed (67 units)**

This scenario has the lowest cost/unit attributable to the basic costs and will create the opportunity for the greatest diversity of home buyers due to the following factors:

- A. The widest range of unit types: studios, 1 bedroom flats, 1 bedroom townhouses, 2 bedroom flats, 2 bedroom townhouses and 3 bedroom townhouses.
- B. The widest range of unit prices: estimated from high \$200,000s to mid-\$700,000s.
- C. Between 10 and 17 units are expected to be priced to be affordable to buyers below 80% of area median income in conjunction with available first time homebuyers programs offered by the City and State.

This scenario includes the creation of two new plazas (51<sup>st</sup> and Telegraph and 51<sup>st</sup> Street east of Telegraph) and an extension of the FROG Park greenbelt to 51<sup>st</sup> Street.

This scenario requires the variances for height and density that the Planning Commission approved unanimously after a two hour public hearing on January 18, 2006.

**2. A “by right” project with no conditional use permit or variances and with underground parking (~25 units)**

This scenario would not require any conditional use permit or any variances for either height or density. It would have the highest per unit infrastructure cost, about \$142,000 more per unit than the Civiq project as proposed. Because it would consist primarily of 2 and 3 bedroom townhouses that would be priced consistent with the market in Temescal & Rockridge (mid-\$600,000s to mid-\$800,000s), this cost difference could be absorbed in the higher prices. The relatively uniform unit types would likely result in relatively little diversity of home buyers and the pricing would not qualify for any affordable housing assistance. Most likely, the two plazas and FROG Park extension would be eliminated in order to meet the front, side and rear yard requirements of existing zoning.

**3. A “by right” project with no conditional use permit or variances and with surface parking (~25 units)**

This scenario would also not require any conditional use permit or any variances for either height or density. It would have the second highest per unit infrastructure cost, about \$102,000 more per unit than the Civiq project as proposed. It would consist primarily of 2+ bedroom townhouses with surface level parking taking the space that might otherwise be used for a third bedroom. The units would be priced consistent with the market in Temescal & Rockridge (high-\$500,000s to high-\$700,000s), so the cost difference could be absorbed in the higher prices. The relatively uniform unit types would be expected to result in relatively little diversity of home buyers and the pricing would not qualify for any affordable housing assistance. The plazas and FROG Park extension would be eliminated by the space required for surface parking.

## **CONCLUSION**

The Civiq project as proposed provides the best solution to the practical difficulties resulting from the unique physical and topographic circumstances and design conditions of the site which spans two General Plan designations and three zoning categories and which spans from one of the busiest intersections in the City to a residential street. It allows for:

- the greatest diversity of unit types
- the widest range of housing prices
- the lowest infrastructure cost per unit of the three scenarios
- the most affordable housing
- *the most neighborhood-friendly and pedestrian-oriented amenities*
- the most extensive solar thermal and solar electric system in a multi-family project in Oakland.

It is equally clear that strict compliance with the specified zoning regulations would result in a project significantly incompatible with many policies of the General Plan.

**COMPARISON OF SCENARIOS FOR CIVIQ  
INFRASTRUCTURE COST PER UNIT**

All cost and price information are estimates at the schematic design stage

Scenario	1	2	3
	Civiq Project as Proposed Underground Parking	"By Right" Project No CUP or Variances Underground Parking	"By Right" Project No CUP or Variances Surface Parking
<b>Number of Units</b>	67	~25	~25
Land Cost	\$ 3,100,000	\$ 3,100,000	\$ 3,100,000
Design & Development Cost	\$ 2,500,000	\$ 1,500,000	\$ 1,500,000
Underground Parking Cost	\$ 3,000,000	\$ 2,000,000	
Surface Parking in Garages			\$ 1,000,000
Solar Energy	\$ 2,000,000	\$ 900,000	\$ 900,000
<b>Sub-Total Cost</b>	\$ 10,600,000	\$ 7,500,000	\$ 6,500,000
<b>Infrastructure Cost/Unit</b>	\$ 158,209	\$ 300,000	\$ 260,000
<b>Cost/Unit Compared to Civiq</b>	N/A	\$ 141,791	\$ 101,791
<b>DESIGN IMPACTS:</b>	Variances needed for height and density	Unlikely plazas & FROG can be retained and meet yard requirements of zoning.	Units smaller No space for plazas & FROG
<b>UNIT TYPES:</b>	Wide range: studios, 1 BR, 2 BR, 3 BR	Mostly 2-3 BR townhouses	Mostly 2+ BR townhouses
<b>PRICING RANGE:</b>	Wide range: from high- \$200s to mid-\$700s	Mid-\$600s to mid-\$800s	High-\$500s to high-\$700s
<b>AFFORDABLE UNITS:</b>	10-17	None	None

**ATTACHMENT F**

**APPEAL LETTER  
(Dated January 30, 2006,  
and February 9, 2006)**





CITY OF OAKLAND
REQUEST FOR APPEAL OF DECISION TO
PLANNING COMMISSION OR CITY COUNCIL

(REVISED 8/14/02)

PROJECT INFORMATION

Case No. of Appealed Project: CMDV05-469

Project Address of Appealed Project: 5100-5110 TELEGRAPH, 450-478 51st ST., + 5107 CLARKE S

APPELLANT INFORMATION:

Printed Name: JEFF NORMAN Phone Number: (510) 653-7190

Mailing Address: 477 RICH ST. Alternate Contact Number:

City/Zip Code OAKLAND, 94609 Representing: TELEGRAPH / 51st GATEWAY COALITION

An appeal is hereby submitted on:

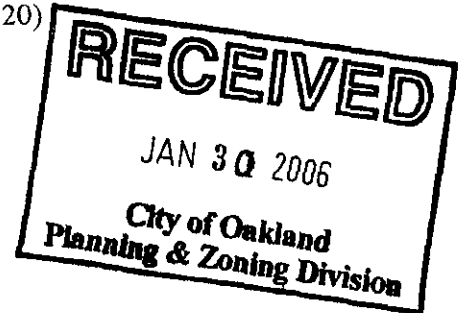
[ ] AN ADMINISTRATIVE DECISION (TO THE CITY PLANNING COMMISSION)

YOU MUST INDICATE ALL THAT APPLY:

- [ ] Approving an application for an Administrative Project
[ ] Denying an application for an Administrative Project
[ ] Administrative Determination or Interpretation by the Zoning Administrator
[ ] Other (please specify)

Pursuant to the Oakland Municipal and Planning Codes listed below:

- [ ] Administrative Determination or Interpretation (OPC Sec. 17.132.020)
[ ] Determination of General Plan Conformity (OPC Sec. 17.01.080)
[ ] Design Review (OPC Sec. 17.136.080)
[ ] Small Project Design Review (OPC Sec. 17.136.130)
[ ] Minor Conditional Use Permit (OPC Sec. 17.134.060)
[ ] Minor Variance (OPC Sec. 17.148.060)
[ ] Tentative Parcel Map (OMC Section 16.304.100)
[ ] Certain Environmental Determinations (OPC Sec. 17.158.220)
[ ] Creek Protection Permit (OMC Sec. 13.16.450)
[ ] Creek Determination (OMC Sec. 13.16.460)
[ ] Hearing Officer's revocation/impose or amend conditions (OPC Secs. 15.152.150 & 15.156.160)
[ ] Other (please specify)



[x] A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL) [x] Granting an application to: OR [ ] Denying an application to:

5110 TELEGRAPH AVENUE, LLC
(ROY ALPER)

(continued on reverse)

(Continued)

A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL)

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) MAJOR INTERIM CONDITIONAL USE PERMIT; MAJOR VARIANCE. REGULAR DESIGN REVIEW; MINOR VARIANCES TO ALLOW: 1) BUILDING HEIGHT UP TO 65 FEET WHERE 40 FEET IS THE MAXIMUM ALLOWED AND BUILDING HEIGHT UP TO 59 FEET WHERE 25 FEET (30 FEET) IS MAXIMUM ALLOWED; EXEMPTION, SECTION

An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision.

15332  
OF THE  
STATE  
CEQA  
GUIDE-  
LINES:  
In-fill  
DEVEL-  
OPMEN  
PROJECT

You must raise each and every issue you wish to appeal on this Request for Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Request for Appeal Form (or attached additional sheets), and provide supporting documentation along with this Request for Appeal Form, may preclude you from raising such issues during your appeal and/or in court.

The appeal is based on the following: (Attach additional sheets as needed.)

PLEASE SEE ATTACHED

Supporting Evidence or Documents Attached. (The appellant must submit all supporting evidence along with this Appeal Form.)

Jeff Naman  
Signature of Appellant or Representative of  
Appealing Organization

January 30, 2006  
Date

January 30, 2006

Mr. Darin Ranelletti  
Community and Economic Development Agency  
City of Oakland  
250 Frank Ogawa Plaza, Suite 3315  
Oakland, CA 94612

Re: Case Number CMDV05-469

Dear Mr. Ranelletti,

This letter constitutes our appeal to the Oakland City Council of the Planning Commission's decision on January 18, 2006 to approve the project at Telegraph and 51st St. (Case Number CMDV05-469). Attached is a check in the amount of \$912.27, and included herewith is a copy of the petition, with 500 signatures, calling for a reduction in height of the project.

In summary, we are challenging the following:

- \* Major Interim Conditional Use Permit
- \* Major Variance
- \* Regular Design Review
- \* Minor Variances to allow: 1) Building height up to 65 feet where 40 feet is the maximum allowed and building height up to 59 feet where 25 feet (30 feet with a pitched roof) is the maximum allowed.
- \* Exemption, Section 15332 of the State CEQA Guidelines: in-fill development projects

Our appeal is based on the following:

### **General Plan Analysis**

The Staff Report lists a number of General Plan Policies which are applicable to the project. There are, however, other relevant General Plan policies which the Staff Report does not mention. At the January 18, 2006 Planning Commission hearing where these countervailing General Plan policies were presented by the members of the public, Planning Commissioners failed to acknowledge these policies or give any indication that these policies were considered in their decision to approve the project. Following are the specific General Plan policies that were either omitted or not fully supported in the Staff Report and the Planning Commissioners' public comments.

1) Policy N7.1: Ensuring Compatible Development With respect to the Clarke and 51st Street sides of the project, the Staff Report does not give the entire picture when it describes the project as satisfying Policy N7.1, which states that "New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development."

Buildings 2, 3 and 4 all are located in the area designated by the General Plan as "Mixed Housing Type Residential." Building 2 (49 ft. high), extends along the eastern half of the block of 51st Street; Building 3 (37 ft. high) faces Clarke Street; and Building 4 (59 ft. high) extends through the middle

of the block along the Global Entertainment property line. The Staff Report states that Building 2, 3, and 4 are compatible with homes on Clarke Street, but buildings 2 and 4 are significantly taller than the 1- and 2-story single family homes are predominant on Clarke Street and throughout the neighborhood. Only a few examples of 3- and 4-story mixed housing types can be found in the vicinity. Even the 4-story apartment building on Clarke Street and Claremont, which, as the tallest building in the neighborhood already is notably out of scale, is a full story shorter than Building 4. Furthermore, contrary to the Staff Report, Buildings 2 and 4 are not “articulated into smaller identifiable sub-volumes to appear like single-family homes.” And nowhere does the Staff Report indicate that Building 4 presents onto Redondo, a residential street which tees into the project, as a massive, five-story wall.

2) Policy N9.1: Recognizing Distinct Neighborhoods The General Plan recognizes the importance of preserving the unique fabric of Oakland’s neighborhoods through its Policy N9.1, which states, “The City should encourage and support the identification of distinct neighborhoods.” The related Objective N9 directs the City to “support and enhance the distinct character of different areas of the city.”

Among the factors that define Temescal’s commercial district—what differentiates it from, Fruitvale, Montclair, or downtown—are the two- and three-story, commercial-over-residential buildings; the mature Sycamores that line Telegraph; the beautifully maintained, historic block that is immediately south of the project; the views of the hills and sky; and the diverse range of store-front businesses and small cultural organizations up and down the Telegraph corridor. Telegraph Avenue’s human scale is a crucial part of what makes Temescal distinct, and a 65-foot building at the intersection of 51st and Telegraph, however much it might be noteworthy in itself, would be a significant break in the fabric of the neighborhood.

3) Policy N9.9: Preserving History and Community The General Plan also promotes the uniqueness of neighborhoods through its Policy N9.9, which states, “Locations that create a sense of history and community within the City should be identified and preserved where feasible.”

4) Objective N7 of the General Plan specifically warns that, “While mixed unit neighborhoods are generally desirable, lack of attention to compatibility concerns has affected the character and stability of some areas of the City.” The Staff Report specifically justifies the proposed 65-foot height of Building 1 where it faces onto Telegraph by describing how “urban design principles place a high level of importance on the relationship of building-height to street-width.... The optimum height-to-width ratio is between 1:1 (where the height of the building equals the width of the street) and 1:2 (where the height of the building is one-half the height of the street width).” The Staff Report then goes on to say that the 65-foot tower would have an acceptable ratio of 1:1.5, whereas the a 40-foot height (which is the maximum allowed by the current C-28 Zoning along Telegraph) would produce a ratio of 1:2.5, making it “outside the range of recommended height-to-width ratios.”

First of all, on whose authority are these optimum ratios defined? Many examples of thriving business districts can be found where these optimum ratios are not found. But even applying these ratios, if the corner height were reduced to 50 feet (bringing it more in line with C-28 Zoning), it would match exactly the standard optimum ratio of 1:2. The Staff Report, however, overlooked this fact. One Planning Commissioner at the January 18, 2006 hearing justified the height of 65 feet by stating that the 30-foot setback from the street of Building 1 at Telegraph Avenue effectively brought the height-to-street-width ratio back to the 1:2 optimum. This reasoning, however, if consistently applied to projects, would encourage every developer to add sidewalk widths as a way to justify taller buildings.

The Staff Report (and comments made by Planning Commissioners) also treat the 65-foot-high corner element on Telegraph as if its only contextual relationship was to the width of the intersection. However, Policy NZ.1: Ensuring Compatible Development, as mentioned above, as well as good urban design practice, would require the building to also relate to the nearby fabric of the Telegraph Avenue corridor. Both relationships should be reflected in the design.

Policy N11.3: Requiring Strict Compliance with Variance Criteria At the Planning Commission hearing on January 18, 2006, and in letters to the Planning Commission and Staff, several community members raised concerns about the precedent-setting potential of this project's height and density. At the Planning Commission hearing on January 18, 2006, at least two commissioners stated that no precedent would be set, as each project is judged on its own merits. However, one commissioner stated, in effect, that higher density is coming to Oakland, and we'd better get used to it. This sentiment, while perhaps expressing a reality, also suggested a bias that might express itself in categorically favoring certain General Plan policies—such as ones that support maximum density—over others.

However, the General Plan warns against this in its Policy N11.3: Requiring Strict Compliance with Variance Criteria, which states “As variances are exceptions to the adopted regulations and undermine those regulations when approved in large numbers, they should not be granted lightly and without strict compliance with defined conditions, including...that the variance will not adversely affect the surrounding area...”

As already evidenced by the developer's citing his recently completed 63-foot-high project a few blocks away on 48th and Telegraph as precedent for his current project, there can be little doubt that approval of height and density variances on this project would further establish a precedent for incremental changes and increased height along Telegraph Avenue. Currently there are at least a dozen sites in Temescal and lower Rockridge, along Telegraph, Claremont, and Broadway, that developers are eyeing, including several that the applicant now owns and intends to develop. If developers continue to push for maximum height on these sites, and the Planning Commission and the Director of Planning continue to consistently grant both major and minor variances to allow higher density and taller projects, before long, the entire distinctive, historic fabric of the Temescal neighborhood will be overwhelmed.

Policy N3.8: Required High-Quality Design The Finding for this is not fully supported. Recently, changes in the Building Code have allowed the type of building construction—5-story wood frame over a concrete podium—that is being used in Buildings 1 and 4. This type of construction is not standard in California, and it was only introduced in Oakland within the last few years. According to some local architects and structural engineers, buildings of this type in Seattle and Portland have begun to show problems in the upper stories due to wood shrinkage. The wood shrinks and warps, tie-downs become loose, and the slop in the system produces cracking in the upper stories. The result is a poor quality building. There is an additional concern that a major earthquake could cause significant damage to these types of buildings. One blighted building on Telegraph would be bad enough; but a whole series of similarly constructed buildings could cause the entire neighborhood to become blighted.

While the City has its Building Code to rely upon, it does not adequately address this new construction method. Despite the growing popularity of five-over-one construction in such places as San Diego, *this remains an untested construction method, and it should be the policy of the City to require each building of this type to be carefully reviewed individually. To ensure quality construction and proper engineering, a peer review for Buildings 1 and 4 should be required.*

Policy N4.2: Advocating for Affordable Housing states, "The City encourages local non-profit organizations, affordable housing proponents, the business community, the real estate industry, and other local policy makers to join efforts to advocate for the provision of affordable housing in communities throughout the Bay Area region." The developer has agreed to work toward the goal of creating 25 percent affordable housing as part of the project; however, they are under no obligation to do so.

As local housing prices have escalated in recent years, the economic and ethnic diversity of those able to afford living in Temescal has decreased. This trend adversely effects the long-standing character of Temescal as an economically diverse neighborhood. The project's residential units, which range from studios to three bedrooms, will provide some diversity among the residents, but, all the units will be offered at market rate, making it impossible for lower income individuals and families to buy into the project. Greenbelt Alliance, perhaps better than anyone else, understands the complex relationship between in-fill development and suburban sprawl. They know that building market-rate urban in-fill projects doesn't stem the tide of sprawl development unless affordable housing is provided in our cities.

Policy N4.2 should be embraced by this project by requiring the developer to designate a meaningful specified percentage of units as affordable housing. In so doing, the Temescal neighborhood will remain more affordable, and the city as a whole, as well as the Bay Area region, will be well served.

### **CEQA Exemption**

The staff report finds, under CEQA regulation, that this in-fill project is categorically exempt from environmental review. However, as described in the General Plan Analysis section, above, the project is inconsistent with several applicable General Plan policies. Therefore, it does not meet criterion a) 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 under the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the State CEQA Guidelines ("In-Fill Development Projects"). For this reason, this project does not qualify for the in-fill exemption.

As discussed below, the project also does not meet criterion d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the State CEQA Guidelines ("In-Fill Development Projects"). For this reason, this project does not qualify for the in-fill exemption.

### *Cumulative Impacts*

CEQA regulations pertaining to categorical exemptions are "inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant." (CEQA Section 15300.2(b)).

1) The Traffic Study failed to include any analysis of potential cumulative traffic and air quality impacts from other pending development projects nearby, such as the Kaiser Hospital expansion, the MacArthur BART transit village, and the 4th bore/Caldecott Tunnel project.

2) The project developers have completed, have under construction or are planning to buy land parcels for the purpose of constructing mixed-use or residential only projects in the immediate

neighborhood. These include:

- \* The Kingfish Pub on Claremont Avenue and adjacent buildings on Claremont, and the two historic houses on Telegraph Avenue;
- \* The Smog Check Station at the gore of Telegraph and Claremont, adjacent to the Kingfish property;
- \* Global Entertainment, adjacent to proposed development;
- \* The historic apartment buildings on the southeast corner of 48th and Telegraph, and the adjacent vacant lot;
- \* The northwest corner of 48th Street and Shattuck Avenue (former Boys and Girls Club);
- \* The north side of 48th Street between Shattuck and freeway.

Some of these projects are literally within footsteps of the proposed development and the others all are within four blocks of the heart of the neighborhood commercial shopping district that the proposed project anchors. The cumulative effect of these projects will significantly impact the environmental quality of the Temescal neighborhood.

3) Besides those mentioned above, there are other development proposals or opportunities in the neighborhood that will further add to the cumulative impact on the surrounding Temescal neighborhood. These include:

- \* Telegraph Avenue and 43rd Street, northeast corner;
- \* Telegraph Avenue and 55th Street, southeast corner;
- \* 42nd and Opal (Matilda Brown Home);
- \* Broadway between 45th and 49th Streets, west side;
- \* Broadway and 42nd Street, southwest corner.

In total, all of the above mentioned projects represent at least 1,000 new residential units and dozens of new commercial spaces that will be built in the neighborhood. What the proposed project and these future projects have in common is that they will generate more vehicles that use the intersection of 51st Street and Telegraph Avenue as the main road to enter and exit Highway 24 and travel to a number of important destinations in North Oakland and Berkeley, such as the Rockridge Shopping Center, College Avenue, Piedmont Avenue, Grand Lake/Lakeshore, and UC Berkeley, to name just a few.

#### *Traffic Impacts*

CEQA Section 15332(d) states: "Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality." Approval of this project, however, would have a significant effect to traffic and air quality.

1) The Traffic Study makes no mention of the fact that Clarke Street is curved and at 25 feet wide, curb to curb, undersized for safe two way traffic and parking. Even if Clarke Street were to become a no-parking zone, it would still be hazardous, particularly in light of the anticipated and desired increase in pedestrian use. The project intends to turn this small ancillary street into an entrance and exit for an additional 100 vehicles with no attempt to improve any non-motorized or motorized infrastructure, even though the Traffic Study reports that the Clarke Street and 51st Street intersection "currently operates at Level Of Service E during the P.M. peak hour conditions." Taken together, this also means that it will be the residents of the project themselves who are likely to be the most impacted by the project.

In order to avoid this congestion, more traffic will travel along nearby Redondo, then Cavour, before turning onto Claremont Avenue. This will significantly impact Cavour, which already

handles the existing neighborhood traffic as well as traffic to and from the Department of Motor Vehicles (DMV) situated on the north side of Cavour Street. In general, this project will put more traffic on the neighborhood streets and in particular, on Miles and Shafter avenues: Miles Avenue because it is the closest north-south residential street; and Shafter because it is the main north-south residential artery, a little quicker to travel along, and the first street east of Miles Avenue. The projected developments of the Kingfish Pub site (across Claremont) and the Global Entertainment site (adjacent to the project) will only add to the cumulative impact of this project on the already stressed road system.

2) The term LOS is used in this project as the defining method of discussing transportation for Traffic Study. The term, LOS, however, ignores key transportation modes in the community, specifically pedestrian and bicycle transportation, and yet the Traffic Study says that the project is anticipated to increase those modes of travel.

3) The Oakland Pedestrian Master Plan calls for improving intersections to entice more citizens to walk. The failure of the Traffic Study to address the need to improve pedestrian safety at the Clarke Street and 51st Street intersection is a serious oversight. Many pedestrians can be seen attempting to cross the intersection from one side of 51st Street to the other to access the Redondo playground and the video store. The increased need for pedestrian safety which the project creates makes it imperative to improve the crossing at Clarke Street and 51st Street.

4) The project will provide 100 parking spaces. Of the 100 parking spaces, 67 spaces will be deeded to the residential units at 1 space per unit. That leaves a remaining 33 parking spaces to accommodate the parking needs of additional cars owned by residents (assuming that many households will have a second car and driver), and those driven by commercial tenants. There simply will not be enough parking for everyone, and so the overflow parking will spill into the nearby residential streets. This will cause additional traffic impacts as more drivers use side streets that were not intended for such heavy use and slow down along Telegraph Avenue and 51st Street in their search for a parking space.

Despite the convenience of the project to public transportation and the ability of project residents to walk to nearby businesses in Temescal and Rockridge, there is no reason to assume that project residents will take advantage of these options. Even if they are inclined to walk or take public transit for local errands, errands such as grocery shopping, that require transporting large, heavy items, will put people in their cars.

5) The Traffic Study notes that there are 37 one-hour, on-street parking places adjacent to the project, and that the project provides no off-street parking for the project's retail customers. The Traffic Study does not address the question of where these retail customers will park; nor does it survey current on-street parking levels on Clarke Street and Claremont, which have long been used by customers of businesses on Claremont. Meanwhile, increased street parking on 51st Street, along which motor vehicles typically exceed the speed limit, will only exacerbate the traffic problems and decrease pedestrian and bicycle safety on 51st Street.

6) The Traffic Study also fails to account for additional traffic and parking generated by the staff of the project's commercial establishment(s), residents' visitors, and maintenance staff.

7) The accuracy of the Traffic Study's rating of the Telegraph Avenue and Claremont Avenue intersection in the p.m. north bound direction as LOS C must be challenged. The segment of Telegraph



Avenue between 51st Street and Claremont Avenue often backs up in the north bound direction at commute and other hours because of the lack of coordination between the light signals and the amount of motor vehicle traffic turning from 51st Street east bound and heading north on Telegraph Avenue. As a result, it is not uncommon when traveling north to get stuck in the middle of 51st Street and Telegraph Avenue intersection.

8) The Traffic Study rates the intersection of Telegraph Avenue and 51st Street at LOS D (a.m. peak) and E (p.m. peak). This begs the question of how the City can categorically exempt from CEQA review such a dangerous and "under-performing" intersection. To make an analogy, if this report were your child's school report card, as a parent you would make every effort to work with your child to improve his or her grades, not ignore the report as too unimportant to give any attention. The City of Oakland, by categorically exempting this project, glosses over a very important finding which, at best, shows this to be a very difficult intersection to travel through and will, inevitably, at its worst, be the scene of any number of traffic accidents, some of which will result in very serious injury if not fatalities.

Here is at least one very likely scenario of the disaster that is waiting to happen. A driver traveling north on Telegraph stuck in the middle of the intersection gets broadsided by a driver with the right-of-way traveling west on 51st Street. (That driver may be speeding as he or she anticipates getting on the freeway.) In addition to the injured drivers and their injured passengers will be the unsuspecting pedestrians and bicyclists walking or cycling across the intersection. Regardless of who the police cite for causing the accident, the City will undoubtedly be included in a lawsuit. Why? Because the City is on notice through the DKS report that a dangerous situation exists and not only failed to correct it but exacerbated the situation by incrementally approving additional development (see discussion, above, on Cumulative Impacts) that over time brings hundreds of additional cars per day to an already dangerous intersection.

9) During peak hours it will be quite difficult, if not impossible, to leave the project from Clarke Street, turn right onto 51st Street, and cross two lanes of traffic on 51st Street in order to reach the left turn lane to turn south onto Telegraph. There simply is not enough road on 51st Street to get from Clarke Street to the left turn lanes.

10) With current traffic levels, west bound traffic on 51st Street occasionally backs up as far as Miles Avenue, preventing drivers on Clarke Street and Miles from merging into traffic. This project will cause this to happen more frequently and for longer periods.

11) Under the trip generation section, the Traffic Study compares the trip generation of the Children's Hospital parking lot to the substitution of the new housing facility. Any attempt to do this would produce an erroneous result, as the trip generation to the parking lot would be in the counter commute direction of the typical peak flow. The parking lot, as used by Children's Hospital, does not generate in-and-out trips at irregular intervals as would be the case for the project.

12) The Traffic Study relies on data of intersection turning movement volumes supplied by the City, but the date of when this data was collected by the City is not referenced. Traffic congestion along Telegraph at 51st Street and Claremont has dramatically increased during this past year alone. If the data supplied by the City is more than six-months old, it is out of date, in which case new data must be collected to provide accurate LOS ratings.

*Air Quality Impacts*

This project will adversely affect the air quality for a number of reasons:

- 1) Residents' cars will be parked for several hours and then "cold started." A cold start from a car puts more pollutants in the air than a "warm start." There will be 67 residential cars cold starting on, presumably, a daily basis. Additionally, commercial tenants will qualify as cold starters since, again, presumably, they will be parked in their space for several hours before leaving to go home.
- 2) The traffic generated by this project throughout the neighborhood will lower the air quality as commercial tenants and residents with a second car park on the surrounding streets and cold start their cars.
- 3) There will be additional cumulative impacts to air quality from the additional vehicles that this project will bring into the neighborhood. Drivers of these vehicles will circle around looking for places to park since overflow from the project garage will tend to use up available on-street parking. These vehicles will emit exhaust and other materials that diminish air quality.

**Findings for Approval**

We are challenging the approval of the General Conditional Use Permit under sections 17.134.050 for the following reasons:

- 1) The Staff Report's Findings for Approval, Section 17.134.050 — General Use Permit Criteria, A is not supported because the height and density of all four buildings WILL affect the livability of the surrounding neighborhood, and have a harmful effect with respect to "harmony in scale, bulk coverage and density," as well as "upon the desirable neighborhood character." Building 2 (49 ft. high), Building 3 (37 ft. high), and Building 4 (59 ft. high) all are significantly taller than all nearby residential buildings which are predominantly 1- and 2-story single family homes. Even the 4-story apartment building on Clarke Street and Claremont, which, as the tallest building in the vicinity already is notably out of scale with the neighborhood, is a full story shorter than the project's Building 4, which presents onto Redondo, a residential street which tees into the project, as a massive, five-story wall. In view of this, it is difficult to see how the Staff Report justifies its claim that "The portion of the project near the Temescal residential neighborhood is designed to preserve the existing character of the residential neighborhood by utilizing building forms and massing arrangements similar to the surrounding neighborhood."

The Staff Report states that "According to a traffic analysis prepared for the project, traffic impacts of the development are anticipated to be less than significant. However, as described above, the increased traffic and strain on the capacity of surrounding streets to support it, as well as the increased vulnerability of pedestrians and bicyclists resulting from the project, will adversely affect the livability of the immediate neighborhood. Just to repeat one example, Clarke Street, which the Traffic Study fails to mention is only 25 feet from curb to curb, already is barely wide enough for allow two cars to pass safely. The increased level of traffic and parking along Clarke Street by visitors and retail customers of the project, along with increased traffic from the project itself, will only further diminish the capacity of Clarke Street to handle the additional traffic and parking safely.

2) With respect to the Clarke and 51st Street sides of the project, the Staff Report does not give the entire picture when it describes the project as satisfying Policy N7.1: Ensuring Compatible Development, which states that “New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.” Buildings 2, 3 and 4 all are located in the area designated by the General Plan as “Mixed Housing Type Residential.” Building 2 (49 ft. high), extends along the eastern half of the block of 51st Street; Building 3 (37 ft. high) faces Clarke Street; and Building 4 (59 ft. high) extends through the middle of the block along the Global Entertainment property line. The Staff Report states that Building 2, 3, and 4 are compatible with homes on Clarke Street, but buildings 2 and 4 are significantly taller than the 1- and 2-story single family homes that are predominant both on Clarke Street and throughout the neighborhood. Only a few examples of 3- and 4-story mixed housing types can be found in the vicinity. Even the 4-story apartment building on Clarke Street and Claremont, which, as the tallest building in the neighborhood already is notably out of scale, is a full story shorter than Building 4. Furthermore, contrary to the Staff Report, Buildings 2 and 4 are not “articulated into smaller identifiable sub-volumes to appear like single-family homes.” And nowhere does the Staff Report indicate that Building 4 presents onto Redondo, a residential street which tees into the project, as a massive, five-story wall.

Under the Guidelines to Determine Project Conformity (Interim CUP for General Plan Density) the Staff Report includes the finding, “That the proposal is clearly appropriate in consideration of the characteristics of the proposal and the surrounding area.” This finding is not supported. While specific design elements might attempt to “minimize visual impacts of the project,” as the Staff Report states, the project as a whole, as mentioned above, is out of scale with the neighborhood. Furthermore, the 65-foot end of Building 1 where it faces Telegraph makes no attempt to “minimize its visual impact,” as the Staff Report claims; in fact its intent is just the opposite, to create a corner that is “prominent.”

We are contesting the Staff Report’s explanations provided in Section 17.136.070A - Residential Design Review for the following reasons:

1) 17.136.070A - Residential Design Review, Variance Finding 1 The set of buildings, contrary to what is stated in the Staff Report, are NOT “well related to the surrounding area in their setting, scale, bulk, height.” As mentioned, the overall height of the project is significantly higher than all of the buildings in the immediate vicinity. The justification Staff gives for the 65 foot height of Building 1 on Telegraph is “the immense width of Telegraph Avenue and 51st Street. The project’s height will enhance the street definition of Telegraph Avenue and 51st Street and increase pedestrian comfort by more successfully creating a sense of enclosure on the street.” However, this is conjecture. Given the significantly lower heights of the predominant architectural fabric on Telegraph, pedestrians are just as likely to feel oppressed by the 65-foot-tall building rising up from the plaza on Telegraph as comforted by it.

2) 17.136.070A - Residential Design Review, Variance Finding 2 The proposed design will in significant ways work against preserving and enhancing desirable neighborhood characteristics. It is arguable that the project’s height at Telegraph “will enhance the street definition of Telegraph Avenue and 51st Street and increase pedestrian comfort by more successfully creating a sense of enclosure on the street” when, in stark contrast to the significantly lower heights along Telegraph, it is just as likely to overwhelm pedestrians.

With respect to Section 17.148.050 – Variance Findings, we are challenging the approval of the Major Variance and Minor Variances to allow 1) Building height up to 65 feet where 40 feet is the maximum allowed and building height up to 59 feet where 25 feet (so feet with a pitched roof) is the maximum allowed for the following reasons:

1) Section 17.148.050, Variance Finding 1, Building Height is not fully supported. How can staff assert with confidence that “Reducing the number of units would not allow the remaining number of units to cover the expense of providing underground parking” unless Staff has examined a pro forma for the project? At the very least, lowering or stepping back the 65-foot height of Building 1 on Telegraph would neither preclude an effective design solution that improves livability nor necessarily result in any reduction of units. It might result in a reduction in size of two units, but this would be far outweighed by the overall benefit to the community of preserving Telegraph’s historic, human scale along Telegraph.

2) Section 17.148.050, Variance Findings 3, Building Height is not supported. While stepping down Building 2 along 51st Street as it approaches Clarke Street makes good sense for the reasons stated in the Staff Report, this in itself does not justify the overall excessive height of the building, which does not relate optimally to the surrounding area. In addition, there is no factual justification for the 65-foot height of Building 1 on Telegraph. As mentioned above, while some may be comforted by a sense of enclosure created by the 65-foot tall building, others will find it oppressive.

### **Public Participation**

The Staff Report states that “Beginning in 2000, the community surrounding the project held a series of meetings to develop a set of goals for development of the site.” However, this is not a full and accurate description of the public participation relating to the site. In the late 1980s, the Upper Telegraph Coalition formed to bring Telegraph Avenue, from 38th Street to the Berkeley border, from what had been a hodgepodge of zoning classifications, into a single, C-28 designation. Among the many objectives of this widespread community effort was to increase meet-the street, higher density, residential-over commercial, mixed-use development. The many who were involved in the effort were clear that the 40-foot height limit established by C-28 would significantly increase density but to a level that complemented the existing fabric of the neighborhood and that the existing infrastructure could support. In 1992, with the cooperation of the Planning Department, the City Councilmember from District 1, Temescal Neighbors Together, and the Temescal Merchants Association, C-28 was adopted for Telegraph Avenue, from 38th Street to the Berkeley border.

As mentioned in the Staff Report, in 2000 the community began what has been a five-year envisioning process for the project site at Telegraph and 51st Street. Hundreds of Temescal and Rockridge neighbors were involved in a process that resulted in a Community Values Statement and a community design workshop that produced a set of drawings depicting three alternative design concepts for the site. Both the Values Statement (item #7) and the designs specifically reflect the community’s intention that any development on the site adhere to current zoning allowances—including height limits—for C-28, R40, and R35.

Meanwhile, in 1998, the City adopted a new General Plan. The General Plan, which states that Zoning Regulations are the most important tool in controlling land development activities” (section b1: Revise zoning regulations), requires the City “To establish and maintain zoning regulations consistent with the General Plan...” This, however, has not been done, even though Policy N11.1: Required Zoning Consistency states that “Consistency between the General Plan and Zoning Regulations should be provided within a reasonable time period of adoption of the final elements.”

The result is that there remain significant inconsistencies between the two planning documents, and it is the Planning Commission that has the authority to resolve any discrepancies on a project-by-project basis. The pattern of decisions made in recent years by the Planning Commission, however, suggests a bias in favor of allowing maximum density projects as permitted by the General Plan, even though the General Plan also clearly states that formulas deriving maximum project density are not entitlements. In this vacuum, the extended effort by the North Oakland community to define a unified approach to planning along Telegraph Avenue has been rendered null and void. Is this the message that the City wants to send to Oakland's citizens about the value of their time and energy spent on civic activities and improving their neighborhoods?

## Key Issues and Impacts

### *Temescal Creek Culvert*

As described in the Staff Report, the plaza proposed for the corner of Telegraph and 51st Street is directly over an arched brick portion of the Temescal Creek culvert that dates back to 1892. Given the age of the culvert, Staff included a Condition of Approval (#23, page 30 of the Staff Report) that, "The applicant shall submit a statement from a licensed engineer certifying that the project is designed and engineered in a manner that does not compromise the integrity of the Temescal Creek culvert located on the site." This statement should also provide 1) an assessment of safest possible setbacks to allow for culvert failure, repair, replacement or removal, and 2) an estimation of when the culvert will have to be accessed again. Documentation of the condition of the interior of the brick archway before construction starts, and monitoring the arch during site disturbance, should also be conducted.

Currently it is unclear who has jurisdiction over this section of the culvert. The County of Alameda made repairs to the culvert in 1986, but the County has stated that they know of no easement that has been granted to them for the culvert. It currently is unclear who actually would be responsible for future repairs or in the event of a collapsed culvert.

The reality is that someone is going to have to excavate down to the culvert level at some point. The City will save itself liability and taxpayers' money by planning for that now. First, responsibility for the culvert must be clarified and accepted before any permits are issued for project. If any improvements are permitted above the culvert, it should be explicit in the permits that property owners are liable for any site improvements above the culvert. For the proposed project, in the case that the culvert fails, needs to be repaired, replaced or removed, private plazas or landscaping would be replaced by the condominium association. The City may save later litigation costs by ensuring now that the property owners are fully aware of their responsibilities.

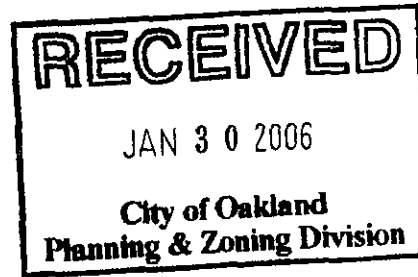
Respectfully yours,



Jeff Norman  
On behalf of the Telegraph/51st Gateway Coalition  
477 Rich St., Oakland, CA 94609  
(510) 653-7190

January 30, 2006

Darin Ranelletti, Planner III  
Planning and Zoning Division  
250 Frank Ogawa Plaza  
Oakland, CA 94612



Re: Case Number CMDV05-469

Dear Mr. Ranelletti,

Attached are copies of the petition, signed by 500 residents, merchants, and retail customers of the greater Temescal and Rockridge neighborhoods, protesting the heights of the proposed development at Telegraph and 51st St. These signatures were collected beginning in November, 2005.

This petition was initiated to inform the Temescal and Rockridge neighborhoods of the proposed scale of the project at Telegraph and 51st St., and to provide a voice for those who had concerns about the project as proposed but had not been part of the public input process.

We believe that those who have signed the petition represent the majority community opinion that while increased density can benefit the neighborhood, new development should adhere to the scale of the Temescal neighborhood in order to preserve its unique historic fabric.

Thank you.

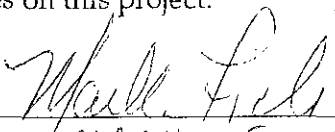
Sincerely,

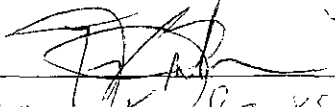
A handwritten signature in black ink that reads "Jeff Norman". The signature is written in a cursive, slightly slanted style.

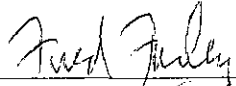
Jeff Norman  
On behalf of the Telegraph/51st Gateway Coalition  
477 Rich St., Oakland, CA 94609  
(510) 653-7190

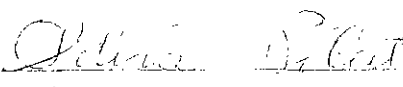
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

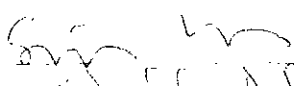
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.


Signature   
 Name (print) MARK FICKES  
 Street Address 5201 MANILA AVE  
 Phone \_\_\_\_\_  
 E-mail mrf-1066@yahoo.com

Signature   
 Name (print) Kim Brooks  
 Street Address 5122 LAWREN AVE, Oakland 94618  
 Phone (510) 655-7207  
 E-mail brooks.kim@aol.com

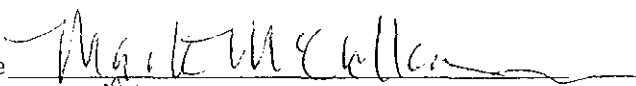
Signature   
 Name (print) Fred Farley  
 Street Address 409 CAVOUR ST  
 Phone 888-510-655-1248  
 E-mail \_\_\_\_\_

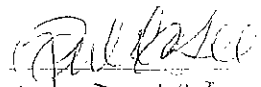
Signature   
 Name (print) SILVIA PIAT  
 Street Address 473 CAVOUR ST.  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

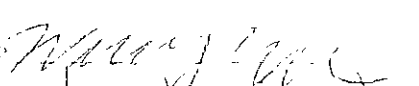
Signature   
 Name (print) Susan Buckley  
 Street Address 423 Cavour St  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Kimberly Preciado  
 Street Address 455 Cavour St.  
 Phone 510 601-6138  
 E-mail K-precia@earthlink.net

Signature LINA V. TABARIBACCI  
 Name (print) Lina V. Tabaribacci  
 Street Address 463 CAVOUR ST, OAKLAND 94618  
 Phone 510-652-2379  
 E-mail \_\_\_\_\_

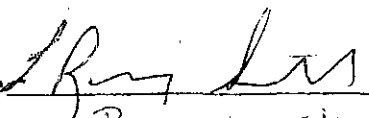
Signature   
 Name (print) Mark McCall  
 Street Address 479 CAVOUR ST  
 Phone 510 601 6710  
 E-mail \_\_\_\_\_

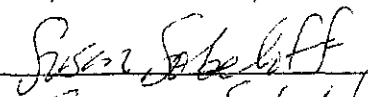
Signature   
 Name (print) Paula Lee  
 Street Address 483 Cavour Street  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

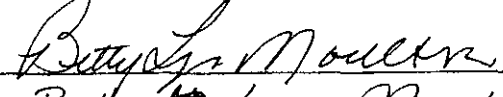
Signature   
 Name (print) Wendy Snyder  
 Street Address 4905 Telegraph  
 Phone 558-7617  
 E-mail \_\_\_\_\_

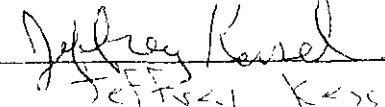
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland


We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

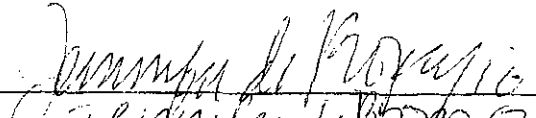
Signature   
 Name (print) Rainey Straus  
 Street Address 406 49th St.  
 Phone 510.547.8141  
 E-mail rainey@whirligirl.com

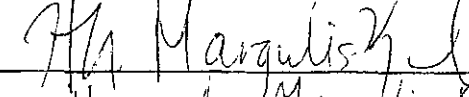
Signature   
 Name (print) Susan Sebeloff  
 Street Address 179 Glen Ave  
 Phone 510.652-6094  
 E-mail \_\_\_\_\_

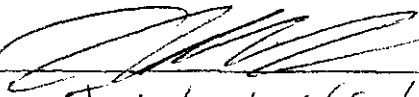
Signature   
 Name (print) Betty Lynn Moulton  
 Street Address 390 50<sup>th</sup> Street 94609  
 Phone 510 428-2175  
 E-mail blmoulton@sbcglobal.net

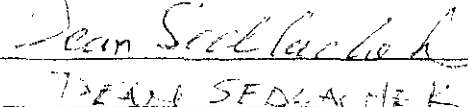
Signature   
 Name (print) Jeffrey Kessel  
 Street Address 371-50th St.  
 Phone 510-654-8385  
 E-mail jkessel@berttelef.edu

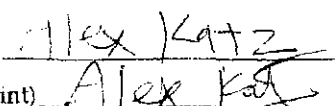
Signature   
 Name (print) Judith Margulis  
 Street Address 371 50th St.  
 Phone 510-654-8385  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Jennifer DiProazio  
 Street Address 405 Madison St  
 Phone 510 541 4821804  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Hannah Margulis-Kessel  
 Street Address 371 50<sup>th</sup> St Oak 94609  
 Phone 510 654 8385  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Jacob Kessel  
 Street Address 371 50<sup>th</sup> St. Oak. Ca 94609  
 Phone 510 870 8713  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Jean Seclache  
 Street Address 394 50<sup>th</sup> St. OAKLAND  
 Phone 510.595.5841 94609  
 E-mail dsclache@sbcglobal.net

Signature   
 Name (print) Alex Katz  
 Street Address 408 49th St. Oakland  
 Phone (510) 543-3146 94609  
 E-mail katz\_alex@hotmail.com



## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature William Reilly  
 Name (print) William Reilly  
 Street Address 5160 Clarendon Ave #105  
 Phone 510 816-1190  
 E-mail \_\_\_\_\_

Signature Ronald Lee  
 Name (print) Ronald Lee  
 Street Address 5160 Clarendon Ave #104  
 Phone 510-798-2964  
 E-mail \_\_\_\_\_

Signature Dario Harris  
 Name (print) Dario Harris  
 Street Address 5160 Clarendon Ave #210  
 Phone 510 823-8405  
 E-mail Java 052003@Yahoo.com

Signature Yvonne R. Powell  
 Name (print) Yvonne R. Powell  
 Street Address 5160 Clarendon Ave #208  
 Phone (510) 504-5673  
 E-mail \_\_\_\_\_

Signature Alicia Butler  
 Name (print) Alicia Butler  
 Street Address 1931 Myrtle St. Oak  
 Phone (510) 264-1870  
 E-mail \_\_\_\_\_

Signature Brandon Whitney  
 Name (print) Brandon Whitney  
 Street Address 5804 Telegraph Ave  
 Phone 510-851-1372  
 E-mail \_\_\_\_\_

Signature Erika Sosa  
 Name (print) Erika Sosa  
 Street Address 5160 Clarendon  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature JULIAN SANDERSON  
 Name (print) JULIAN SANDERSON  
 Street Address 5160 CLAREMONT AVE Apt. 201  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature Cecil Ken Ellis  
 Name (print) CECIL KEN ELLIS  
 Street Address 361 62nd ST  
 Phone 6533210  
 E-mail \_\_\_\_\_

Signature To Ellis  
 Name (print) To Ellis  
 Street Address 361 62nd Street  
 Phone (510) 324  
 E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature Mattie B Jones  
 Name (print) MATTIE B JONES  
 Street Address 549-57th St Oakland CA 94609  
 Phone 510-654-2566  
 E-mail \_\_\_\_\_

Signature Inez Prater  
 Name (print) INEZ PRATER  
 Street Address 549-57th STREET  
 Phone 510 652-3610  
 E-mail \_\_\_\_\_

Signature Lufina Wilcox  
 Name (print) Lufina Wilcox  
 Street Address 545-57th St  
 Phone 510-653-6486  
 E-mail \_\_\_\_\_

Signature James T. Williams  
 Name (print) J T WILLIAMS  
 Street Address 570 57th ST  
 Phone 510 652 5960  
 E-mail None

Signature Susan Synarski  
 Name (print) SUSAN SYNARSKI  
 Street Address 565 57th St Oakland  
 Phone 510 594 1242  
 E-mail Susan@synarski.com

Signature Jay Karatta  
 Name (print) JAY KARATTA  
 Street Address 583-57th  
 Phone 510-655-9252  
 E-mail NOVE

Signature Aimee Seaton  
 Name (print) AIMEE SEATON  
 Street Address 636-58th St  
 Phone 510-655-9185  
 E-mail None

Signature Doris Davis  
 Name (print) DORIS DAVIS  
 Street Address 577 7 Carberry Ave  
 Phone 510 653-4184  
 E-mail None

Signature Betty Knapp  
 Name (print) Betty Knapp  
 Street Address 520 57th St  
 Phone 510 654 2566  
 E-mail \_\_\_\_\_

Signature Milton Knapp  
 Name (print) MILTON KNAPP  
 Street Address 5658 CARBERRY AVE  
 Phone 658-3418  
 E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature *Demetria Terrion*  
 Name (print) Demetria Terrion  
 Street Address 5845 Ayala Ave  
 Phone 652 1946  
 E-mail \_\_\_\_\_

Signature *Erik Hoshi*  
 Name (print) Erik Hoshi  
 Street Address 5732 Ayala Ave.  
 Phone (510) 655-1362  
 E-mail \_\_\_\_\_

Signature *Natalie Nangosdol*  
 Name (print) Natalie Nangosdol  
 Street Address 5756 Ayala Ave  
 Phone 652-7365  
 E-mail \_\_\_\_\_

Signature *Joyce A. Bird*  
 Name (print) Joyce A. Bird  
 Street Address 5745 Ayala Ave  
 Phone 652-1420  
 E-mail jbird@cc.ucsf.edu

Signature *Isa Wolff*  
 Name (print) Isa Wolff  
 Street Address 5766 Ayala Ave  
 Phone 510-484-41672  
 E-mail ISA-WOLFF@yahoo.com

Signature *Paul B. Duran*  
 Name (print) Paul B. Duran  
 Street Address 5815 Ayala Ave  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature *Gregory Wolff*  
 Name (print) Gregory Wolff  
 Street Address 5766 Ayala Ave  
 Phone 510-658-4675  
 E-mail gregory.wolff@yahoo.com

Signature *Ralph Cantor*  
 Name (print) Ralph Cantor  
 Street Address 5809 Ayala Ave  
 Phone 653-4941  
 E-mail rcantor@calac.org

Signature *Michael Webster*  
 Name (print) Michael Webster  
 Street Address 5902 Ayala Ave  
 Phone 510-652-1258  
 E-mail mwebster@aol.com

Signature *David Gish*  
 Name (print) DAVID GISH  
 Street Address 5499 Clarendon Ave #8  
 Phone 654-7558  
 E-mail DX

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature Michael D. Krajac  
 Name (print) MICHAEL KRAJAC  
 Street Address 496 58th St.  
 Phone 510-547-8925  
 E-mail MIKEKRAJ@AOL.COM

Signature Carol Pitt  
 Name (print) Carol P. Pitt  
 Street Address 496 58th St.  
 Phone 510.547.8925  
 E-mail \_\_\_\_\_

Signature Chris Specker  
 Name (print) CHRIS SPECKER  
 Street Address 496 58th St.  
 Phone 510-417-3322  
 E-mail \_\_\_\_\_

Signature Maryke Inventor  
 Name (print) MARYKE INVENTOR  
 Street Address 496 58th St  
 Phone \_\_\_\_\_  
 E-mail Maryke-Inventor@yahoo.com

Signature Samira Begovic  
 Name (print) Samira Begovic  
 Street Address 3729 Vicente St.  
 Phone 213-615-6821  
 E-mail \_\_\_\_\_

Signature Paul Turley  
 Name (print) Paul Turley  
 Street Address 486 58th St., Oakland, CA  
 Phone 510 465-0097  
 E-mail RaymondTurley@yahoo.com

Signature Heather McGregor  
 Name (print) Heather McGregor  
 Street Address 482 58th St.  
 Phone 415 717-1118  
 E-mail h.mcgregor@gmail.com

Signature Jeff Benowitz  
 Name (print) JEFF BENOWITZ  
 Street Address 468 58th St 94608  
 Phone 510 653-9199  
 E-mail MMB@BENOWITZ.COM

Signature William Frye  
 Name (print) WILLIAM FRYE  
 Street Address 476-58th St  
 Phone 510 547-3124  
 E-mail \_\_\_\_\_

Signature Joan Bonds  
 Name (print) Joan Bonds  
 Street Address 481 58th St  
 Phone 510 215 1111  
 E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature [Signature]  
 Name (print) G. PACIFICA  
 Street Address 715 60th ST  
 Phone 510-658-4651  
 E-mail \_\_\_\_\_

Signature [Signature]  
 Name (print) Debra Valov  
 Street Address 715-60th St Oakland  
 Phone (510) 658-4656  
 E-mail \_\_\_\_\_

Signature [Signature]  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature [Signature]  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature [Signature]  
 Name (print) CAROL CORNWELL  
 Street Address 3102 Linden St Oakland  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature [Signature]  
 Name (print) DEBRA LINDWELL  
 Street Address 715 60th St. LPPZ  
 Phone 510 547-5131  
 E-mail [Email]

Signature [Signature]  
 Name (print) MARTIN REYNOLDS  
 Street Address 3102 Linden St Oakland  
 Phone (510) 420-9049  
 E-mail \_\_\_\_\_

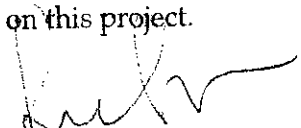
Signature [Signature]  
 Name (print) Ani Reynolds  
 Street Address 2431 McGehee Ave. Berkeley  
 Phone (510) 843-4310  
 E-mail \_\_\_\_\_

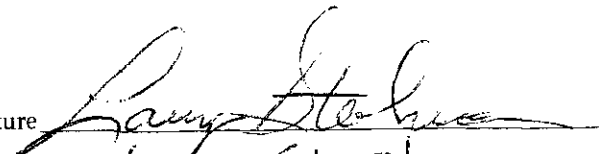
Signature [Signature]  
 Name (print) Michael Reynolds  
 Street Address 2431 McGehee Ave Berkeley  
 Phone (510) 843-4310  
 E-mail \_\_\_\_\_

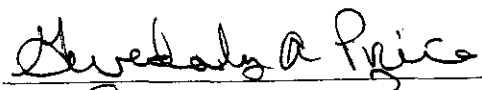
Signature [Signature]  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

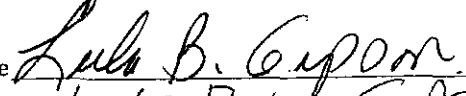
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

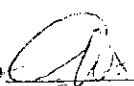
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.


Signature   
 Name (print) SAEEED HADDAD  
 Street Address 3449 68TH AVE  
 Phone (510) 632-1984  
 E-mail

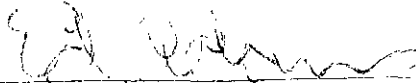
Signature   
 Name (print) Larry Steelman  
 Street Address 3726 Hermann St.  
 Phone 510-653-1027  
 E-mail larrysteelman@earthlink.net

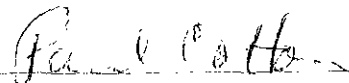
Signature   
 Name (print) GWENDOLYN PRICE  
 Street Address 2267-79th AVE  
 Phone (510) 632-4867  
 E-mail

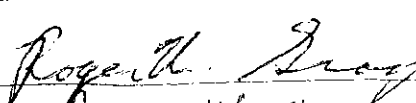
Signature   
 Name (print) LULA BELLE GIPSMAN  
 Street Address 5546 CLAREMONT  
 Phone 510-655-4940  
 E-mail

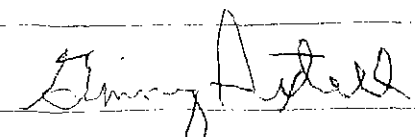
Signature   
 Name (print) ELYSE PRICE  
 Street Address 2180 Clarke St  
 Phone 507-5376 (Clarke St.)  
 E-mail 4820

Signature   
 Name (print) Melissa Wilson  
 Street Address 1515 1st Street Ave  
 Phone 718  
 E-mail

Signature   
 Name (print) PAUL COTTON  
 Street Address 3505 CHADWICK ST  
 Phone  
 E-mail

Signature   
 Name (print) PAUL COTTON  
 Street Address 559 Forest St  
 Phone Oakland, CA 94618  
 E-mail

Signature   
 Name (print) Roger W. Gray  
 Street Address 376 62nd St.  
 Phone 654-4189  
 E-mail

Signature   
 Name (print) Jimmy Astell  
 Street Address 433 50th St. Oak  
 Phone  
 E-mail jim@astellglobal.net

U.C.D. SIGN IN HERE KEEP TENTATIVE A WIDE

### Petition to Reduce the Proposed Height of the Neighborhood Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature: [Signature]  
Name (print) Zoe Kalionzes  
Street Address 473 65th St.  
Phone 310-429-7537  
E-mail zkalionzes@gmail.com

Signature: [Signature]  
Name (print) JOSHUA ALLEN  
Street Address 339 41st APT. A  
Phone (510) 472-6814  
E-mail \_\_\_\_\_

Signature: [Signature]  
Name (print) Sam Whitney  
Street Address 16 Monte Vista #2  
Phone (415) 235-1821  
E-mail [Signature]

Signature: [Signature]  
Name (print) Christopher Hollis  
Street Address 835 Milton St. Oak C  
Phone 94609  
E-mail \_\_\_\_\_

Signature: [Signature]  
Name (print) DAVID ROY  
Street Address 339 41st St  
Phone 510-5474769  
E-mail \_\_\_\_\_

Signature: [Signature]  
Name (print) STEVEN L. FARUM  
Street Address 3823 MANILA OAK  
Phone CA 94609  
E-mail \_\_\_\_\_

Signature: [Signature]  
Name (print) TARIK KAZIEM  
Street Address 273 38th St. OAK  
Phone 510-595-4343  
E-mail \_\_\_\_\_


Signature: [Signature]  
Name (print) EVEE BUCKNER  
Street Address 3327 Kansas St  
Phone (510) 530-5214  
E-mail \_\_\_\_\_

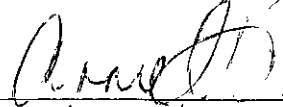
Signature: [Signature]  
Name (print) Tim M. Orr  
Street Address 3015 Myrtle St. #2  
Phone 510-652-1122  
E-mail \_\_\_\_\_

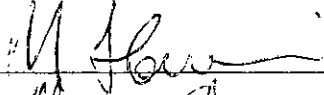
Signature: [Signature]  
Name (print) Raheem Cleveland  
Street Address 3327 Kansas St  
Phone 510 530-5214  
E-mail \_\_\_\_\_

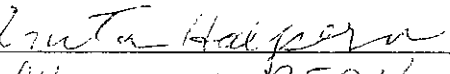
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

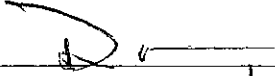
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

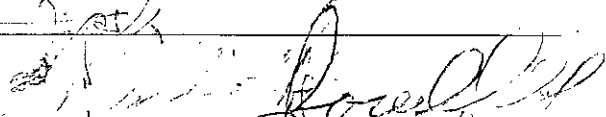
Signature   
 Name (print) DAVID MORRITT  
 Street Address 3833 TELEGRAPH AVE #22  
 Phone OAKLAND, 94609  
 E-mail \_\_\_\_\_

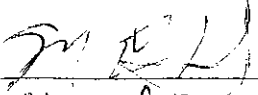
Signature   
 Name (print) Annette Salcedo  
 Street Address 5743 Hermann St, Oakland  
 Phone (510) 547-8794  
 E-mail annette\_salcedo@yahoo.com

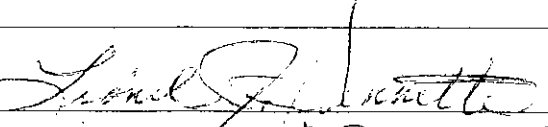
Signature   
 Name (print) Marc Stevin  
 Street Address 437-57th St.  
 Phone Oakland CA 94609  
 E-mail \_\_\_\_\_

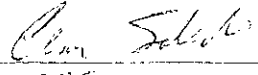
Signature   
 Name (print) ANITA HALPERN  
 Street Address 409-61 ST OAKLAND 94609  
 Phone (510) 653-0387  
 E-mail anita@attk

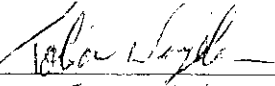
Signature   
 Name (print) MAX HOFFMEYER  
 Street Address 437 57th St.  
 Phone OAKLAND, CA 94609  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Madeline Kosenthal  
 Street Address 5917 Ayala Ave  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) MICHELE-DESJARLINS  
 Street Address 5707 HERMANN ST  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Lionel J. Sennette  
 Street Address 5834 AYALA AVE.  
 Phone (510) 655-8944  
 E-mail \_\_\_\_\_

Signature   
 Name (print) CESAR SALCEDO  
 Street Address 5743 HERMANN ST  
 Phone \_\_\_\_\_  
 E-mail CESAR\_SALCEDO@yahoo.com

Signature   
 Name (print) Tobias Winder  
 Street Address 5703 Ayala Ave  
 Phone (510) 367-6924  
 E-mail Tobias18@Aol.com



Petition to Reduce the Proposed Height of the  
Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature Waldemar Ramirez  
Name (print) Waldemar Ramirez  
Street Address 5220 Claremont Ave.  
Phone (510) 428-3252  
E-mail Wlwanine33@aol.com

Signature George Jackson  
Name (print) George Jackson  
Street Address 1650 12 St. Oakland, CA  
Phone (510) 467-4059  
E-mail \_\_\_\_\_

Signature Monique Williams  
Name (print) Monique Williams  
Street Address 5220 Claremont Ave  
Phone 510 428 3129  
E-mail Monique@gmail.com

Signature Peter A Franz  
Name (print) Peter A Franz  
Street Address 857 Aileen St  
Phone 510 384-1053  
E-mail bean.tone@plandebay.net

Signature Bertram L No  
Name (print) Bertram L No  
Street Address 702 60 St  
Phone 472-7467  
E-mail \_\_\_\_\_

Signature Steve Weaver  
Name (print) STEVE WEAVER  
Street Address 5310 TELEGRAPH  
Phone OAKLAND 94609  
E-mail \_\_\_\_\_

Signature Sheila MacDuffey  
Name (print) Sheila MacDuffey  
Street Address 4816, Daisy Street  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature Venus O. Lanvel  
Name (print) VENUS O. LANVEL  
Street Address 841 - 47th STREET #A  
Phone EMERVILLE, CA 94608  
E-mail \_\_\_\_\_

Signature Ann R. Jones  
Name (print) Ann R. Jones  
Street Address 71 Pearl St.  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature Allyson Spearman  
Name (print) Allyson Spearman  
Street Address 357 49th St #3  
Phone 510 827-7647  
E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature Rosemary Knapp  
 Name (print) ROSEMARY KNAPP  
 Street Address 5658 Carberry Ave  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature Carol Ann Hutcherson  
 Name (print) CAROL HUTCHERSON  
 Street Address 2818 Viola  
 Phone 534-7811-510  
 E-mail \_\_\_\_\_

Signature Yolanda Lopez  
 Name (print) Yolanda Lopez  
 Street Address 29353 Dixon St Hayward, CA  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature Mary L. Hardy  
 Name (print) MARY L. HARDY  
 Street Address 560-57th St  
 Phone 510-428-9070  
 E-mail \_\_\_\_\_

Signature Verna B Jefferson  
 Name (print) VERNA B. JEFFERSON  
 Street Address 5263 Carberry Ave  
 Phone 510 428-2485  
 E-mail \_\_\_\_\_

Signature Joseph Jones  
 Name (print) JOSEPH JONES  
 Street Address 594-58th St  
 Phone 510 654-5973  
 E-mail \_\_\_\_\_

Signature Dorothy Allen  
 Name (print) DOROTHY ALLEN  
 Street Address 3110 B. M. L. King Jr Way  
 Phone 510 548-1958  
 E-mail \_\_\_\_\_

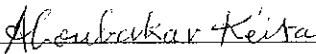
Signature Artie Arnett  
 Name (print) Artie Arnett  
 Street Address 536 32nd St Oak  
 Phone 510-655-4755  
 E-mail \_\_\_\_\_

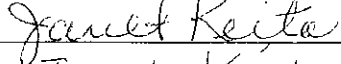
Signature Sam DeBor  
 Name (print) SAM DEBOR  
 Street Address 5815 ML King Jr Way  
 Phone 510-823-6240  
 E-mail SAMUEL DEBOR@GOL.COM

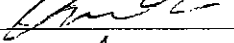
Signature Paul Jones  
 Name (print) PAUL JONES  
 Street Address 549-57th St OAK CA  
 Phone 510 654 2566  
 E-mail \_\_\_\_\_

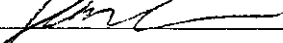
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

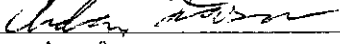
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

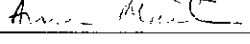
Signature   
 Name (print) ABOUBAKAR KEITA  
 Street Address 637 57th ST  
 Phone 510-653-7466  
 E-mail N/A

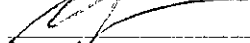
Signature   
 Name (print) Janet Keita  
 Street Address 637-57th ST  
 Phone 510 653-7466  
 E-mail N/A

Signature   
 Name (print) Anne Aronov  
 Street Address 5809 Ayala  
 Phone 653-5834  
 E-mail N/A

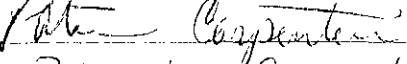
Signature   
 Name (print) JEANINE SIDRAN  
 Street Address 5830 Ayala AVE, E  
 Phone 510 895-5857  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Aidan Fraser  
 Street Address 471 58th St Oakland  
 Phone \_\_\_\_\_  
 E-mail aidanofraser@hotmail.com

Signature   
 Name (print) ANNE MUNT  
 Street Address 5410 17th Ave, Oakland  
 Phone 510 895-5857  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Adam Stone  
 Street Address 5830 Ayala Ave E  
 Phone 510 593 7507  
 E-mail stone@generalpet.com

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Patricia Carpentier  
 Street Address 459 59th St  
 Phone 510-658-6485  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature Rebecca Casey  
 Name (print) REBECCA CASEY  
 Street Address 5740 ALIACA AVE  
 Phone 510 594 9782  
 E-mail RebeccaCasey@yahoo.com

Signature [Signature]  
 Name (print) Alfred P Cootts  
 Street Address 630 59th St  
 Phone 655-3841  
 E-mail AlfredCootts@earthlink.net

Signature Ora L. DeRose  
 Name (print) ORA L. DeRose  
 Street Address 5701 Ayala, Oakland  
 Phone 1  
 E-mail \_\_\_\_\_

Signature Henry H. Johnson  
 Name (print) HENRY H. JOHNSON  
 Street Address 494 58th St  
 Phone 655-4464  
 E-mail HENRYHJOHNSON@EARTHLINK.NET

Signature Alexander Neal  
 Name (print) Alexander Neal  
 Street Address 453-5757th  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature Jonathan Barch  
 Name (print) JONATHAN BARCH  
 Street Address 451A 37th St  
 Phone 653-7973  
 E-mail jbarch@aol.com

Signature Greg Montalbano  
 Name (print) Greg Montalbano  
 Street Address 459 57th, oak  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_


Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

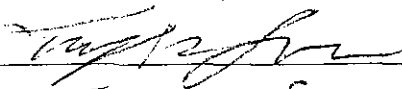
Signature Robert Blok  
 Name (print) Robert Blok  
 Street Address 636-59th St, Oak.  
 Phone 655-3841  
 E-mail RobertBlok@earthlink.net


Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

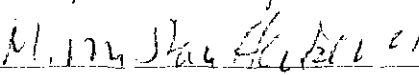
# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

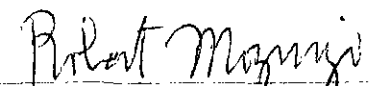
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

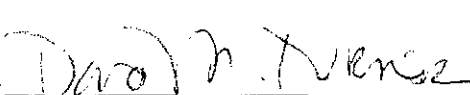
Signature   
Name (print) Menna Stern  
Street Address 5112 Miles Ave  
Phone \_\_\_\_\_  
E-mail mennas@jps.net

Signature   
Name (print) TRYSTAN STERN  
Street Address 5112 MILES AVE  
Phone \_\_\_\_\_  
E-mail trystan@berkeley.edu

Signature   
Name (print) Adam Benedict  
Street Address 5264 Redwood Ave  
Phone 425-765-3554  
E-mail chasingpandora@yahoo.com

Signature   
Name (print) M. VAN STUPPENBERG  
Street Address 483 49th Street  
Phone \_\_\_\_\_  
E-mail N/A

Signature   
Name (print) ROBERT MAZINGO  
Street Address 5139 CORONADO AVE.  
Phone 510/547-8832  
E-mail \_\_\_\_\_

Signature   
Name (print) Dona Turner  
Street Address 5139 Coronado Ave,  
Phone 510.547.8832  
E-mail Zingo2@aol.com.

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature *Chris Jackson*  
Name (print) Chris Jackson  
Street Address 440 57 St  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature *G. Montalban*  
Name (print) G. Montalban  
Street Address 459 57th St  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature *James Slaton*  
Name (print) James Slaton  
Street Address 5707 Vicente St  
Phone 570-655-4100  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature John Wagers  
Name (print) John Wagers  
Street Address 5499 Claremont Ave  
Phone 510. 653-1871  
E-mail johnwagers@sbcglobal.net

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature Steven P. Smith  
Name (print) Steven Smith  
Street Address 5420 Lawton Ave  
Phone 510 482-9990  
E-mail SPSmith7@pacbell.net

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature Christy Campbell  
Name (print) CHRISTY CAMPBELL  
Street Address 7114 Claremont Dr.  
Phone 510 527-7665  
E-mail ccampbell@nickel.com

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_


Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_


Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland


We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature   
 Name (print) BROOKS MENCHER  
 Street Address 632A 59th St  
 Phone 420-1867  
 E-mail bromencher@yahoo.com

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Judith Mencher  
 Street Address 632 59 St  
 Phone 420-1867  
 E-mail JMencher@yahoo.com

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) RON BUTLER  
 Street Address 5565 Vicente Way  
 Phone 510 658 0845  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

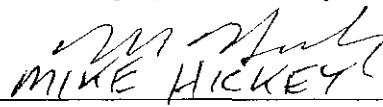
Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

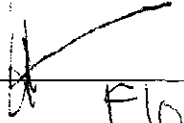


## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

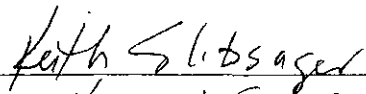
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature   
 Name (print) MIKE HICKEY  
 Street Address 430 42nd  
 Phone 510 6542082  
 E-mail MHICKEY.D.C@YAHOO.COM

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Flo Hodes  
 Street Address 430 42nd ST  
 Phone 510 6542082  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) KEITH SLIPSAGER  
 Street Address 434 42nd ST  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature *David Riland*  
 Name (print) DAVID RILAND  
 Street Address 576 Martin St.  
 Phone 510-653-6112  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature *[Signature]*  
 Name (print) KAREN KONG  
 Street Address 477 55th Ave  
 Phone 653-6732  
 E-mail caroan@bright.net

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature *Pui Wah Chau*  
 Name (print) Pui Wah Chau  
 Street Address 477 55th Street  
 Phone (510) 653-6732  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

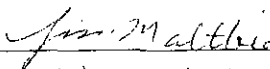
Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_


Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature   
Name (print) LISA MAITHE  
Street Address 1731 Ward Street  
Phone 510-666-0638  
E-mail lunamaithe@gmail.com

Signature   
Name (print) HARVEY JORDAN  
Street Address 481 RICH  
Phone 594-1486  
E-mail harveyj310@yahoo.com

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

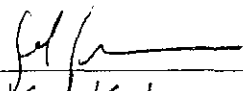
Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature   
Name (print) Heidi Kochendoerfer  
Street Address 486 55th Street  
Phone 510-387-3385  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

## E-Mail Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Name Don Hendrickson  
Street Address 497 Rich Street  
Phone 655-8607  
E-mail hendoc@sbcglobal.net

Name Bill Kramer  
Street Address 5253 Shafter Ave.  
Phone 428-4125  
E-mail wekramer@tdl.com

Name Catherine Keller  
Street Address 5355 Thomas Avenue, Oakland 94618  
Phone (510) 923-1134  
E-mail cemeallen@aol.com

Name Sandra Schlechter  
Street Address Webster Street  
Phone 653-8715  
E-mail ritasky@earthlink.net

Name Casey Keller  
Street Address 5355 Thomas Avenue, Oakland 94618  
Phone (510) 923-1134  
E-mail cemeallen@aol.com

Name Jim & Evelyn  
Street Address 652-2341  
Phone 5107 Desmond Street  
E-mail jimeve@sbcglobal.net

Name Carol Studier  
Street Address 5420 Lawton  
Phone 655-5519  
E-mail carolstudier@yahoo.com

Name Chris Shields  
Street Address 450 43rd St  
Phone 428-0660  
E-mail CFLadyShields@aol.com

Name Patricia Walker  
Street Address 6650 Dana St. 94609  
Phone 654-4556  
E-mail pwalkerram@earthlink.net

Name Neil McKee  
Street Address 5315 Shafter Ave.  
Phone 510-420-1406  
E-mail neilandsara@neilandsara.org

## E-Mail Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Name Sara Adams  
Street Address 5315 Shafter Ave.  
Phone 510-420-1406  
E-mail neilandsara@neilandsara.org

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Name Judyth Collin  
Street Address 402 41st Street  
Phone \_\_\_\_\_  
E-mail JCollin@ChabotSpace.org

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature [Signature]  
 Name (print) B. Williams  
 Street Address 472 Cavour St  
 Phone \_\_\_\_\_  
 E-mail [Email]

Signature [Signature]  
 Name (print) Daniel J Clark  
 Street Address 422 Cavour St  
 Phone \_\_\_\_\_  
 E-mail danny.clark@whotids.com

Signature [Signature]  
 Name (print) [Name]  
 Street Address 444 Cavour St  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature [Signature]  
 Name (print) LEMONNE BAROLI  
 Street Address 450 CAVOUR ST  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature [Signature]  
 Name (print) LAURIA PANICH  
 Street Address 456 CAVOUR ST  
 Phone CLARKLANDS CA 94618  
 E-mail \_\_\_\_\_

Signature [Signature]  
 Name (print) Edam Bradshaw  
 Street Address 454 Cavour St  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature [Signature]  
 Name (print) FRANK F BRADSHAW  
 Street Address 454 CAVOUR ST  
 Phone 652 2763  
 E-mail \_\_\_\_\_

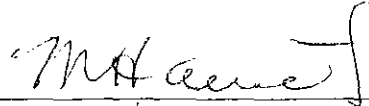
Signature [Signature]  
 Name (print) [Name]  
 Street Address 458 Cavour St  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_


Signature [Signature]  
 Name (print) [Name]  
 Street Address [Address]  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

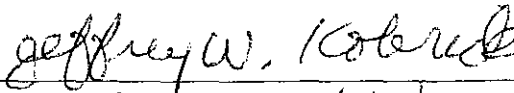
Signature [Signature]  
 Name (print) ROBERT M. PAULSEN  
 Street Address 5213 LANTON AVE  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

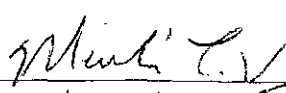
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland


We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

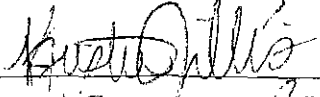
Signature   
 Name (print) M Haimowitz  
 Street Address 5135 Manilla  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_


Signature   
 Name (print) Keith Pankow  
 Street Address 400 Cavour St  
 Phone (510) 655-5771  
 E-mail \_\_\_\_\_

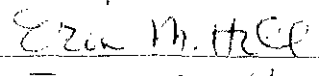
Signature   
 Name (print) Jeffrey W. Kobrick  
 Street Address 358 Cavour  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

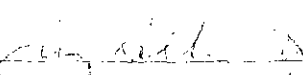
Signature   
 Name (print) Michele L. Vega  
 Street Address 408 Cavour Street  
 Phone 2  
 E-mail mlvabates@yahoo.com

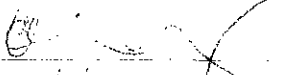
Signature   
 Name (print) Jean Johnstone  
 Street Address 368 Cavour St.  
 Phone 510.652.3294  
 E-mail jeanej368@earthlink.net

Signature   
 Name (print) Kristin Willis  
 Street Address 402 Cavour St  
 Phone (510) 32-5707  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Valerie Weller  
 Street Address 380 Cavour St  
 Phone 510 652 7563  
 E-mail v.weller@mcwhispeed.net

Signature   
 Name (print) Erin M. Hill  
 Street Address 404 Cavour  
 Phone 510 847-9677  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Stephanie  
 Street Address 404 Cavour St  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Charis  
 Street Address 404 Cavour St  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_



# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature Sylvia Herick  
Name (print) SYLVIA HERICK  
Street Address 448 44th St.  
Phone (510) 653-2445  
E-mail Sylvia@SylviaHerick

Signature Mattias Herick  
Name (print) Mattias Herick  
Street Address 448 44th Street  
Phone (510) 653-2445  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature *Leon Lewis*  
 Name (print) Leon Lewis  
 Street Address 5118 Clark St.  
 Phone (510) 655-6470  
 E-mail \_\_\_\_\_

Signature *Jacob van Thienen*  
 Name (print) Jacob van Thienen  
 Street Address 271 1/2 - 52nd St  
Oakland, CA 94608  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature *Amy Chertoff*  
 Name (print) Amy Chertoff  
 Street Address 643 51st St  
Cub 94609  
 Phone 510-547-2115  
 E-mail \_\_\_\_\_

Signature *Frank Ruffalo*  
 Name (print) Frank Ruffalo  
 Street Address 11311 52nd St  
 Phone 510-653-1607  
 E-mail \_\_\_\_\_

Signature *Robert J. ...*  
 Name (print) Robert J. ...  
 Street Address ...  
 Phone ...  
 E-mail ...

Signature *John ...*  
 Name (print) John ...  
 Street Address 431 - Allen St  
 Phone 651 9818  
 E-mail ...

Signature *Kate ...*  
 Name (print) Kate ...  
 Street Address 131 - Allen St  
 Phone 655-8467  
 E-mail ...

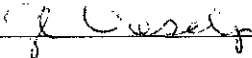
Signature *...*  
 Name (print) ...  
 Street Address 5030 Telegraph St  
 Phone 510-654-9814  
 E-mail \_\_\_\_\_

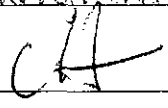
Signature *...*  
 Name (print) JP MAGNUSON-PEDERSEN  
 Street Address 4120 MERRA ST  
 Phone (510) 532-8911  
 E-mail \_\_\_\_\_

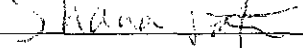
Signature *...*  
 Name (print) ...  
 Street Address ...  
 Phone ...  
 E-mail \_\_\_\_\_

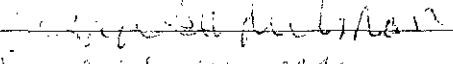
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

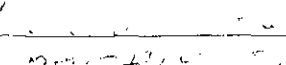
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

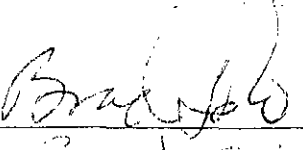
Signature   
 Name (print) Cheryl Vesely  
 Street Address 5438 Shafter Ave  
 Phone 510-655-5149  
 E-mail cherylvesely@sbglobal.net

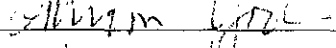
Signature   
 Name (print) CHRIS SHAYNE  
 Street Address 5438 SHAFER AVE  
 Phone 510-655-5149  
 E-mail CHRIS.SHAYNE@MLMV.COM

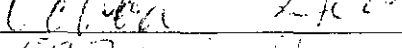
Signature   
 Name (print) Shanna Reich  
 Street Address 5426 Shafter  
 Phone 510 640-5626  
 E-mail \_\_\_\_\_

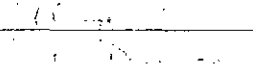
Signature   
 Name (print) Susan Seck  
 Street Address 5395 Shafter Ave  
 Phone 510 547-7002  
 E-mail \_\_\_\_\_

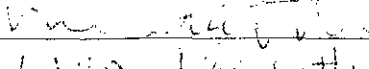
Signature   
 Name (print) BEVERLY  
 Street Address 5444 Shafter Ave  
 Phone 510 655-5149  
 E-mail \_\_\_\_\_

Signature   
 Name (print) David Spio  
 Street Address 5344 Shafter Ave  
 Phone 510-655-6112  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Allison  
 Street Address 5328 Shafter Ave  
 Phone 510-654-6227  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Colleen  
 Street Address 5324 Shafter Ave  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) \_\_\_\_\_  
 Street Address 5275 Shafter Ave  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) LISA  
 Street Address 5261 Shafter Ave  
 Phone 510-655-5187  
 E-mail lisa@public.net

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature *Mark S. ...*  
 Name (print) MARK S. ...  
 Street Address 5210 SHAFER AVE  
 Phone 510-599-1586  
 E-mail varnisk@attlink.net

Signature *S. ...*  
 Name (print) S. ...  
 Street Address 5333 SHAFER AVE  
 Phone 510-655-3219  
 E-mail \_\_\_\_\_

Signature *M. Kubota*  
 Name (print) M. Kubota  
 Street Address 5359 Shafter Ave  
 Phone 653-8009  
 E-mail \_\_\_\_\_

Signature *E. ...*  
 Name (print) E. ...  
 Street Address 5371 Shafter Ave  
 Phone 510-655-4707  
 E-mail e.c.vallance@comcast.com

Signature *Liana Chavez*  
 Name (print) LIANA CHAVEZ  
 Street Address 5375 SHAFER AVE  
 Phone 510-420-1069  
 E-mail \_\_\_\_\_

Signature *Charles F. Chavez*  
 Name (print) CHARLES F. CHAVEZ  
 Street Address 5375 SHAFER AVE  
 Phone 510-420-1066  
 E-mail \_\_\_\_\_

Signature *Bridget ...*  
 Name (print) Bridget ...  
 Street Address 5375 Shafter  
 Phone 415-425-7611  
 E-mail \_\_\_\_\_

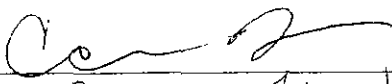
Signature *Elaine H. Smita*  
 Name (print) Elaine H. Smita  
 Street Address 5380 Shafter Ave  
 Phone 510-652-3725  
 E-mail \_\_\_\_\_

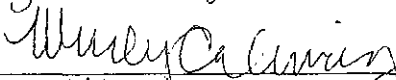
Signature *Jeff Clark*  
 Name (print) JEFF CLARK  
 Street Address 5380 Shafter Ave  
 Phone 510-652-3725  
 E-mail \_\_\_\_\_

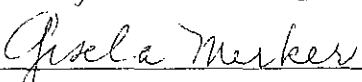
Signature *Patricia ...*  
 Name (print) PATRICIA ...  
 Street Address 5420 SHAFER AVE  
 Phone (510) 652-3841  
 E-mail patrick@... .com


## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

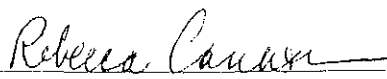
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

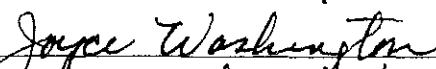
Signature   
 Name (print) Carmen Johnston  
 Street Address 6425 Hillmont Dr.  
 Phone (510) 633-0389  
 E-mail cjohnston@girlsinc-alameda.org


Signature   
 Name (print) Wendy Calina  
 Street Address 3850 San Pablo Ave  
 Phone (510) 658-0207  
 E-mail dinged518@sbcglobal.net

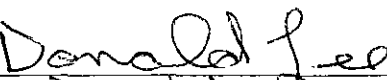
Signature   
 Name (print) GISELA MERKER  
 Street Address 3550 Boston Ave  
 Phone 482-5815  
 E-mail gmmerker@sbcglobal.net

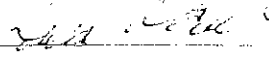
Signature   
 Name (print) DOMINIC T. WALSH  
 Street Address 5163 MILES AVENUE, OAKLAND  
 Phone 510-594-8408  
 E-mail aceydo22@yahoo.com

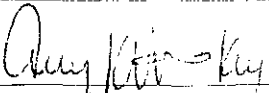
Signature   
 Name (print) Rebecca Cannon  
 Street Address 590 Arlington Ave.  
 Phone Berkeley, Ca. 94707  
 E-mail rcannon1@pacbell.net

Signature   
 Name (print) Joyce Washington  
 Street Address 10920 Elvessa St.  
 Phone 510 562-7572  
 E-mail joyce.washington@sbcglobal.net

Signature   
 Name (print) GREGORY STANCIN  
 Street Address 5248 SHAFER AVE  
 Phone 510 985 1326  
 E-mail GSTANCIN@EARTHLINK.NET

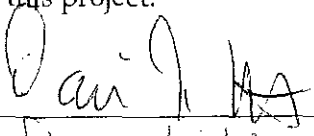
Signature   
 Name (print) Donald Lee  
 Street Address 5264 Shafter Ave  
 Phone 415-710 7152  
 E-mail geneplitter@hotmail.com

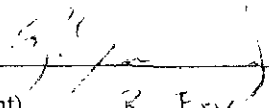
Signature   
 Name (print) Tom Touch  
 Street Address 5309 Shafter Ave  
 Phone 601-6258  
 E-mail tomtouch@earthlink.net

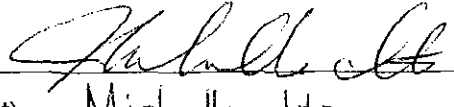
Signature   
 Name (print) Amy Kitter  
 Street Address 5327 Shafter Avenue  
 Phone 510-547-4565  
 E-mail akitter@earthlink.net

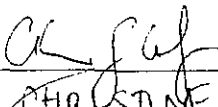
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

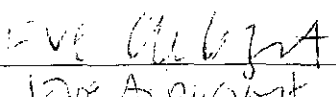
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

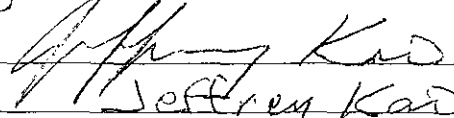
Signature   
 Name (print) Dan Litzman  
 Street Address 4105 Shafter Ave  
 Phone 658-8051  
 E-mail dan.litzman@earthlink.net

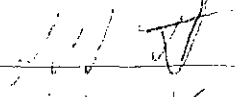
Signature   
 Name (print) R. Eric Creeber  
 Street Address 449 Birch St  
 Phone 985 2968  
 E-mail ecreeber@sbcglobal.net

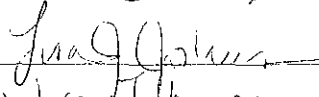
Signature   
 Name (print) Michelle Ito  
 Street Address 527 43rd St  
 Phone (415) 297-6623  
 E-mail kedamae@hotmail.com

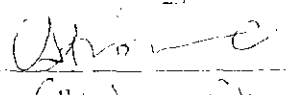
Signature   
 Name (print) CHRISTINE G COLGAN  
 Street Address 482 RICH ST  
 Phone 510 547 0599  
 E-mail cgcristst@sbcglobal.net

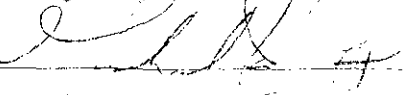
Signature   
 Name (print) Eve August  
 Street Address 577 43rd St  
 Phone ~~510 910 9402~~  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Jeffrey Kad  
 Street Address 495 Rich St  
 Phone 510-910-9402  
 E-mail emmaleejk@yahoo.com

Signature   
 Name (print) Lisa Johnson  
 Street Address 495 Rich St  
 Phone 510-54-4956  
 E-mail lisa.j@pacbell.net


Signature   
 Name (print) Lisa Johnson  
 Street Address 495 Rich St  
 Phone 510-54-4956  
 E-mail lisa.j@pacbell.net

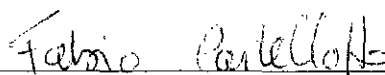
Signature   
 Name (print) Cathy Irons  
 Street Address 2740 Telegraph Ave (near 51st)  
 Phone 510-26-1914  
 E-mail \_\_\_\_\_

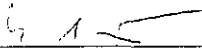
Signature   
 Name (print) MICHAEL CAMP  
 Street Address 5139 TELEGRAPH AVE  
 Phone 510-710-3837  
 E-mail mcamp@pacbell.com

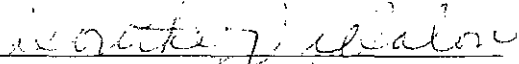
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

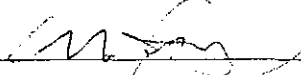
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

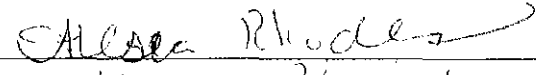
Signature   
 Name (print) KRISTIN PACE  
 Street Address 27 RICHARDS WAY  
 Phone (510) 301-5906  
 E-mail kpace@tblaw.com

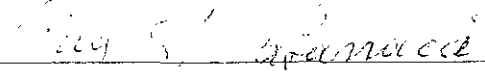
Signature   
 Name (print) CASTELLOTTO  
 Street Address 459 CAVOUR ST  
 Phone (510) 654 9822  
 E-mail LoveCastello@earthlink.net

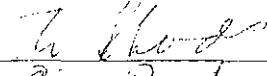
Signature   
 Name (print) Brooke Schwartz  
 Street Address 11 Bay Forest Place, Oakland, CA 94611  
 Phone 510 858 8854  
 E-mail b.schwartz@comcast.net

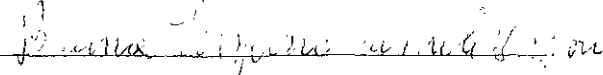
Signature   
 Name (print) DOROTHY VILLALON  
 Street Address 457 CAVOUR ST.  
 Phone 510-594-1810  
 E-mail NONE

Signature   
 Name (print) WAI TSE  
 Street Address 577 W. GRAND AV  
 Phone (510) 21-3297  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Alicia Rhodes  
 Street Address 457 CAVOUR ST  
 Phone 510 594 1810  
 E-mail alicia.white@rhodes.com

Signature   
 Name (print) LINA V. TABARRACCI  
 Street Address 463 CAVOUR STREET  
 Phone 510 652-2379  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Alicia Rhodes  
 Street Address (510) 594 1810 457 CAVOUR ST  
 Phone (510) 594 1810  
 E-mail Rhodes, Family b @Rhodes.com

Signature   
 Name (print) \_\_\_\_\_  
 Street Address 5230 NEBRASKA AVE  
 Phone 617-7113  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature *Melissa Bryan*  
 Name (print) Melissa Bryan  
 Street Address 953 Archyfer  
 Phone X  
 E-mail melbryan@yahoo.com

Signature *Julia Clare*  
 Name (print) Julia Clare  
 Street Address 491 Staten #6  
 Phone \_\_\_\_\_  
 E-mail JuliaMcClare@yahoo.com

Signature *James McErlain*  
 Name (print) JAMES McERLAIN  
 Street Address 1138 E. 12th St. #B  
 Phone \_\_\_\_\_  
 E-mail Jimmy.McERLAIN@gmail.com

Signature *Nadine Budbill*  
 Name (print) Nadine Budbill  
 Street Address 931 60th St Oakland  
 Phone \_\_\_\_\_  
 E-mail Nbudbill@girlsinc-alameda.org

Signature *Katie Burrell*  
 Name (print) Katie Burrell  
 Street Address 2002 Lakeshore Ave  
 Phone \_\_\_\_\_  
 E-mail kburrell@girlsinc-alameda.org

Signature *Jackie Hemann*  
 Name (print) Jackie Hemann  
 Street Address 953 Archyfer  
 Phone X  
 E-mail X

Signature *Tanoda Stewart*  
 Name (print) Tanoda Stewart  
 Street Address 491 Staten #6  
 Phone X  
 E-mail X

Signature *Kiku Johnson*  
 Name (print) KIKU JOHNSON  
 Street Address 3077 RICHMOND BLVD.  
 Phone (510) 875-8575 OAKLAND 94612  
 E-mail kjohnson@girlsinc-alameda.org

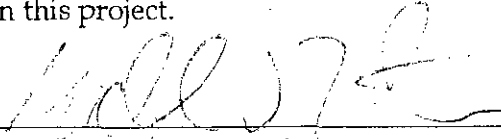
Signature *Allegra Williams*  
 Name (print) Allegra Williams  
 Street Address 128 Hamilton Pl.  
 Phone 916 769 5446  
 E-mail heartantiflag@msn.com

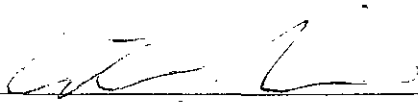
Signature *Alex Mendez*  
 Name (print) Alex Mendez  
 Street Address 3730 Laguna Ave. Oakland  
 Phone (510) 481-1203  
 E-mail \_\_\_\_\_

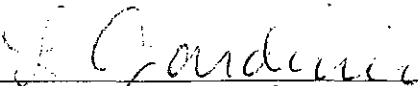


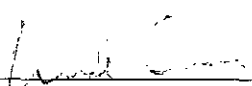
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

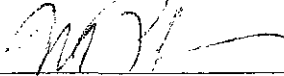
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

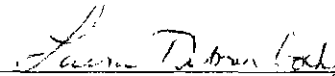
Signature   
 Name (print) Michael Zinke  
 Street Address 5247 Shafter Ave  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_


Signature   
 Name (print) Caitlin Seiwick  
 Street Address 477 Concord  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Laura Gardiner  
 Street Address 5225 Shafter Ave  
 Phone 428-1023  
 E-mail \_\_\_\_\_

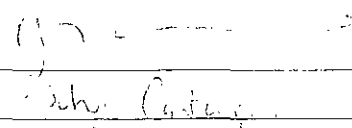
Signature   
 Name (print) Mark Smith  
 Street Address 427 Lakeside  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Malachi Padron  
 Street Address 5221 Shafter Ave  
 Phone 510-2208  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Laura Detmer  
 Street Address 466 Cavanaugh St  
 Phone 510-2652-9124  
 E-mail l

Signature   
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_


Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) John Costello  
 Street Address 118 \_\_\_\_\_ St  
 Phone 415-3915  
 E-mail \_\_\_\_\_

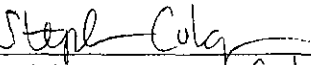
Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Petition to Reduce the Proposed Height of the  
Development at Telegraph and 51st Street, North Oakland

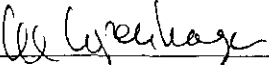
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature   
Name (print) Kenneth Gillett  
Street Address 482 RICH ST OAKLAND  
Phone 510 415 1944  
E-mail /


Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature   
Name (print) Stephen Colgan  
Street Address 4033 Broadway  
Phone 510 654-4049  
E-mail \_\_\_\_\_


Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature   
Name (print) Lee Copenhagen  
Street Address 746 Rand #1  
Phone 510 520 2299  
E-mail lee@cojustice.org

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature   
Name (print) Cathy Copenhagen  
Street Address 746 Rand #1 Oak.  
Phone 208-3577  
E-mail noseinbooks@earthlink.net


Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

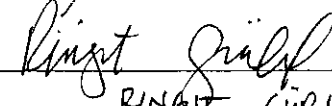
Signature   
Name (print) Deborah Dyer  
Street Address 1433 Josephine st  
Phone 510 527-6605  
E-mail dd

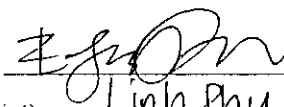
Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

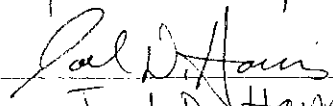
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

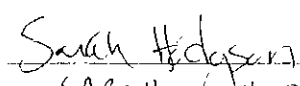
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

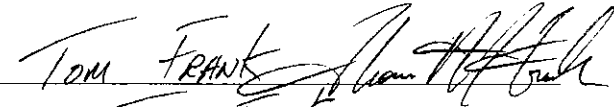
Signature   
 Name (print) James Pettit  
 Street Address 311 SHERIDAN AVE Piedmont CA  
 Phone 510 601 1717  
 E-mail jamespettit@comcast.net

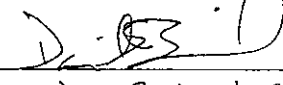
Signature   
 Name (print) RINGIT GÜRLÜÇ  
 Street Address 4928 TELEGRAPH AVE. #E  
 Phone 510. 654. 3392  
 E-mail RINGIT@SBCGLOBAL.NET

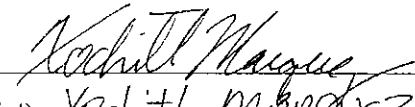

Signature   
 Name (print) Linh Ph  
 Street Address 4821 Clarke Street  
 Phone (415) 515-7405  
 E-mail linhphu3@hotmail.com

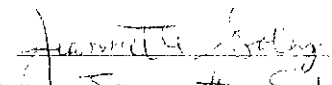
Signature   
 Name (print) Joel D. Harris  
 Street Address 7411 Alhura Place  
 Phone (510) 569-3413  
 E-mail eagleparadisepoet@yahoo.com

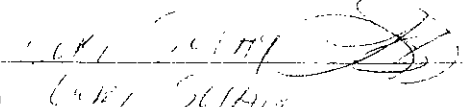
Signature   
 Name (print) SARAH HODGSON  
 Street Address 1358 E. 28th St, Oakland  
 Phone 510 434-9956  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Tom FRANK  
 Street Address 416 49th St.  
 Phone \_\_\_\_\_  
 E-mail TomFFRANK@hotmail.com

Signature   
 Name (print) Dan Bollwinkel  
 Street Address 64 Robe Rd.  
 Phone \_\_\_\_\_  
 E-mail danbollwinkel@msn.com

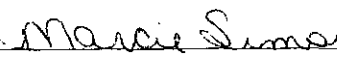
Signature   
 Name (print) Xochitl MARQUEZ  
 Street Address 9125 Lawlor St.  
 Phone   
 E-mail xmarquez@hotmail.com


Signature   
 Name (print) Jennifer Soling  
 Street Address 642 59th St  
 Phone 510 - 915 8713  
 E-mail 5101.soling@ephes.com


Signature   
 Name (print) Kelly Soling  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

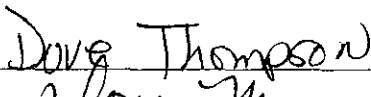
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

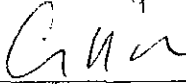
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

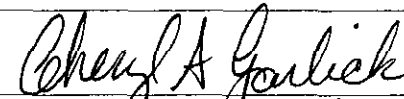
Signature   
 Name (print) Marcie Sims  
 Street Address 3207 telegraph / oakland / CA 94609  
 Phone 510-597-0952  
 E-mail Marcie112678@yahoo.com


Signature   
 Name (print) DAN RATHSUN  
 Street Address 482 49<sup>th</sup> st BAK CA 94609  
 Phone 510 459 7320  
 E-mail \_\_\_\_\_

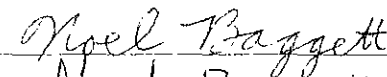
Signature   
 Name (print) Ted Purves  
 Street Address 5343 miles  
 Phone 428 1210  
 E-mail compard@uicov.com

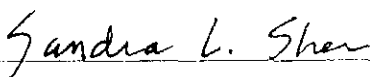
Signature   
 Name (print) Doug Thompson  
 Street Address 532 16<sup>th</sup> #1606  
 Phone (510) 893-8243  
 E-mail \_\_\_\_\_

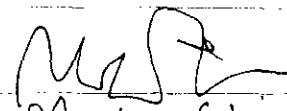
Signature   
 Name (print) Cassandra R. Todd  
 Street Address 396 50<sup>th</sup> St. Oakland, 94609  
 Phone (510) ~~428~~ 653-3997  
 E-mail CTODD@SL2USD.ORG

Signature   
 Name (print) Cheryl Gorbick  
 Street Address 480 D 42nd St  
 Phone 655-2682  
 E-mail cagorbick@sbcglobal.net

Signature   
 Name (print) Noel Baggett  
 Street Address 514 22<sup>nd</sup> St. Oakland, CA  
 Phone 510 596-5123  
 E-mail noelbaggett@uicov.com

Signature   
 Name (print) Noel Baggett  
 Street Address 5129 Miles Ave, #4, Oakland, CA  
 Phone (510) 596-9028  
 E-mail \_\_\_\_\_

Signature   
 Name (print) SANDRA L. SHER  
 Street Address 338-B WARWICK AVE.  
 Phone 510-465-6312  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Mark Stichman  
 Street Address 477 9<sup>th</sup> Street  
 Phone (510) 653-0624  
 E-mail \_\_\_\_\_

Petition to Reduce the Proposed Height of the  
Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature *Conrada Miller*  
Name (print) \_\_\_\_\_  
Street Address 4423 Webster #5  
Phone 510 607 8269  
E-mail \_\_\_\_\_

Signature *Augsy C. Hagan*  
Name (print) Gregory C. Hagan  
Street Address 597 54th St Oakland  
Phone \_\_\_\_\_  
E-mail robotmonkeys@hotmail.com

Signature *Saada Farrerter*  
Name (print) Saada Farrerter  
Street Address 4312 Telegraph Ave Apt #1  
Phone 595-1420  
E-mail \_\_\_\_\_

Signature *Suzy Tamimi*  
Name (print) Suzy Tamimi  
Street Address 4312 Telegraph Ave. Apt #1  
Phone 595-1420  
E-mail \_\_\_\_\_

Signature *Paula J. Dorn*  
Name (print) PAULA J. DORN  
Street Address 636-58th St # OAK, CA  
Phone \_\_\_\_\_ 94609  
E-mail \_\_\_\_\_

Signature *Bruce Williams*  
Name (print) Bruce Williams  
Street Address 5147 Miles Ave  
Phone 510-652-8121  
E-mail blwfloors@yahoo.com

Signature *Serena Wright*  
Name (print) Serena Wright  
Street Address 432 50th St Oakland  
Phone 510-658-2133  
E-mail serenalucia@hotmail.com

Signature *Virginia Brown*  
Name (print) Virginia Brown  
Street Address 362 Cavour St  
Phone 510 654-8925  
E-mail vexxie@yahoo.com

Signature *Joan E. Fittinger*  
Name (print) Joan E. Fittinger  
Street Address 431 Alcatraz #7 OAK 94609  
Phone 510 653 0572  
E-mail joefittinger@hotmail.com

Signature *Jane R. Kramer*  
Name (print) Jane R. Kramer  
Street Address 535-412 St. #7  
Phone 577-4728  
E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature Harlan Conti  
 Name (print) HARLAN CONTI  
 Street Address 436 49th St, Oakland, 94609  
 Phone 653-3124  
 E-mail \_\_\_\_\_

Signature Moses LaSabra  
 Name (print) Moses LaSabra  
 Street Address 4344 Broadway  
 Phone 653-5718  
 E-mail \_\_\_\_\_

Signature Sarah Bailey  
 Name (print) Sarah Bailey  
 Street Address 3207 Telegraph/Oakland/94609  
 Phone 597-0952  
 E-mail \_\_\_\_\_

Signature Juan Rodriguez  
 Name (print) JUAN RODRIGUEZ  
 Street Address 4934 Telegraph Ave  
 Phone 510-655-1779  
 E-mail JuanRodriguez@yahoo.com

Signature Matt Runkle  
 Name (print) MATT RUNKLE  
 Street Address 719 54th St, #6 Oakland 94609  
 Phone (510) 575 6613  
 E-mail \_\_\_\_\_

Signature Jeff Norman  
 Name (print) JEFF NORMAN  
 Street Address 477 Rich St., OAK 94609  
 Phone 653-7190  
 E-mail jnorman@california.com

Signature Sally K Amshury  
 Name (print) SALLY K AMSHURY  
 Street Address 4504 Clarke #3  
 Phone 510 595-1341  
 E-mail Sallyam@pacbell.net

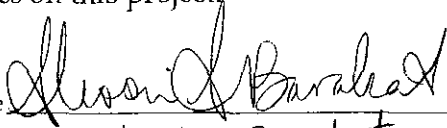
Signature Kathy Geritz  
 Name (print) Kathy Geritz  
 Street Address 477 Rich St. Oakland CA.  
 Phone 510/652-6582  
 E-mail \_\_\_\_\_

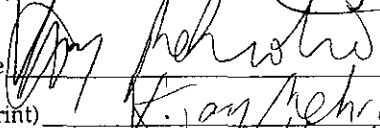
Signature Joe Martino  
 Name (print) Joe Martino  
 Street Address 5424 Geneva St  
 Phone 646-548-5200  
 E-mail \_\_\_\_\_

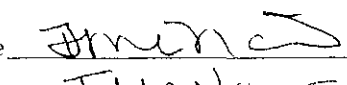
Signature Susan Miller  
 Name (print) Susan Miller  
 Street Address 4145 maple Ave  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

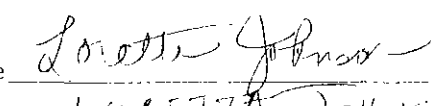
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

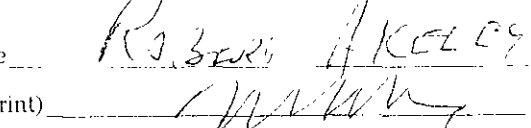
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

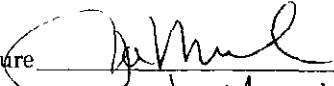
Signature   
 Name (print) ALISON A. BARAKAT  
 Street Address 5040 Telegraph Ave Oakland  
 Phone (510) 289-5505  
 E-mail alison@bakesalebetty.com

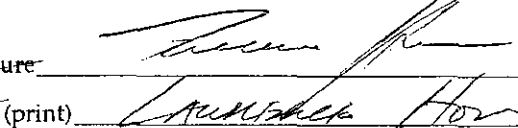
Signature   
 Name (print) Vijay Mehrotra  
 Street Address 559 Wall Vista  
 Phone 510-444-5665  
 E-mail vjm@stson.com

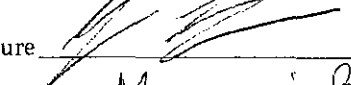
Signature   
 Name (print) T McNamee  
 Street Address 541 45th St #B  
 Phone (510) 923-9697  
 E-mail \_\_\_\_\_

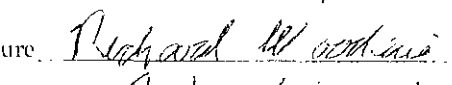
Signature   
 Name (print) LORETTA JOHNSON  
 Street Address 4215 MLK Jr. Way  
 Phone (510) 834-5171  
 E-mail lorotta\_94604@yahoo.com

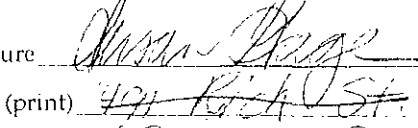
Signature   
 Name (print) ROBERT KELLEY  
 Street Address 409 49th St  
 Phone 622-9271  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Joe Marsh  
 Street Address \_\_\_\_\_  
 Phone 510.549.3361  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Loushee Horn  
 Street Address 5010 Proctor Ave.  
 Phone 510-278-4003  
 E-mail \_\_\_\_\_


Signature   
 Name (print) Megumi Burr  
 Street Address (in process of moving to this area)  
 Phone 415-568-5789  
 E-mail megumi@speedcast.net

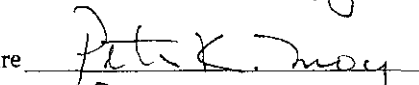
Signature   
 Name (print) Richard Woodbine  
 Street Address 2363 Valley St #4  
 Phone 510-836-0214  
 E-mail \_\_\_\_\_

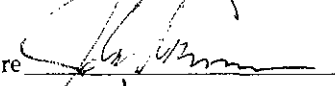
Signature   
 Name (print) 424 Rich St. Susan Gage  
 Street Address 491 Rich St.  
 Phone 510-553-3528  
 E-mail 345uriz@sh2102.net

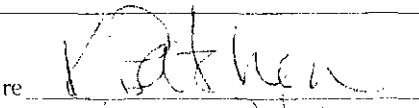
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland


We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.


Signature   
 Name (print) ERIKA M. RANAHAN  
 Street Address 5182 MILES AVE  
 Phone 510. 420.0373  
 E-mail eranahan@yahoo.com

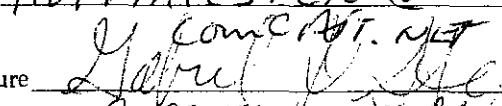
Signature   
 Name (print) PETER K. MOY  
 Street Address 5169 MILES AVE  
 Phone (510) 597-0726  
 E-mail petermoy@ix.netcom.com

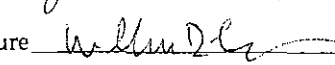
Signature   
 Name (print) John Wichmann  
 Street Address 3129 Miles  
 Phone 510 224 7505  
 E-mail \_\_\_\_\_

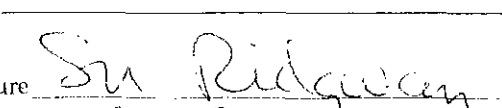
Signature   
 Name (print) Liven Pitcher  
 Street Address 5129 Miles Ave  
 Phone 510 224 3605  
 E-mail \_\_\_\_\_

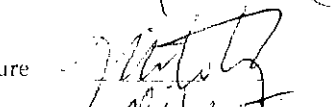
Signature   
 Name (print) Tracy Green  
 Street Address 5129 Miles Ave # 4  
 Phone 510 596-9028  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Michael Hoffmann  
 Street Address 5129 Miles Ave #4  
 Phone 510-596-9028  
 E-mail Hoffmieser@

Signature   
 Name (print) GABRIEL STERN  
 Street Address 5112 MILES AVES  
 Phone 510-658-9562  
 E-mail gstern@gatan.com

Signature   
 Name (print) William DeRenzo  
 Street Address 5125 Miles Ave Oakland  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

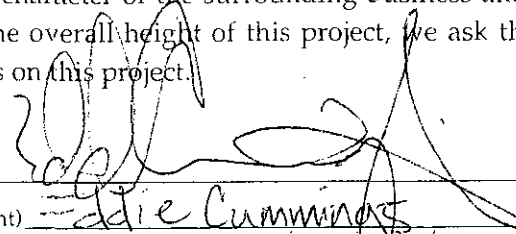
Signature   
 Name (print) SU RIDGWAY  
 Street Address 5160 Miles Ave  
 Phone 655-2414  
 E-mail suatysu50@yahoo.com

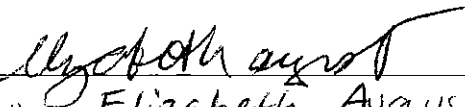
Signature   
 Name (print) Mike Toney  
 Street Address 5162 Miles Ave  
 Phone 510 420 1619  
 E-mail mtoney09@gmail.com

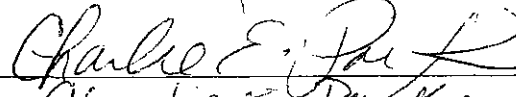


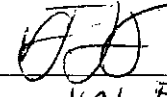
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

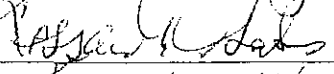
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.


Signature   
 Name (print) Eddie Cummings  
 Street Address 569 47th St.  
 Phone 510 290-4469  
 E-mail

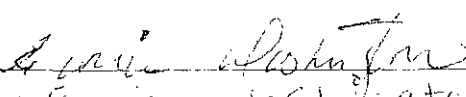
Signature   
 Name (print) Elizabeth August  
 Street Address 734 45th Street  
 Phone 510 428 1540  
 E-mail

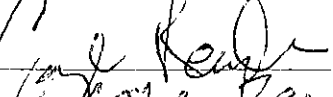
Signature   
 Name (print) Charlie Parker  
 Street Address 562 47th Apt A  
 Phone 510 923 0604  
 E-mail a76butterfly@yahoo.com

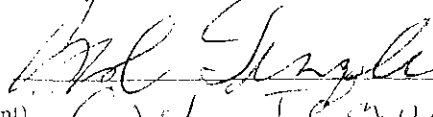
Signature   
 Name (print) VAL ESWAY  
 Street Address 552 47th St.  
 Phone (510) 655-5930  
 E-mail

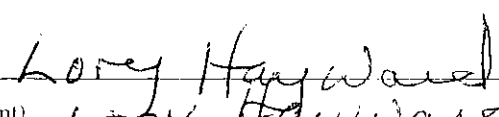
Signature   
 Name (print) Aleksandra Chumra  
 Street Address 556 47th St  
 Phone 510 712 4413  
 E-mail

Signature   
 Name (print) BILLY NIERKI  
 Street Address 540 47th St  
 Phone 510 654 7488  
 E-mail

Signature   
 Name (print) Eunice Washington  
 Street Address 556 47th St #3  
 Phone (510) 472-4187  
 E-mail

Signature   
 Name (print) Lorie Reader  
 Street Address 553 47th St  
 Phone 510 595 3575  
 E-mail

Signature   
 Name (print) Col Temple  
 Street Address 556 47th St  
 Phone (510) 624-2486  
 E-mail col.temple1@hotmail.com

Signature   
 Name (print) Lory Hayward  
 Street Address 552 47th St  
 Phone (510) 595-0924  
 E-mail lorylyh@yahoo.com

# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature [Handwritten Signature]  
Name (print) THOMAS C. KELLY  
Street Address 536 40th Street  
Phone 510-477-3810  
E-mail tkelly@aol.com

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature [Handwritten Signature]  
Name (print) MICHELE DEWANNEY  
Street Address ~~840 42nd Street~~ 840 42nd Street  
Phone 510-219-0455  
E-mail Froggywagg@yahoo.com

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. *The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site.* We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature *Jason Marino*  
Name (print) JASON MARINO  
Street Address 5182 miles AVE  
Phone 510-420-0373  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

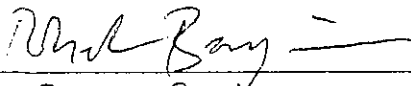
Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

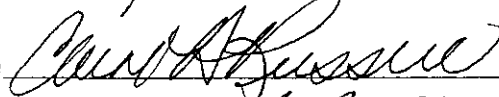
Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

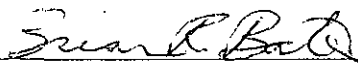
Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_


## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

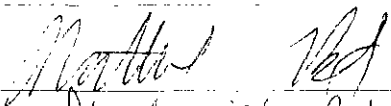
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

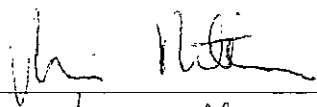
Signature   
 Name (print) Robert Benjamin  
 Street Address 633 Cleveland St., Oakl.  
 Phone 510-452-0602  
 E-mail rbenjamin@znet.com


Signature   
 Name (print) CAROL A. RUSSELL  
 Street Address 467 42nd St  
 Phone 510 658-5088  
 E-mail \_\_\_\_\_

Signature   
 Name (print) BRIAN R. BATES  
 Street Address 3152 STANLEY BLVD  
 Phone 510-291-6250  
 E-mail \_\_\_\_\_

Signature   
 Name (print) ANNA BATES  
 Street Address 3152 Stanley Blvd  
 Phone 510 559 5756  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Nathaniel Bates  
 Street Address 3152 Stanley Blvd, Lafayette, CA 94501  
 Phone 925 932-7200  
 E-mail \_\_\_\_\_

Signature   
 Name (print) VICKI MITTERO  
 Street Address 3 HERON CT  
 Phone 510 523 4948  
 E-mail Vmittero@earthlink.net

Signature   
 Name (print) Wayne Froland  
 Street Address 3 Heron Ct  
 Phone 510 523 4948  
 E-mail wayne.froland@servance.com

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

## E-Mail Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Name Julie F. Ziegler  
Street Address 350 50th Street  
Phone 510-548-7474  
E-mail jzig22@yahoo.com

Name Doug Dove  
Street Address 369 42nd Street  
Phone 510-853-2336  
E-mail ddove1@yahoo.com

Name Linda Beaton  
Street Address 4962 Manila Ave  
Phone 510.547.1720  
E-mail linda@beatcom.com

Name Susannah Wood  
Street Address 5113 Manila Ave. Oakland 94618  
Phone 510 654-8405  
E-mail susannah@opera-piccola.org

Name Sejal Mistry and Robert Myers  
Street Address 355 50th Street  
Phone 510-985-1486  
E-mail sejal.mistry@bingham.com

Name Brenda and Mike Gaspar  
Street Address 5001 Lawton Ave.  
Phone 510-653-1283  
E-mail neekadog@sbcglobal.net

Name Theresa Nelson  
Street Address 446 Hudson Street, oakland CA  
Phone 510-420-0539  
E-mail theresarockridge@yahoo.com

Name Kate Madden Yee  
Street Address 480-F 42nd Street  
Phone 510-653-7122  
E-mail kate@maddyee.com

Name Leslie Aguilar  
Street Address 6386 Hillegass Avenue  
Phone 510-282-3577  
E-mail aguilarieslie@yahoo.com

Name Mike Mooers  
Street Address 4905 Manila Ave. Oakland, 94609  
Phone 510-653-0115  
E-mail mikedmooers@yahoo.com

## E-Mail Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Name Tom Wenzel  
Street Address 416 45th Street  
Phone 510-601-0574  
E-mail TPWenzel@lbl.gov

Name Harry Yaglijian  
Street Address 4521 Telegraph Avenue  
Phone (510) 301-8868  
E-mail harry@hy-co.com

Name Sue Tallon  
Street Address 4962 Manila Avenue, Oakland, CA 94609  
Phone 510 547-1720  
E-mail sue@tallonphoto.com

Name Hilary Yothers  
Street Address 481 Rich St., Oakland, CA 94609  
Phone 510-594-1486  
E-mail hilbeanie@yahoo.com

Name Naomi Schiff  
Street Address 238 Oakland Avenue  
Phone 835-1819  
E-mail naomi@17th.com  
(formerly resident on 44th Street)

Name Lisa Gartland  
Street Address 397 51st Street  
Phone (510) 595-7674  
E-mail lisa@pstvnr.org

Name Jimmy Pedersen  
Street Address 417 Avon Street, Oakland  
Phone 510-652-8440  
E-mail JimmyP@CanyonConstruction.com

Name Paul Marcus  
Street Address 557 - 45th Street  
Phone  
E-mail ParadisePk@aol.com

Name Kathy Jessen  
Street Address 370-49th Street  
Phone 510.655.3512  
E-mail kathyjessen@mac.com

Name Nancy Hart Servin  
Street Address 435 41st St "C"  
Phone (510) 658 8315  
E-mail nharts@silcon.com

## E-Mail Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Name Christopher Engl  
Street Address 5216 Miles Avenue  
Phone 510-658-5558  
E-mail Christopher.engl@db.com

Name Akasha Madron  
Street Address 5120 A Miles Ave.  
Phone 655-8796  
E-mail akamad2@gmail.com

Name Ruth Finnerty  
Street Address 5857 Ocean View Dr./Oakland 94618  
Phone 510-654-4837  
E-mail ruthfinn@comcast.net

Name Margaret Cahalan  
Street Address 5366 Miles Avenue  
Phone Oakland, CA 94618  
E-mail cool5366@aol.com

Name Mary Ann Tenuto  
Street Address 5521 Vicente Way  
Phone \_\_\_\_\_  
E-mail cezmat@igc.org

Name Carla Koop  
Street Address 456 Alcatraz  
Phone 653-3049  
E-mail ckoop@california.com

Name Caroline Stern  
Street Address 5147 Miles Ave  
Phone 601-5935  
E-mail Decoart@aol.com

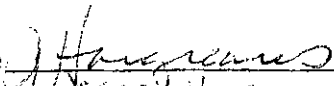
Name Gretchen Schneider  
Street Address 482-48th St.  
Phone 428-2988  
E-mail gschneider@cca.edu

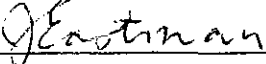
Name Lee V. Patterson  
Street Address 5339 Miles Avenue  
Phone 510-923-1084  
E-mail leepa2@yahoo.com

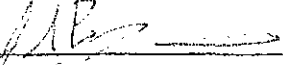
Name Ron Bishop  
Street Address 409 45th St.  
Phone 652-4667  
E-mail RBishop747@aol.com


## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

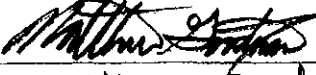
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature   
 Name (print) JEFF HARGREAVES  
 Street Address 5364 TILDEN AV  
 Phone \_\_\_\_\_  
 E-mail joffh652@yahoo.com

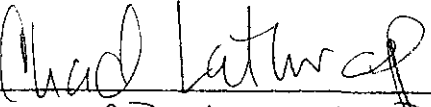
Signature   
 Name (print) John Eastman  
 Street Address 70 Schooner Hill  
 Phone 576-891-9104  
 E-mail eastman70sh@earthlink.net

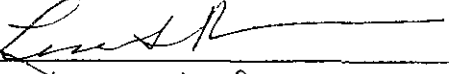
Signature   
 Name (print) Josh Bergstrom  
 Street Address 1119 65th St, Oakland  
 Phone 510-4154-3967  
 E-mail Josh@mountaininsurancemgmt.com

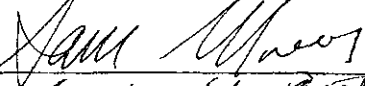
Signature   
 Name (print) AIMEE SHEA  
 Street Address 5229 CLAREMONT AVE  
 Phone 415 519-0574  
 E-mail \_\_\_\_\_

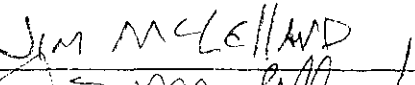
Signature   
 Name (print) Matthew Goodman  
 Street Address 325 Miracle Lane \*Santa Cruz CA 95060  
 Phone (831) 471-9684  
 E-mail mgood99@hotmail.com

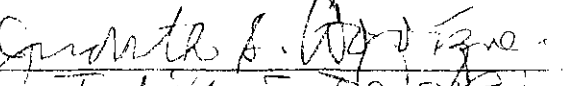
\* I grew up in this neighborhood, where my parents still live

Signature   
 Name (print) CHAD LATHROP  
 Street Address 4987A Shafter  
 Phone 510 761 5329  
 E-mail cheeseSinatra@hotmail.com

Signature   
 Name (print) LISA A. ROSSI  
 Street Address 4987 SHAFER AVE.  
 Phone 510-282-4147  
 E-mail rossil@sfslu.edu

Signature   
 Name (print) SAM MORENO  
 Street Address 5095 SHAFER AVE  
 Phone 510-428-2079  
 E-mail BEACHVALE@AOL

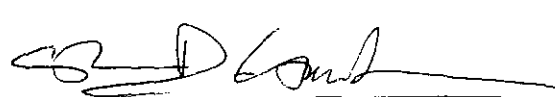
Signature   
 Name (print) JIM McLELLAND  
 Street Address 5514 WEBSTER ST  
 Phone 510 654 3516  
 E-mail THEITNE7+H5UN@yahoo.com

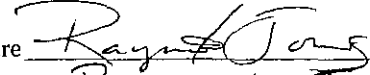
Signature   
 Name (print) Judith F. DeJongue  
 Street Address 5207 Webster St  
 Phone (510) 594-0688  
 E-mail \_\_\_\_\_




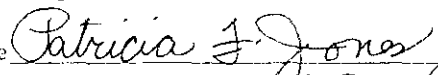
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

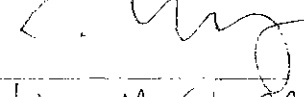
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.


Signature   
 Name (print) STEVEN GOODMAN  
 Street Address 400 YAMA ST  
 Phone Oakland  
 E-mail 510-653-3872

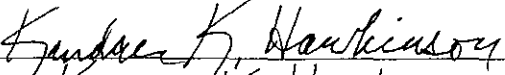
Signature   
 Name (print) Raymond Jones  
 Street Address 430-50th street Oakland,  
 Phone 510-652-7353  
 E-mail zalefrances@sbcglobal.net

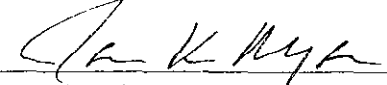
Signature   
 Name (print) Regina Jones  
 Street Address 430-50th st.  
 Phone (510) 652-7353  
 E-mail missjones.76@hotmail.com

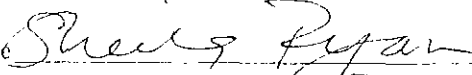
Signature   
 Name (print) Patricia F. Jones  
 Street Address 430-50th St  
 Phone (510) 652-7353  
 E-mail

Signature   
 Name (print) Lisa McElroy  
 Street Address 429 50th St.  
 Phone 510-654-4098  
 E-mail lisa-mcElroy-2000@yahoo.com

Signature   
 Name (print) DORENE DAVIS  
 Street Address 429 50th ST. OAKLAND  
 Phone 510 658-1436  
 E-mail

Signature   
 Name (print) Kandace K. Hawkinson  
 Street Address 429 50th Street  
 Phone 510-658-1436  
 E-mail

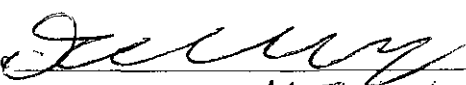
Signature   
 Name (print) JAMES K RYAN  
 Street Address 419 49th St  
 Phone 510-654-9096  
 E-mail

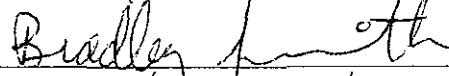
Signature   
 Name (print) SHEILA RYAN  
 Street Address 421 49th ST  
 Phone 510-750-0496  
 E-mail

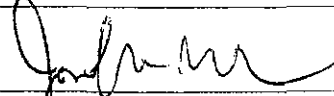
Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_


## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

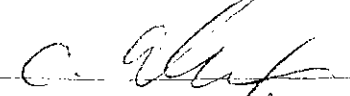
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.


Signature   
 Name (print) TOBIAS MENELY  
 Street Address 709 56<sup>th</sup> St Oakland CA 94609  
 Phone \_\_\_\_\_  
 E-mail tmenely@indiana.edu

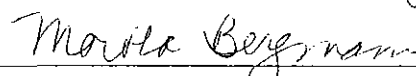
Signature   
 Name (print) Bradley Smith  
 Street Address 467 31<sup>st</sup> St  
 Phone (510) 717-1304  
 E-mail \_\_\_\_\_

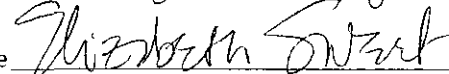
Signature   
 Name (print) Jonathan Mistry  
 Street Address 5248 Claremont  
 Phone 510-428-1311  
 E-mail JMistry@earthlink.net

Signature   
 Name (print) Larry D. Steen  
 Street Address 1955 San Pablo Ave.  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) CHUMMY ALEXANIAN  
 Street Address 627 51st St #15  
 Phone (510) 469-4177  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Amy Willis  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail amy.willis@lonelyplanet.co

Signature   
 Name (print) Martha Bergmann  
 Street Address 335 62nd St #4  
 Phone (510) 655-4529  
 E-mail mberthbergmann@sbeglobal.net

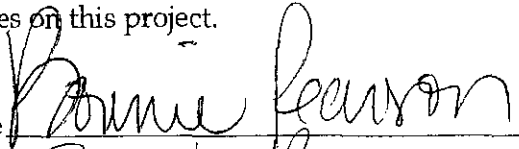
Signature   
 Name (print) ELIZABETH SWEET  
 Street Address 475 42nd St  
 Phone 654.4573  
 E-mail halfhart@yahoo.com

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

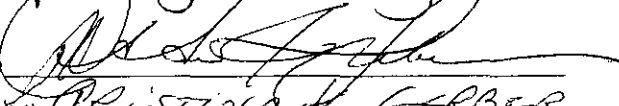
Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature   
Name (print) Bonnie Pearson  
Street Address 4770 Telegraph  
Phone 510-388-8966  
E-mail bpdesign@sbcglobal.net

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature   
Name (print) CRISTINA K. GERBER  
Street Address 392-44th STREET  
Phone 510-652-4521  
E-mail cristina716@yahoo.com

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

*supplicate*

Signature *Martha Bergmann*  
 Name (print) Martha Bergmann  
 Street Address 335 62nd St, #4  
 Phone (510) 655-4529  
 E-mail martha.bergmann@shyghel.net

Signature *Donald Hausler*  
 Name (print) DONALD HAUSLER  
 Street Address 687 VERNON ST.  
 Phone 510-658-1083  
 E-mail dhausler@hotmail.com

Signature *Lauren Richey*  
 Name (print) LAUREN RICHEY  
 Street Address 22 MOSS AVE #202  
 Phone (510) 654-8935  
 E-mail laurenandmark@earthlink.net

Signature *Leslie Finkle*  
 Name (print) Leslie Finkle  
 Street Address 1775 Castalve Rd  
 Phone (510) 531-8032  
 E-mail lesfink@earthlink.com

Signature *Janet Kail*  
 Name (print) ~~SAR~~ JANET KAIL  
 Street Address 3213 Santa Clara Ave. #1  
 Phone 510 558-1044  
 E-mail \_\_\_\_\_

Signature *Jody Hand*  
 Name (print) JODY HAND  
 Street Address 304 1 1/2 Fulton  
 Phone 845-9134  
 E-mail \_\_\_\_\_

Signature *Richard Corvin*  
 Name (print) Richard Corvin  
 Street Address 335 62nd St #2  
 Phone 510-547-5049  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature *D.S. Linnard*  
 Name (print) David Linnard  
 Street Address 5143 Miles Av, 94618  
 Phone 510-594-1268  
 E-mail dslinnard@yahoo.com

Signature *John Yenczes*  
 Name (print) John Yenczes  
 Street Address 5127 Miles Ave # 1  
 Phone 510-594-1667  
 E-mail \_\_\_\_\_

Signature *Cheryl N. Hoops*  
 Name (print) Cheryl N. Hoops  
 Street Address 438 Avila St  
 Phone 415 425  
 E-mail \_\_\_\_\_

Signature *Mitzi Hawkwell*  
 Name (print) Mitzi Hawkwell  
 Street Address 885 47th St  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature *Paul Martin*  
 Name (print) PAUL MARTIN  
 Street Address 44 T 29th ST  
 Phone 510-893-8766  
 E-mail p.martin@seuss35.org

Signature *Eric S. Goodfield*  
 Name (print) ERIC S. GOODFIELD  
 Street Address 446 62ND ST  
 Phone \_\_\_\_\_  
 E-mail PUNK DRUNKALOVE@YAHOO.CO

Signature *Marl Schneider*  
 Name (print) MARL SCHNEIDER  
 Street Address 131 CHILPANCINGO PWY.  
 Phone 925-825-9086  
 E-mail \_\_\_\_\_

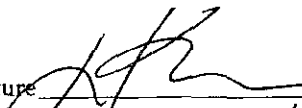
Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

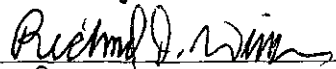
Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

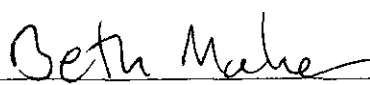
Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

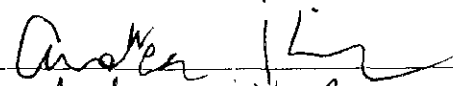
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

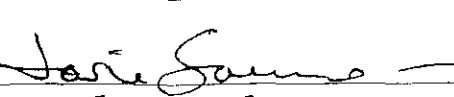
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

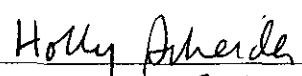
Signature   
 Name (print) Tomi Kobara  
 Street Address 437 - 45th St.  
 Phone 510 420 1189 Oakland  
 E-mail tomistky@aol.com


Signature   
 Name (print) Richard D. Winger  
 Street Address 5365 James Ave  
 Phone 510-652-1074  
 E-mail N/A


Signature   
 Name (print) Beth Maher  
 Street Address 4529 Shafter Ave  
 Phone 510-420-5852  
 E-mail BethMaher@pacbell.net

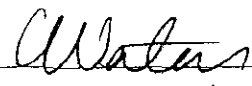
Signature   
 Name (print) Andrea Kiefer  
 Street Address 381 Adams St.  
 Phone 763-1408  
 E-mail \_\_\_\_\_

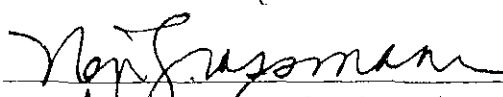
Signature   
 Name (print) Josie Sommer  
 Street Address 716 75th St.  
 Phone (510)-601-0574  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Holly Scheider  
 Street Address 2919 Spaulding  
 Phone 849-3288  
 E-mail h.scheider@windspring.com

Signature   
 Name (print) NICOLE M ARUDA  
 Street Address 480 MC AULEY ST  
 Phone 547-7970  
 E-mail aikogiv11968@yahoo.com

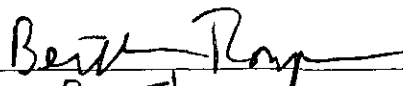
Signature   
 Name (print) Jean Parker  
 Street Address 5405 Dover St.  
 Phone 601-1785  
 E-mail prkr@pacbell.net

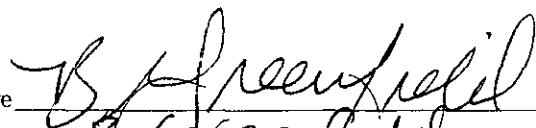
Signature   
 Name (print) CHRISTOPHER WATERS  
 Street Address 654 65th St.  
 Phone 510-414-1723  
 E-mail CHRISTOPHERE@PSYSPRMISSION.COM

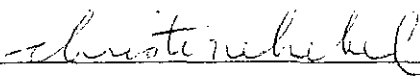
Signature   
 Name (print) NORI GROSSMAN  
 Street Address 4180 Emerald St  
 Phone 510-420 8864  
 E-mail \_\_\_\_\_


## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland


We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature   
 Name (print) Ben Thompson  
 Street Address 4180 Emerald, Oakland  
 Phone 94669  
 E-mail \_\_\_\_\_


Signature   
 Name (print) B Greenfield  
 Street Address 6038 Monroe Ave  
 Phone (510) 428-1860  
 E-mail \_\_\_\_\_

Signature   
 Name (print) CHRISTINE HEIBEL  
 Street Address 462 36TH ST  
 Phone Oakland, CA 94609  
 E-mail \_\_\_\_\_

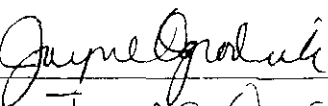
Signature   
 Name (print) Arthur Rodgers  
 Street Address 6038 Monroe Ave, Oakland  
 Phone 510-428-1860  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Andrea Ceramino  
 Street Address 431 35th St, Oakland CA  
 Phone 9469  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Sarah Blain  
 Street Address 4039 Canyon Ave  
 Phone 531-1840 94602  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

Signature   
 Name (print) Jayne Ogradnik  
 Street Address 415 48th St  
 Phone 6015705  
 E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
 Name (print) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature Florence I. Richmond  
Name (print) Florence I. Richmond  
Street Address 535 41st St. Apt. 4  
Phone 510-654-1067  
E-mail N/A

Signature Piense Chua  
Name (print) Piense Chua  
Street Address 529 Oakland St.  
Phone (510) 658-2593  
E-mail ~~anna@lydon.com~~

Signature Michael Gallucci  
Name (print) Michael Gallucci  
Street Address 535 41st St. #5  
Phone 510-658-9254  
E-mail rdewter@comcast.net

Signature Ann Lydon  
Name (print) Ann Lydon  
Street Address 535 42nd St  
Phone 510 653-0791  
E-mail \_\_\_\_\_

Signature Cassandra Houston  
Name (print) Cassandra Houston  
Street Address 544 42nd St  
Phone 510-428-0575  
E-mail N/A

Signature Gail Ringgold  
Name (print) GAIL RINGGOLD  
Street Address 523 43rd St  
Phone 510 594-0746  
E-mail @Ringgold.Cx.H@DSS CA 092

Signature Raylene Sams  
Name (print) RAYLENE SAMS  
Street Address 522 42nd St  
Phone 415 509 5889  
E-mail raylene@samswrpi.com

Signature Annie Collison  
Name (print) Annie Collison  
Street Address 532 43rd  
Phone 510-333-4927  
E-mail \_\_\_\_\_

Signature Duff Ryan  
Name (print) Duff Ryan  
Street Address 522 42nd St  
Phone 415 493 1978  
E-mail duff@duffyryan.com

Signature Amber Collison  
Name (print) Amber Collison  
Street Address 532 43rd  
Phone 510-485-0178  
E-mail \_\_\_\_\_



## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature Jenny C. Aker  
 Name (print) Jenny C. Aker  
 Street Address 516 43rd St.  
 Phone 910 218 1663  
 E-mail jennaker@hotmail.com

Signature Janette Sperber  
 Name (print) Janette Sperber  
 Street Address 539 41st St  
 Phone 510 652 7671  
 E-mail JBS 47 @comcast.net

Signature Audie Smith  
 Name (print) Audie  
 Street Address 518 43rd St  
 Phone 503 358-3395  
 E-mail asmith2@cc.a.edu

Signature Paul Diepenbrock  
 Name (print) PAUL DIEPENBROCK  
 Street Address 541 41st St  
 Phone 510 489 4345  
 E-mail \_\_\_\_\_

Signature Michael Greenwald  
 Name (print) Michael Greenwald  
 Street Address 517C 44th St Oak CA 94609  
 Phone (510) 450-9708  
 E-mail rileyandtundra@yahoo.com

Signature Kristi A. Mathews  
 Name (print) Kristi A. Mathews  
 Street Address 536-41 St # 20 Oakland CA 94609  
 Phone 510-597-1928  
 E-mail \_\_\_\_\_

Signature Jessica Stockton  
 Name (print) Jessica Stockton  
 Street Address 517C 44th St Oakland 94609  
 Phone 510 450-9708  
 E-mail Jessica Stockton@yahoo.com

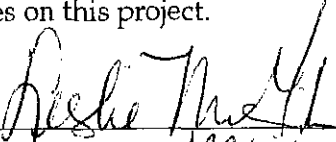
Signature Kenneth C. Marler  
 Name (print) Kenneth C. Marler  
 Street Address 623 41st St  
 Phone 510-601-7600  
 E-mail \_\_\_\_\_

Signature Mary A. Wolcott  
 Name (print) Mary A. Wolcott  
 Street Address 530-44th St Oakland CA  
 Phone 510-654-1067  
 E-mail \_\_\_\_\_

Signature Dennis A. Brown  
 Name (print) Dennis A. Brown  
 Street Address 535-41 Street  
 Phone 510-654-1067  
 E-mail \_\_\_\_\_

# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature   
Name (print) Leslie Mc Gihon  
Street Address 539 42nd St.  
Phone 510-595-9480  
E-mail lchristinem@yahoo.com

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

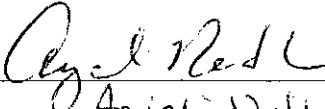
Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

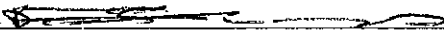
Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

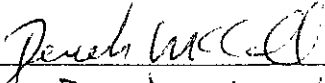
Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

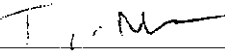
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

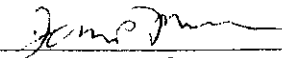
We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.


Signature   
 Name (print) Anjali Nott  
 Street Address 4189 1/2 Concord St.  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

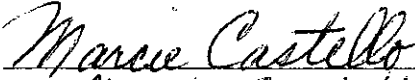
Signature   
 Name (print) Derek Wood  
 Street Address 5150 Shafter Ave.  
 Phone 510 543 3100  
 E-mail \_\_\_\_\_

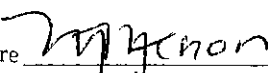
Signature   
 Name (print) Derek McCall  
 Street Address 5150 Shafter Ave  
 Phone 510 655-1927  
 E-mail htnightbederek@hotmail.com

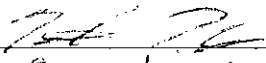
Signature   
 Name (print) Tim Niece  
 Street Address 5248 Claremont Ave Apt 5A  
 Phone 510 757-8111  
 E-mail timniece9@yahoo.com

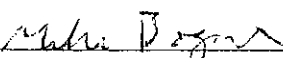
Signature   
 Name (print) JENNIE MORGAN  
 Street Address 5248 CLAREMONT APT 3A  
 Phone 653 5014  
 E-mail \_\_\_\_\_

Signature   
 Name (print) GERALD WASHINGTON  
 Street Address 5248 CLAREMONT # 47  
 Phone 510-596-1040  
 E-mail GERWAS4@AOL.COM

Signature  ✕  
 Name (print) Marcie Castello  
 Street Address 5248 Claremont Ave, #6  
 Phone 510-594-1040  
 E-mail \_\_\_\_\_


Signature   
 Name (print) MEENA MEVON  
 Street Address 5248 CLAREMONT AVE, #35  
 Phone 510 655-7355  
 E-mail meena939@aol.com

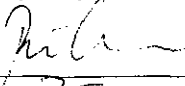
Signature   
 Name (print) Guesting Kissinger  
 Street Address 5248 Claremont Ave #47  
 Phone 510 655-7434  
 E-mail guesting13@earthlink.net

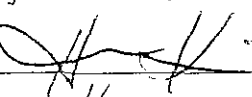
Signature   
 Name (print) Mike Bogart  
 Street Address 6511-545-25  
 Phone 5275 Redwood Ave  
 E-mail \_\_\_\_\_

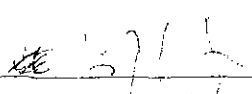
## Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland


We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

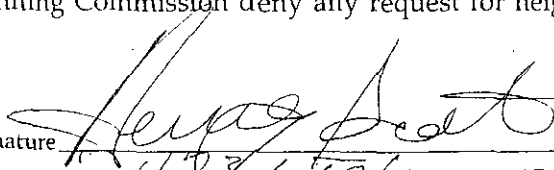
Signature   
 Name (print) Eunice Kwon  
 Street Address 546 49th St.  
 Phone 510) 653-4992  
 E-mail blue720@hotmail.com

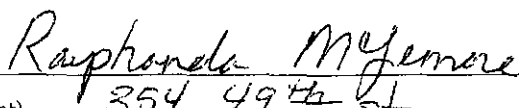
Signature   
 Name (print) PETER KIM  
 Street Address 544 47th St.  
 Phone 510) 653-4992  
 E-mail PERKIM@HOTMAIL.COM

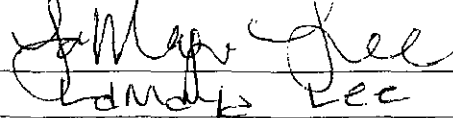
Signature   
 Name (print) Hyun Kim  
 Street Address 4390 Telegraph #A  
 Phone 510-547-2662  
 E-mail \_\_\_\_\_

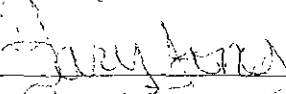
Signature   
 Name (print) JENNIFER LEE SEVISON  
 Street Address 539 76th STREET  
 Phone 510 547-6923  
 E-mail jenn@jennifere-lee.net

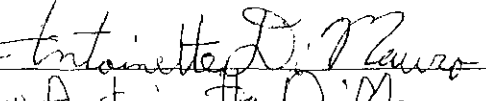
Signature   
 Name (print) EDRIE SCHRADÉ  
 Street Address 4629 SHATTUCK  
 Phone 415 336 1475  
 E-mail eschrade47@aol.com

Signature   
 Name (print) 4281 Telegraph  
 Street Address OAKLAND CA 94609  
 Phone 510 597 1915  
 E-mail \_\_\_\_\_

Signature   
 Name (print) 354 49th St  
 Street Address Oakland CA, 94609  
 Phone (510) 658-9432  
 E-mail \_\_\_\_\_

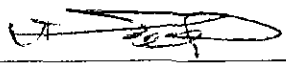
Signature   
 Name (print) Edmaps Lee  
 Street Address 6015 BENCROFT AVE  
 Phone OAK. CA 94605 510 827 7403  
 E-mail Edmaps Lee @Comcast.Net

Signature   
 Name (print) JENNIFER LEE  
 Street Address 547-416 St  
 Phone 510 547 2311  
 E-mail \_\_\_\_\_


Signature   
 Name (print) Antoinette DiMauro  
 Street Address 3819 Clarke St  
 Phone \_\_\_\_\_  
 E-mail ayumix9@sbcglobal.net

# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature   
Name (print) Hovida Al-Hasime  
Street Address 4721 Telegraph Ave  
Phone (510) 601-0453  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature   
Name (print) Dan Chade  
Street Address 546 47th St  
Phone (510) 710 5426  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

# Petition to Reduce the Proposed Height of the Development at Telegraph and 51st Street, North Oakland

We the undersigned believe that the development planned for Telegraph and 51st Street as currently proposed by The Telegraph and 5110 Telegraph LLC contains several serious zoning issues, which if approved, would establish a precedent for future projects that would be detrimental to the long-range development of our North Oakland neighborhood. The current plans propose heights that significantly exceed limits on all street-facing sides of the project and in each of the C-28, R-35 and R-40 zones that comprise the site. We strongly urge the developers to scale back the height of the project (which currently exceeds height limits by as much as 25 feet, or 2-1/2 stories) so that it conforms more closely to current zoning height limits and thereby maintains continuity with the character of the surrounding business and residential district. If the developers do not significantly reduce the overall height of this project, we ask that the Planning Commission deny any request for height variances on this project.

Signature William C. Turner Signature \_\_\_\_\_  
Name (print) William C. Turner Name (print) \_\_\_\_\_  
Street Address 411 Cavour St Street Address \_\_\_\_\_  
Phone 510 595 9070 Phone \_\_\_\_\_  
E-mail wmchtu@pacbell.net E-mail \_\_\_\_\_

Signature \_\_\_\_\_ Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_ Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_ Street Address \_\_\_\_\_  
Phone \_\_\_\_\_ Phone \_\_\_\_\_  
E-mail \_\_\_\_\_ E-mail \_\_\_\_\_

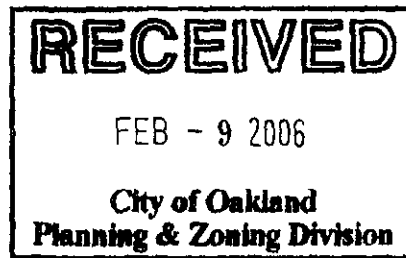
Signature \_\_\_\_\_ Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_ Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_ Street Address \_\_\_\_\_  
Phone \_\_\_\_\_ Phone \_\_\_\_\_  
E-mail \_\_\_\_\_ E-mail \_\_\_\_\_

Signature \_\_\_\_\_ Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_ Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_ Street Address \_\_\_\_\_  
Phone \_\_\_\_\_ Phone \_\_\_\_\_  
E-mail \_\_\_\_\_ E-mail \_\_\_\_\_

Signature \_\_\_\_\_ Signature \_\_\_\_\_  
Name (print) \_\_\_\_\_ Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_ Street Address \_\_\_\_\_  
Phone \_\_\_\_\_ Phone \_\_\_\_\_  
E-mail \_\_\_\_\_ E-mail \_\_\_\_\_

February 9, 2006

Mr. Darin Ranelletti  
Community and Economic Development Agency  
City of Oakland  
250 Frank Ogawa Plaza, Suite 3315  
Oakland, CA 94612



Re: Case Number CMDV05-469

Dear Mr. Ranelletti,

In support of our appeal of the City Planning Commission's approval of the Civiq project at Telegraph and 51st St., we are submitting the following documents:

(1) Pages 11 and 23 of the Traffic Impact Analysis (Final Report), dated December 15, 2005, prepared for the City of Oakland by DKS Associates.

(2) A six-page document, dated April 28, 2004, of Turning Movement Counts provided by the City of Oakland Traffic Engineering and Parking Division to DKS Associates, which performed the traffic analysis for the project;

(3) Four pages of a memorandum, dated October 21, 2005, from Philip Ho of the City's Transportation Services Division to Andrew Smith of the Planning and Zoning Division describing the scope of study and traffic guidelines relating to the traffic analysis of the project as requested by the Transportation Services Division;

(4) A one-page copy of an e-mail memorandum, dated December 23, 2005, from Mark Spencer of DKS Associates to Bill Lambert of the Civiq development team, explaining why a more in-depth traffic analysis requested by Traffic Engineering and Parking Division is not necessary.

(5) A one-page document listing the five requirements for development projects in Oakland to qualify for the in-fill exemption under CEQA.

### Explanation

As document (1), page 11 of the DKS Associates traffic study, states, "Intersection turning movement volumes for the intersections of Telegraph Avenue & 51st Street and Telegraph Avenue & Claremont Avenue-52nd Street were provided by the City of Oakland." In other words, data for these two key intersections were not gathered directly by DKS for their analysis. It is important to note that nowhere in the DKS traffic study—or in document (4), the e-mail memorandum—does DKS cite when the City-supplied turning movement data originally had been collected.

Document (2) shows that the turning movement counts provided by the City and incorporated into DKS Associates report was gathered April 27 & 28, 2004, making the data a year-and-a-half old. According to Henry Choi, Assistant Transportation Engineer with the Traffic Engineering & Parking

Division, the Division considers turning movement counts provided by the City to a traffic consultant to be out of date if data are more than six months old. In a telephone conversation on January 27, 2006, with Mark Spencer of DKS Associates, Mr. Spencer likewise explained to me that, in accordance with Traffic Engineering and Parking Division's expectation, it is the practice of DKS Associates when performing a traffic study to update turning movement counts for intersections if those provided by the City are more than six months old. In using out-of-date data (while providing no justification for doing so), DKS Associates' actual performance contradicted its stated policy to use current data.

Document (3), the memorandum from Philip Ho of the City's Transportation Services Division (TSD) to Andrew Smith of the Planning and Zoning Division, lists (on page 1) sixteen nearby intersections that the traffic analysis for the Civiq project should study. The analysis performed by DKS evaluated only four of the intersections, and as mentioned above, the analysis of two of these intersections was based on old data.

The memorandum (page 2, B) requests that the traffic analysis identify existing peak hour ridership/peak hour load factors of nearby bus lines. The traffic study performed by DKS does not include this information.

The memorandum (page 3, C) requests that the traffic analysis identify existing deficiency/surplus of on-street parking, including the number and location of off-street parking spaces within three blocks or 1,200 feet of the project. The traffic study performed by DKS omits this important information.

The memorandum (page 3, D) requests that the traffic analysis identify existing special pedestrian problems, if any. Despite the hazardous crosswalk conditions that currently confront pedestrians crossing both Telegraph Ave. and 51st St., the traffic study performed by DKS does not include any mention of this. As can be seen in document (1), page 23 of the DKS study, the study states that, "No pedestrian crossing signals and crosswalks are provided at the unsignalized intersections," including at Clarke and 51st St., but fails to mention the current hazards to pedestrians at that or any other nearby intersections.

The memorandum (page 3, D) requests that the traffic analysis identify "any other issues." Falling into this category would be the narrow, 25-foot, curb-to-curb width of Clarke St. and the problem this already poses for two vehicles attempting to pass each other safely. The DKS report, however, fails to mention this condition or exacerbated impacts on Clarke St. caused by the project.

The memorandum (page 3, B) requests that the traffic analysis provide baseline projections for traffic volumes, transit ridership and parking demand in a (unspecified) forecast year, were there no Civiq project. Both Mark Spencer of DKS Associates and Henry Choi of the Traffic Engineering & Parking Division stated in personal conversations with me that traffic volumes along Telegraph have been steadily rising, and yet the DKS traffic study does not include any projections. Nor does the traffic study consider increased traffic volumes and resulting cumulative traffic impacts from nearby pending projects such as the Kaiser Hospital expansion and MacArthur Transit Village.

The memorandum requests several other analyses, including (page 4) pedestrian flows/LOS for critical crosswalks and emergency vehicle access. Once again, the traffic study omits this information, which is a critical oversight given the current traffic hazards for pedestrians in crosswalks at the intersection of Telegraph and 51st St., as well as Fire Station 8's location immediately across 51st St. from the project.

Finally, the memorandum asks for proposed/suggested measures for mitigating adverse transportation impacts of the project. The traffic study performed by DKS lists none.

It is significant that the DKS study omits these key elements which had been requested by the



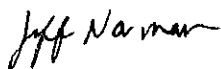
Transportation Services Division. However, it remains unknown to us exactly which elements of the Transportation Services Division request Planning Staff actually requested DKS to include in its study.

In Document (4), Mark Spencer of DKS Associates responds to a request by the City for an analysis of additional intersections beyond the four that DKS had included in its initial draft of its traffic study by stating that, "Project-generated traffic dissipates the further one travels from the site, and thus the potential impacts decrease as well." In a personal conversation with Darin Ranelletti, the City Planner assigned to this project (which he inherited when his colleague, Andy Smith, left the Planning and Zoning Division in early December), Mr. Ranelletti told me that the Traffic Division, often as a matter of form, requests more information than is appropriate for smaller developments such as the Civiq project and that this might have been why DKS Associates was not asked to do a more comprehensive traffic analysis.

However, as Henry Choi of the Traffic Engineering & Parking Division (who was assigned this project) described to me in person on February 3, 2006, the detailed traffic analysis was requested on this project because a) the Traffic Division considers anything over 25 units to be a large project (Civiq proposes 67 units); and b) Mr. Choi was fully aware of the congested conditions that currently exist in the immediate vicinity of the Civiq project and that therefore an in-depth and thorough traffic study was warranted. According to Mr. Choi, he never received from Planning any explanation for why a more extensive study was not performed.

As can be seen in document (5), the fourth requirement to qualify for the in-fill exemption under CEQA is "(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality." The decision made by Planning Staff to grant this project an in-fill exemption, and thereby exempting it from any kind of CEQA review, was based in part on the DKS traffic study, which concluded that, "the proposed project would not result in any significant transportation impacts at the study intersections." However, given the serious omissions of the DKS study and the out-of-date data it used to analyze two key intersections, the decision by Staff to grant this project an in-fill exemption must be questioned. At the very least, the in-fill exemption should be revoked until a thorough traffic analysis is done.

Respectfully yours,



Jeff Norman  
On behalf of the Telegraph/51st Gateway Coalition  
477 Rich St., Oakland, CA 94609  
(510) 653-7190

copy: Councilmember Jane Brunner

### 3.0 INTERSECTION LEVEL OF SERVICE METHODOLOGY

To evaluate traffic conditions, as well as provide a basis for comparison of conditions before and after project-generated traffic is added to the street system, intersection Level of Service (LOS) analysis was evaluated at all four (4) study intersections. Vehicle turning movement counts were recently conducted during a typical weekday A.M. and P.M. peak hour at the intersections of Clarke Street & Claremont Avenue and Clarke Street & 51<sup>st</sup> Street. Intersection turning movement volumes for the intersections of Telegraph Avenue & 51<sup>st</sup> Street and Telegraph Avenue & Claremont Avenue-52<sup>nd</sup> Street were provided by the City of Oakland.

Per the City of Oakland requirements, traffic conditions for the study intersections were evaluated using the methodologies provided in the 2000 Highway Capacity Manual (HCM).

#### 3.1 Level of Service (LOS) Definition

The LOS evaluation indicates the degree of congestion that occurs during peak travel periods and is the principal measure of roadway and intersection performance. Level of Service can range from "A" representing free-flow conditions, to "F" representing extremely long delays. LOS B and C signify stable conditions with acceptable delays. LOS D is typically considered acceptable for a peak hour in urban areas. LOS E is approaching capacity and LOS F represents conditions at or above capacity.

#### Unsignalized Intersections

At unsignalized intersections each approach to the intersection is evaluated separately and assigned a LOS. The level of service is based on the delay at the worst approach for two-way stop controlled intersections. Total delay is defined as the total elapsed time from when a vehicle stops at the end of the queue until the vehicle departs from the stop line. This time includes the time required for the vehicle to travel from the last-in-queue position to the first-in-queue position. **Table 1** provides definitions of LOS for unsignalized intersections.

## 5.6 Pedestrian Safety and Circulation

The expected moderate increase in vehicular traffic volumes at the study intersection would not significantly impact the pedestrian movements. Also the pedestrian movements within the roadway network of the project site would continue to be accommodated by provided sidewalks (existing along the project frontage) and public ways within the project.

The signalized study intersections are equipped with pedestrian crossing signals and crosswalks. No pedestrian crossing signals and crosswalks are provided at the unsignalized intersections.

Internal circulation would be restricted to pedestrians only. Overall, the project *internal design appears acceptable and no adverse internal circulation impacts* related to the proposed project are anticipated.

## 5.7 Site Access and Internal Circulation

Project access and circulation were analyzed for the proposed project. The site plan (**Figure 2**) indicates access from Clarke Street. This roadway would allow for two-way vehicular circulation. Vehicles traveling northbound on Clarke Street would drive to the site and make a left-turn at the project entrance. Vehicles traveling southbound on Clarke Street would drive to the site and make a right-turn at the project entrance.

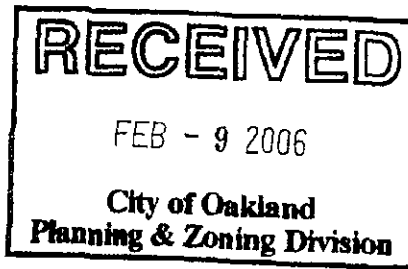
Parking for the proposed project would be provided on-site at an underground parking garage via Clarke Street. The garage entrance will be gated and parking would be restricted for residents and restaurant employees only. Visitor parking is provided on-street along the project frontage and within the study area. **Table 6** provides a summary of on-street parking available along the project frontage.

Additional on-street parking is provided on the south side of 51<sup>st</sup> Street, east side of Clarke Street and along the north side of Claremont Avenue. Meter parking is provided along Telegraph Avenue south of the project and along the west side between 51<sup>st</sup> Street and Claremont Avenue - 52<sup>nd</sup> Street. In addition, 2-hour public parking is permitted at the "Walgreen's" site located on the southwest corner of Telegraph Avenue & 51<sup>st</sup> Street.

Restaurant related activities such as delivery and waste removal would be located at-grade, on the north-west side of the proposed project via Telegraph Avenue. Residential related loading and waste disposal activities would be located adjacent to the garage entrance.

All Traffic Data

(916) 771-8700  
Fax: 786-2879



Site Code : 00000000  
Start Date: 04/28/04  
File I.D. : OAK7  
Page : 1

CITY OF BERKELEY

TELEGRAPH AVE.  
Southbound

51ST ST.  
Westbound

Northbound

Eastbound

Start Time	Southbound					Westbound					Northbound					Eastbound					Total		
	Left	Thru	Right	Total	Peds	Left	Thru	Right	Total	Peds	Left	Thru	Right	Total	Peds	Left	Thru	Right	Total	Peds	Total	Peds	
7:00am	8	54	1	63	0	6	79	18	103	5	16	75	9	100	0	21	57	8	86	4	361	9	352
7:15	13	67	2	82	1	10	89	26	125	2	12	66	8	86	2	51	71	12	134	7	439	12	427
7:30	20	71	3	94	0	12	108	35	155	5	19	77	13	109	2	62	83	14	159	3	527	10	517
7:45	36	94	6	136	1	17	125	64	206	6	16	76	11	103	5	66	129	19	214	6	677	18	659
Hour Total	77	286	12	375	2	45	401	143	589	18	63	294	41	398	9	200	340	53	593	20	2004	49	1955
8:00am	25	103	3	131	2	25	152	58	235	5	24	107	8	139	3	69	133	19	221	5	741	15	726
8:15	29	141	4	174	2	21	195	62	278	4	22	107	11	140	0	66	157	24	247	15	860	21	839
8:30	43	138	5	186	1	26	183	57	266	7	23	104	12	139	1	62	117	21	200	6	806	15	791
8:45	35	123	8	166	1	30	163	64	257	4	26	113	11	150	7	80	108	20	208	3	796	15	781
Hour Total	132	505	20	657	6	102	693	241	1036	20	95	431	42	568	11	277	515	84	876	29	3203	66	3137
Grand	209	791	32	1032	8	147	1094	384	1625	38	158	725	83	966	20	477	855	137	1469	49	5207	115	5092
% of Total	4.0	15.2	.6%			2.8	21.0	7.4%			3.0	13.9	1.6%			9.2	16.4	2.6%			2.2%	97.8%	
Approch %			20.0%					31.9%					18.9%					29.2%					
% of Apprch	20.1	76.1	3.1%			8.8	65.8	23.1%			16.0	73.5	8.4%			31.4	56.3	9.0%					

Peak Hour Analysis By Entire Intersection for the Period: 07:00am to 08:45am on 04/28/04

Direction	Street Name	Start Peak Hour	Peak Hr Factor	Volumes				Percentages				
				Left	Thru	Right	Peds	Total	Left	Thru	Right	Peds
Southbound	TELEGRAPH AVE.	08:00am	.886	132	505	20	6	663	19.9	76.1	3.0	.9
Westbound	51ST ST.		.936	102	693	241	20	1056	9.6	65.6	22.8	1.8
Northbound			.922	95	431	42	11	579	16.4	74.4	7.2	1.8
Eastbound			.864	277	515	84	29	905	30.6	56.9	9.2	3.2

All Traffic Data

Site Code : 00000000  
Start Date: 04/28/04  
File I.D. : OAK7  
Page : 2

TTY OF BERKELEY

(916) 771-8700  
Fax 786-2879

TELEGRAPH AVE.

6	20	505	132	277
				431
				241
				====
				949
		Inbound	663	
		Outbound	949	
		Total	1612	

20

241

808	95
	693
	20

277

693

	Inbound	905
	Outbound	808
515	Total	1713

	Inbound	1056	
	Outbound	689	102
	Total	1745	

84

132	
515	689
42	
51ST ST.	

29

	Inbound	579
	Outbound	691
	Total	1270

102	95	431
505		
84		
====		
691		

42 11

All Traffic Data

CITY OF OAKLAND

(916) 771-8700

Fax 786-2879

Site Code : 00000000

Start Date: 04/27/04

File I.D. : OAK7BK

Page : 1

Start Time	TELEGRAPH AVE. Southbound				51ST ST. Westbound				Northbound				Eastbound				Total Bikes	
	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Total	
7:00am	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
7:15	0	0	0	0	3	0	0	0	2	0	0	0	2	0	0	0	7	7
7:30	0	0	0	0	6	0	0	0	0	0	0	0	5	0	0	0	11	11
7:45	0	0	0	0	5	0	0	0	0	0	0	0	4	0	0	0	9	9
Hour Total	0	0	0	0	14	0	0	0	2	0	0	0	12	0	0	0	26	26
8:00am	0	0	0	0	3	0	0	0	0	0	0	0	2	0	0	0	5	5
8:15	0	0	0	0	11	0	0	0	4	0	0	0	2	0	0	0	17	17
8:30	0	0	0	0	4	0	0	0	2	0	0	0	2	0	0	0	6	6
8:45	0	0	0	0	0	0	0	0	2	0	0	0	5	0	0	0	7	7
Hour Total	0	0	0	0	18	0	0	0	8	0	0	0	11	0	0	0	29	29
Grand	0	0	0	0	32	0	0	0	10	0	0	0	23	0	0	0	55	55
% of Total	0.0	0.0	0.0%		0.0	0.0	0.0%		0.0	0.0	0.0%		0.0	0.0	0.0%		100.0%	
Approch %				43.8%				13.7%				31.5%				11.0%		
% of Apprc	0.0	0.0	0.0%		0.0	0.0	0.0%		0.0	0.0	0.0%		0.0	0.0	0.0%			

Peak Hour Analysis By Entire Intersection for the Period: 07:00am to 08:45am on 04/27/04

Direction	Street Name	Start Peak Hour	Peak Hr Factor	Volumes				Percentages				
				Left	Thru	Right	Total	Left	Thru	Right	Total	
Southbound	TELEGRAPH AVE.	07:30am	.568	0	0	0	25	25	.0	.0	.0	100.0
Westbound	51ST ST.		.250	0	0	0	4	4	.0	.0	.0	100.0
Northbound			.650	0	0	0	13	13	.0	.0	.0	100.0
Eastbound			.583	0	0	0	7	7	.0	.0	.0	100.0

All Traffic Data

CITY OF OAKLAND

(916) 771-8700

Fax 786-2879

Site Code : 00000000

Start Date: 04/27/04

File I.D. : OAK7BK

Page : 2

TELEGRAPH AVE.

25	0	0	0
Inbound			25
Outbound			0
Total			25

0
0
0
====
0

4
0

0
0
0
====
0

Inbound	7
Outbound	0
Total	7

Inbound	4
Outbound	0
Total	4

0

0
0
0

7

Inbound	13
Outbound	0
Total	13

0
0
0
====
0

51ST ST.

13

All Traffic Data

CITY OF BERKELEY

(916) 771-8700  
Fax 786-2879

Site Code : 00000000  
Start Date: 04/28/04  
File I.D. : OAK7  
Page : 1

Start Time	TELEGRAPH AVE. Southbound					51ST ST. Westbound					Northbound					Eastbound					Total- Peds=			
	Left	Thru	Rght	Totl	Peds	Left	Thru	Rght	Totl	Peds	Left	Thru	Rght	Totl	Peds	Left	Thru	Rght	Totl	Peds				
11:00am	28	124	10	162	8	15	83	44	142	4	24	121	24	169	2	66	105	24	195	11	693	25	668	
11:15	39	131	13	183	4	20	105	39	164	3	31	118	24	173	5	81	95	21	197	10	739	22	717	
11:30	45	135	13	193	2	19	111	34	164	5	31	120	31	182	9	71	109	29	209	15	779	31	748	
11:45	51	136	17	204	3	21	128	33	182	11	32	123	24	179	3	72	110	32	214	12	808	29	779	
Hour Total	163	526	53	742	17	75	427	150	652	23	118	482	103	703	19	290	419	106	815	48	3019	107	2912	
12:00pm	46	138	14	198	8	25	124	35	184	9	25	128	28	181	3	71	105	30	206	19	808	39	769	
12:15	43	137	11	191	6	27	114	41	182	18	28	130	20	178	14	76	113	37	226	19	834	57	777	
12:30	48	152	12	212	3	21	119	42	182	14	30	143	23	196	16	65	106	28	199	15	837	48	789	
12:45	57	160	9	226	4	24	134	58	216	15	24	160	23	207	21	73	119	23	215	11	915	51	864	
Hour Total	194	587	46	827	21	97	491	176	764	56	107	561	94	762	54	285	443	118	846	64	3394	195	3199	
Grand	357	1113	99	1569	38	172	918	326	1416	79	225	1043	197	1465	73	575	862	224	1661	112	6413	302	6111	
% of Total	5.6	17.4	1.5%			2.7	14.3	5.1%			3.5	16.3	3.1%			9.0	13.4	3.5%			4.7%	95.3%		
Approch %				25.1%					23.3%					24.0%					27.6%					
% of Apprch	22.2	69.3	6.2%			11.5	61.4	21.8%			14.6	67.8	12.8%			32.4	48.6	12.6%						

Peak Hour Analysis By Entire Intersection for the Period: 11:00am to 12:45pm on 04/28/04

Direction	Street Name	Start Peak Hour	Peak Hr Factor	Volumes					Percentages			
				Left	Thru	Rght	Peds	Total	Left	Thru	Rght	Peds
Southbound	TELEGRAPH AVE.	12:00pm	.922	194	587	46	21	848	22.8	69.2	5.4	2.4
Westbound	51ST ST.		.887	97	491	176	56	820	11.8	59.8	21.4	6.8
Northbound			.895	107	561	94	54	816	13.1	68.7	11.5	6.6
Eastbound			.929	285	443	118	64	910	31.3	48.6	12.9	7.0



All Traffic Data

TY OF BERKELEY

(916) 771-8700

Fax 786-2879

Site Code : 00000000

Start Date: 04/28/04

File I.D. : OAK7

Page : 2

21	46	587	194	285
				561
				176
				====
				1022
		Inbound	848	
		Outbound	1022	
		Total	1870	

56

176

107  
644 491  
46

285

Inbound	910
Outbound	644
443 Total	1554

118

Inbound	820
Outbound	731 97
Total	1551

491

194  
443 731  
94

51ST ST.

64

Inbound	816	
Outbound	802	
Total	1618	
97	107	561
587		
118		
====		
802		

94

54

All Traffic Data

CITY OF OAKLAND

(916) 771-8700

Fax 786-2879

Site Code : 00000000

Start Date : 04/27/04

File I.D. : OAK7BK

Page : 1

TELEGRAPH AVE.

51ST ST.

Southbound

Westbound

Northbound

Eastbound

Start

Time	Left	Thru	Rght	TotlBikes	Left	Thru	Rght	TotlBikes	Left	Thru	Rght	TotlBikes	Left	Thru	Rght	TotlBikes	Total	Bikes					
12:00am	0	0	0	0	3	0	0	0	0	1	0	0	0	0	1	0	0	0	0	1	6	6	0
11:15	0	0	0	0	5	0	0	0	0	1	0	0	0	0	2	0	0	0	0	0	8	8	0
11:30	0	0	0	0	2	0	0	0	0	0	0	0	0	4	0	0	0	0	0	2	8	8	0
11:45	0	0	0	0	2	0	0	0	0	0	0	0	0	4	0	0	0	0	0	3	9	9	0
Hour Total	0	0	0	0	12	0	0	0	0	2	0	0	0	0	11	0	0	0	0	6	31	31	0
12:00pm	0	0	0	0	3	0	0	0	0	1	0	0	0	0	5	0	0	0	0	1	10	10	0
12:15	0	0	0	0	6	0	0	0	0	2	0	0	0	0	3	0	0	0	0	1	12	12	0
12:30	0	0	0	0	4	0	0	0	0	5	0	0	0	0	2	0	0	0	0	1	12	12	0
12:45	0	0	0	0	2	0	0	0	0	3	0	0	0	0	5	0	0	0	0	0	10	10	0
Hour Total	0	0	0	0	15	0	0	0	0	11	0	0	0	0	15	0	0	0	0	3	44	44	0
Grand	0	0	0	0	27	0	0	0	0	13	0	0	0	0	26	0	0	0	0	9	75	75	0
% of Total	0.0	0.0	0.0%			0.0	0.0	0.0%		0.0	0.0	0.0%		0.0	0.0	0.0%				100.0%	0.0%		
Apprch %				36.0%					17.3%				34.7%							12.0%			
% of Apprch	0.0	0.0	0.0%			0.0	0.0	0.0%		0.0	0.0	0.0%		0.0	0.0	0.0%							

Peak Hour Analysis By Entire Intersection for the Period: 11:00am to 12:45pm on 04/27/04

Direction	Street Name	Start	Peak Hr	Volumes				Percentages				
		Peak Hour	Factor	Left	Thru	Rght	Bikes	Total	Left	Thru	Rght	Bikes
Southbound	TELEGRAPH AVE.	12:00pm	.625	0	0	0	15	15	.0	.0	.0	100.0
Westbound	51ST ST.		.550	0	0	0	11	11	.0	.0	.0	100.0
Northbound			.750	0	0	0	15	15	.0	.0	.0	100.0
Eastbound			.750	0	0	0	3	3	.0	.0	.0	100.0

TELEGRAPH AVE.

15	0	0	0	0
				0
				0
				0
				=====
				0
	Inbound		15	
	Outbound		0	
	Total		15	

11

0

0	0
	0
	0
=====	
	0

Inbound	3
Outbound	0
Total	3

Inbound	11
Outbound	0
Total	11

0

0	0
0	0
0	0

3

Inbound	15
Outbound	0
Total	15

0	0	0	0
0			
0			
=====			
0			

51ST ST.

15

All Traffic Data

CITY OF BERKELEY

(916) 771-8700

Fax 786-2879

Site Code : 00000000

Start Date: 04/28/04

File I.D. : OAK7

Page : 1

Start Time	TELEGRAPH AVE. Southbound					51ST ST. Westbound					Northbound					Eastbound							
	Left	Thru	Rght	Totl	Peds	Left	Thru	Rght	Totl	Peds	Left	Thru	Rght	Totl	Peds	Left	Thru	Rght	Totl	Peds	Total	Peds	
4:00pm	54	110	6	170	6	18	114	51	183	7	27	149	40	216	5	96	164	26	286	18	891	36	855
4:15	52	104	7	163	5	20	123	43	186	11	26	153	31	210	7	121	184	26	331	14	927	37	890
4:30	73	126	10	209	3	22	134	48	204	5	31	152	26	209	11	119	195	27	341	22	1004	41	963
4:45	76	125	13	214	8	25	146	42	213	12	36	170	22	228	10	121	183	25	329	13	1027	43	984
Hour Total	255	465	36	756	22	85	517	184	786	35	120	624	119	863	33	457	726	104	1287	67	3849	157	3692
5:00pm	65	142	12	219	3	21	157	50	228	9	28	174	30	232	7	129	194	24	347	16	1061	35	1026
5:15	63	146	11	220	2	22	145	44	211	9	35	183	32	250	9	133	202	26	361	11	1073	31	1042
5:30	71	144	10	225	4	23	143	57	223	5	41	179	24	244	5	124	216	22	362	9	1077	23	1054
5:45	63	148	13	224	2	22	141	53	216	9	28	179	27	234	5	137	187	18	342	13	1045	29	1016
Hour Total	262	580	46	888	11	88	586	204	878	32	132	715	113	960	26	523	799	90	1412	49	4256	118	4138
Grand	517	1045	82	1644	33	173	1103	388	1664	67	252	1339	232	1823	59	980	1525	194	2699	116	8105	275	7830
% of Total	6.4	12.9	1.0%			2.1	13.6	4.8%			3.1	16.5	2.9%			12.1	18.8	2.4%			3.4%	96.6%	
Approch %			20.7%					21.4%					23.2%					34.7%					
% of Apprch	30.8	62.3	4.9%			10.0	63.7	22.4%			13.4	71.1	12.3%			34.8	54.2	6.9%					

Peak Hour Analysis By Entire Intersection for the Period: 04:00pm to 05:45pm on 04/28/04

Direction	Street Name	Start Peak Hour	Peak Hr Factor	Volumes					Percentages			
				Left	Thru	Rght	Peds	Total	Left	Thru	Rght	Peds
Southbound	TELEGRAPH AVE.	05:00pm	.981	262	580	46	11	899	29.1	64.5	5.1	1.2
Westbound	51ST ST.		.960	88	586	204	32	910	9.6	64.3	22.4	3.5
Northbound			.952	132	715	113	26	986	13.3	72.5	11.4	2.6
Eastbound			.982	523	799	90	49	1461	35.7	54.6	6.1	3.3

All Traffic Data

CITY OF BERKELEY

(916) 771-8700

Fax 786-2879

Site Code : 00000000

Start Date: 04/28/04

File I.D. : OAK7

Page : 2

11	TELEGRAPH AVE.			
	46	580	262	523
				715
				204
				=====
				1442
	Inbound		899	
	Outbound		1442	
	Total		2341	

				32
				204

	132
764	586
	46
=====	
	523

586

	Inbound	1461
	Outbound	764
799	Total	2225

	Inbound	910	
	Outbound	1174	88
	Total	2084	

90

	262	
	799	1174
	113	

49

	Inbound	986
	Outbound	758
	Total	1744

	88	132	715
	580		
	90		
	=====		
	758		

113 26

51ST ST.

All Traffic Data

TY OF OAKLAND

(916) 771-8700

Fax 786-2879

Site Code : 00000000

Start Date: 04/27/04

File I.D. : OAK7BK

Page : 1

TELEGRAPH AVE.  
Southbound

51ST ST.  
Westbound

Northbound

Eastbound

Part

Time	Southbound				Westbound				Northbound				Eastbound				Total Bikes					
	Left	Thru	Rght	TotlBikes	Left	Thru	Rght	TotlBikes	Left	Thru	Rght	TotlBikes	Left	Thru	Rght	TotlBikes	Total	Bikes				
4:00pm	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	1	0	0	3	3	0
4:15	0	0	0	0	5	0	0	0	4	0	0	0	3	0	0	0	3	0	0	15	15	0
4:30	0	0	0	0	6	0	0	0	1	0	0	0	4	0	0	0	0	0	0	11	11	0
4:45	0	0	0	0	7	0	0	0	0	0	0	0	6	0	0	0	1	0	0	14	14	0
hour Total	0	0	0	0	20	0	0	0	5	0	0	0	14	0	0	0	4	0	0	43	43	0
5:00pm	0	0	0	0	3	0	0	0	0	0	0	0	4	0	0	0	2	0	0	9	9	0
5:15	0	0	0	0	7	0	0	0	2	0	0	0	6	0	0	0	3	0	0	18	18	0
5:30	0	0	0	0	15	0	0	0	3	0	0	0	5	0	0	0	3	0	0	26	26	0
5:45	0	0	0	0	10	0	0	0	3	0	0	0	7	0	0	0	0	0	0	20	20	0
hour Total	0	0	0	0	35	0	0	0	8	0	0	0	22	0	0	0	8	0	0	73	73	0
Grand	0	0	0	0	55	0	0	0	13	0	0	0	36	0	0	0	12	0	0	116	116	0
% of Total	0.0	0.0	0.0%		0.0	0.0	0.0%		0.0	0.0	0.0%		0.0	0.0	0.0%		100.0%	0.0%				
Approch %				47.4%				11.2%				31.0%				10.3%						
% of Apprc	0.0	0.0	0.0%		0.0	0.0	0.0%		0.0	0.0	0.0%		0.0	0.0	0.0%							

Peak Hour Analysis By Entire Intersection for the Period: 04:00pm to 05:45pm on 04/27/04

Direction	Street Name	Start Peak Hour	Peak Hr Factor	Volumes				Percentages				
				Left	Thru	Rght	Total	Left	Thru	Rght	Bikes	
Southbound	TELEGRAPH AVE.	05:00pm	.583	0	0	0	35	35	.0	.0	.0	100.0
Westbound	51ST ST.		.667	0	0	0	8	8	.0	.0	.0	100.0
Northbound			.786	0	0	0	22	22	.0	.0	.0	100.0
Eastbound			.667	0	0	0	8	8	.0	.0	.0	100.0

All Traffic Data

CITY OF OAKLAND

(916) 771-8700  
Fax 786-2879

Site Code : 00000000  
Start Date: 04/27/04  
File I.D. : OAK7BK  
Page : 2

35
0
0
0
0
0
0

TELEGRAPH AVE.	
0	0
0	0
0	0
=====	0
Inbound	35
Outbound	0
Total	35

8
0
0
0
0
0
0

Inbound	8
Outbound	0
Total	8
0	
0	

Inbound	8
Outbound	0
Total	8
0	0
0	

8
0
0
0
0
0
0

Inbound	22
Outbound	0
Total	22
0	0
0	0
0	0
0	0
=====	0
0	

0
0
0
0
0
0
0
51ST ST.
22

RECEIVED

OCT 25 2005

CITY PLANNING COMMISSION  
ZONING DIVISION

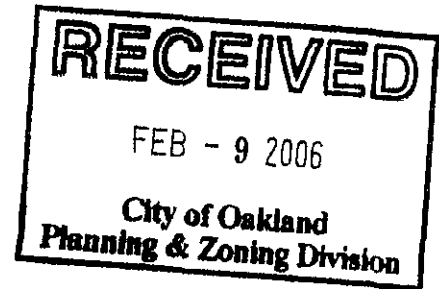
CITY OF OAKLAND

Public Works Agency

Transportation Services Division

## Memorandum

**To:** Andrew Smith, CEDA  
**From:** Philip Ho  
**cc:** Ade Oluwasogo, Wladimir Wlassowsky, Gary Patton  
**Date:** October 21, 2005  
**Subject:** Civiq  
Scope of Study, Traffic Study Guidelines, and TSD Staff Cost



This memorandum is in response to your request for information on scope of study, traffic study guidelines, and TSD staff cost for future study and design review of this project. The information provided herein is based, in part, on the architectural plans we received.

### Scope of Study

The following intersections should be analyzed as a part of a traffic study:

1. Telegraph Avenue / Shattuck Ave / 45<sup>th</sup> Street
2. Telegraph Avenue / 51<sup>st</sup> Street
3. Telegraph Avenue / 52<sup>nd</sup> Street - Claremont Ave
4. Telegraph Avenue / SR24 Eastbound On-Ramp
5. Telegraph Avenue / SR24 Westbound Off-Ramp
6. Claremont Avenue / Clifton Street / SR24 Eastbound Off-Ramp
7. Claremont Avenue / Clark Street
8. Clark Street / 51<sup>st</sup> Street
9. Broadway / 51<sup>st</sup> Street - Pleasant Valley Avenue
10. Shattuck Avenue / 52<sup>nd</sup> Street
11. Dover Street / 52<sup>nd</sup> Street
12. Martin Luther King Jr. Way / 52<sup>nd</sup> Street
13. Market Street / 52<sup>nd</sup> Street
14. Market Street / 53<sup>rd</sup> Street
15. Adeline Street / 53<sup>rd</sup> Street
16. San Pablo Avenue / 47<sup>th</sup> Street

### Traffic Study Guidelines

A copy of the guidelines is attached.



# CITY OF OAKLAND

## GUIDELINES FOR TRANSPORTATION IMPACT STUDIES

### I. Project Description

- A. Location
- B. Project Vicinity Map (Include nearest East-West and North-South freeways)
- C. Square Footage or Density By Use (i.e., office, retail, residential, etc.); staging/phasing, if any.
- D. Site Plan Showing
  - 1. Auto, transit, pedestrian, service vehicle access
  - 2. Parking facilities (number of spaces, dimensions, circulation pattern)
  - 3. Truck loading areas (number of spaces, dimensions)
  - 4. Any proposed sidewalk/street improvements including locations of bus stops
- E. Description of parking and truck loading method of operations for the facilities

### II. Existing Conditions (In the vicinity of the project)\*

- A. Street System
  - 1. Numbers of lanes and any transit/bike lanes on major streets (map)
  - 2. Traffic volumes on major streets and affected local streets.
  - 3. Peak hour level of service at critical intersections
- B. Transit System
  - 1. Locations of lines (map), bus stops
  - 2. General areas directly accessible to project via transit
  - 3. Peak hour/midday frequency of service
  - 4. Peak hour ridership/peak hour load factors

\*The area roughly within ¼ mile radius of proposed project

- C. Parking (Identify Existing Deficiency/Surplus)
  - 1. Percent on-street spaces occupied
  - 2. Percent off-street spaces occupied
  - 3. Number and location of off-street parking spaces within three blocks or 1,200 feet of project.
- D. Miscellaneous
  - 1. Bicycle facilities (routes, lanes), if any
  - 2. Curbside truck loading zones on project block, if any
  - 3. Special pedestrian facilities/problems, if any
  - 4. Any other issues

### III. Impact Analysis

- A. Trip Making Characteristics of Project (vehicle & person)
  - 1. Daily/peak hour trip generation
  - 2. Daily/peak hour trip assignment
  - 3. Geographic distribution of trips
  - 4. Mode split
- B. Baseline Projections (with no projects)
  - 1. Trip generation of approved though, uncompleted projects and baseline Growth
  - 2. Traffic volumes in forecast year
  - 3. Transit ridership in forecast year
  - 4. Parking demand in forecast year
- C. Traffic Impacts
  - 1. Peak hour levels of service at critical signalized intersections
  - 2. Critical corridor analysis including ramp terminal capacities
  - 3. Delay and signal warrant calculations & LOS at critical non-signalized intersections

4. Pedestrian flows/LOS for critical crosswalks and /or sidewalk areas
5. Delay/changes at exiting RR crossings
6. Emergency vehicle access

D. Transit Impacts

1. Peak hour load factors on critical transit lines
2. General system impacts
3. Lay-over areas for AC Transit buses

E. Parking Impacts

1. Percent on-street and off-street parking spaces occupied, deficiency/ surplus of parking

F. Service Vehicle Impacts

1. Maneuvering/docking impacts
2. Curbside loading zone impacts

G. Traffic & Pedestrians Impact During Project Construction

1. Street/sidewalk closure
2. Circulation impact
3. Parking impact
4. Transit service impact

H. Policy Implications

1. Consistency of projects with city plans/policy

IV. Alternatives

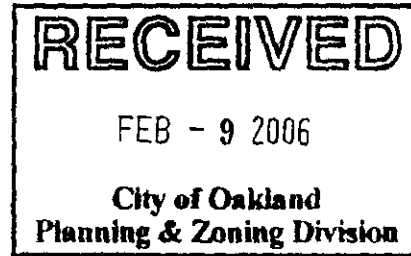
1. Traffic/transit/parking impacts of selected alternatives to proposed project

V. Mitigation Measures

1. Proposed/suggested measures for mitigating adverse transportation impacts of projects. Levels of service and other appropriate parameters to be estimated, where applicable, for each mitigation measure

MEMORANDUM

TO: Bill Lambert  
FROM: Mark Spencer, P.E.  
DATE: December 23, 2005  
SUBJECT: 5110 Telegraph Civiq Project  
Draft TIA Report- Response to Comments  
P/A No. 05187-000



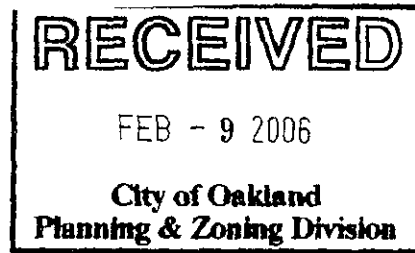
DKS has prepared the following response with regards to the comment received from the City of Oakland via an e-mail dated December 23, 2005.

The 5110 Telegraph Civiq Project Traffic Study includes intersection level of service analysis for the four intersections most likely to be impacted by the proposed project. Intersection level of service analysis was performed based on recent intersection turning movement counts, field observations and data provided by City of Oakland staff.

As concluded in the report, the proposed project would not result in a significant impact at any of the study intersections. Project-generated traffic dissipates the further one travels from the site, and thus the potential impacts decrease as well. Based on the relatively low net number of new trips being generated, and the results of the intersection level of service analysis at the nearby intersections, additional impacts are not anticipated at intersections further from the site.

DKS Associates  
1000 Broadway  
Suite 450  
Oakland, CA 94607  
(510) 763-2061  
(510) 268-1739 fax  
[www.dksassociates.com](http://www.dksassociates.com)

(forwarded on January 5, 2006 to Jeff Norman by Darin Ranelletti, Planning & Zoning)



### 15332. In-Fill Development Projects.

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

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

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

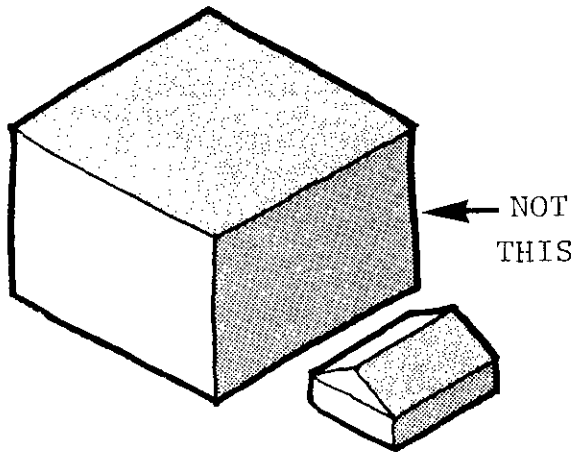
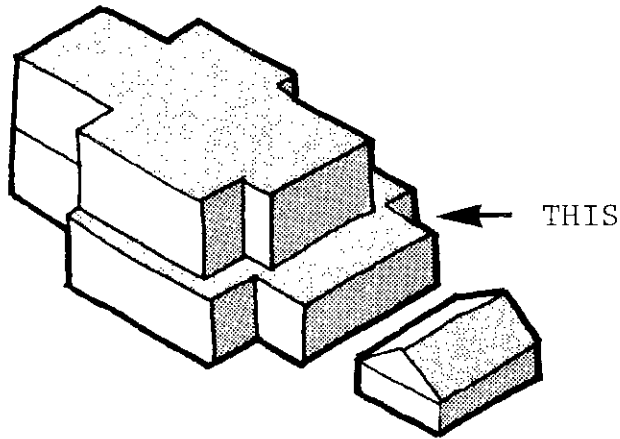
**Discussion:** This section is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Application of this exemption, as all categorical exemptions, is limited by the factors described in section 15300.2.

# **ATTACHMENT G**

## **EXCERPT FROM HIGH DENSITY HOUSING DESIGN GUIDELINES ("Neighborhood Scale")**

### 3. Neighborhood Scale

BREAK UP WALLS AND BUILDING BULK INTO COMPONENTS  
TO REFLECT SCALE OF ADJACENT DEVELOPMENT.



*A larger new building often appears out of scale with its neighbors if not carefully designed.*

*A large building which is of a different scale than smaller structures in the immediate area can be softened and made more a part of the community by reducing its bulkiness into smaller component parts.*

*This does not necessarily mean that the entire building should be broken down into sections that are more the size of nearby buildings. The same objective might be achieved by sensitive use of setbacks and variations in the building plan and profile.*

# **ATTACHMENT H**

**MEMORANDUM FROM TRAFFIC  
CONSULTANT, DKS ASSOCIATES  
(Dated March 1, 2006)**



## MEMORANDUM

TO: Darin Ranelletti  
FROM: Mark Spencer  
DATE: March 1, 2006  
SUBJECT: Response to Comments on Traffic Analysis – 05187-000  
Civiq Project

---

DKS has prepared the following response to comments received in regard to the proposed mixed-use development project located at 5110 Telegraph Avenue.

### **A. Responses to Traffic Impact Arguments in Appeal Letter**

**Comment 2.** The term LOS is used in this project as the defining method of discussing transportation for Traffic Study. The term, LOS, however, ignores key transportation modes in the community, specifically pedestrian and bicycle transportation, and yet the Traffic Study says that the project is anticipated to increase those modes of travel.

***Response:*** *The term LOS, for the purposes of this project, was used to evaluate traffic conditions, as well as provide a basis for comparison of conditions before and after project-generated traffic is added to the street system. Intersection LOS indicates the degree of congestion that occurs during peak travel period and is the principal measure of roadway and intersection performance. For reference purposes, LOS as defined in the Highway Capacity Manual is a quality measure describing operating conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience.*

*Other transportation issues such as bicycle and pedestrian activity were analyzed separately (Section 2.4 and 5.6, respectively).*

**Comment 7.** The accuracy of the Traffic Study's rating of the Telegraph Avenue and Claremont Avenue intersection in the p.m. northbound direction as LOS C must be challenged. The segment of Telegraph Avenue between 51<sup>st</sup> Street and Claremont Avenue often backs in the north bound direction at commute and other hours because of the lack of coordination between the light signals and the amount of motor vehicle traffic turning from 51<sup>st</sup> Street east bound and heading north on Telegraph Avenue. As a result, it is not uncommon when traveling north to get stuck in the middle of 51<sup>st</sup> Street and Telegraph Avenue intersection.

**Response:** *Based on the City of Oakland level of service standards, an acceptable operating level of service (LOS) is defined as LOS D or better at all signalized intersections during peak hours. The intersection of Telegraph Avenue and Claremont Avenue currently operates at LOS C and LO B during the A.M. and P.M. peak hours, respectively. The intersection will continue to operate under the same LOS during the project condition. Intersections can have periodic queues and still operate at acceptable service levels.*

*In an e-mail from City of Oakland, the Alameda County Congestion Management Agency plans to include signal upgrades at all of the four study intersections including equipment and signal timing. All of these improvements are associated with the Smart Corridor-Telegraph Avenue Rapid Bus Project. No date for scheduled improvements was provided.*

**Comment 9.** *During peak hours it will be quite difficult, if not impossible, to leave the project from Clarke Street, turn right onto 51<sup>st</sup> Street, and cross two lanes of traffic on 51<sup>st</sup> Street in order to reach the left turn lane to turn south onto Telegraph. There simply is not enough road on 51<sup>st</sup> Street to get from Clarke Street to the left-turn lanes.*

**Response:** *Approximately 12 vehicles (6 A.M. and 6 P.M.) vehicles are estimated to travel south on Clarke Street, turn right at 51<sup>st</sup> Street and travel southbound at Telegraph Avenue during the peak hours. That is, approximately 1 vehicle every 10-minutes. For intersections that are approximately 525 feet apart, and given the relatively low volume of project traffic, a problem is not anticipated in this regard.*

**Comment 10.** *With current traffic levels, westbound traffic on 51<sup>st</sup> Street occasionally backs up as far as Miles Avenue, preventing drivers on Clarke Street and Miles from merging into traffic. This project will cause this to happen more frequently and for longer periods.*

**Response:** *Signal upgrades are planned for the intersection of Telegraph Avenue and 51<sup>st</sup> Street. However, based on field observations, the westbound queue normally dissipates within each cycle length, allowing project traffic to merge onto 51<sup>st</sup> street.*

*It is important to note, that the estimated intersection LOS in the traffic report represents a more conservative estimate since it does not take into account potential trip reduction associated with existing land use, pass-by, linked, or non-auto trips within the study area.*

**Comment 11.** *Under the trip generation section, the Traffic Study compares the trip generation of the Children's Hospital parking lot to the substitution of new housing facility. Any attempt to do this would produce an erroneous result, as the trip generation to the parking lot would be in the counter commute direction of the typical peak flow. The parking lot, as used by Children's hospital, does not*

generate in-and-out trips at irregular intervals as would be the case for the project.

**Response:** *The change in trip patterns was considered, and the trip reduction associated with Children's Hospital was applied only for vehicles arriving during the a.m. peak hour and departing during the p.m. peak hour.*

**Comment 12.** The Traffic Study relies on data of intersection turning movement volumes supplied by the City, but the date of when this data was collected by the City is not referenced. Traffic congestion along Telegraph at 51<sup>st</sup> Street and Claremont has dramatically increased during this past year alone. If the data supplied by the City is more than six-months old, it is out of date, in which case new data must be collected to provide accurate LOS rating.

**Response:** *Intersection turning movement counts were conducted by WILTEC on Tuesday, September 13<sup>th</sup>, 2005 for the intersections of Clarke Street/51<sup>st</sup> Avenue and Clarke Street/Claremont Avenue. Counts were taken during the a.m. (7:00 a.m. - 9:00 a.m.) and p.m. (4:00-6:00 p.m.) peak periods.*

*The City of Oakland provided intersection turning movement volumes for the intersection of Telegraph Avenue/Claremont Avenue and Telegraph Avenue/51<sup>st</sup> Street. Both of these intersections are dated April 28, 2004. City staff suggested DKS should confirm traffic data for accuracy. DKS performed additional counts at these locations to compare to data provided and found that the City provided data were 25% higher on average than current conditions. Therefore, to provide a more conservative analysis, DKS used intersection turning movement volumes as provided by City of Oakland.*

## **B. 51<sup>st</sup> & Broadway Cumulative Analysis**

Per the request of City of Oakland staff to expand the study area for the Civiq project traffic analysis, DKS conducted additional intersection level of service (LOS) analysis for the intersection of 51<sup>st</sup> Street & Broadway in Oakland. Intersection data were provided by Fehr & Peers Associates<sup>1</sup> for the 2025 with Project with Mitigations Condition based on their analysis for the Kaiser project.

The addition of peak hour vehicle trips generated by the proposed Civiq project would contribute approximately 0.19% of the total cumulative traffic during the A.M. Peak Hour and 0.15% during the P.M. Peak Hour. Based on the intersection level of service analysis results (see **Table 1**), the addition of project generated traffic would not change the Cumulative Condition level of service at this intersection during either peak hour. Average delay would increase only slightly.

The results and conclusions of the Civiq Traffic Report would not change as a result of this additional analysis.

<sup>1</sup>Fehr and Peers Associates, Inc. Oakland Kaiser (1041-2116). February 17, 2006.

<b>TABLE 1</b> Level of Service Comparison					
Intersection	Scenario	A.M. Peak		P.M. Peak	
		Average Control Delay	LOS	Average Control Delay	LOS
51 <sup>st</sup> Street & Broadway	2025 w/Project, w/Mitigation	65.5	E	164.5	F
	<b>2025 w/Project w/ Mitigation plus Proposed Project<sup>2</sup></b>	<b>65.6</b>	<b>E</b>	<b>165.3</b>	<b>F</b>

**C. 574 48<sup>th</sup> Street**

The City of Oakland requested that DKS analyze the cumulative impacts of the 5110 Telegraph project by adding the impacts of projects in the vicinity which consists solely of the development of 12 condominium units (currently under construction) at 574 48th Street.

**Response:** The addition of cumulative traffic from the 12-condominium development at 574 48th Street would add approximately 5 trips during the a.m. peak hour and 6 trips during the p.m. peak hour, respectively. These low traffic volumes are within the normal variation in peak hour traffic each day, and the addition of cumulative-generated traffic would not result in a level of service change at study intersections.

**D. Caldecott Tunnel 4th Bore**

The proposed 4th Bore of the Caldecott Tunnel is not approved and is not fully funded, and thus it is speculative to include this potential project in the cumulative analysis. Based on DKS’s present understanding of the 4th Bore Project, there is a reasonable likelihood that construction of the 4th Bore would actually allow Highway 24 to accommodate additional traffic currently utilizing parallel surface streets, thus having a potentially positive impact on the roadways and intersections affected by the 5110 Telegraph project.