

Location:	10900 Edes Avenue, 10800 Edes Avenue, 732 105 th Avenue (see map on reverse)
Assessors Parcel Numbers:	045 -5263-003-00, 045 -5263-002-00, 045-5263-001-02
Proposal:	To change the General Plan from Business Mix to Housing and Business Mix and to rezone a portion of 10900 Edes Avenue from M-20 Light Industrial Zone to R-40 Garden Apartment Residential Zone to ultimately allow development of up to 26 residential units at 10900 Edes Avenue.
Owner/Applicant:	East Bay Habitat for Humanity (10900 Edes Avenue) City of Oakland is the applicant for the General Plan Amendment to 10800 Edes Avenue and 732 105 th Avenue
Planning Permits Required:	General Plan Amendment changing the General Plan designation of the site from Business Mix to Housing and Business Mix to allow proposed residential activities. Rezoning from M-20 Light Industrial Zone to R-40 Garden Apartment Residential Zone.
General Plan:	Business Mix
Zoning:	M-20, Light Industrial Zone; R-40 Garden Apartment Residential Zone
Environmental Determination:	Mitigated Negative Declaration prepared and circulated for 21-day comment period.
Historic Status:	732 105 th Ave: Non-Historic Property (NHP); survey rating: F3 10800 Edes Ave: No historic record (vacant lot) 10900 Edes Ave: No historic record (vacant lot)
Service Delivery District:	6
City Council District:	7
For further information:	Contact case planner Robert D. Merkamp at 510-238-6283 or at rmerkamp@oaklandnet.com .

SUMMARY

Habitat for Humanity has submitted a request to change the General Plan designation for an approximately 2 acre parcel on the eastern side of Edes Ave from Business Mix to Housing and Business Mix. They have also submitted a request to rezone a portion of this parcel from M-20 to R-40 (currently the parcel is split by these two zoning districts). This is in an effort to ultimately construct 26 single family homes on the property. The homes are projected to be a mixture of one and two-stories ranging in size from 896 to 1,354 square feet. If the general plan amendment and rezoning are ultimately successful, the applicant would need to file a Tentative Tract Map, Major Conditional Use Permit, and Planned Unit Development application to review the subdivision of the land, the creation of a new public right of way, and review of the designs of the dwelling units.

As a part of this application, the City of Oakland is also asking the Commission to consider the appropriateness of changing the general plan designation for two additional parcels on Edes Ave from Business Mix to Housing and Business Mix as it is appropriate to consider General Plan Amendments from a contextual perspective. No additional entitlements are requested at this time for these two parcels (and further rationale for including them can be found in the "Key Issues & Impacts" section of the report).

The current parcel is currently split between two zones, one portion in the R-40 Garden Apartment Residential zone and the other in the M-20 Light Industrial zone. Under the current zoning, development of this lot would be extremely difficult to accomplish given the mutual incompatibility of the two zones and further given that the manufacturing portion is located on the part of the parcel with no street access. Another problem confronting this lot and its development potential is that the general plan of business mix does not allow for residential development. As the residential zoning does not allow for commercial and/or industrial development, it is clear that some level of rezoning and/or general plan amendment should take place to allow this currently vacant parcel to develop in some way.

Staff supports the application as proposed along with changing the general plan designation for the two additional parcels mentioned above. Additional residential units are appropriate for the Sobrante Park which has in the past suffered in part due to the close proximity of the neighboring industrial lands. Changing the general plan to Housing and Business Mix on the entire eastern side of Edes Ave (south of 105th Ave) would further enhance the community as it would provide a buffer area between the industrial lands to the north and east for the residential neighborhood and yet would not create a large degree of legal non-conformities for the existing businesses in those locations. It would simply allow for the opportunity for this area to evolve into a mixed block that could benefit both residents and businesses.

PROJECT DESCRIPTION

The applicant proposes to construct 26 single family homes, a new public street and related improvements, and accessory parking and open space. The homes will be two stories and range in size from 896 to 1,354 square feet and would have from two to four bedrooms. At this point, the applicant has filed for a rezoning and general plan amendment to allow residential development on this property. If approved, it is anticipated that the applicant will need to file a Tentative Tract Map and a Planned Unit Development with the Zoning Division. These permits would analyze the proper subdivision of the land, the design and floor plans of the structures, the appropriate number of units, the layout of the various parcels, and the required elements of the new public street. These items will be considered by the City of Oakland Planning Commission.

NEIGHBORHOOD DESCRIPTION

The project site is located on the Eastern Side of Edes Avenue and extends in back to the Union Pacific Railroad right of way. The proposed homes site, 10900 Edes Avenue, is vacant property, having contained at various times an auto repair yard and a nursery. To the south and west are single family residential neighborhoods with industrial uses to the north and east. The area is generally flat topographically with little relief.

COMMUNITY MEETINGS AND INPUT

The applicant has held or been involved in a series of community meetings since mid-2002 to introduce the project to the neighborhood. This has included several design meetings as well as

2-3 meetings with the Sobrante Park Home Improvement Association. Neighbor comments at these meetings were reported to be generally positive in nature.

GENERAL PLAN ANALYSIS

This section reviews the General Plan issues raised by the development. These issues include the reasons the project requires a General Plan amendment and the consistency of the General Plan amendment, the proposed zoning change, and the project with the objectives and policies of the General Plan.

Requirement for a General Plan Amendment

The project requires a General Plan Amendment to change the site's General Plan designation from Business Mix to Housing and Business Mix. Attachment D contains the proposed change to the General Plan Map. The Business Mix General Plan designation is intended to "create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments". The project would need a General Plan Amendment because, according to the City of Oakland's "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (Guidelines) passed by the Planning Commission on May 6, 1998, the residential activities proposed by the applicant "clearly (do) not conform" with the intent of the General Plan to preserve areas that have a Business Mix designation for exclusively commercial and industrial uses. According to the Guidelines, the Housing and Business Mix designation would allow the mix of uses, including the residential activities, proposed by the applicant.

General Plan Amendment's consistency with the objectives and policies of the General Plan

The changing to the designation from Business Mix to Housing and Business Mix is appropriate for the site because it allows the mix of commercial and residential activities called for in the Land Use and Transportation Element of the General Plan (LUTE). One of the primary goals of the Housing and Business Mix designation is to "guide the transition from heavy industry, to low-impact light industrial and other businesses that can co-exist compatibly with residential development".

- Objective N5.2 of the LUTE is to "Provide buffering for existing residential areas". This amendment is consistent with this policy. Currently on the western side of Edes Avenue there are single family residences located in the Detached Unit Residential general plan designation. Across the street are industrial businesses in the Business Mix designation. Amending the general plan to call this entire section of the eastern side of Edes Ave as Housing and Business Mix will be a significant help to the existing residential neighborhood as it will ultimately allow those business properties to redevelop into something more compatible with residential uses.
- Objective N4 of the General Plan that states the City should "actively encourage the provision of affordable housing throughout the Bay Area". The San Francisco Bay Area has watched real home prices skyrocket for the last seven years, with the median home

price topping out over \$500,000 in many locales. This has had the affect of severely limiting the number potential buyers for new homes, forcing people to either leave the housing market or move to the outer fringes of the region to buy an affordable house (thus promoting sprawl). Oakland is no exception to this trend and the price of many homes in Oakland have doubled or tripled within the last decade. This development would be constructed by Habitat for Humanity, a national leader in the construction of affordable housing. Every unit being proposed is for affordable housing. This project would further this general plan objective by allowing more affordable housing to be created in the City of Oakland.

- Objective N5.3 which encourages the City of Oakland to “support and encourage live/work development”. While the particular development proposed by Habitat for Humanity does not contain live/work, amending all three properties with the Housing and Business Mix designation will potentially allow live/work to operate on those parcels. This will help to further soften the potential impacts of those industrial properties adjacent to the existing residential neighborhoods and allow for additional redevelopment options for those properties.
- Objective I/C1.2 seeks to retain existing businesses and jobs within the City of Oakland which are consistent with adopted policies and long range objectives.
- Objective I/C4.1 which directs the City of Oakland to protect existing industrial activities from intrusion from incompatible land uses. Currently, 732 105th Avenue has a warehouse facility on it. This business is considered to be a low intensity, light industrial use with minimal impacts to adjacent neighbors. These uses are compatible with the proposed Housing & Business Mix designation and would not be impacted negatively in any way.

Further, the Guidelines state that General Manufacturing activities “clearly conform” to the Business Mix General Plan designation and is “unclear or silent” on whether Heavy Manufacturing activities are appropriate in areas with a Business Mix designation. On the other hand, the General Plan states that Heavy and General Manufacturing Activities “clearly (do) not conform” to the Housing and Business Mix designation. Therefore, changing the designation to Housing and Business Mix would remove the possible conflicts between the noise, odor, and other impacts inherent with the Heavy and General Manufacturing activities permitted by the Business Mix designation and the existing residential activities.

The General Plan designation allows medium density residential uses at a density of approximately 40 dwelling units per net acre. This site is approximately 2 acres in size which would potentially allow up to 80 dwelling units on the property.

Parcels for Consideration

Habitat for Humanity is requesting the General Plan Amendment for 10900 Edes Avenue. As a part of this consideration, city staff is also asking for consideration on two adjacent parcels to the north of the Habitat site, 10800 Edes Avenue and 732 105th Avenue. These parcels are also currently listed as Business Mix and city staff recommends they be modified to Housing and

Business Mix as well. Staff believes such changes will be beneficial to improve the industrial to residential transition in this area that is currently served by Edes Avenue.

10800 Edes Avenue is currently vacant and thus the effects of such a change would be relatively minor. 732 105th Avenue has an active business on it, a warehouse business (defined as "Transport and Warehousing" in the zoning ordinance). Such uses are conditionally permitted in the M-20 zone (which would not be changed in this application) and Housing and Business Mix is silent regarding this use. This means that the General Plan refers back to the zoning for guidance on how a property may develop. Thus, the current business would continue to be a conforming activity and would be able to potentially expand. The two major differences between Business Mix and Housing and Business Mix (aside from the latter allowing housing) are that auto repair uses are prohibited from the Housing and Business Mix areas while civic activities that typically serve residential neighborhoods (schools, religious facilities, etc.) are allowed.

The City of Oakland is not proposing to change the zoning of either 10800 Edes Avenue or 732 105th Avenue. Those properties could continue to develop within the limitations imposed by their zoning and the recommended general plan change. Should the property owners wish to develop residential uses on those properties, those parcels would return for rezoning at a later date.

ZONING ANALYSIS

The proposed homes site (10900 Edes Avenue) is split between two zones. The R-40 Garden Apartment residential zone covers a little over half the site and contains street frontage on Edes Avenue. The M-20 Light Industrial Zone covers the remainder of the parcel on the eastern side of the property, abutting the railroad tracks. The applicant is requesting that this entire property be zoned R-40 residential.

As it currently exists, this property would prove extremely difficult to develop in a satisfactory manner. The R-40 zone excludes most non-residential activities (aside from civic activities such as schools and religious institutions that typically serve residential neighborhoods) while the M-20 zone does not permit any residential activity at all. Having a property with two or more zoning districts is not uncommon in Oakland and the zoning ordinance (in section 17.102.070) clearly stipulates that in cases where the zoning boundary is farther than 30' from the nearest parallel property line (which it is in this case) that the property must be developed in such a way that each portion of the lot can only be developed in accordance with its zone. Thus, in its current configuration the parcel could potentially develop residential uses on the front of the property with light industrial uses on the rear portion of the lot. Staff does not consider this to be a tenable solution and recommends that if the General Plan is changed to allow residential uses, then that the property should be rezoned to allow for the property to develop in a logical and coherent manner.

Another consideration about this change is the potential for impact (positive or negative) on the surrounding community. The Sobrante Park neighborhood has generally not benefited from new investment and this proposal represents a new phase in the neighborhood's development. The

residential neighborhood, like many in East Oakland, often lives in uncomfortable proximity to manufacturing properties. This creates a clash of incompatible uses and can affect the quality of life for the citizens of that area. By approving the General Plan Amendment and rezoning, the City of Oakland can take a step at redressing this situation in this location.

Properties for Consideration

The request before you is to only rezone 10900 Edes Avenue. While the city staff is requesting consideration on amending the general plan on additional two parcels to the north, we are not seeking any additional land use entitlements for those properties.

Design Review Requirement for the R-40 Zone

Any new proposed residences for this property would be required to go through design review prior to beginning construction. Design review would analyze the structures for neighborhood compatibility, architectural style and detail, and works to ensure the creation of attractive and well thought out designs that will be interesting in their own right and yet not take away from any established neighborhood character. The applicant is proposing to develop the site with 26 new single family residences. This will require several additional permits including a Tentative Tract Map and a Planned Unit Development (PUD). During the review of these permits, design review will also be conducted. Interest will focus on creating an integrated collection of structures that have variation from one to another (to break up an otherwise monotonous pattern) while still maintaining an overall architectural cohesiveness.

Maximum Residential Density

The R-40 zone has minimum requirement of 2,500 square feet per dwelling unit. At approximately 2 acres in size, this would potentially allow up to 34 units to be developed on site. The proposal for up to 26 units would conform to the density limits of this zone. A Major Conditional Use Permit will need to be filed to meet this density. Findings would need to be made explaining the proposal and the potential impact that such a use would have on the surrounding neighborhood.

Other Zoning Entitlements

At this time the applicant requests a general plan amendment on the property at 10900 Edes Avenue as well as a rezoning to R-40 in order to create a consistent district. However, should the General Plan Amendment and Rezoning be approved, other planning permits will need to be secured prior to the applicant obtaining building permits and actually beginning construction. One key element will be the filing of a Tentative Tract Map. This will formally subdivide the parcel into separate lots and detail the public street creation. The applicant has submitted preliminary site planning showing their proposed layout for this subdivision. A review by Traffic Engineering indicates that the public street being proposed meets the minimum requirements however more exact details will be handled at the Tract Map stage.

It is also anticipated that the applicant will file for a Major Conditional Use Permit or Planned Unit Development. This is a process that seeks to encourage the development of large parcels of land in an integrated and harmonious manner. This allows for more flexible development standards (for standards such as setbacks, density, parking, allowed uses, and open space) in exchange for the City of Oakland's ability to be involved in the design of the entire site (as opposed to allowing it to develop piecemeal). The design of the buildings will be analyzed comprehensively at this time and both the Planned Unit Development and the Tentative Tract Map would be required to return to the Planning Commission for review and approval.

ENVIRONMENTAL DETERMINATION

A proposed Mitigated Negative Declaration has been prepared and may be considered for adoption by the Planning Commission. Pursuant to the City's Environmental Review Regulations, the Planning Commission is responsible for adopting the proposed Mitigated Negative Declaration (MND) to be used by the City in considering a discretionary project approval. In adopting the MND, the Planning Commission must find that the report has been prepared in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City's local Environmental Review Regulations. A MND is acceptable if the document is accurate and adequately discusses potential adverse environmental impacts and the way that the impacts would be mitigated to a less-than-significant level. The proposed MND (see Attachment E) was released for public review on September 30, 2004 and comments were solicited for a 21-day period ending on October 20, 2004.

Environmental Impact The proposed MND evaluated the proposal and identified potentially significant adverse impacts in the following categories: hydrology and water quality, noise, and hazards and hazardous materials. The proposed MND recommends mitigation measures that would avoid or reduce the significant effects to less than significant levels. These measures have been incorporated into the attached Mitigation Monitoring Program and will be incorporated into the Conditions of Approval for the project (this will be included in the Planned Unit Development). Some of the more significant mitigations measures include: receiving clearance from all relevant local, state, and federal agencies that site contamination (currently being cleaned up) has been completed, requirements to construct street improvements on Edes Avenue in front of 10900 Edes Avenue, and requirements to mitigate noise levels emanating from the job site during construction.

Environmental Findings: In adopting the proposed MND for the project, the Planning Commission must make the following findings based on this staff report and the administrative record as a whole:

1. That the proposed MND was prepared by the City of Oakland as the Lead Agency, was properly circulated for public review and comment for 21 days.
2. That the proposed MND was independently reviewed and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that such independent judgment is based on substantial evidence in the record (even though there may

be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); that the Planning Commission adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.

3. That the proposed MND identifies all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels; and that all of the mitigation measures identified in the proposed MND and again in the Mitigation Monitoring Program will be adopted and implemented.
4. That the project complies with CEQA; and that the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to acting on the development approvals for the project.

Based on the analysis and discussion contained in this staff report and the administrative record as a whole, staff believes that the above listed findings can be made to adopt the proposed MND.

Mitigation Monitoring: The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring Program. Adoption of this Program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility.

KEY ISSUES AND IMPACTS

General Plan Amendment

Staff believes that the proposed General Plan Amendment is appropriate for the site. As discussed in the General Plan Analysis section of this report, the current General Plan designation, Business Mix, does not allow residential activities at the site. However, the site is adjacent to the Sobrante Park neighborhood, a residential district of single family homes that was first developed approximately 60 years ago. When considered from a contextual perspective, this block is a dividing line between the purely industrial lands to the north and east of this area and the residential uses to the south and west. Changing the General Plan to Housing and Business Mix could allow for a smoother transition between these conflicting land use types. The Housing and Business Mix designation will allow new light and custom manufacturing uses to take place (and it would not affect the operation of current industrial uses at 732 105th Avenue) but it would not allow the general industrial activities (currently permitted in the Business Mix General Plan classification) that would create land use conflicts with the existing residential activities to the south and west.

Rezoning

The proposed homes site (10900 Edes Avenue) is split between two zones. The R-40 Garden Apartment residential zone covers a little over half the site and contains street frontage on Edes Avenue. The M-20 Light Industrial Zone covers the remainder of the parcel on the eastern side of the property, abutting the railroad tracks. The applicant is requesting that this entire property be zoned R-40 residential.

As it currently exists, this property would prove extremely difficult to develop in a satisfactory manner. The R-40 zone excludes most non-residential activities (aside from civic activities such as schools and religious institutions that typically serve residential neighborhoods) while the M-20 zone does not permit any residential activity at all. Having a property with two or more zoning districts is not uncommon in Oakland and the zoning ordinance (in section 17.102.070) clearly stipulates that in cases where the zoning boundary is farther than 30' from the nearest parallel property line (which it is in this case) that the property must be developed in such a way that each portion of the lot can only be developed in accordance with its zone. Thus, in its current configuration the parcel could potentially develop residential uses on the front of the property with light industrial uses on the rear portion of the lot. Staff does not consider this to be a tenable solution and recommends that if the General Plan is changed to allow residential uses, then that the property should be rezoned to allow for the property to develop in a logical and coherent manner.

Conclusion

A General Plan Amendment designating the three properties as Housing and Business Mix allows residential activities and will serve in the long term as a buffer for the neighboring single-family residences. It would also allow industrial uses that have a low impact to adjacent neighbors and would not create any legal non-conformities with the existing industrial uses at 732 105th Avenue. Many of the permitted industrial uses in the Housing & Business Mix are similar to those in the Business Mix with the main exception being that automotive repair and similar activities are no longer permitted. Staff believes this will be an improvement in the quality of life for this neighborhood and ultimately serve to create a buffer zone between the residential and non-residential uses.

A rezoning of 10900 Edes Avenue is also appropriate as this property cannot reasonably develop at this time being split between residential and industrial zones. Even if the General Plan were the only request before the City at this time, this property would realistically need to be rezoned prior to any sort of development taking place. Rezoning the property will take a vacant and previously contaminated parcel that has been an eye sore for the community and allow an attractive and functional development to take place on it that will provide affordable home-ownership opportunities, a critical need in the City of Oakland.

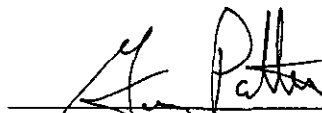
Finally, the proposed initial study demonstrates that, with mitigations, the project will not have a significant impact on the environment or expose sensitive receptors to hazardous conditions.

These mitigation measures will be enforced in their development permits that are to be filed in the future (assuming approval).

Therefore, staff recommends to the Planning Commission to:

1. Recommend that the City Council adopt the proposed Mitigated Negative Declaration based on the environmental findings contained in this report;
2. Recommend that the City Council adopt the General Plan Amendment designating the three properties (10800 Edes Avenue, 10900 Edes Avenue, & 732 105th Avenue) from the Business Mix to the Housing & Business Mix General Plan land use designation.
3. Recommend that the City Council rezone 10900 Edes Avenue from M-20 Light Manufacturing Zone to R-40 Garden Apartment Residential Zone.

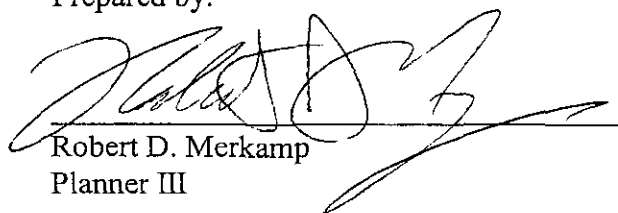
Respectfully submitted:



Gary Patton

Deputy Director of Planning and Zoning

Prepared by:



Robert D. Merkamp
Planner III

- Attachments:
- A. Project Plans
 - B. Initial Study
 - C. Site/Neighborhood Photos
 - D. Comments and notes from Neighborhood Meetings

FINDINGS FOR APPROVAL:**General Plan Administration Section of the General Plan**

Objective a3 of the above section states that an amendment to the General Plan must make strict findings that address a) how the amendment advances Plan implementation; b) how it is consistent with the policies of element; c) any inconsistencies that would need to be reconciled; and d) examination of citywide impacts to determine if the amendment is contrary to the achievement of citywide goals.

Findings a) and b). The changing to the designation from Business Mix to Housing & Business Mix implements the General Plan because it allows the mix of commercial and residential activities called for in the Land Use and Transportation Element of the General Plan (LUTE). One of the primary goals of the Housing and Business Mix designation is to “guide the transition from heavy industry, to low-impact light industrial and other businesses that can co-exist compatibly with residential development”. Objective N5.2 of the LUTE is to “Provide buffering for existing residential areas”. This amendment is consistent with this policy. Currently on the western side of Edes Avenue there are single-family residences located in the Detached Unit Residential general plan designation. Across the street are industrial businesses in the Business Mix designation. Amending the general plan to call this entire section of the eastern side of Edes Ave as Housing and Business Mix will be a significant help to the existing residential neighborhood as it will ultimately allow those business properties to redevelop into a more residential compatible section, allowing some commercial and light industrial development as well as residential, non-industrial commercial, and live-work opportunities. It would however ban general and heavy industrial activities from taking place.

The amendment is also consistent with Objective N4 of the General Plan that states the City should “actively encourage the provision of affordable housing throughout the Bay Area”. The San Francisco Bay Area has watched real home prices skyrocket for the last seven years, with the median home price topping out over \$500,000 in many locales. This has had the affect of severely limiting the number potential buyers for new homes, forcing people to either leave the housing market or move to the outer fringes of the region to buy an affordable house (thus promoting sprawl). Oakland is no exception to this trend and the price of many homes in Oakland have doubled or tripled within the last decade. This development would be constructed by Habitat for Humanity, a national leader in the construction of affordable housing. Every unit being proposed is for affordable housing. This project would further this general plan objective by allowing more affordable housing to be created in the City of Oakland.

Furthermore, this amendment will also be consistent with Objective N5.3 which encourages the City of Oakland to “support and encourage live/work development”. While the particular development proposed by Habitat for Humanity does not contain live/work, amending all three properties with the Housing and Business Mix designation will potentially allow live/work to operate on those parcels. This will help to further soften the potential impacts of those industrial

properties adjacent to the existing residential neighborhoods and allow for additional redevelopment options for those properties.

This amendment would also support a variety of General Plan policies related to industrial development. Policy Objective I/C1.2 seeks to retain existing businesses and jobs within the City of Oakland which are consistent with adopted policies and long range objectives and Objective I/C4.1 which directs the City of Oakland to protect existing industrial activities from intrusion from incompatible land uses. Currently, 732 105th Avenue has a warehouse facility on it. This business is considered to be a low intensity, light industrial use with minimal impacts to adjacent neighbors. These uses are compatible with the proposed Housing & Business Mix designation and would not be impacted negatively in any way.

Further, the Guidelines state that General Manufacturing activities “clearly conform” to the Business Mix General Plan designation and is “unclear or silent” on whether Heavy Manufacturing activities are appropriate in areas with a Business Mix designation. On the other hand, the General Plan states that Heavy and General Manufacturing Activities “clearly (do) not conform” to the Housing and Business Mix designation. Therefore, changing the designation to Housing and Business Mix would remove the possible conflicts between the noise, odor, and other impacts inherent with the Heavy and General Manufacturing activities permitted by the Business Mix designation and the existing residential activities.

The General Plan designation allows medium density residential uses at a density of approximately 40 dwelling units per net acre. This site is approximately 2 acres in size, which would potentially allow up to 80 dwelling units on the property.

Finding c). The amendment would not allow general manufacturing or automotive repair uses in the area but would continue to allow light and custom manufacturing in this area. This amendment would also support a variety of General Plan policies related to industrial development. Policy Objective I/C1.2 seeks to retain existing businesses and jobs within the City of Oakland which are consistent with adopted policies and long range objectives and Objective I/C4.1 which directs the City of Oakland to protect existing industrial activities from intrusion from incompatible land uses.

Currently, 732 105th Avenue has a warehouse facility on it. This business is considered to be a low intensity, light industrial use with minimal impacts to adjacent neighbors. These uses are compatible with the proposed Housing & Business Mix designation and would not be impacted negatively in any way. The proposed site, however, is located adjacent to an existing residential neighborhood, Sobrante Park. This neighborhood has been directly adjacent to industrial lands and one of the major goals of the General Plan has been to create buffer areas between existing residential and industrial properties. This General Plan Amendment would do this as the Housing and Business Mix would allow for new residential and live/work uses to develop on the three subject parcels. Also, it would not forbid all manufacturing and would not create legal non-conformities with the existing businesses there, it would simply stipulate that future businesses that go into this section be of a lesser impact than those found in our heavier manufacturing

districts. This in turn will further protect the residential neighborhoods already existing, furthering the goals of the General Plan that seeks to improve the quality of life for the citizens of Oakland.

Finding d). The most significant Citywide impact would be the promotion of affordable housing and neighborhood revitalization, consistent with citywide goals found in LUTE.

MITIGATION MEASURES AND MONITORING PROGRAM

The property owner shall implement the following mitigations measures as required by the Initial Study

HAZARDOUS MATERIALS (VIIId)

Impact VIIId: The site has a contamination history that was identified as not allowing the land to be made safe for human habitation unless cleaned up. A previous initial study identified this problem and put forth a cleanup plan which is currently being implemented.

Mitigation Measures IIIId/IIIe: To avoid a potentially significant environmental impact to the public or the environment from the high concentration of contaminants on the project site, no grading or building permits will be issued until the applicant shows the Final Removal Action Workplan RAW approved by the State of California for clean up of contaminants at the project site has been completed and the work approved, if necessary, by relevant federal, state and/or local agencies.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: Implementation will occur throughout grading and construction activities.

HYDROLOGY & WATER QUALITY VIII(d)

Impact VIII(d) The project may substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

Mitigation Measures VIII(d): The project shall include the installation of all infrastructure in the public right of way in front of the project site required to adequately drain stormwater into the City's main stormwater system. This shall include curbs and gutters along the Edes Avenue right of way and may include an underground storm drain, as determined by the City of Oakland's Department of Public Works. The applicant shall be required to submit plans for these facilities to the City of Oakland Building Services Division for review and approval.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: Mitigations shall occur prior to issuance of building permit. Agency review and design will be incorporated into the Tentative Tract Map.

NOISE XI(A)

Impact XI(A) The project may lead to the exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies during construction.

MITIGATION MONITORING PROGRAM

Mitigation Measure XI(A): Unless otherwise indicated, the applicant shall implement the following measures to mitigate the above impact. The applicant is only responsible for mitigations directly resulting from the project (see Description of Proposed Project on page 1 of the Initial Study). These mitigation measures amplify and clarify those included in the Initial Study and no recirculation is required.

Noise Mitigation Measure 1: The project sponsor shall require construction contractors to limit standard construction activities as required by the City Building Department. 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, without prior authorization of the Building Services Division, and no extreme noise generating activities shall be allowed on weekends and holidays.

Noise Mitigation Measure 2: To reduce daytime noise impacts due to construction, the project sponsor shall require construction contractors to implement the following measures:

- 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, and this 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 adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.

Noise Mitigation Measure 3: To further mitigate potential pile driving and/or 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. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around the construction site, to shield adjacent uses;

MITIGATION MONITORING PROGRAM

- 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.

Noise Mitigation Measure 4: Prior to the issuance of each building permit, along with the submission of construction documents, the project sponsor shall submit to the City Building Department a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- A procedure for notifying the City Building Division staff and Oakland Police Department;
- A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem;
- A listing of telephone numbers (during regular construction hours and off-hours);
- The designation of an on-site construction complaint manager for the project;
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving and/or other extreme noise-generating activities about the estimated duration of the activity; and
- 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 (including construction hours, neighborhood notification, posted signs, etc.) are completed.

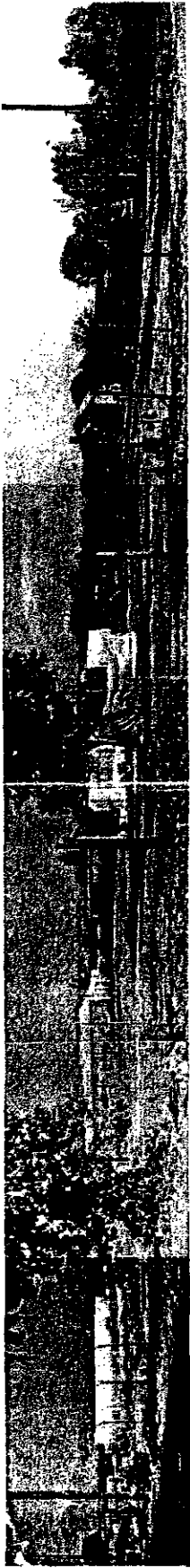
With the adoption of these noise mitigation measures, the project’s impacts are considered to be less than significant.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

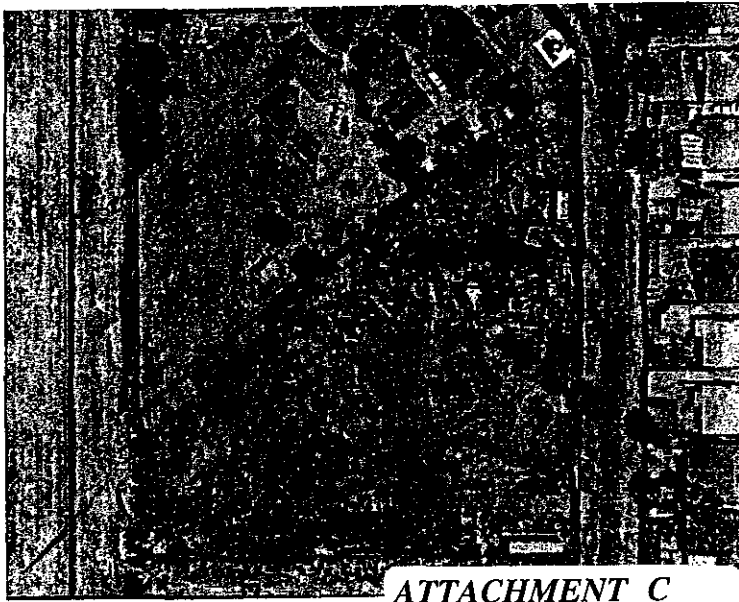
Monitoring Timeframe: Implementation will occur previous to issuance of building permits and throughout grading and construction activities.

APPROVED BY: City Planning Commission: _____ (date) _____ (vote)
 City Council: _____ (date) _____ (vote)

MITIGATION MONITORING PROGRAM



1. 10900 Edes Avenue with the Bergedo Drive homes (right) and the adjacent stone cutting lot (left), photo taken looking northwest



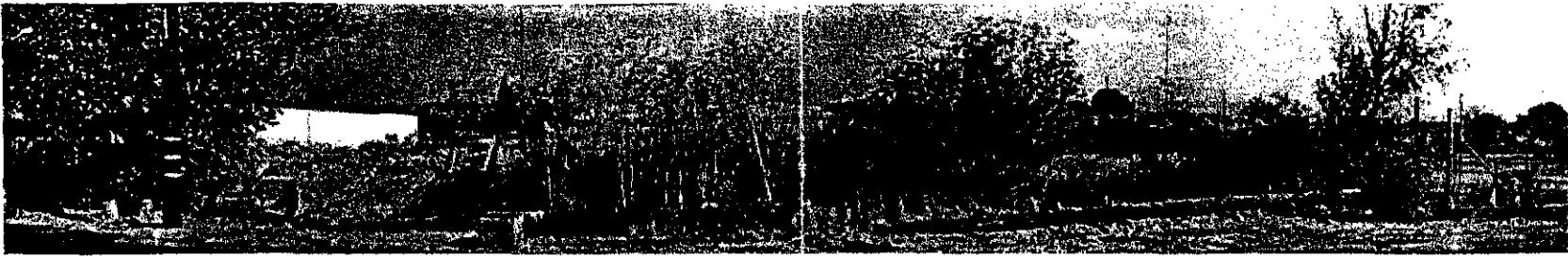
Aerial Photograph of 10900 Edes Avenue site and surrounding areas

1. 10900 Edes Avenue site
2. Houses lining Edes Avenue
3. Adjacent lot
4. Bergedo Drive
5. Edes and Bergedo intersection

ATTACHMENT C



2. Backside of houses lining Edes Avenue, looking southwest from the center of the site



3. The adjacent lot located to the northwest of the site



4. Adjacent houses on Bergedo Drive, located on the southeast side of the site



5. Intersection at Edes Avenue and Bergedo Drive, looking southwest

Date: Thur, September 25, 2003 07:00 -08:30

Community Design Meeting on 10900 Edes

Peter Waller presented the project describing the site, adjacent area, and proposed design.

Issues discussed:

Site Planning/Access

1. There was a preference for parking access from behind home rather than to enter each unit directly from Edes.
2. Interior courtyard shown as compromise for efficient use of space on site and for duplex homes.
3. No interest in closing Edes because access here is preferred over Alcanlanes.
4. A resident who has done boundary surveys in the neighborhood believes that Edes is an alley. Will Edes be upgraded to be considered a street?

Design of Homes

1. Concern about new 2 story units backing up and overlooking neighboring 1 story homes.
2. No questions about duplexes. Needed to explain design of duplex, which appear as one unit, though is actually two with a common wall at the ridge of the roof.
3. 2 bedroom houses seen as a good idea. Affordable for smaller families.

Safety/Blight

1. Street lighting is a concern for safety. It was explained that the new street would have lighting.
2. Concern about the cars piled up and flattened at a property near 105th and Edes.
3. What will happen with brickyard neighbor? Holding out for higher price?

Outreach to Local Organizations

1. Blight Committee - Held on 1st Monday of every month. The next one is Monday, October 6, 2003.
2. Sobrante Park Home Improvement Association (SPHIA) - Meeting held on 2nd Saturday of every month. The next one is Saturday, October 11, 2003.
3. NCPC - Suggestion that the project be shown at their next meeting.

ATTACHMENT D

Community Design Meeting #2 for 10900 Edes -- Meeting Notes

Tuesday October 21, 2003 07:15 -08:45

East Bay Habitat for Humanity

Attendance: 7 neighbors plus 2 Architects, 2 staff, and 1 Habitat volunteer

Intro: Jim Bergdoll, EBH Project Manager, summarized the overall project status

Architects presented a context map, and explained that the main purpose of this session was to have the participants use maps and model pieces to lay out possible site plans. Peter asked for general questions or comments. Two small groups were formed which worked on the plans for approx. 30 minutes.

Issues discussed

Bedrooms:

- Some 2-bedroom homes would definitely be appreciated

Access Driveway:

- 2 different access configurations were proposed – a loop road with two ways in/out, or one way in/out with an internal loop.
- Concerns re outsiders driving through, possibly burglary. Either configuration that was a possibility. Gate could deter.
- Some people concerned about making the entry point wide enough so people could get in and out if there was an emergency.

Edes Avenue frontage:

- front yards should have low fences and gates so that owners have some boundary for their private space
- Cars parking on Edes (on street) might have vandalism problem, but the rest of the neighborhood also experiences this problem.
- Some people favor off-street parking access from behind Edes homes, but others felt that coming and going on Edes would help make street safer and slow down traffic.

Railroad frontage

- If a public/non-private space adjoins fence separating from railroad, then kids will likely jump over to play. Better to have private homes/yards
- Sound wall like that in the San Leandro development might be a good idea for noise.

Community Design Meeting #3 for 10900 Edes -- Meeting Notes

Tuesday January 20, 2004 07:15 -08:15

East Bay Habitat for Humanity

Attendance: 7 neighbors plus 2 Architects, 2 staff, and 2 Habitat volunteers

Intro: Jim Bergdoll, EBH Project Manager, summarized the overall project status

Issues discussed

Gary Struthers, Architect, presented the proposed site plan resulting from the two previous community workshops and EBH Staff input. Gary asked for questions and input.

Access Driveway:

- There were no negative comments about the proposed configuration.
- The options of providing a gate at the entrance to Edes Ave was discussed and people felt that was not desirable or necessary

Edes Avenue improvements:

- Neighbors expressed desire for sidewalks on both sides of the street, and Habitat explained that the proposal included a sidewalk in front of the new homes which would be done after those homes were completed. Unsure if there was any way to ensure that sidewalk continued on that side of street past this property.
- Ways to slow down traffic on Edes were discussed, including speed bumps. Neighbors expressed no strong preference, but agreed that Habitat or the new owners might want to talk to the City about this to get it set up for that possibility.

Number of units:

- The current proposal increases the number of units to 26 (previously 24) without decreasing individual yard sizes or the open space provided. This is made possible by removing the interior alleyway that had originally provided parking access to the back of the front row of homes.
- There were no negative comments about the increase in number of units, and several comments that they felt the design was a good one overall.

SIGN IN

9/25/03

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OAKLAND CA 94601

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Indel George 595 Elwood 632 6389

Maximilia Anne 889-9273
Neri Anne 732-8174

EDS PROJECT MEETING #2 10/21/03 SIGN IN

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Victor & Loida Garcia	2412 Harrington Ave Oak. CA 94601	(510) 533 8714.
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Spinosa Lucy	879 1540	105th Ave @ West Court
Verlaine Campbell	11108 Robledo Dr. Oakland CA 94603	(510) 682-3984
Patricia Moss	336 Catron	
Michael Cross	, EBH	
Peter Walker	, Architect	
Gary Struthers	, Architect	
Jim Bergdoll	, EBH	

Edes Avenue Homes Design Meeting 1/20/04

<u>Name</u>	<u>Address</u>	<u>Phone</u>
LaSonia Williams	569 CASTRANO DR	510 6323 988
Gladys Levy	10920 Robledo Dr.	510 635-0866
Rakima Williams	10652 Acalanes Dr.	(510) 638-3828
Collins Keun	10643 Acalanes Dr.	(510) 635-7929
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Gary Struthers
Peter Waller
Amy Dryden
Jesse Patten
Jim Bergdoll