



**DRAFT**

Alameda-Contra Costa Transit District

May 16, 2005

Catherine Payne  
City of Oakland  
Community and Economic Development Agency  
Planning & Zoning Division

RE: Comments to Vesting Tentative Map for the Uptown Project

Dear Catherine:

AC Transit fully supports the Uptown Project and its benefit to the City of Oakland. However, we have the following comments and recommendations to make regarding the Vesting Tentative Map for the Uptown Project:

- Project Description pg 40 - The description of San Pablo Rapid Bus is incorrect "The buses run every 12 minutes during the peak travel period (6:00am through 7:00pm, Monday through Saturday) and every 15 minutes during non-peak times". Statement is wrong and should be corrected to reflect 12-minute service all day.
- Plan Sht 1 shows ped bulb at Thomas L Berkley Way FS San Pablo. Drawing should also show 90 foot long bus stop immediately past the ped bulb.
- Plan Sht 1 Note 13 - Final determination of bus stop to be determined by City in coordination w/ AC Transit.
- Plan Sht 1 Note 17 - "The City has determined that the 7' sidewalk, curb, and landscaping depicted in the William Street and Thomas L. Berkley Way sections will not require a variance and has preliminary approval for ADA access and AC Transit use." We have a bus stop at Thomas L. Berkley Way and ADA requires 8ft wide sidewalk for deployment of the wheelchair ramp.
- Plan Sht 1 should add note that City will coordinate w/ AC Transit to provide temporary bus stop during construction. Contractor shall provide AC Transit five working days notice prior to construction affecting the bus stop.
- Plan Sht 1 should add note that City shall coordinate construction staging plans with AC Transit Operations. We have several bus lines using Thomas

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L Berkeley Way, including the 72R, and construction should not affect operations of these bus lines.

- Plan Sht 2 - Thomas L Berkley Way Typical Section shows 7ft sidewalk. ADA requires 8ft wide sidewalk for wheelchair ramp deployment.

AC Transit hopes that the City will adjust the project plan in order to meet our concerns. We will be happy to work with you on resolving the issues stated above. If you have any questions or concerns about our comments above, please feel free to contact me at (510) 891-4734 or via email at [rdelrosa@actransit.org](mailto:rdelrosa@actransit.org).

Sincerely,



Robert del Rosario  
Transportation Planner

CC: Anthony Bruzzone, AC Transit  
Cesar Pujol, AC Transit  
Nathan Landau, AC Transit

**23. Hazardous Materials Remediation**

***a. Prior to issuance of any demolition, grading, or building permit***

Per the regulatory standards of the City Environmental Services Division of the Public Works Agency, the project sponsor shall sample the soil on the site to determine whether any further remediation is required. Based on the test results, the project sponsor shall submit any and all applicable documentation and plans required by the Regional Water Quality Control Board, the Alameda County Public Health Department, and the City's Fire Department, Office of Emergency Services, regarding remediation of any remaining contaminated soil and/or groundwater that may be identified on the site. These documents and plans shall be submitted to the Environmental Services Division, and shall demonstrate to the satisfaction of each agency with jurisdiction that all applicable standards and regulations have been met for the construction and site work to be undertaken pursuant to the permit. If warranted, the project sponsor must develop and submit for review by the Environmental Services Division a Soil and Groundwater Management Plan for construction and development activities at the site. The plan shall include, as required, any special health and safety precautions to mitigate worker exposure to contaminated soils, dust control measures to prevent the generation of dust that could migrate off-site, stormwater runoff controls to minimize migration of soils to storm drains, measures to ensure the proper treatment and disposal of groundwater during dewatering activities, steps for ensuring compliance with applicable state and federal regulations governing the transportation and disposal of hazardous wastes, and general protocol for addressing any unexpected hazardous materials conditions in the subsurface encountered during construction.

**24. Prior to issuance of site demolition and/or grading permits**

The project sponsor shall seek and demonstrate approval of a GPA and Rezone for the park site.

**25. Project approval is conditioned upon any required amendments to the LDDA to allow site development as proposed.**





Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p><b>HYD-3:</b> The SWPPP shall include requirements for the proper management of dewatering effluent as necessary to mitigate significant impacts to the environment. At minimum, all dewatering effluent will be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary, to ensure that only clear water is discharged to the storm or sanitary sewer system. Alternatively, effluent can be hauled off-site by tanker truck for disposal. Based on the historical land uses at the project site and groundwater sampling of the existing network of monitoring wells, it is possible that groundwater underlying each of the parcels has been impacted by chemical releases. All dewatering effluent will be analyzed by a State-certified laboratory for the suspected pollutants (at minimum, petroleum hydrocarbons, solvents, and metals) prior to discharge. Based on the results of the analytical testing and the concentrations of pollutants identified, if any, the project sponsor will dispose of the water in one (or more) of the following ways:</p> <p>a) Discharge the water to the storm drain under permit from the RWQCB. It is unlikely that the RWQCB would allow discharge of any untreated dewatering effluent that contained detectable concentrations of chemical pollutants and that for these types of discharges, alternative disposal options may be required;</p> <p>b) Discharge the water to the sanitary sewer system under permit from the East Bay Municipal Utilities District;</p> <p>c) Haul the water to a licensed off-site disposal facility for treatment and disposal under appropriate manifest.</p> <p>The project proponent shall demonstrate to the City of Oakland, Planning and Development Department that appropriate permits have been acquired prior to discharge of any dewatering effluent.</p>	<p>1) Project sponsor shall include requirements for the proper management of dewatering effluent in the SWPPP, as specified in the mitigation measure.</p> <p>2) Procure the appropriate permits needed for the discharge of dewatering effluent.</p>	<p>City of Oakland Community and Economic Development Agency, Environmental Services Division.</p>	<p>1) Review the SWPPP to ensure it includes requirements for the proper management of dewatering effluent.</p> <p>2) Verify that the project sponsor has received the necessary permits for the discharge of dewatering effluent.</p>	<p>1) Prior to the approval of grading permit.</p> <p>2) Prior to the initiation of dewatering within the project site.</p>	<p>1) No approval of grading permit.</p> <p>2) City issues corrective action or stop work order if necessary permits have not been procured.</p>	<p>Verified by: Date:</p>
<b>TRANSPORTATION, CIRCULATION AND PARKING</b>						
<p><b>TRANS-1:</b> Optimization of the signal timing at the intersection of San Pablo and Thomas L. Berkeley Way (20<sup>th</sup> Street) would improve function to LOS D in the PM peak hour. This intersection functions as an integrated signal system with other intersections in the downtown area. To mitigate the project's impact at this location and others, the City shall prepare a signal optimization and coordination plan for the area bounded by San Pablo Avenue, Grand Avenue, Telegraph Avenue, and 17<sup>th</sup> Street prior to project occupancy. The plan shall address the timing and equipment requirements, as necessary for all of the signalized intersections located within this area. The project sponsor shall fund its fair share cost of the preparation of the plan and the implementation of the signal timing program. Implementation of the signal optimization program may also involve the purchase and installation of interconnection hardware (i.e. modems, microwave antennas, etc). The City of Oakland will consult with AC Transit during preparation of the plan.</p> <p>Given that the project sponsor is responsible for only a portion of this mitigation measure, implementation of this set of improvements will be funded fully by one or a combination of the following means:</p> <p>1. The project sponsor shall fully fund the costs of the signalization improvements and shall be reimbursed through other fair-share contributions as future projects that exceed the City's thresholds of significance occur.</p> <p>2. The City, at its sole discretion, shall establish a Traffic Improvement Program and concurrent Traffic Impact Fee Ordinance to fund the mitigation measure.</p> <p>3. The Redevelopment Agency, at its sole discretion, shall contribute funds to the costs of implementation.</p>	<p>1) City Public Works Agency, Traffic Engineering Division, shall prepare a signal optimization and coordination plan for the area bounded by San Pablo Avenue, Grand Avenue, Telegraph Avenue, and 17<sup>th</sup> Street.</p> <p>2) The project sponsor shall fund its fair share cost of the preparation and implementation of the signal optimization and coordination plan. Each phase of the project shall fund its fair share cost.</p> <p>3) City Public Works Agency, Traffic Engineering Division, shall implement the measures of the plan from 2010 to 2025, as necessary, to address cumulative impacts.</p>	<p>1) City of Oakland Community and Economic Development Agency, Planning Division.</p> <p>2) City of Oakland Community and Economic Development Agency, Planning Division.</p> <p>3) City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>1) Verify that the signal optimization and coordination plan has been prepared and that it meets the standards listed in the mitigation measure.</p> <p>2) Verify that the project sponsor funds its fair share cost of the preparation and implementation of the signal optimization and coordination plan.</p> <p>3) Ensure plan measures are being implemented.</p>	<p>1) Prior to occupancy of the first phase of the project.</p> <p>2) Prior to occupancy of the first phase of the project.</p> <p>3) From 2010 to 2025.</p>	<p>No approval of occupancy permit.</p>	<p>Verified by: Date:</p>
<p>Mitigation Measures TRANS-2, TRANS-4, TRANS-5, TRANS-6, TRANS-7, TRANS-8, TRANS-9, TRANS-12, TRANS-13 and TRANS-14 require the implementation of Mitigation Measure TRANS-1.</p>	<p>Refer to Mitigation Measure TRANS-1.</p>	<p>Refer to Mitigation Measure TRANS-1.</p>	<p>Refer to Mitigation Measure TRANS-1.</p>	<p>Refer to Mitigation Measure TRANS-1.</p>	<p>Refer to Mitigation Measure TRANS-1.</p>	<p>Verified by: Date:</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p><b>TRANS-3:</b> Widen the intersection to add a second exclusive left turn lane in the eastbound direction and an exclusive right turn lane in the westbound direction. The intersection would operate at LOS D in the PM peak hour with these improvements.</p> <p>The intersection of Frontage Road and West Grand Avenue is located on an elevated structure which is within the jurisdiction of Caltrans. The proposed mitigation measures would require the widening of the existing elevated structure and modification of the traffic signal. The second exclusive left turn lane in the eastbound direction and the exclusive right turn lane in the westbound direction should each be 300 feet in length with a 90-foot taper. Widening of the existing structure would require additional support columns and the acquisition of right of way underneath the structure. In addition, the connector from Interstate 880 to Interstate 80 structure exists above this intersection. Columns supporting this elevated connector may have to be relocated to widen the Frontage Road/West Grand Avenue intersection. At this time, the implementation of this mitigation measure would not be economically feasible. Because this intersection is located outside of the City of Oakland's jurisdiction and because it is not economically feasible, it is significant and unavoidable.</p>	<p><i>No monitoring or reporting measures are provided for this mitigation measure since it has been determined to be infeasible in connection with approval of the Disposition and Development Agreement (DDA) for Blocks 1 through 4.</i></p>					
<p><b>TRANS-10:</b> The project sponsor shall provide funding for the following two improvements.</p> <ul style="list-style-type: none"> <li>Optimize the signal timing at the intersection of Telegraph and 19th Street. Since this intersection also functions as part of an integrated signal system in downtown Oakland, Mitigation Measure TRANS-1 shall also be implemented.</li> <li>Restripe the westbound 19th Street approach to provide two exclusive through lanes and an exclusive right turn lane.</li> </ul> <p>With these improvements, the intersection would operate at LOS C in the AM peak hour and LOS E in the PM peak hour.</p> <p>The restriping of the westbound 19th Street approach to the intersection to provide two exclusive through lanes and an exclusive right turn lane would require the elimination of six metered parking spaces on the northern side of 19th Street between Telegraph and Broadway. With the existing roadway width available the two through lanes would each be 11 feet wide and the right turn lane would be 10 feet wide, which would satisfy City standards of 10-foot lanes. Metered parking would remain on the southern side of 19th Street.</p>	<ol style="list-style-type: none"> <li>Refer to Mitigation Measure TRANS-1.</li> <li>City Public Works Agency, Traffic Engineering Division shall restripe the westbound 19th Street approach to Telegraph Avenue to provide two exclusive through lanes and an exclusive right turn lane.</li> </ol>	<ol style="list-style-type: none"> <li>Refer to Mitigation Measure TRANS-1.</li> <li>City of Oakland Community and Economic Development Agency, Planning Division.</li> </ol>	<ol style="list-style-type: none"> <li>Refer to Mitigation Measure TRANS-1.</li> <li>Verify that the westbound 19th Street approach has been restriped.</li> </ol>	<ol style="list-style-type: none"> <li>Refer to Mitigation Measure TRANS-1.</li> <li>Prior to occupancy of the first phase of the project.</li> </ol>	<ol style="list-style-type: none"> <li>Refer to Mitigation Measure TRANS-1.</li> <li>Work with the City Public Works Agency to ensure the improvement is implemented.</li> </ol>	<p>Verified by:  Date:</p>
<p><b>TRANS-11:</b> Widen the eastbound approach to accommodate two left turn lanes, two through lanes, and a right turn lane. Widen the southbound approach would need to accommodate a right turn lane, a left turn lane, and a shared through/right turn lane. In addition, the northbound approach should be converted from a left turn lane, a through lane, and a shared through/right turn lane to a left turn lane, a shared through/right turn lane, and a right turn lane. With the proposed improvements, the intersection would operate at LOS C in the AM peak hour and LOS D in the PM peak hour.</p> <p>The intersection of Frontage Road and West Grand Avenue is located on an elevated structure which is within the jurisdiction of Caltrans. The proposed mitigation measures would require the expansion of the existing elevated structure and modification of the traffic signal. Widening of the existing structure would require additional support columns and the acquisition of right of way underneath the structure. In addition, the connector from Interstate 880 to Interstate 80 structure exists above this intersection. Columns supporting this elevated connector may have to be relocated to pursue the widening of the Frontage Road/West Grand Avenue intersection. The implementation of this mitigation measure would not be economically feasible. Because this intersection is located outside of the City of Oakland's jurisdiction and because it is not economically feasible, it is significant and unavoidable.</p>	<p><i>No monitoring or reporting measures are provided for this mitigation measure since it has been determined to be infeasible in connection with approval of the Disposition and Development Agreement (DDA) for Blocks 1 through 4.</i></p>					





Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p><b>Bicycle and Pedestrian Measures:</b> (i) Provide secure, weather-protected bicycle parking for employees (Effectiveness 0.5 percent - 2 percent of work trips, BAAQMD CEQA Guidelines); (ii) Provide safe, direct access for bicyclists to adjacent bicycle routes (Effectiveness 0.5 percent - 2 percent of work trips, BAAQMD CEQA Guidelines); (iii) Provide showers and lockers for employees bicycling or walking to work (Effectiveness 0.5 percent - 2 percent of work trips, BAAQMD CEQA Guidelines); (iv) Provide secure short-term bicycle parking for retail customers or non-commute trips (Effectiveness 1 percent - 2 percent of non-work trips, BAAQMD CEQA Guidelines); (v) Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development (Effectiveness 0.5 percent - 1.5 percent of all trips, BAAQMD CEQA Guidelines).</p> <p>Implementation of the measures detailed above would help minimize this impact, but not reduce it to a less-than-significant level. Therefore, Impact AIR-2 will remain significant and unavoidable.</p>						
<b>NOISE</b>						
<p><b>NOISE-1a:</b> Standard construction activities shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday. No construction activities shall be allowed on weekends until after the buildings are enclosed without prior authorization of the Building Services and Planning Divisions of the Community and Economic Development Agency.</p>	<p>Construction contractor shall limit construction activities to between 7:00 a.m. and 7:00 p.m. Monday through Friday.</p>	<p>Community and Economic Development Agency, Building Services and Planning Division.</p>	<p>Make regular visits to the project site to ensure that construction activities are restricted to 7:00 a.m. and 7:00 p.m. Monday through Friday.</p>	<p>Ongoing throughout project construction period.</p>	<p>City issues corrective action or stop work order if construction activities occur outside of the restricted time zone.</p>	<p>Verified by: Date:</p>
<p><b>NOISE-1b:</b> To reduce daytime noise impacts due to construction, to the maximum feasible extent, the City shall require the project sponsor to develop a site-specific noise reduction program, subject to city review and approval, which includes the following measures:</p> <ul style="list-style-type: none"> <li>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;</li> <li>An on-site complaint and enforcement manager shall be posted to respond to and track complaints;</li> <li>A pre-construction 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.);</li> <li>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);</li> <li>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 where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible; and</li> <li>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.</li> </ul>	<p>Project sponsor shall develop a site-specific noise reduction program that includes the measures detailed in Mitigation Measure NOISE-1b.</p>	<p>Community and Economic Development Agency, Building Services and Planning Division.</p>	<p>Review and approve the site-specific noise reduction program.</p>	<p>Prior to approval of a grading or building permit</p>	<p>No approval of a grading or building permit.</p>	<p>Verified by: Date:</p>



Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>Measures to reduce the interior noise levels may include:</p> <ul style="list-style-type: none"> <li>To meet the City's 45 dBA CNEL interior noise standard, building facade upgrades will be required for building located along Telegraph Avenue. All windows facing Telegraph Avenue must have a sound transmission class (STC) of 31 or greater.</li> <li>All of the proposed buildings on the project site shall be designed and constructed with ventilation systems, to achieve the indoor fresh-air ventilation requirements specified in Chapter 35 of the Uniform Building Code, to achieve the 45 dBA CNEL interior noise standard.</li> </ul> <p>Measures to reduce the exterior noise levels may include:</p> <ul style="list-style-type: none"> <li>The inclusion of plexiglass enclosures for outdoor patio and balcony areas at a height of 5 feet (i.e., to shield balconies and or outdoor patio areas) would provide 5dBA or more in noise reduction for outdoor use areas.</li> </ul> <p>Implementation of the above mitigation measure would reduce this impact to a less-than-significant level by achieving, at a minimum, <i>Conditionally Acceptable</i> noise levels.</p>						
<p><b>NOISE-3:</b> The following measures are required for the operations of the proposed project:</p> <ul style="list-style-type: none"> <li>All on-site stationary noise sources shall comply with the standards listed in Section 17.120.050 of the City's Planning Code; and</li> <li>Loading docks or loading areas and noise-generating equipment associated with the retail uses will be located as far as practical from all existing and planned residential properties.</li> </ul> <p>Implementation of the above mitigation measure would reduce the impact to below a level of significance.</p>	<ol style="list-style-type: none"> <li>Project sponsor shall comply with the standards listed in Section 17.120.050 of the City's Planning Code.</li> <li>Project sponsor shall ensure that noise-generating areas and equipment are located as far as practical from all existing and proposed residential uses.</li> </ol>	<ol style="list-style-type: none"> <li>Community and Economic Development Agency, Building Services and Planning Division.</li> <li>Community and Economic Development Agency, Building Services and Planning Division.</li> </ol>	<ol style="list-style-type: none"> <li>Make regular visits to the project site to verify compliance with noise regulations.</li> <li>Review building plans for the project to ensure that proposed noise-generating uses are as far from sensitive uses as practical.</li> </ol>	<ol style="list-style-type: none"> <li>Regularly throughout operation of the project, at intervals deemed appropriate by the City.</li> <li>Prior to approval of a building permit.</li> </ol>	<ol style="list-style-type: none"> <li>City issues corrective action.</li> <li>No approval of a building permit.</li> </ol>	<p>Verified by:</p> <p>Date:</p>
<p><b>HAZARDS AND HAZARDOUS MATERIALS</b></p> <p><b>HAZ-1a:</b> Prior to issuing any grading, demolition or building permits for the proposed project affecting project site Blocks 3 through 9, an environmental investigation shall be conducted at the site by a qualified environmental professional. The environmental investigation shall implement appropriate sampling recommendations presented in previously conducted Phase I site assessment(s) prepared for the project site, as summarized in Table IV.G-3, in order to adequately characterize subsurface conditions of the site. Environmental investigation workplans shall be submitted to the City of Oakland and RWQCB for review and approval. Information from the environmental investigation shall be used to develop and implement site-specific health and safety plans for construction workers and best management practices (e.g., dust control, storm water runoff control, etc.) appropriate to protect the general public.</p>	<p>Project sponsor shall ensure the preparation of an environmental investigation by a qualified environmental professional. The environmental investigation shall adequately characterize subsurface conditions within the project site, as described in the mitigation measure, and it shall be used to develop and implement a health and safety plan for construction workers and best management practices.</p>	<p>City of Oakland, Public Works Agency, Environmental Services Division.</p>	<p>Review the construction plan to ensure it includes adequate health and safety measures to protect construction workers from subsurface hazardous materials.</p>	<p>Prior to approval of a grading or building permit for development in Blocks 3 through 9.</p>	<p>No approval of a grading or building permit for development in Blocks 3 through 9.</p>	<p>Verified by:</p> <p>Date:</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
HAZ-1b: Prior to issuing any grading, demolition, or building permit for the proposed project, a site-specific Health and Safety Plan (HSP) shall be prepared by a qualified industrial hygienist. At a minimum, the HSP shall summarize information collected in environmental investigations for the project site, including soil and groundwater quality data; establish soil and groundwater mitigation and control specifications for grading and construction activities, including health and safety provisions for monitoring exposure to construction workers; provide procedures to be undertaken in the event that previously unreported contamination is discovered; incorporate construction safety measures for excavation activities; establish procedures for the safe storage and use of hazardous materials at the project site, if necessary; provide emergency response procedures; and designate personnel responsible for implementation of the Plan. The HSP shall be designed to prevent potential exposures to construction workers above established OSHA Permissible Exposure Limits. The Plan shall be submitted to the City of Oakland for review and approval.	Project sponsor shall prepare a site-specific HSP which meets the requirements listed in the mitigation measure. The HSP shall be designed to prevent potential exposures to construction workers above established OSHA Permissible Exposure Limits.	City of Oakland, Public Works Agency, Environmental Services Division.	Review and approve the HSP.	Prior to approval of a demolition, grading, or building permit.	No approval of a demolition, grading, or building permit.	Verified by:  Date:
HAZ-1c: Prior to issuing any grading, demolition, or building permit for the proposed project, a Soil and Groundwater Management Plan (Plan) shall be prepared. The Plan shall include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of safely, in accordance with applicable regulations. The Plan will incorporate notification and dust mitigation requirements of the BAAQMD (including Title 17, CCR Section 93105). Dewatering procedures will incorporate regulatory requirements for groundwater discharge to storm or sanitary sewers, as outlined in Mitigation Measure HYD-3. The Plan shall be submitted to the City of Oakland and RWQCB for review and approval and shall be implemented throughout all phases of project development.	Project sponsor shall prepare and implement a Soil and Groundwater Management Plan, as specified in the mitigation measure, to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of safely, in accordance with applicable regulations.	City of Oakland, Public Works Agency, Environmental Services Division; Regional Water Quality Control Board (RWQCB).	Review and approve the Soil and Groundwater Management Plan.	Prior to approval of a demolition, grading, or building permit.	No approval of a demolition, grading, or building permit.	Verified by:  Date:
HAZ-2a: Covenants, codes, and restrictions for the proposed project shall strictly prohibit the use of groundwater at the project site for drinking, irrigation, or industrial purposes. Any dewatering activities required at the project site following construction activities shall be required to be carried out under the Soil and Groundwater Management Plan prepared for the project (Mitigation Measure HAZ-1c).	<ol style="list-style-type: none"> <li>Project sponsor shall include provisions in the covenants, codes, and restrictions for the project that prohibit the use of groundwater at the project site for drinking, irrigation, or industrial purposes.</li> <li>Project sponsor shall ensure that dewatering activities are carried out under the Soil and Groundwater Management Plan prepared for the project.</li> </ol>	<ol style="list-style-type: none"> <li>City of Oakland, Public Works Agency, Environmental Services Division.</li> <li>Refer to Mitigation Measure HAZ-1c.</li> </ol>	<ol style="list-style-type: none"> <li>Review the covenants, codes, and restrictions to ensure that the use of groundwater is prohibited.</li> <li>Refer to Mitigation Measure HAZ-1c.</li> </ol>	<ol style="list-style-type: none"> <li>Prior to approval of Final Map.</li> <li>Refer to Mitigation Measure HAZ-1c.</li> </ol>	<ol style="list-style-type: none"> <li>No approval of Final Map.</li> <li>Refer to Mitigation Measure HAZ-1c.</li> </ol>	Verified by:  Date:
HAZ-2b: Prior to issuing any permits for construction within the project site, a Human Health Risk Assessment (HHRA) shall be conducted and/or updated by a qualified environmental professional. This HHRA shall employ methodology from the City of Oakland Urban Land Redevelopment Guidance Document for the Oakland Risk Based Corrective Action (RBCA) program to evaluate potential health risks from petroleum hydrocarbons, metals, solvents, and other volatile organic compounds in soils and groundwater. Depending on the findings of the HHRA, recommendations may be made for administrative or engineering controls to minimize public exposure to hazardous materials, if warranted. These controls could potentially include vapor barriers for building foundations, encapsulation of the site with building foundations and paved parking surfaces to prevent exposure to soils, and implementation of an Operations and Maintenance Plan to insure prescribed controls are implemented and maintained. The controls shall ensure that any potential added health risks to future site users are reduced to a cumulative risk of less than $1 \times 10^{-6}$ (a calculated risk of 1 in 100,000 persons exposed) for carcinogens and a cumulative hazard index of 1.0. The HHRA shall be submitted to the City of Oakland and RWQCB for review and approval.	Project sponsor shall prepare and/or update a HHRA for the project site that meets the requirements outlined in the mitigation measure.	City of Oakland, Public Works Agency, Environmental Services Division; Regional Water Quality Control Board (RWQCB).	Review and approve the HHRA.	Prior to approval of a demolition permit.	No approval of a demolition permit.	Verified by:  Date:



Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p><b>HIST-2a:</b> A pre-construction archaeological testing program shall be implemented to help identify whether historic or unique archaeological resources exist within the project site. The pre-construction archaeological testing program shall be conducted by a cultural resource professional approved by the City who meets the Secretary of the Interior's Professional Qualifications Standards for Prehistoric and Historical Archaeology. Examples of potential historic or unique archaeological resources that could be identified within the project site include: back-filled wells, basements of buildings that pre-date Euro-American buildings that were constructed on the project site; and backfilled privies. For these resources to be considered significant pursuant to CEQA, they would have to have physical integrity and meet at least one of the criteria listed in <i>CEQA Guidelines</i> section 15064.5(a)(3) (for historic resources) and/or CEQA section 21083.2(g) (for unique archaeological resources). These criteria include: association with events that have made a significant contribution to the broad patterns of California history and cultural heritage; association with the lives or persons important in our past; embodiment of the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; yield, or may likely yield, information important in prehistory or history; contains information needed to answer important scientific research questions and be subject to a demonstrable public interest in that information; have a special and particular quality such as being the oldest of its type or the best available example of its type; or be directly associated with a scientifically recognized important prehistoric or historic event or person.</p> <p>The testing program shall be guided by a sensitivity study (including a history of previous land uses) and shall use a combination of subsurface investigation methods (including backhoe trenching, augering, and archaeological excavation units, as appropriate). The purpose of the sensitivity study and testing program is to: (1) identify the presence and location of potentially-significant archaeological deposits; (2) determine if such deposits meet the definition of a historical resource or unique archaeological resource under section 21083.2(g) of the CEQA statutes; (3) guide additional archaeological work, if warranted, to recover the information potential of such deposits; and (4) refine the archaeological monitoring plan.</p> <p>Representatives of established local Chinese-American organizations (including the Chinese Historical Society of America and the Oakland Asian Cultural Center) shall be invited to participate in a focused community review of the sensitivity study and plan for the subsequent testing program prior to initiation of subsurface investigation. The City shall consider the community comments in finalizing the sensitivity study and testing program.</p> <p>If historic or unique archaeological resources associated with the Chinese community are identified within the project site and are further determined to be unique, the City shall consult with representatives of an established local Chinese-American organization(s) regarding the potential use of the archaeological findings for interpretive purposes.</p>	<ol style="list-style-type: none"> <li>Project sponsor shall retain a qualified cultural resources professional to implement a pre-construction archaeological testing program, as described in the mitigation measure.</li> <li>Archaeologist shall provide the sensitivity study and plan for the archaeological testing program for focused community review by representatives of established local Chinese-American organizations (including the Chinese Historical Society of America and the Oakland Asian Cultural Center). Community reviewers shall be provided 14 days to review the sensitivity study and archaeological testing program and provide written comments. The City shall consider the community comments in finalizing the sensitivity study and archaeological testing program.</li> <li>Archaeologist prepare a plan for additional data recovery of archaeological material, if deemed necessary.</li> <li>If additional data recovery of archaeological material is deemed necessary, archaeologists shall submit the plan to focused community review by representatives of established local Chinese-American organizations (including the Chinese Historical Society of America and the Oakland Asian Cultural Center). Such community reviewers shall be provided 14 days to review the plan and provide written comments.</li> <li>Project sponsor shall consult with representatives of the Chinese-American community regarding the potential use of archaeological findings.</li> </ol>	<ol style="list-style-type: none"> <li>City of Oakland Community and Economic Development Agency, Planning Division.</li> <li>City of Oakland Community and Economic Development Agency, Planning Division.</li> <li>City of Oakland Community and Economic Development Agency, Planning Division.</li> <li>City of Oakland Community and Economic Development Agency, Planning Division.</li> <li>City of Oakland Community and Economic Development Agency, Planning Division.</li> </ol>	<ol style="list-style-type: none"> <li>Receive notice that an archaeologist has been retained.</li> <li>Verify that appropriate groups have been contacted to review the sensitivity study and archaeological testing program. Verify community comments have been collected and reviewed and considered.</li> <li>Verify that a research design is prepared.</li> <li>Verify that appropriate groups have been contacted to review research design and plan for additional data recovery. Verify community comments have been collected and reviewed and considered.</li> <li>Verify that the appropriate groups have been contacted regarding archaeological findings within the project site.</li> </ol>	<ol style="list-style-type: none"> <li>Prior to approval of any permit that authorizes removal of foundations or work below finished grade.</li> <li>Prior to approval of any permit that authorizes removal of foundations or work below finished grade.</li> <li>Prior to approval of any permit that authorizes removal of foundations or work below finished grade.</li> <li>Prior to approval of any permit that authorizes removal of foundations or work below finished grade.</li> <li>During project construction.</li> </ol>	<ol style="list-style-type: none"> <li>No approval of any permit that authorizes the removal of foundations or work below finished grade.</li> <li>No approval of any permit that authorizes the removal of foundations or work below finished grade.</li> <li>No approval of any permit that authorizes the removal of foundations or work below finished grade.</li> <li>No approval of any permit that authorizes the removal of foundations or work below finished grade.</li> <li>City issues corrective action or stop work order.</li> </ol>	<p>Verified by:  Date:</p>



Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
The City may also consider requiring payment of pro-rata funds to restore historic buildings in the Uptown District to further reduce this impact. Even with extensive documentation, however, the demolition of the building or portions of the building would result in the loss of a historic resource that is associated with significant historical events and is an example of outstanding design and function. Therefore, the demolition or partial demolition of the building would remain a significant and unavoidable impact.						
<b>HIST-4b (Variant 2):</b> Any modifications to the exterior of the building that may be proposed as part of its preservation and reuse shall be developed in consultation with staff at the Planning Department and a qualified historic preservation architect to determine an appropriate treatment strategy. In the event that this measure is determined feasible and is implemented, Mitigation Measure HIST-5 shall also be implemented to ensure that development on the adjacent properties does not adversely impact the building's integrity.	Project sponsor shall retain a qualified historic preservation architect to work with the Planning Division to develop an appropriate treatment strategy for the preservation and reuse of the Great Western Power Company Building.	City of Oakland Community and Economic Development Agency, Planning Division.	Ensure that agreed-upon plans for the modification of the Great Western Power Company Building are incorporated into the project.	Prior to approval of a building permit for the Great Western Power Company Building.	No approval of a building permit for the Great Western Power Company Building.	Verified by: Date:
<b>HIST-5 (Variant 3):</b> The following two-part mitigation measure shall be implemented: <ul style="list-style-type: none"> <li>The building's urban setting on the portion of Block 7 fronting Thomas L. Berkeley Way (20<sup>th</sup> Street) shall be documented prior to project implementation. At a minimum, this documentation shall include panoramic streetscape photographs and an interpretive display that shall provide an overview of the former urban context and describe how this context contributed to the building's significance. This information shall be presented in an on-site display at the preserved Great Western Power Company Building to enable a viewer to easily associate the former setting with the existing building (i.e., panoramic streetscape photographs to show the building within the former street frontage). Upon completion of this documentation, a copy of all notes, photographs, and analysis shall be archived at the OHR and submitted to the NWIC.</li> <li>The City shall ensure that the designs for new adjacent buildings are evaluated with respect to minimizing setting impacts on the historic resource. Project buildings adjacent to the Great Western Power Company Building shall be designed in a manner that minimizes inappropriate differences in mass and scale, if feasible. For example, designs could call for adjacent buildings to step-up to the height of the tallest project element north of 20<sup>th</sup> Street, thereby reducing a potentially abrupt contrast between new buildings and the two-story Great Western Power Company Building. If the designs for the adjacent buildings follow the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>, then the project will have a less-than-significant impact, pursuant to CEQA §15064.5(b)(3).</li> </ul> <p>However, if it is not feasible to minimize material impairment of the resource, then the impact would remain significant and unavoidable.</p>	<ol style="list-style-type: none"> <li>Project sponsor shall document the urban setting of the Great Western Power Company Building, as specified in the mitigation measure.</li> <li>The Planning Division shall ensure that the design of the buildings adjacent to the Great Western Power Company Building is consistent with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>.</li> </ol>	<ol style="list-style-type: none"> <li>City of Oakland Community and Economic Development Agency, Planning Division.</li> <li>City of Oakland Community and Economic Development Agency, Planning Division.</li> </ol>	<ol style="list-style-type: none"> <li>Verify that the urban setting of the Great Western Power Company Building is documented.</li> <li>Review the building permit application to verify that proposed buildings adjacent to the Great Western Power Company Building would not materially impair the historic integrity of the structure.</li> </ol>	<ol style="list-style-type: none"> <li>Prior to approval of a demolition permit for development of Block 7.</li> <li>Prior to approval of a demolition permit for development of Block 7.</li> </ol>	<ol style="list-style-type: none"> <li>No approval of a demolition permit for development of Block 7.</li> <li>No approval of a demolition permit for development of Block 7.</li> </ol>	Verified by: Date:
<b>HIST-8a:</b> If feasible, the three PDHPs that contribute to the 19 <sup>th</sup> and San Pablo Commercial District (located at 1958-60 San Pablo Avenue, 1966-58 San Pablo Avenue, and 1972 San Pablo Avenue) shall be preserved in their existing condition or rehabilitated and incorporated into the proposed project. Any modifications to the exterior of the buildings that may be proposed as part of their rehabilitation shall be developed in consultation with the Planning Department and a qualified historic preservation architect to determine an appropriate treatment strategy that preserves the important historic qualities of the structures.	No monitoring or reporting measures are provided for this mitigation measure since it has been determined to be infeasible in connection with approval of the Disposition and Development Agreement (DDA) for Blocks 1 through 4.					



Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p><i>JP</i> <i>scribble</i></p> <p><b>HIST-8b:</b> If the City determines that preservation of the three PDHPs that contribute to the 19<sup>th</sup> and San Pablo Commercial District (located at 1958-60 San Pablo Avenue, 1966-68 San Pablo Avenue, and 1972 San Pablo Avenue) is not feasible, the City shall inform the project sponsor for the Thomas L. Berkeley Square Project of the potential cumulative impact prior to the implementation of the Uptown Mixed-Use Project. The City shall consult with both project sponsors to establish a fair division of responsibility to fund mitigation measures to preserve information about the 19<sup>th</sup> and San Pablo Commercial District for future study. These mitigation measures shall include the following:</p> <ul style="list-style-type: none"> <li>Record the 19<sup>th</sup> and San Pablo Commercial District in accordance with the procedures of HABS through measured drawings, written histories, and large-format photographs;</li> <li>Prepare a history of the 19<sup>th</sup> and San Pablo Commercial District that incorporates oral history, documentary research, and architectural information; this history could utilize non-written media and production techniques, including video photography;</li> <li>Prepare a brochure, regarding the district's historical association with turn-of-the-century Oakland commerce, to be made available at local libraries and museums;</li> <li>Salvage architectural elements from the buildings proposed for demolition, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction; and</li> <li>Curate all materials, notes, and reports at the OHR, and submit copies to the NWIC.</li> </ul> <p>Even with extensive documentation, however, a cumulative impact will result from the demolition of 63 percent of the 19<sup>th</sup> and San Pablo Commercial District's contributing buildings. This loss of contributing buildings will materially affect the district's ability to convey its historical significance, which will result in a significant, unavoidable cumulative impact.</p>	<p>The Planning Division shall consult with the project sponsors of the proposed project and the Thomas L. Berkeley Square Project to establish a fair division of responsibility to fund mitigation measures to preserve information about the 19<sup>th</sup> and San Pablo Commercial District for future study.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Ensure the project sponsor funds a fair share of the mitigation measures to reduce cumulative impacts to the 19<sup>th</sup> and San Pablo Commercial District.</p>	<p>Prior to approval of a demolition permit for the PDHPs.</p>	<p>No approval of a demolition permit for the PDHPs.</p>	<p>Verified by:  Date:</p>
<p><b>HIST-13:</b> Prior to project initiation, the plan for the enhancement of street features and lighting on Telegraph Avenue shall be reviewed by planning staff to ensure that it conforms to the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>. Conformance with these guidelines will ensure that these improvements are compatible with nearby historical resources, and will mitigate potential project effects to less-than-significant levels.</p>	<p>Planning Division shall review the plan for the enhancement of street features and lighting on Telegraph Avenue to ensure that it conforms to the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Ensure that the plan for the enhancement of street features and lighting on Telegraph Avenue conforms to the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>.</p>	<p>Prior to the implementation of the Telegraph Avenue street features and lighting plan.</p>	<p>Planning Division issues corrective action.</p>	<p>Verified by:  Date:</p>
<p><b>AESTHETIC RESOURCES</b></p>						
<p><b>AES-1:</b> The following measures shall be incorporated into the final project design:</p> <ul style="list-style-type: none"> <li>Create streetscape vitality and enhance the pedestrian experience through detailed treatment of building facades, including entryways, fenestration, and signage, and through the use of carefully chosen building materials, texture, and color.</li> <li>Design of building facades shall include sufficient articulation and detail to avoid the appearance of blank walls or box-like forms.</li> <li>Exterior materials utilized in construction of new buildings, as well as site and landscape improvements, shall be high quality and shall be selected for both their enduring aesthetic quality and for their long term durability.</li> </ul>	<p>Project sponsor shall incorporate the design features and recommendations listed in the mitigation measure into the final project design.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Verify that the design features and recommendations listed in the mitigation measure are incorporated into the design review application for the project.</p>	<p>Prior to approval of a building permit.</p>	<p>No approval of a building permit.</p>	<p>Verified by:  Date:</p>



Planning Commission

June 1, 2005

Case Files: PUD05037;PUDF05047;TTM7616;ER030007;GP05105;RZ05106

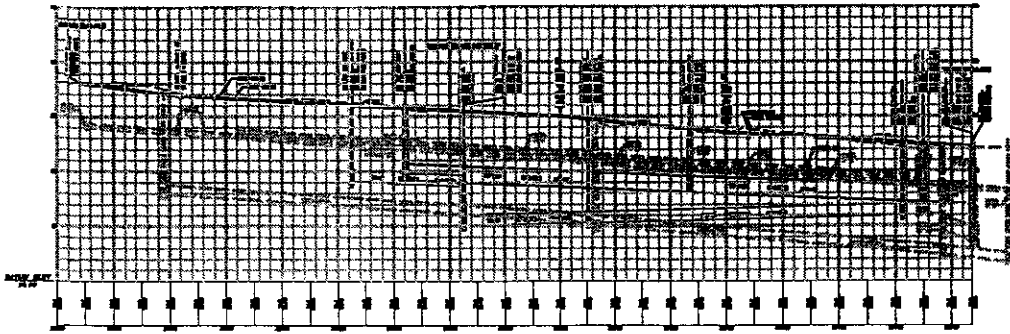
**ATTACHMENT B:  
VESTING TENTATIVE MAP**



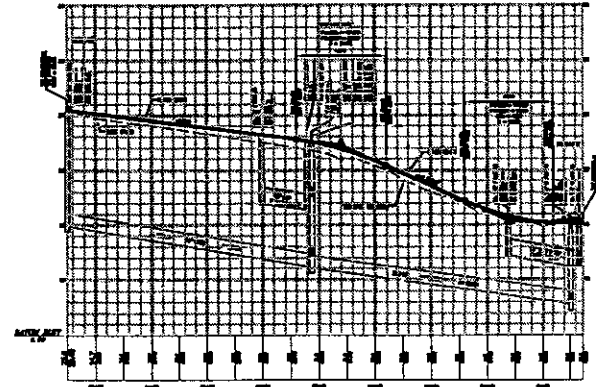


# VESTING TENTATIVE TRACT MAP NO. 7616 UPTOWN OAKLAND

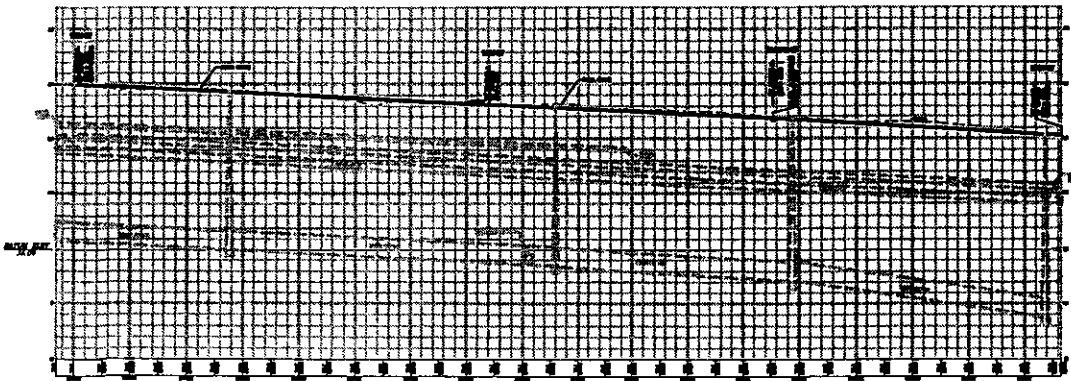
FOR MULTIPLE FINAL MAPS



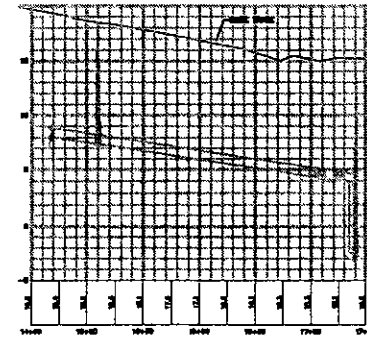
19TH STREET



PROPOSED 'NEW STREET'



SAN PABLO AVENUE



TELEGRAPH AVENUE

DATE		
DRAWN BY		
CHECKED BY		
SCALE		
PROJECT		
M. G. MANNING & ASSOCIATES, INC. CIVIL ENGINEERS AND ARCHITECTS 1000 CALIFORNIA STREET, SUITE 1000 OAKLAND, CALIFORNIA 94612		© 2005
UPTOWN OAKLAND STREET PROFILES		
SHEET NO. 285	OF 4	

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Planning Commission

June 1, 2005

Case Files: PUD05037;PUDF05047;TTM7616;ER030007;GP05105;RZ05106

**ATTACHMENT C:  
DESIGN REVIEW COMMITTEE REPORT DATED MAY 25, 2005**

- 1. December 10, 2003 Design Review Committee Staff Report**
- 2. Project Plans (*not included here*)**
- 3. LSA Memorandum Regarding Environmental Review**
- 4. April 13, 2005 Parks and Recreation Advisory Committee Staff Report**

7  
COMMUNITY & ECONOMIC  
DEVELOPMENT CMTE

JUN 14 2005

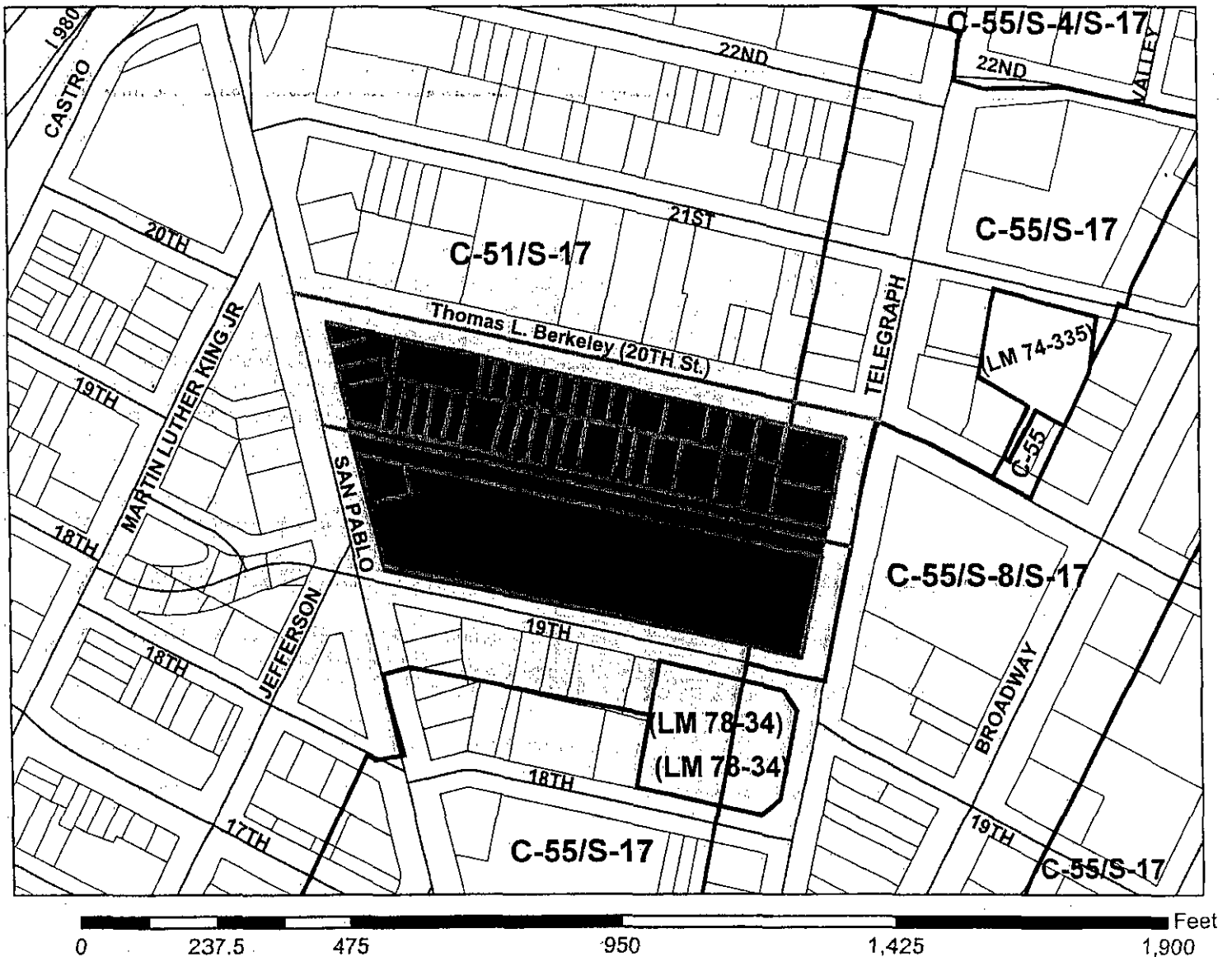


<b>Location:</b>	Uptown area (generally bounded by San Pablo Avenue to the west, Thomas L. Berkley Way to the north, Telegraph Avenue to the east, and 19 <sup>th</sup> Street to the south).
<b>Proposal:</b>	Construction of a mixed-use project with 665 rental residential units, 9,000 square feet of ground-floor commercial space, and 533 structured parking spaces, and a 25,000 square-foot City park on Parcel 1, 2 and 3 and a separate parcel designated for open space in the Uptown area.
<b>Applicant:</b>	FC Oakland, Inc.
<b>Owner:</b>	Redevelopment Agency of the City of Oakland
<b>Planning Permits Required:</b>	Preliminary Development Plan; Final Development Plan; Major Conditional Use Permit for development greater than 100,000 square feet in the C-51 district, development site greater than 1.0 acre, and for demolition of facility including rooming units; Minor Variance for parking and loading deficits; Subdivision Map (Vesting Tentative Map); Rezone and General Plan Amendment to allow development of a City park;
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	C-51 Central Business Service Commercial Zone/C-55 Central Core Commercial Zone/S-17 Downtown Residential Open Space Combining Zone
<b>Environmental Determination:</b>	An EIR for this project was certified by the Planning Commission on February 18, 2004.
<b>Historic Status:</b>	Site includes four historic buildings with ratings ranging from B to Dc, and a portion of one historic district rated ASI
<b>Service Delivery District:</b>	Downtown/West Oakland/Harbor
<b>City Council District:</b>	3
<b>For further information:</b>	Contact case planner Catherine Payne at 510-238-6168 or by e-mail at <a href="mailto:lwerner@oaklandnet.com">lwerner@oaklandnet.com</a>

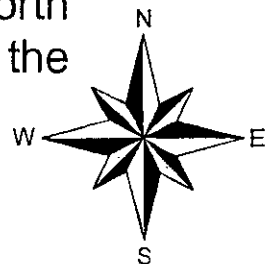
**SUMMARY**

The purpose of this report is to solicit design review comments on the proposed first phase of the Uptown Oakland redevelopment project (Uptown project) generally located on a 6.34-acre site generally bounded by San Pablo Avenue to the west, Thomas L. Berkley Way (formerly 20<sup>th</sup> Street) to the north, Telegraph Avenue to the east, and 19<sup>th</sup> Street to the south. The proposal under consideration is for a Planned Unit Development (PUD) that would allow for redevelopment of the currently underutilized site. The Uptown project will be developed in two phases The first phase of the project, which will be developed on Parcels 1, 2 and 3, and the public park parcel, consists of the following the components:

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PUD05-037,TTM7616  
Applicant: FC Oakland Inc.  
Address: The Uptown Oakland Project:  
the blocks generally bounded by San Pablo Ave.  
to the west, Thomas L. Berkeley Way to the north  
Telegraph Ave. to the east, and 19th Street to the  
South  
Zone: C-51 / C-55 / S-17



- Mid-rise buildings accommodating 665 residential units, 9,000 square feet of ground-floor commercial space, and 533 parking spaces;
- A 25,000 square-foot public park;
- A new street located between (and running generally perpendicular to) Thomas L. Berkley Way and 19<sup>th</sup> Street; and
- Streetscape improvements, including reconfigured and relocated streets, new street trees, lights, furniture and other special design features.

The applicant has not submitted any design and construction details for the second phase of the Uptown project, which will be developed on Parcel 4. The applicant only requests consideration of a preliminary PUD for Parcel 4, which will be subject to additional review and approval by the Planning Commission upon submission of appropriate documentation (see below).

The Design Review Committee previously reviewed the proposed Uptown Project on December 10, 2003, in conjunction with the Oakland Redevelopment Agency consideration of a Lease Development and Disposition Agreement (LDDA) with the developer.

At this time, the applicant has submitted an application for a PUD and related land use entitlements. Staff seeks comments from the Design Review Committee and the public regarding the application prior to consideration by the Planning Commission. In particular, staff seeks comments regarding the following aspects of the proposed design:

- **Streetscape improvements:** The applicant proposes many non-standard design features in order to provide a unique, high-quality, and appealing public right-of-way (ROW) experience. The effect of these features is desirable and staff seeks to ensure that the effect is not compromised during future project refinement. Some sidewalks are narrow for a high-impact area; however, all are ADA-compliant and include a curb-side planting strip.
- **Interface between the development and the public ROW:** Throughout a portion of the project (approx. 65%), front entry stoops, “mews” style openings and main building lobby entrances provide connections between the project and the public ROW. However, along the Thomas L. Berkley Way frontage, much of the parking-level podium is above grade leaving a solid wall along much of Thomas L. Berkley Way and, in particular, at the new street intersection, which is a major entry to the development. Staff seeks comment on the design of the building façade, materials, streetscape improvements and other design features in this area.
- **Quality of materials:** Because of the large scale of the project, staff seeks to ensure quality building façades and construction details, and building and window materials. Special consideration will be given for ground-floor walls, planting areas, stoops and entries.
- **Scale and visual complexity:** Because of the large scale of the project, staff seeks to ensure that the project achieves visual complexity and differentiation on and within each block, and contributes to the complex and diverse urban fabric of which it will be a part.

## PROJECT SITE AND SURROUNDING AREA

The proposed project encompasses a portion of the larger Uptown site (see Attachment A: December 10, 2003 Design Review Committee Staff Report). The area currently under consideration is a 6.34-acre site generally bounded by San Pablo Avenue to the west, Thomas L. Berkley Way to the north, Telegraph Avenue to the east, and 19<sup>th</sup> Street to the south. The project site is currently occupied by auto fee parking, commercial, and residential uses. The surrounding area includes a mix of commercial, residential, and civic uses.

## BACKGROUND

### *Lease Disposition and Development Agreement*

On July 20th, 2004, the Oakland Redevelopment Agency's (ORA) governing body, authorized a Lease Disposition and Development Agreement (LDDA) between ORA and FC Oakland, Inc. to allow redevelopment of the subject site. Key terms of the LDDA include two legal agreements that govern the redevelopment of the project in two distinct phases. The first project phase includes the development of Parcel 1, 2 and 3, the public park and related streetscape improvements. The second project phase includes development of Parcel 4 and related streetscape improvements. On October 14, 2004, the ORA and the applicant executed a LDDA for the first phase of the project to allow for and assist the applicant in the redevelopment of Parcel 1, 2, 3 and the public park of the subject site. The Redevelopment Agency and the applicant have not executed a LDDA for the second phase of the Uptown project.

Key terms of that guided the ORA's approval and authorization of the LDDAs for both phases of the project include the following:

- Assemblage and transfer of 38 properties by ORA to the applicant under a 66-year ground lease with an option to extend the lease for an additional 33 years;
- The applicant will develop at least 700 residential units, with 25 percent affordable units in the Uptown area, in two project phases (20% affordable to 50% AMI and below; and 5% affordable to 120% AMI and below); and
- The applicant will develop at least 14,500 square feet of neighborhood-serving commercial space and parking facilities in the Uptown area.
- The applicant shall develop a 25,000 square-foot public park.
- The ORA will provide gap financing assistance to the applicant for the development project.

The current PUD application for the first phase of development is designed to meet the terms of the LDDA. The PUD application includes 665 residential units, 9,000 square feet of commercial space, and on-site parking, consistent with the requirements of the LDDA for the first phase of the project.. In addition, the associated Vesting Tentative Map application is one component of assembling a developable site to accommodate the proposed project.

### *Planning Commission DRC review*

The Planning Commission previously reviewed the potential environmental impacts related to the proposed project during the environmental review process required under the California Environmental Quality Act (CEQA). On October 15, 2003 the Planning Commission held a public hearing to receive comments on the Draft Environmental Impact Report (DEIR). On February 18, 2004 the Planning Commission certified the Final Environmental Impact Report (FEIR). In addition, and as noted above, the Design Review Committee (DRC) reviewed and commented on the project description on December 10, 2003.

### *Community Participation*

The applicant has held five community meetings since March 2003 in order to provide information to the community regarding the project and to solicit community input and comment. Comments received are summarized as follows:

- There has not been sufficient community outreach.
- Will the streets and the park be public or private?
- How is the City tracking compliance with the EIR Mitigation Monitoring and Reporting Plan (MMRP)?
- Why is the park relocated from Telegraph Avenue to "New Street"? What facilities and design features are included in the new park?
- How will traffic flow on Thomas L. Berkley Way (the proposed project includes lane reconfigurations)?
- Will there be a new traffic signal on 19<sup>th</sup> Street at the intersection with "New Street"?
- Will bicycles be accommodated in the project?
- How will curb bulbouts and pedestrian curbcuts be designed to achieve public safety?
- Existing "Victorian" buildings on San Pablo Avenue should be retained.
- Is the proposed project coordinated with existing and planned public transit?
- Will existing on-street parking be replaced?
- Anything on the historic Chinatown
- How many units are affordable?

## **PROJECT DESCRIPTION**

The proposed Uptown project occupies four city blocks (6.34 acres), and includes residential mixed-use development and related on-site open space and parking, a new City park, a new street, and streetscape improvements. Specific components of the project include the following (and are shown in Attachment B: Project Plans):

- Three mid-rise buildings accommodating 665 residential units, 9,000 square feet of ground-floor commercial space, and 533 parking spaces:
  - Parcel 1: Parcel 1 (occupying the northwest block) includes a five-story building over a partially below-grade parking podium.

- Residential Dwelling Units: 255;
- Parking: The parking garage is accessed from "New Street" and includes 220 parking spaces (.86 parking space per d.u.)
  - 145 standard spaces (including a space reserved for City Car Share)
  - 68 compact spaces (31% of total)
  - 7 accessible spaces
- Open Space: 26,992 square feet (106 sf/d.u.)
  - Group Open Space: The building includes three courtyards, one of which provides a mid-block visual connection from Thomas L. Berkley Way to William Street through secured building openings above the podium level.
  - Private Open Space: The building includes ground-level stoops along the William Street frontage, and along the western portion of the Thomas L. Berkley Way frontage.
- Parcel 2: Parcel 2 (occupying the southwest block) includes a five-story building over a partially below-grade parking podium.
  - Residential Dwelling Units: 193;
  - Police substation located on the corner of William Street and San Pablo Avenue;
  - Parking: 133 parking spaces (.69 parking space per d.u.)
    - 117 standard spaces
    - 11 compact spaces (8% of total)
    - 5 accessible spaces
  - Open Space: 18,910 square feet (98 sf/d.u.)
    - Group Open Space: The building includes two courtyards, one of which provides a mid-block visual connection from William Street through a secured building opening above the podium level.
    - Private Open Space: The building includes ground-level stoops along the William and New Street frontages.
- Parcel 3: Parcel 3 (occupying the northwest block) includes two buildings, including a five-story building over a partially below-grade parking podium on the western portion of the block, and a six-story building on the eastern portion of the block with retail space on the ground floor and five stories of residential units above.
  - Ground Floor Retail Use: 9,000 square feet;
  - Residential Dwelling Units: 217;
  - Parking: 180 parking spaces (.83 parking space per d.u.) in a garage located within the western building and accessed from Thomas L. Berkley Way:
    - 110 standard spaces (including one space reserved for City Car Share)
    - 64 compact spaces (35% of total)
    - 6 accessible spaces
  - Open Space: 29,784 square feet (137 sf/d.u.)

- Group Open Space: The site includes two courtyards: one located on the parking podium between the two buildings provides a visual connection from Thomas L. Berkley Way to William Street; the other courtyard is internal to the western building and provides amenities, including a pool and spa, intended to serve the entire project.
- Private Open Space: Podium-level patios are located on all street frontages for the western building.
- Parcel 4: The current application is for a preliminary PUD for Parcel 4. There are currently no plans available. However, an amended preliminary PUD would be required for any development proposal on Parcel 4 and both the preliminary and final PUD would be subject to discretionary review and approval by the DRC and the Planning Commission.
- Site Planning:
  - Main building lobbies for all buildings would be located at the William Street/New Street intersection;
  - Single-entry garage access, with no access along William Street:
    - Parcel 1: New Street garage entry;
    - Parcel 2: New Street garage entry; and
    - Parcel 3: Thomas L. Berkley Way (near Telegraph Avenue), between the two buildings proposed on that block
  - Building openings, as described above, to reduce the scale and massing of buildings, and to provide a visual connection between public and private realms;
  - A 25,000 square-foot City park: A 25,000 square-foot portion of parcel 5 (the western portion of the southeastern block) would be dedicated to the City as a park. Components of the park include:
    - A “focal feature”: This could be a water feature or sculpture located at the center of the park to draw people in;
    - Tot lot: This would meet an existing community need as well as the increased population in the area resulting from development of the project;
    - Seating and gathering areas; and
    - Extensive plantings, including mature trees, shrubs, and groundcovers.
- A new street located mid-block between (and running generally perpendicular to) Thomas Berkley L. Berkley Way and 19<sup>th</sup> Street: This street is proposed to have a 50-foot ROW, with two sidewalks, two parking lanes and one travel lane in each direction; and
- Streetscape improvements, including reconfigured and relocated streets, new street trees, lights, furniture and other special design features.
  - San Pablo Avenue: The ROW dimension would remain unchanged (100 feet wide); however, sidewalk bulbouts would be provided at corners, and on-street parking would be restriped as parallel parking (the existing parking configuration is diagonal, although this is temporary to accommodate ongoing construction projects, and is historically parallel).
  - Thomas L. Berkley Way: The Thomas L. Berkley Way ROW dimension would be reduced by nine feet. This would be accommodated by reducing the number of

travel lanes from four (existing) to three (proposed). One travel lane would be provided in each direction, accommodating a Class III bike lane, and a dedicated turn lane would also provide passing opportunities for AC Transit buses.

- Telegraph Avenue: Changes to the Telegraph Avenue ROW are part of a separate streetscape improvement project sponsored by the City of Oakland Redevelopment Agency, the Latham Square and Telegraph Avenue Streetscape Improvement Project. No change in the width of the Telegraph Avenue ROW would occur adjacent to the project site. However, the building edge proposed along Telegraph Avenue would be set back from the ROW to allow for café seating.
- 19<sup>th</sup> Street: The 19<sup>th</sup> Street ROW dimension would be reduced by two feet. This reduction would be entirely captured by a reduction in the northern sidewalk width from ten to eight feet. In addition, bulbouts would be provided at all corners and intersections. Parallel parking would remain, although restriping would be necessitated by the location of new bulbouts.
- William Street: The existing William Street ROW would be shifted approximately 10 feet to the south and would be reduced from 50.67 feet to 44 feet. The street currently has two sidewalks, two parking lanes, and one westbound travel lane. The proposed configuration includes two sidewalks, one parking lane on the north side of the street, and both a westbound and eastbound travel lane.

## GENERAL PLAN ANALYSIS

The General Plan designation for the Uptown project site is Central Business District, which is intended as a high-density mixed-use urban center. The maximum floor area ratio (FAR) allowed by this designation is 20.0, and the proposed FAR is approximately 2.4. Thus the proposed project, which includes approximately 650,066 square feet of residential space and 9,000 square feet of ground-floor commercial space, falls well within the maximum allowable FAR. The General Plan states that the desired character and uses in the district include a mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses. The proposed residential, commercial and park uses are consistent with the General Plan.

## ZONING ANALYSIS

The proposed project site is located within two zoning districts: the majority of the project site is designated C-51 Central Business Service Commercial/S-17 Downtown Residential Open Space Combining Zone; and a portion of the site located along Telegraph Avenue is zoned C-55 Central Core Commercial Zone/S-17 Downtown Residential Open Space Combining Zone. Both zoning district combinations allow the proposed residential and commercial uses. The maximum FAR allowed under both zoning classifications is 7.0, and may be exceeded by ten percent on any



corner lot. Therefore, the maximum FAR allowed for this site by the Zoning Regulations is 7.7, and the proposed project is within the allowable FAR, as shown in the table below.

The proposed project is subject to the following planning approvals:

- **Planned Unit Development (PUD):** As part of the PUD, both a Preliminary and Final Development Plan are required (on Parcel 4, the applicant is only applying for a Preliminary Development Plan at this time); In addition, the proposed project must be generally consistent with the use standards for the underlying zoning districts, therefore a Major Conditional Use Permit is required for development greater than 100,000 square feet in the C-51 district, for development of a site greater than 1.0 acre, and for demolition of facilities containing rooming units; and, a Minor Variance is required for parking and loading deficits.
- **Vesting Tentative Map:** A Vesting Tentative Map is required for establishing five or more new developable lots. The applicant proposes creating five developable lots, one on each block (Parcels 1, 2 and 3), with the exception of the southeastern block which will have two parcels (one for future development on Parcel 4 and one for the proposed park on Parcel 5).
- **General Plan Amendment:** A General Plan Amendment is required to change the land use designation on the proposed park site from "Central Business District" to "Park and Urban Open Space".
- **Rezone:** Because zoning must be consistent with the General Plan land use designation, a rezone is required to change the zoning district for the proposed park site from "C51/S-17" to "OS-Open Space" in order to allow development of a City park.
- **Street Vacations and Dedications:** Street vacations are required for portions of 19<sup>th</sup> Street, William Street, and Thomas L. Berkley Way in order to accommodate the proposed street reconfigurations. A street dedication is required for "New Street."

All applicable criteria for these entitlements will be analyzed and appropriate findings will be made in conjunction with review by the full Planning Commission.

**Table 1: Comparison of Proposed Project to Development Standards**

Development Standards	Applicable Zoning Regulations		Proposal	Comments
	C-51/S-17 District	C-55/S-17 District		
Land Use	A variety of residential, civic, commercial, and light manufacturing uses are allowed.	A variety of residential, civic, commercial uses are allowed.	665 units Multifamily Residential; 9,000 sf Commercial (may include General Retail Sales, General Food Sales, and/or General Personal Service); 25,000 sf new City park	Multifamily residential use is permitted; General Plan Amendment and Rezone required for development of new City park
Floor Area Ratio/Residential Density	7.7 FAR (corner lot)/1 d.u. per 150 sf. lot area	7.7 FAR (corner lot)/1 d.u. per 150 sf. lot area	2.4 FAR over entire site; 1 d.u. per 417 sf. lot area	Within allowable FAR
Front Yard	None required unless adjacent to residential zone	None required unless adjacent to residential zone	N/A	Site not adjacent to residential zone
Street Side	None required	None required unless	N/A	Lot to rear is not in residential zone

Yard	unless lot to rear is in residential zone	lot to rear is in residential zone		
Interior Side Yard	Required opposite legally required windows, except when abutting a path	Required opposite legally required windows, except when abutting a path	N/A	No setback required since each developable lot (as proposed) would occupy entire City block (and allowed as part of PUD)
Courts	Required opposite legally required windows – 50'		36' - >40'	Reduction of court width allowed as part of PUD
Rear Yard	15'	15' (residential use)	N/A	No rear yard requirement since site includes all through lots (and allowed as part of PUD)
Building Height	No maximum height unless adjacent to certain residential zones	No maximum height unless adjacent to certain residential zones	51' to 64'	Site not adjacent to residential zones so no maximum height is prescribed
Open Space	75 s.f./unit	75 s.f./unit	Provides 75,686 sf. usable open space (114 sf/d.u.);	Exceeds spatial requirement (calculation does not include proposed City park); Meets dimensional requirements
Parking	1 space/residential unit; 1 space/450 square feet of floor area for General Food Sales; 1 space/900 square feet of floor area for General Retail Sales or General Personal Service	1 space/residential unit; 1 space/400 square feet of floor area for General Retail Sales or General Personal Service	533 residential spaces (.8 space/d.u.), 0 commercial spaces	Minor Variance required for deficit of residential and commercial parking spaces; Meets dimensional standards and compact space ratio.
Loading	2 residential loading berths; none required for commercial space	3 residential loading berths (for 665,066sf. development)	0 loading berths	Minor Variance required for deficit of 3 loading berths
Bicycle Parking				1,000 sf provided;
Minimum Lot Size	4,000 sf; 25' street frontage	4,000 sf; 25' street frontage	Smallest parcel is 25,000 sf (park); all other parcels are >1 ac.	Subdivision regulations also require minimum 30' roadway width; Minimum proposed width is 44'. Project meets standards
Recycling Space	2 cubic feet of space per unit, and per 1,000 square feet of commercial space	2 cubic feet of space per unit, and per 1,000 square feet of commercial space	Amount of area not shown on plans; however, every floor includes both a trash and recycling chute	Condition of Approval to require provision of adequate recycling space (1,360 cubic feet)

## SUBDIVISION ANALYSIS

The proposed Uptown Project involves a subdivision to create five developable land parcels, a new street, and reconfigure existing public ROWs within the project site. The proposed parcels and public ROWs are consistent with both the zoning regulations (see discussion above) and the subdivision regulations contained within Title 16 of the Municipal Code.

## DESIGN ISSUES

The proposed Uptown project will create a new residential neighborhood in the downtown. The project would occupy four City blocks (a 6.34-acre site) and would have a significant presence due to its large scale alone. The project includes new buildings, new street configurations and *extensive streetscape improvements*. *These features combined will create a strong project identity*. Staff seeks Design Review Committee input in order to ensure that the project design features are high quality, appropriate to the downtown context, and contribute to Oakland over the long term.

The project site context includes a range of office, retail, entertainment, residential and automotive uses, as well as a variety of building types. Building heights generally range from two to six stories within a block of the project area. The proposed development would provide a transition in height between taller City Center office buildings, which generally range in height from 17-22 stories, and the two- to four-story Victorian structures north of Thomas L. Berkley Way.

The Uptown Project includes the following design features:

- **Site Design:** The project is designed to accentuate the urban setting as well as provide a unique project identity. Specific design characteristics that support this objective include the following:
  - *Project Entry Points:* Each street intersection within the project includes punctuated building features (such as towers, main lobbies, or special design features), project markers (such as signage, street furniture, special paving) and special street design features (such as pavers, sidewalk bulbouts, and lighting).
  - *Provision of New Street:* The project includes a "New Street" running north-south from Thomas L. Berkley Way to 19<sup>th</sup> Street. New Street reduces the block size in the area to a scale more consistent with an established downtown area. In addition, New Street provides an additional opportunity for public and resident access to the site. Two of the three off-site parking garages serving the Uptown project are located off of New Street. In addition, the street provides public access to the main building entries, and to the proposed new City park (located on New Street between William Street and 19<sup>th</sup> Street, and further discussed below).
  - *William Street Redesign:* In addition to a reconfiguration (see discussion below), William Street is redesigned to include a variety of special features. In place of standard curbs and gutters, William Street would have rolled curbs that provide a more gradual transition from street to sidewalk. In addition, the street and sidewalks would be paved with pavers instead of asphalt and concrete, respectively. Street trees would be fairly small and closely planted. These features are intended to provide a unique and inviting public experience that also provides access to the main project entry points at the intersection with New Street. No garage entries are located on William Street to allow opportunities for

street fairs or other occasional public encroachments. William Street is designed to appeal to pedestrians and to provide an attractive, usable connection to BART.

- *Park Location:* The proposed Uptown project includes a 25,000 square-foot City park fronting 19<sup>th</sup> Street to the south, New Street to the west, and William Street to the north. The City park is located centrally to the new residential development and near the existing School for the Arts on the south side of 19<sup>th</sup> Street. The location provides an appropriate setting for an urban park experience: centrally located to the primary user groups (residents and children) and to William Street while located away from desirable commercial arterial street frontage such as Telegraph Avenue.
- *New Street/William Street Intersection:* The New Street/William Street intersection, located at the center of the project, is designed to provide a 24-hour presence throughout the site. All main building entries and the park are located at this corner to draw people into the project and to ensure life on the public streets located within the project.
- *Street Furniture and Streetscape Improvements:* All public ROWs throughout the project would be enhanced with corner sidewalk bulbouts, street trees and grates, lighting and street furniture, including public art. These features are intended to enhance the urban setting while providing a visual identity for the project.
- **Building Design:** The project includes over 665,000 square feet of new construction in four buildings. The design approach includes features intended to reduce the scale and massing of the buildings and to provide visual complexity and interest. Specific design features include the following:
  - *Building Massing:* The proposed project includes four buildings with a total building footprint of approximately 190,000 square feet. To reduce the appearance of bulk, the project incorporates height variations, building stepbacks, color and style differentiation and building openings (“mews”). These techniques result in diversified vertical façade treatments that appear as separate, smaller-scale buildings. The “mews”-like openings through the buildings provide visual relief and interest. In addition, differentiation in horizontal color and material treatments reduce the sense of building height.
  - *Building Articulation:* The buildings are articulated with window bays, material changes and fenestration. These features further break down the mass of the buildings and provide architectural interest.
  - *Connections to Public ROW:* The proposed project incorporates stoops, centrally located building lobbies and “mews”-like building openings that connect to the public ROW. These features provide extensive interaction between the public and private realms and ensure a lively street frontage adjacent to the project. In addition, these features provide additional visual transparency.
  - *Build-out to Property Line:* There is a minimal building setback from the property line (with the exception of building entries, stoops and building articulation). This is consistent with the surrounding downtown setting and provides a direct connection between the residential land use and surrounding urban fabric.

- *Color and Materials Palette:* The proposed project includes a range of façade materials and colors to provide visual interest and emphasize building articulation and massing variations.

*Outstanding Design Issues:*

- **Project entry at New Street:** The building facades facing Thomas L. Berkley Way include “blank walls” at grade near the intersection with New Street. The first living level is located approximately one story (10 feet) above grade in this part of the site, with the parking level below.
  - *Staff Concern:* The project entry at New Street is a key piece of the project both architecturally and in terms of site planning. Staff believes that this intersection needs to be attractive, inviting and animated. A 10-foot high unarticulated wall does not facilitate achieving this objective.
  - *Staff Recommendation:* Staff recommends including a condition of approval requiring further design development of the ground-level façade treatments and design features along the Thomas L. Berkley Square project frontage to ensure an attractive, inviting and safe entry to the project site. Specifically, design development should consider wall articulation, attractive façade materials with some depth and texture as well as material variations, and landscaping (with foundation planting or planters). Further refinement of the design would be subject to review and approval by the Design Review Committee prior to approval of building permits for Parcels 1 and 3.
- **William Street:** The proposed redesign of William Street includes many non-standard design features, including rolled curbs and permeable pavers, intended to contribute to a sense of place and provide community gathering opportunities:
  - *Staff Concern:* While the overall effect of the proposed William Street design features are desirable from a land use planning standpoint, they may not be practical from a day-to-day and long term maintenance perspective.
  - *Staff Recommendation:* Staff recommends that the applicant work with the Public Works Agency to develop design features to achieve the unique and attractive appearance of the William Street design with components that are consistent with the City of Oakland maintenance resources. Further refinement of the William Street design would be subject to administrative review by the Planning and Zoning Division, after review and comments by the Public Works Agency, and prior to approval of public improvement plans.
- **Exterior Materials:** Because of the large scale of the project, schematic design information regarding proposed exterior materials is not adequate to determine the overall effect.
  - *Staff Concern:* Staff’s concern is stated above. This is particularly a concern for components that repeat throughout the project or are visually prominent.
  - *Staff Recommendation:* Staff recommends including a condition of approval requiring the applicant to provide the following material information for review

and approval by the Design Review Committee prior to approval of building permits for Parcel 1, Parcel 2 and Parcel 3:

- Window and trim schedules; In addition, applicant to provide product information sheet, including photographic facsimile or actual window sample, for each proposed window type. Given the form and rhythm of the buildings, the quality of the windows will be important.
  - Color and material samples for all exterior finishes in minimum dimensions of one square foot.
  - Provide product information sheets, including photographic facsimile or actual sample of balconies and railings, awnings or other sun shade devices, and exterior lighting fixtures.
  - Project signage and signage lighting;
  - Full scale mock-up of all ground-floor finish materials demonstrating three-dimensional trim wrap at corners and showing clear transition between base and upper level finish materials.
- **Internal Courtyards (Including Those Visible from the Street):** The applicant has provided schematic design of all interior courtyards. These courtyards are a key amenity for residents of the project.
    - *Staff Concern:* The schematic design does not provide adequate information regarding materials and site furnishings ensure the success of the courtyards.
    - *Staff Recommendation:* Staff recommends including a condition of approval requiring the applicant to submit project-wide landscape design development and construction documents for review and approval by the Planning and Zoning Division prior to issuance of building permits for Parcel 1, Parcel 2 and Parcel 3. Details should include all exterior lighting and entry design.
  - **Park design:** The applicant has provided schematic design for the proposed City park. The design of the park is key to public enjoyment and use, safety and successful long-term maintenance.
    - *Staff Concern:* The park is a major public improvement and will be dedicated to the City of Oakland. Final design should be reviewed and approved by the Parks and Recreation Advisory Committee and the Planning Commission prior to the approval and issuance of building permits for Parcel 1, Parcel 2 and Parcel 3.
    - *Staff Recommendation:* Staff recommends including a condition of approval requiring review and recommendation of the final design of the park by the Parks and Recreation Advisory Committee and review and decision by the Planning Commission. This recommendation was made by the PRAC and will be presented to the full Planning Commission for consideration. In addition, because the park site is subject to a General Plan Amendment (GPA) and a Rezone to allow development of a City park, approval of the PUD would be conditioned upon adoption of a GPA and Rezone for the park site. Finally, the final design should include sturdy, low-maintenance features (in terms of site furnishings, paving, and plant materials).

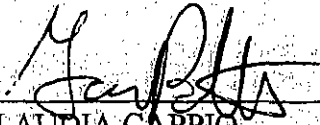
- **Parking Deficit:** The proposed project has a deficit of off-street parking and loading (as discussed above). However, the project is conveniently located near downtown Oakland and is well-served by cultural, commercial and other amenities, as well as by BART and AC Transit. The project also includes 2 parking spaces for City Car Share. In addition, the project includes the provision of a Class III bicycle lane on Thomas L. Berkley Way and 1,000 square feet of on-site bicycle storage.
  - *Staff Concern:* Although the project encourages the use of alternative means of transportation, the success of this approach relies on informing residents of those units that would not be served by on-site parking of that condition as well as providing incentives for the use of alternative modes of transportation
  - *Staff Recommendation:* Staff recommends including a condition of approval requiring the applicant to record a deed restriction on the affected parcels identifying the number of residential units not served by on-site parking and requiring lease documents for each unit to specify whether or not on-site parking is provided for the unit. In addition, staff recommends including a condition of approval requiring the applicant to develop a detailed off-site parking plan indicating proposed project-specific loading and restricted parking for review by the Planning and Zoning Division prior to consideration by the Public Works Agency, and to be included in lease materials to tenants.
  
- **Loading Deficit:** The proposed project does not provide any on-site loading, and proposes off-site loading facilities in the public ROW.
  - *Staff Concern:* Although the project includes more on-street parking spaces than currently exist, reserved on-street loading is subject to approval by the Public Works Agency as part of the Public Improvement Plans.
  - *Staff Recommendation:* Staff recommends including a condition of approval that approval of the VTM and PUD is subject to approval of the proposed on-street loading as part of the Public Improvement Plan. Should the on-street loading not be approved, then the project would be required to incorporate three off-street loading spaces subject to review and approval by the Planning and Zoning Division prior to issuance of building permits for Parcel 1, Parcel 2 and Parcel 3.
  
- **Parcel 4:** The applicant requests consideration of a preliminary PUD for Parcel 4 without any development plans provided.
  - *Staff Concern:* The intent of the PUD regulations is to allow coordinated development of large projects. Without knowing any of the design and construction details of the contemplated mixed-use development on Parcel 4, it is not possible at this time to ensure that development of the parcel will be harmonious with proposed development on the other parcels.
  - *Staff Recommendation:* Staff recommends including a condition of approval that requires an amendment to the preliminary PUD and a separate final PUD, for any proposed development on Parcel 4. An amendment to a PUD is subject to Design Review Committee and Planning Commission review and approval and would therefore ensure adequate future review of the project by staff and Planning Commission. In addition, staff recommends including a condition of approval

that requires any proposed development on Parcel 4 to be consistent with the General Plan and underlying zoning regulations for the site.

## CONCLUSION

Staff recommends that the Design Review Committee review and comment on the site layout and building conceptual design plans for the proposed project, with emphasis on the issues discussed above, as well as any other issues the Committee may have. In addition, staff recommends consideration of and comment on the proposed conditions of approval drafted above.

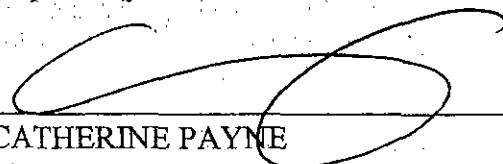
Respectfully submitted:



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CLAUDIA CAPPIO  
Development Director

Prepared by:



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CATHERINE PAYNE  
Planner IV, Major Development Projects

- Attachments:
- A. December 10, 2003 Design Review Committee Staff Report
  - B. Project Plans
  - C. LSA Memorandum Regarding Environmental Review
  - D. April 13, 2005 Parks and Recreation Advisory Committee Staff Report



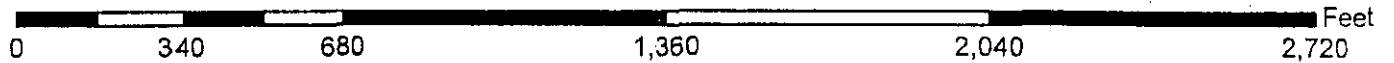
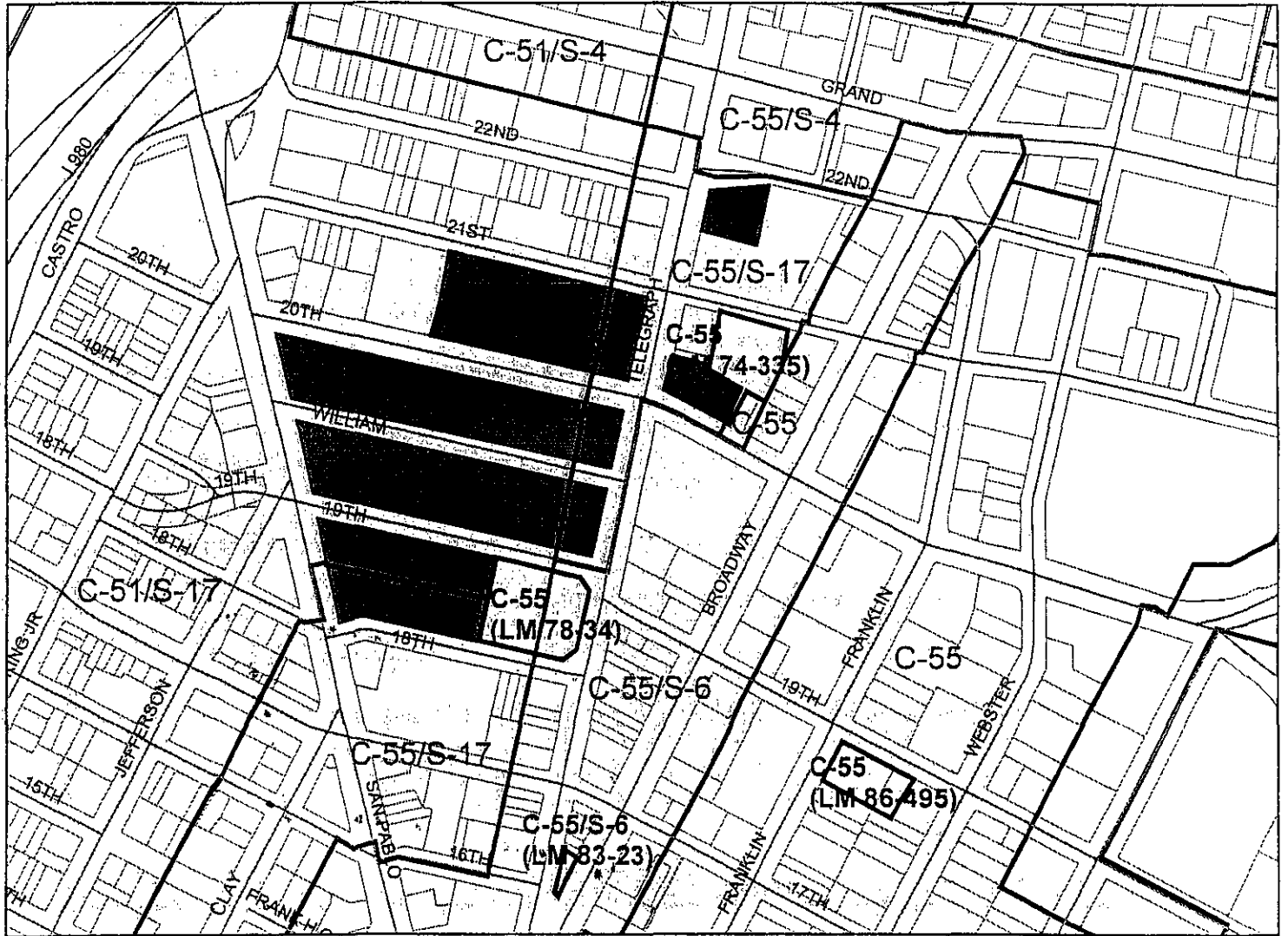
<b>Location:</b>	Nine block site in the Uptown District of the downtown. Blocks 1-6 are generally bounded by Thomas L. Berkley Way (20 <sup>th</sup> Street), Telegraph Avenue, 18 <sup>th</sup> Street, and San Pablo Avenue. Blocks 7 and 8 are located on the north side of Thomas L. Berkley Way (20 <sup>th</sup> Street); Block 7 is west of Telegraph Avenue and Block 8 is east of Telegraph Avenue. Block 9 is located on the southeastern corner of Telegraph Avenue and 22 <sup>nd</sup> Street.
<b>Proposal:</b>	Redevelopment of the site with a mixed-use project including up to 1,000 apartments, 270 condominiums, 1,050 beds of student/faculty housing, 43,000 square feet of ground-floor commercial space, 1,959 structured parking spaces, and a 25,000 square foot public park.
<b>Applicant:</b>	Forest City Development
<b>Owner:</b>	Multiple owners including Forest City Development and the Oakland Redevelopment Agency.
<b>Planning Permits Required:</b>	General Plan Amendment and Rezoning to accommodate the proposed public park, Preliminary Development Plan, Final Development Plan for each project phase, Major Conditional Use Permit for construction of over 100,000 square feet of floor area and for demolition of a facility containing rooming units, Design Review, and Subdivision Map.
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	C-51 Central Business Service Commercial Zone/C-55 Central Core Commercial Zone /S-17 Downtown Residential Open Space Combining Zone
<b>Environmental Determination:</b>	Final Environmental Impact Report being prepared.
<b>Historic Status:</b>	Site includes five historic buildings with ratings ranging from B to Dc, and a portion of one historic district rated ASI.
<b>Service Delivery District:</b>	I – Downtown/West Oakland/Harbor
<b>City Council District:</b>	3
<b>For further information:</b>	Contact case planner Lynn Warner at 510-238-6168 or by e-mail at <a href="mailto:lwarners@oaklandnet.com">lwarners@oaklandnet.com</a>

## SUMMARY

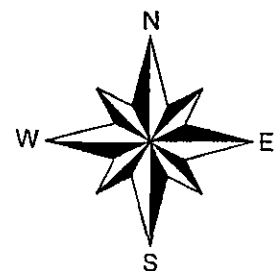
The purpose of this report is to provide preliminary design review comments for the proposed mixed-use project to be located on a nine-block site generally bounded by Thomas L. Berkley Way, Telegraph and San Pablo Avenues, and 18<sup>th</sup> Street; with other parcels along Telegraph Avenue between 22<sup>nd</sup> Street and Thomas L. Berkley Way. The project entails the phased redevelopment of the site with up to 1,000 apartments, 270 condominiums, 1,050 beds of student/faculty housing, 43,000 square feet of ground-floor commercial space, 1,959 parking spaces, and a 25,000 square foot public park. The project is currently undergoing environmental review, with action by the City's Redevelopment Agency likely as a first step, followed by property acquisition.

The intention of this preliminary review is to present the overall concept of the project to the Design Review Committee in an effort to inform the future design process. Staff is interested in comments regarding the design of the proposed project that may provide direction to the applicant and staff in processing the upcoming planning applications for the project. Staff may also incorporate the Committee's comments into the Redevelopment Agency agreement with Forest City.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: ZP03-0122  
Applicant: Forest City Development  
Address: Uptown Mixed-Use Project  
Zone: C-51/S-17; C-55/S-17



## PROJECT SITE AND SURROUNDING AREA

The approximately 15-acre site is located in the Uptown District of downtown Oakland. The nine-block site is generally bounded by Thomas L. Berkley Way, San Pablo and Telegraph Avenues, and 18<sup>th</sup> Street. There are also some parcels on Telegraph Avenue between 22<sup>nd</sup> Street and Thomas L. Berkley Way. The project site is occupied by a combination of parking, commercial, and residential uses. The surrounding area includes a mix of predominately commercial, residential, and civic uses.

## PROJECT DESCRIPTION

Forest City is proposing a phased redevelopment of the site with up to 1,000 apartments, 270 condominiums, 1,050 beds of student/faculty housing, 43,000 square feet of ground-floor *commercial space*, 1,959 residential and retail parking spaces, and a 25,000 square foot public park. Phase I will include approximately 600 apartments to be developed on blocks 1, 2, and 4, streetscape improvements, and the public park. Future phases of the project will include *construction of the remaining apartments*, the condominiums, and the student/faculty housing on blocks 3, 5, 6, and 7. The project will also entail the relocation of the Sears Auto Center to either block 8 or 9. The proposed units will range in size from approximately 560 to 1,300 square feet and will be a combination of studios, and one-, two-, and three-bedroom units. There will be a mix of for-sale and rental units, and 250 apartments will be provided at both moderate and very-low income affordability levels.

The project includes buildings that will range in height from four to six stories. This height is between that of high-rise office buildings and smaller scale commercial and residential structures in the surrounding areas. The residential levels will be constructed on a podium over partially below-grade parking. There will be multiple residential and vehicle access points with primary vehicle access from Williams Street. The parking levels will be wrapped with retail liner space and stoops for the residential units. Open space will be provided via a combination of landscaped mews between the buildings, private patios and balconies, and common interior courtyards at the podium level. A public park will be created on the west end of block 3, with a finger park extending along William Street to Telegraph Avenue. The project sponsor is also proposing to construct new north-south streets, to incorporate traffic calming measures such as narrowing streets, creating angled parking, and providing bulb-outs, and to provide extensive streetscape improvements.

## GENERAL PLAN ANALYSIS

The General Plan designation for the project site is Central Business District. The Central Business District designation allows a maximum floor area ratio (FAR) of 20.0, and a maximum residential density of 500 units per net acre. The intensity of the proposed project is within the allowable FAR and residential density, and the uses are consistent with the General Plan designations.

## ZONING ANALYSIS

The zoning designations for the site include: C-51 Central Business Service Commercial, C-55 Central Core Commercial, and S-17 Downtown Residential Open Space. The intensity of the proposed project is within the allowable FAR and residential density, and the uses are permitted in these zoning districts.

It is anticipated that the proposed project will require the following planning approvals: a Preliminary Development Plan (PDP) for the entire project, a Final Development Plan (FDP) for each phase of the project, a Major Conditional Use Permit (for construction of over 100,000 square feet of floor area, and for demolition of a facility containing rooming units), Design Review, and a Subdivision Map. The project also involves the completion of a Disposition and Development Agreement (DDA) between the City's Redevelopment Agency and Forest City, as well as property acquisition. All applicable criteria for the planning entitlements will be analyzed and appropriate findings will be made in conjunction with review by the full Planning Commission, scheduled for some time in 2004.

## ENVIRONMENTAL REVIEW

A focused Draft Environmental Impact Report (DEIR) was prepared to evaluate the potential environmental impacts of the proposed project. The DEIR was released for public review on September 19, 2003 and the comment period ended on November 3, 2003. The Landmarks Preservation Advisory Board (LPAB) held a public hearing to receive comments on the project on October 6, 2003. On October 15, 2003 the Planning Commission held a public hearing to receive comments on the DEIR. A Final EIR (FEIR) is being prepared to address the comments received on the DEIR. The DEIR identified significant unavoidable impacts of the project in the following areas:

- Transportation (intersection of Frontage Road/West Grand Avenue)
- Air Quality (operation period impacts related to regional emissions)
- Historic Architectural Resources (Great Western Power Company Building)

## PROJECT REVIEW PROCESS

In addition to the public meetings noted above, the project sponsor held community meetings on March 12<sup>th</sup>, October 11<sup>th</sup>, and October 13<sup>th</sup> of this year. After the FEIR has been released for public review, the Planning Commission will consider its certification. This certification will not be attached to a Planning Commission action, as is the usual procedure. Rather, the first discretionary action will be the City Council/Redevelopment Agency consideration of the proposed DDA between the Redevelopment Agency and the project sponsor. If the DDA is approved, the project sponsor will proceed with property acquisition and with the detailed design plans for the project. Those plans will then be brought before the Planning Commission for approval of the required planning entitlements.

## DESIGN ISSUES

Because this project entails a planned unit development for a nine-block area, the sponsor will construct the project in phases. The project description, site plan, and conceptual building massing have been developed for the entire project. However, building elevations have only been developed for the first phase of construction, which will include blocks 1, 2, and 4. The buildings on blocks 1 and 2 will range in height from four to five stories, while the buildings on block 4 will range in height from four to six stories. The building design successfully breaks up the facades by incorporating different materials and styles to make the buildings appear as if they were constructed separately over a period of time. The proposed architectural styles include a combination of traditional and modern design elements, which is compatible with the mix of styles in the surrounding area. The proposed exterior building materials include stucco, brick veneer, corrugated metal, metal panels, and aluminum windows. Proposed colors include a range of saturated earth tones as well as muted red, orange, and purple tones.

The overall site plan, circulation, and streetscape elements present a unified development concept for the project area. This unified set of improvements, including a major reconfiguration of Williams Street and well-established pedestrian linkages, will create a special and identifiable district in this area.

Staff believes that the proposed design is attractive, well modulated and articulated, and compatible with the surrounding area. Based on the schematic plans submitted for the project, staff has identified several design issues that are presented in the following section of this report. It is requested that the DRC comment on these issues as well as any other layout or design elements. Staff will then continue to work with the applicant to refine and further develop the design in anticipation of full Planning Commission review once the DDA has been approved and property acquisition is underway.

### *Outstanding Design Issues*

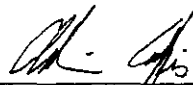
- More information is required about the proposed materials and treatments including the brick veneer, metal siding and panels, and scored plaster, which are proposed for portions of the building bases. Staff's objective is to ensure that the materials have a high quality appearance, particularly at the pedestrian level of the building.
- The locations of the neighborhood park and finger park on block 3 seem appropriate to staff. The neighborhood park would provide a centrally located recreational area to serve the neighborhood, that would be surrounded by residents who would both use the park and provide "eyes" on the park to enhance its safety. The finger park that extends to Telegraph Avenue would be an amenity that links with the neighborhood park, while still allowing for continuity and emphasis of the retail frontage on Telegraph Avenue. Some members of the community have suggested that instead there should be a linear park prominently located on Telegraph Avenue between 19<sup>th</sup> and 20<sup>th</sup> Street, which would create an amenity near surrounding entertainment uses in the area.

- A variety of conceptual stoop treatments have been developed for several project frontages. These treatments include a combination of walls or gates and landscaping. Stoops will provide a visual connection at the base of the buildings with the street. Stoops also serve to more directly connect the residents to the neighborhood, thereby creating more activity. Once detailed plans have been prepared, staff will review the design to ensure that the stoops provide both a sense of privacy for the residents and visual interest for passersby.
- The streetscape is an important design element that needs to be further detailed. A variety of design elements such as public art, special pavement, sidewalk bulb-outs, and landscape treatments are proposed in the schematic plans. Given the scale and phasing of the proposed project, public improvements will strongly define the district. Staff will review the detailed streetscape plans once they are developed to ensure that paving treatments, landscaping, street lights, street furniture, and bollards are compatible with the surrounding area, are residential in scale, and provide project identification. The design of the street frontages should take into account the various street widths and levels of activity.
- The impacts to potentially significant historic buildings will be closely examined, and the LPAB will be solicited for comments on the design of each project phase that could potentially affect these resources. Comments received from the LPAB, the Oakland Heritage Alliance, and several community members expressed concern over the impacts of the project on historic buildings such as the Great Western Power Company Building, and the buildings on San Pablo Avenue between Thomas L. Berkley Way and William Street, as well as the desire to have these buildings retained.
- Window quality and window recess are an important component of the project design. More detail on the window types, amount of recess, and quality needs to be provided.
- A community room should be provided so that residents of the project have a place to hold meetings or social functions.

**CONCLUSION**

Staff recommends the Design Review Committee review and comment on the site plan and conceptual design of the proposed project, with emphasis on the issues discussed above, as well as any other issues the Committee may have.

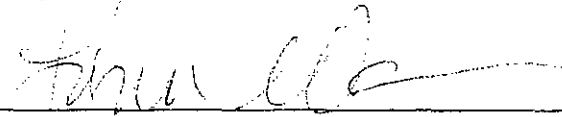
Respectfully submitted:



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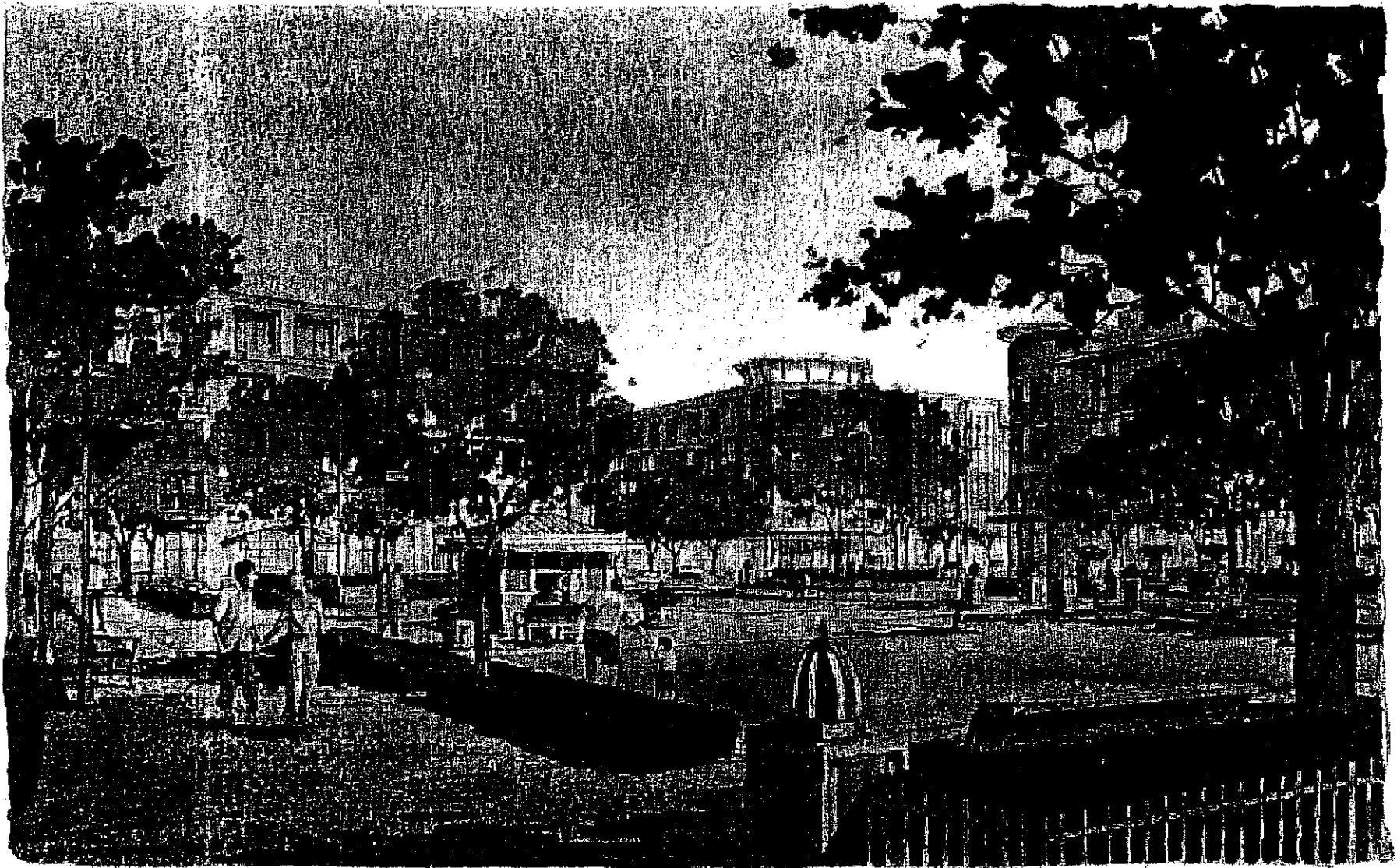
CLAUDIA CAPPIO  
Development Director

Prepared by:



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LYNN WARNER  
Planner IV, Major Development Projects



PARK VIEW

■ McLARAND VASQUEZ EMSIEK & PARTNERS

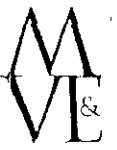
UPTOWN OAKLAND

FORESTCIT  
ENTREPRENEUR

KEN KA  
ASSOCIATE

Design Review  
Committee

December 10th  
2003







SAN PABLO AVE. & WILLIAM ST.

McLARAND VASQUEZ EMSIEK & PARTNERS

UPTOWN OAKLAND

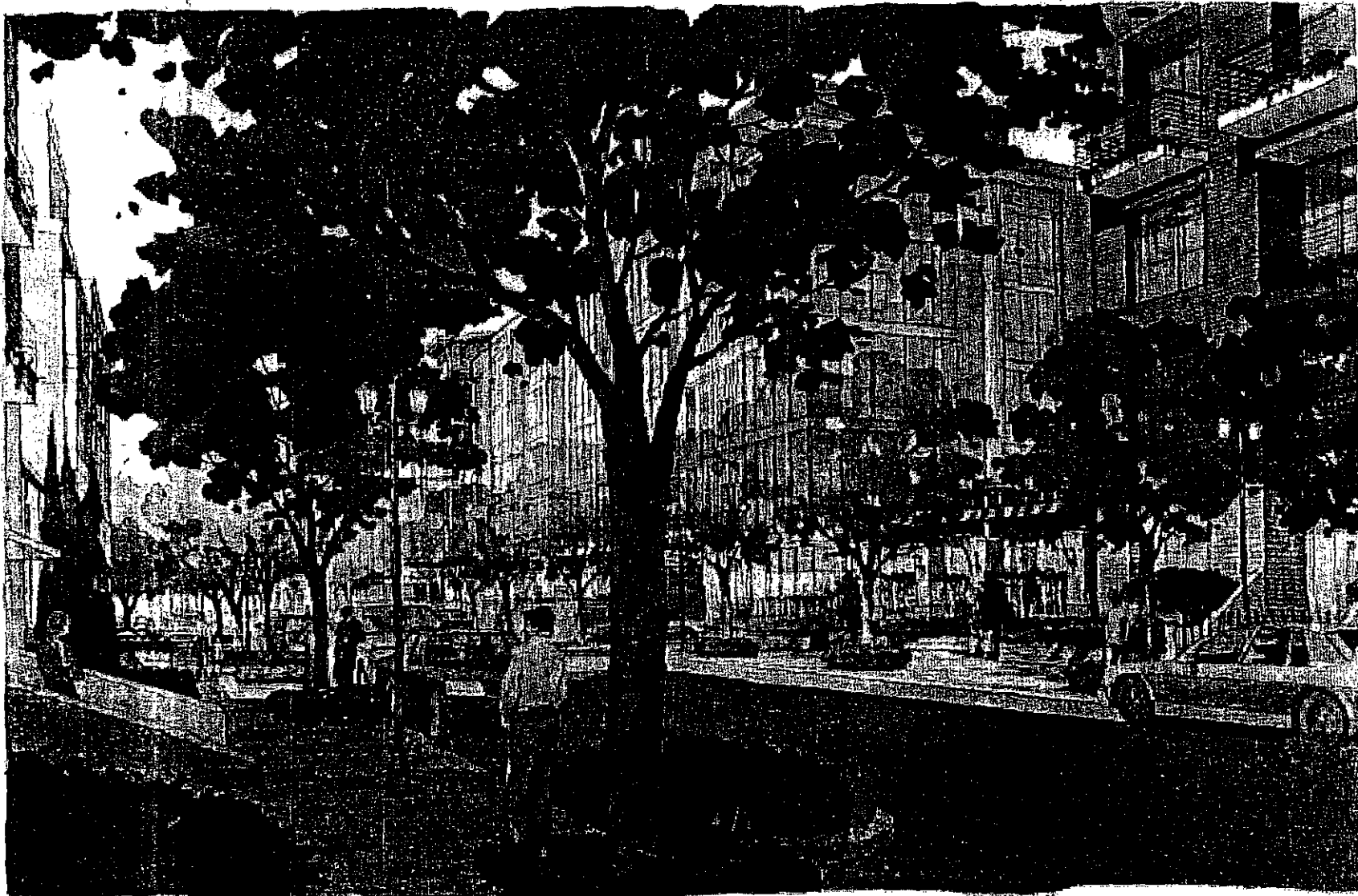
FOREST CITY  
FUNDERS

KEN KAY  
ASSOCIATES

Design Review  
Committee

December 10th  
2003





UPTOWN OAKLAND

FOREST CITY PARTNERS

KEN KAY ASSOCIATES

Design Review Committee

December 11, 2000



VIEW OF STOOPS

McLARAND VASQUEZ EMSIEK & PARTNERS



WILLIAM STREET VIEW FROM TELEGRAPH

McCLARAND VÁSQUEZ EMSIEK & PARTNERS

UPTOWN OAKLAND

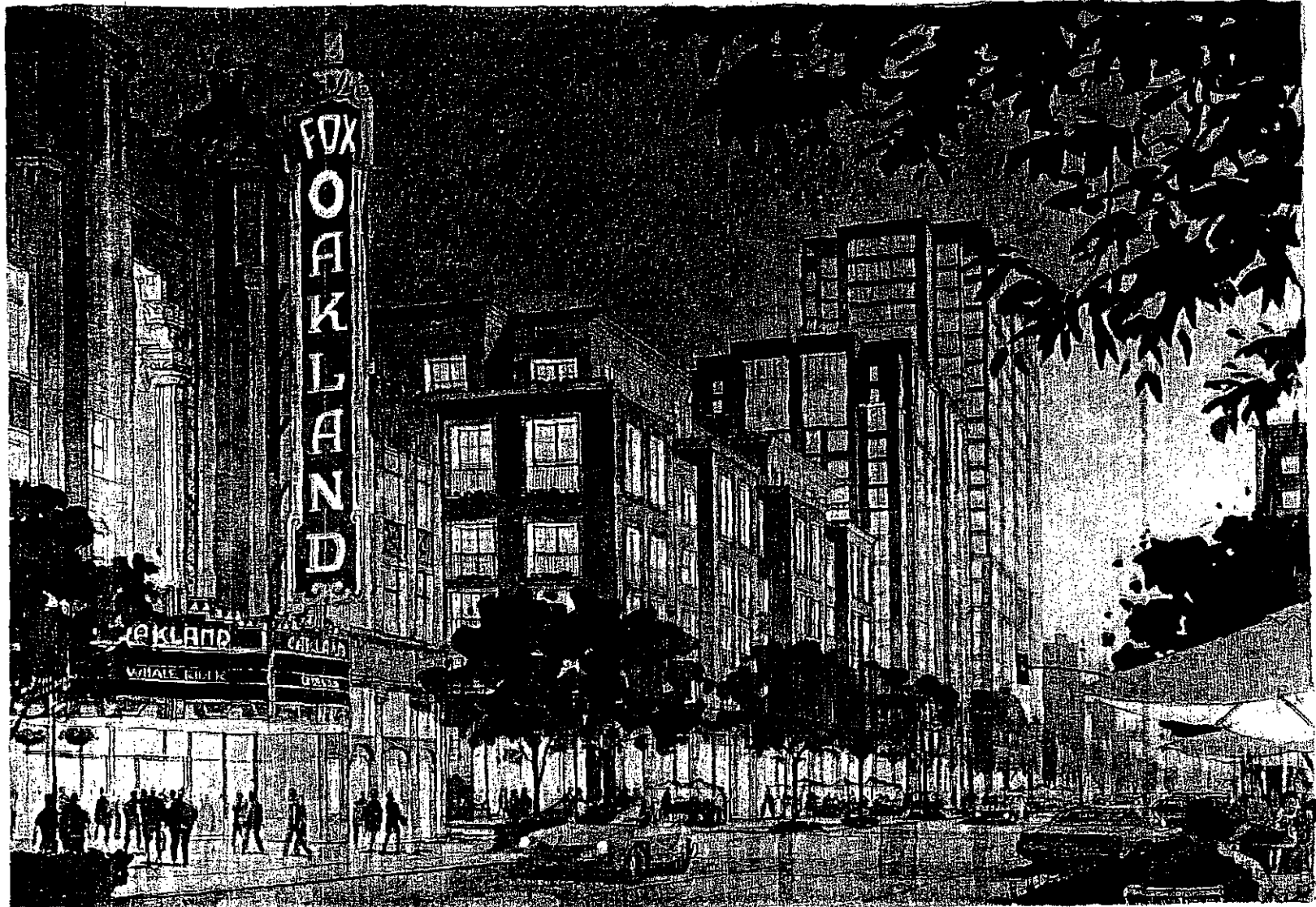
FOREST CITY  
ENTERPRISES

KEN KA  
ASSOCIATE

Design Review  
Committee

December 10th  
2003





VIEW OF TELEGRAPH

■ MCLARAND VASQUEZ EMSIEK & PARTNERS

UPTOWN OAKLAND

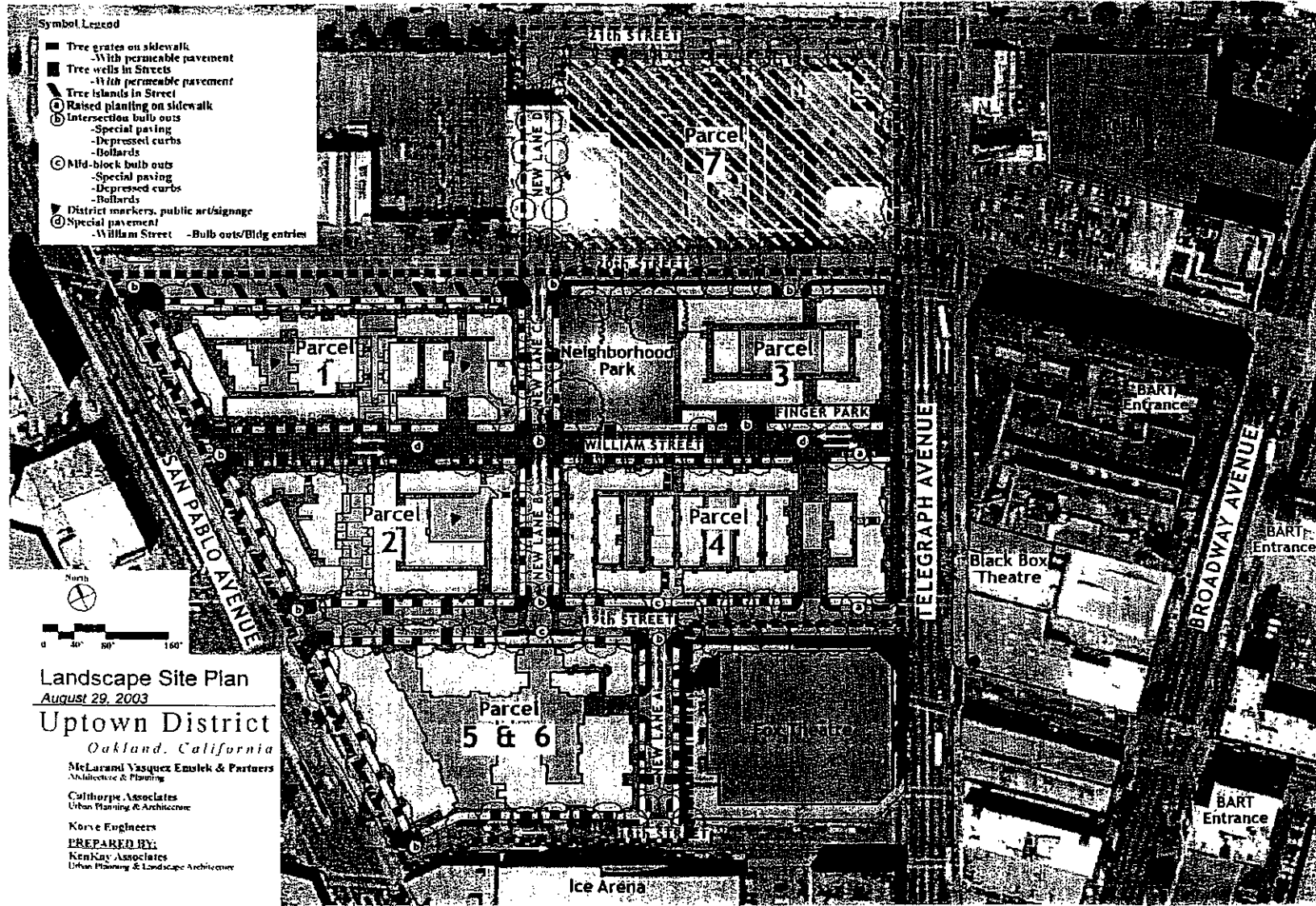
FOREST CITY  
ENTERPRISES

KEN KAY  
ASSOCIATES

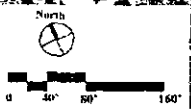
Design Review  
Committee

December 10th  
2003

M  
&  
V  
PARTNERS



- Symbol Legend**
- Tree grates on sidewalk
    - With permeable pavement
  - Tree wells in Streets
    - With permeable pavement
  - Tree islands in Street
  - ⊕ Raised planting on sidewalk
  - ⊙ Intersection bulb outs
    - Special paving
    - Depressed curbs
    - Bollards
  - ⊙ Mid-block bulb outs
    - Special paving
    - Depressed curbs
    - Bollards
  - ▼ District markers, public art/signage
  - ⊙ Special pavement
    - William Street - Bulb outs/Blgd entries



**Landscape Site Plan**  
 August 29, 2003  
**Uptown District**  
 Oakland, California

McLarand Vasquez Emsiek & Partners  
 Architecture & Planning

Calthorpe Associates  
 Urban Planning & Architecture

Korve Engineers

**PREPARED BY:**  
 KenKay Associates  
 Urban Planning & Landscape Architecture

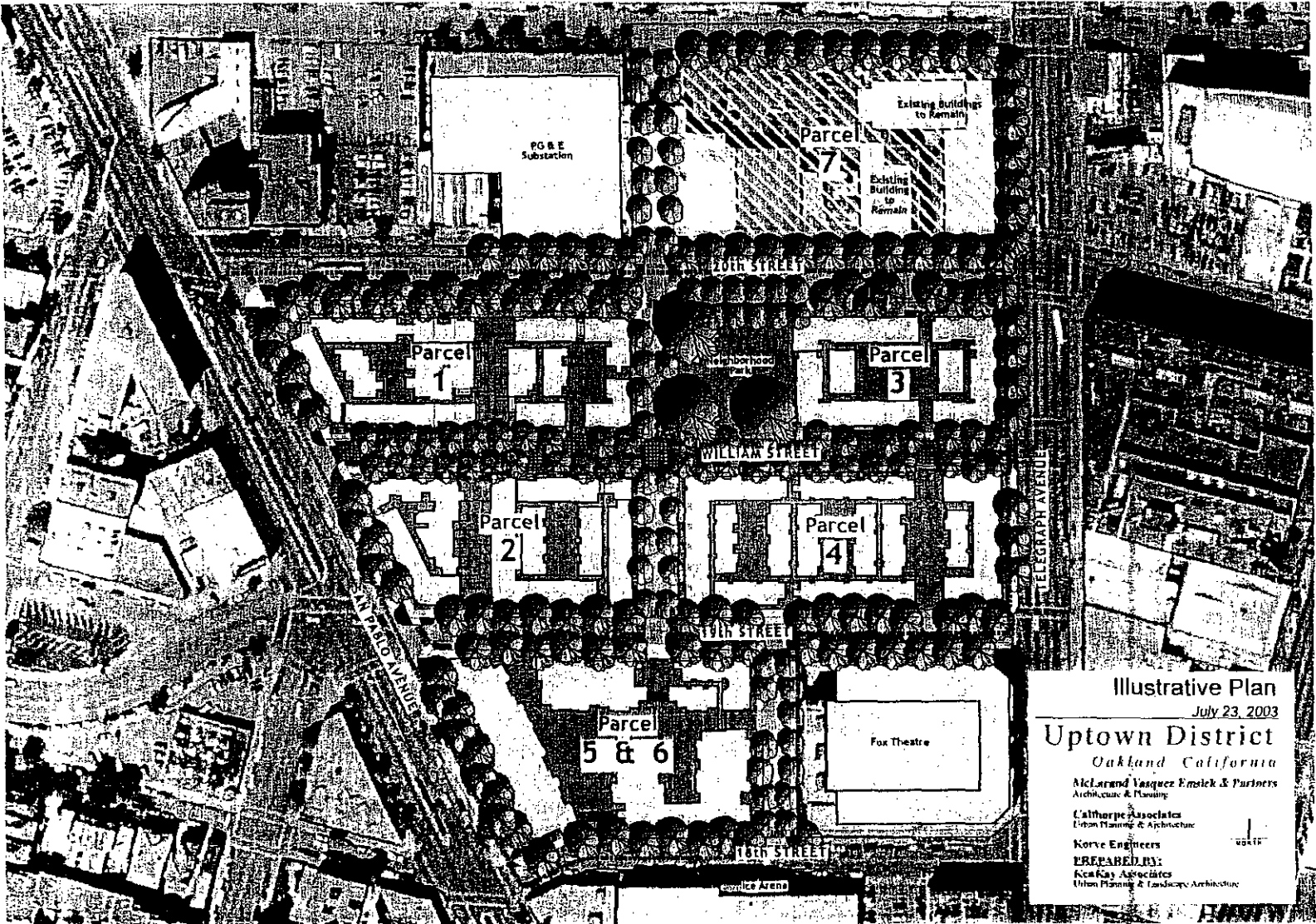
**OVERALL SITE PLAN**

UPTOWN OAKLAND



Design Review  
 Committee  
 December 10th  
 2003





Illustrative Plan  
 July 23, 2003  
**Uptown District**  
 Oakland California  
 McLaren Vasquez Emstiek & Partners  
 Architecture & Planning  
 Calthorpe Associates  
 Urban Planning & Architecture  
 Korve Engineers  
**PREPARED BY:**  
 Ken Kay Associates  
 Urban Planning & Landscape Architecture

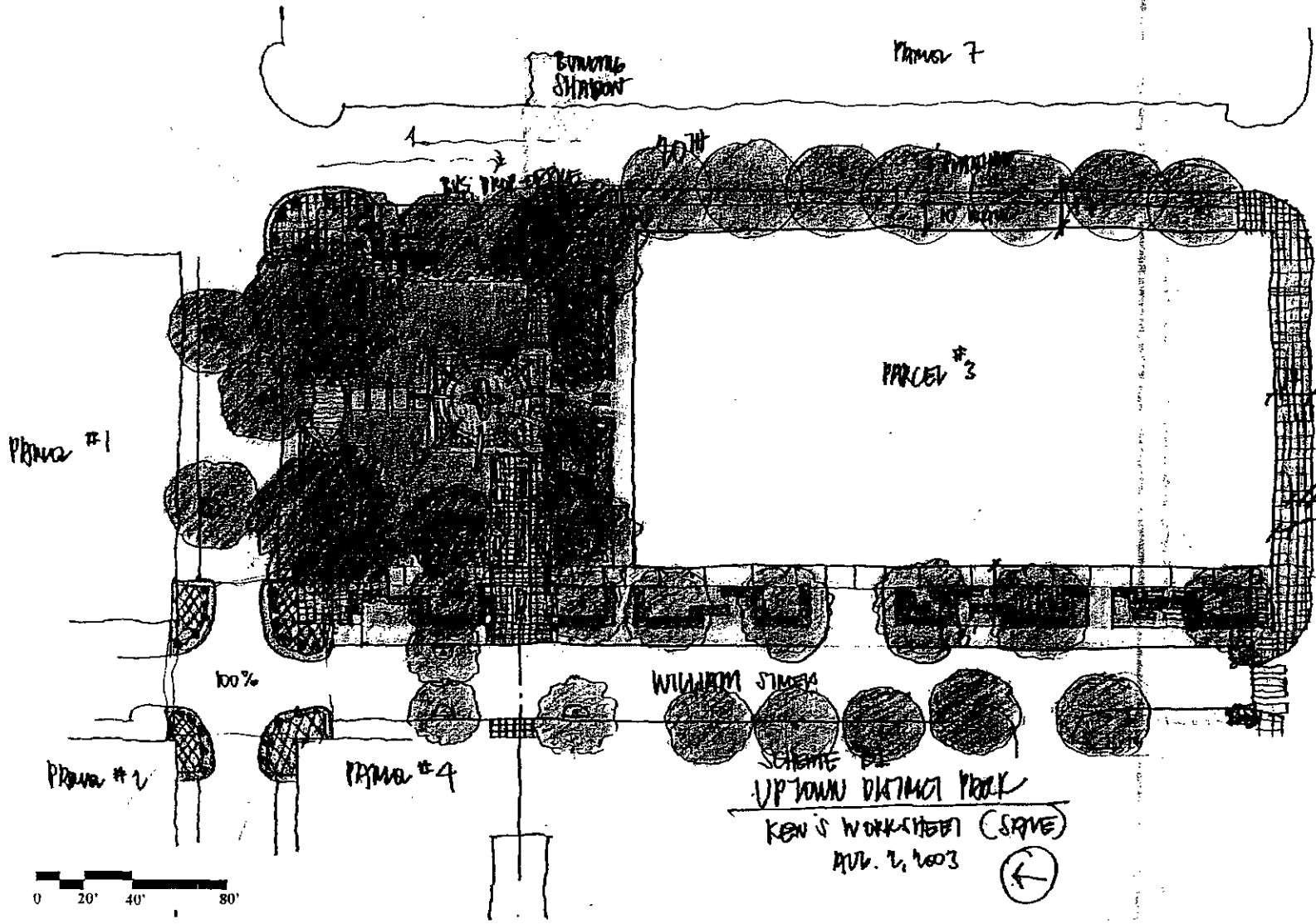
ILLUSTRATIVE PLAN

UPTOWN OAKLAND

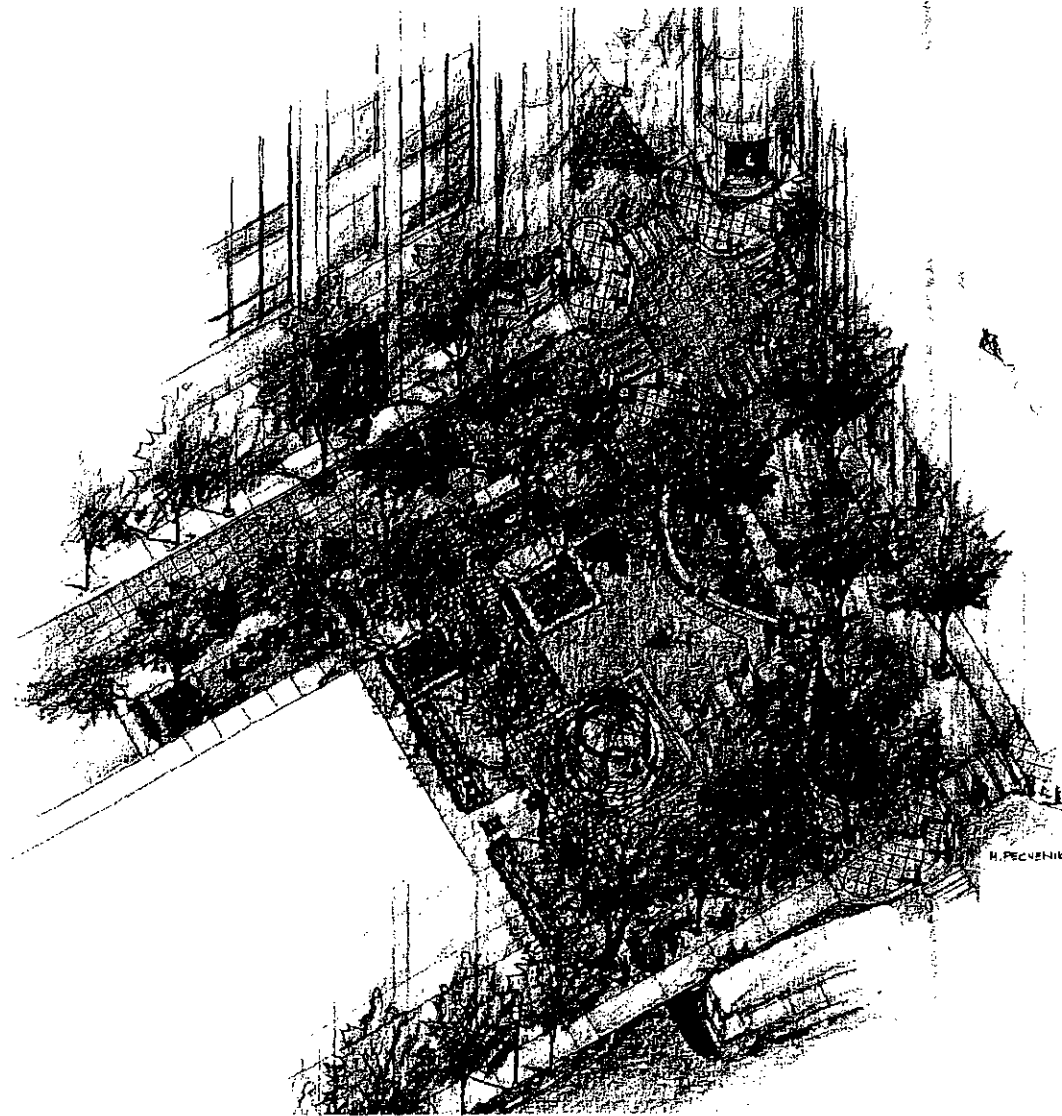


Design Review  
 Committee  
 December 10th  
 2003





PARK - SCHEMATIC PLAN



PARK - RENDERING

UPTOWN OAKLAND

FOREST CITY  
ENTERPRISES

KEN KA  
ASSOCIATE

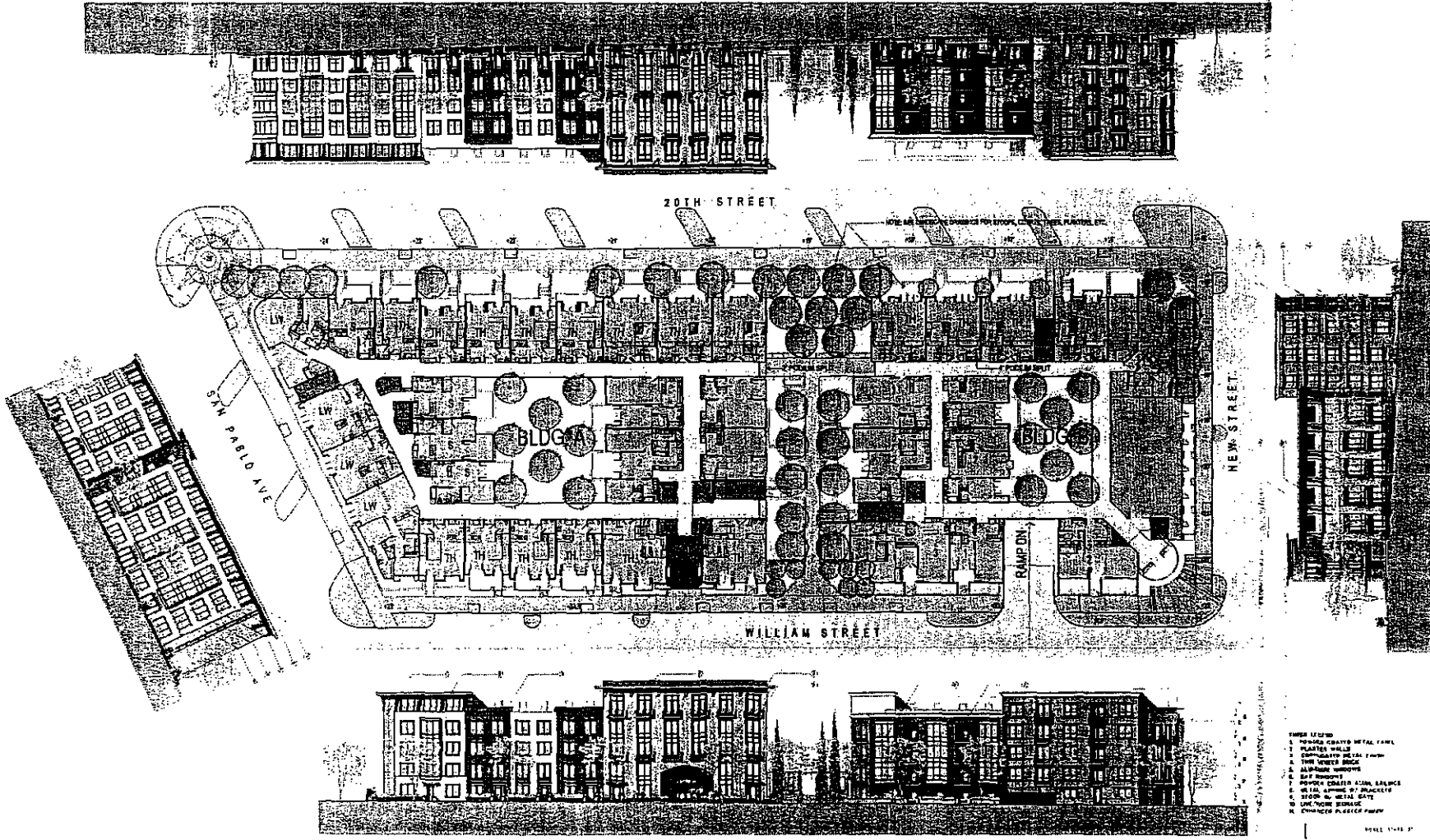
Design Review  
Committee

December 10th  
2003

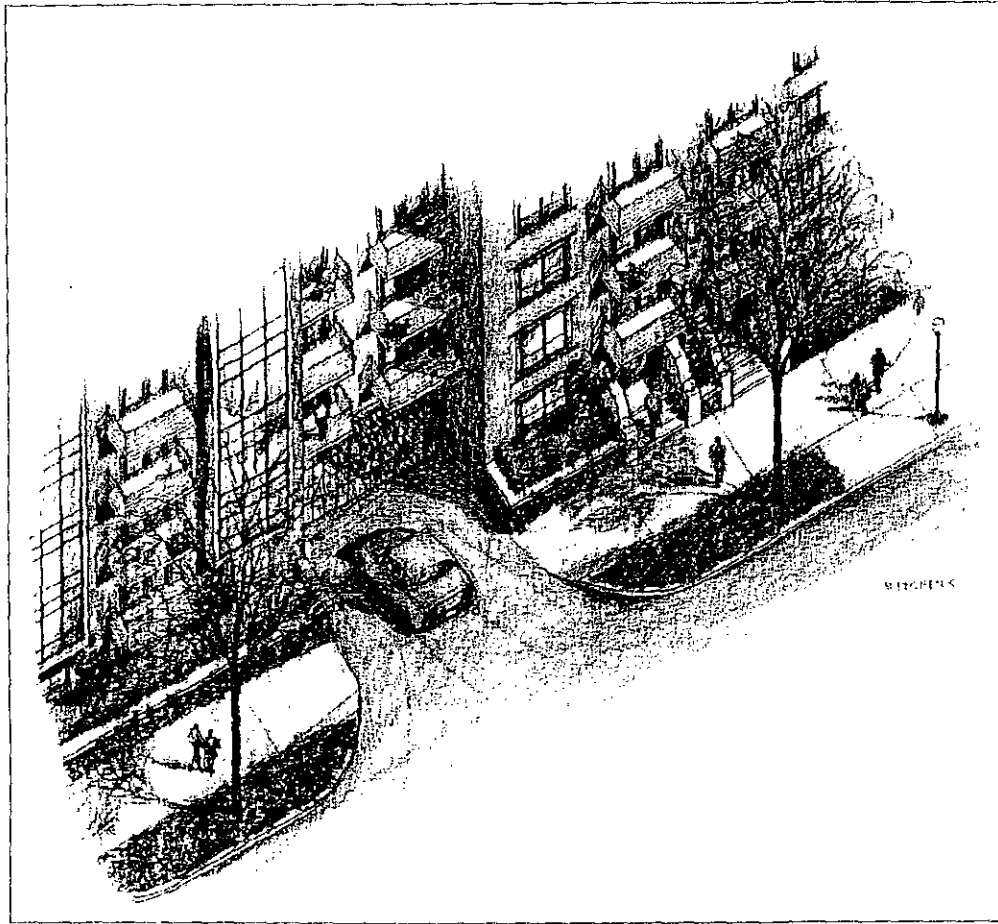


McLARAN VASQUEZ EMSIEK & PARTNERS





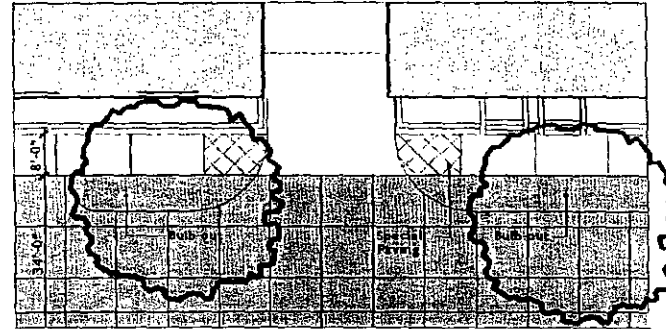
PARCEL 1 - SCHEMATIC STUDY



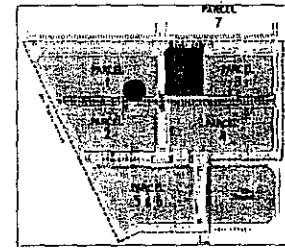
ARTIST'S RENDERING



ELEVATION



PLAN



KEY MAP

Garage Condition  
Balcony Condition **1A**

July 23, 2003

**Uptown District**

*Oakland, California*

McLarand Vasquez Emsiek & Partners  
Architecture & Planning

Culthorpe Associates  
Urban Planning & Architecture

Korve Engineers

**PREPARED BY:**

KenKay Associates

Urban Planning & Landscape Architecture

UPTOWN OAKLAND

FOREST CITY  
ENTERPRISE

KEN KAY

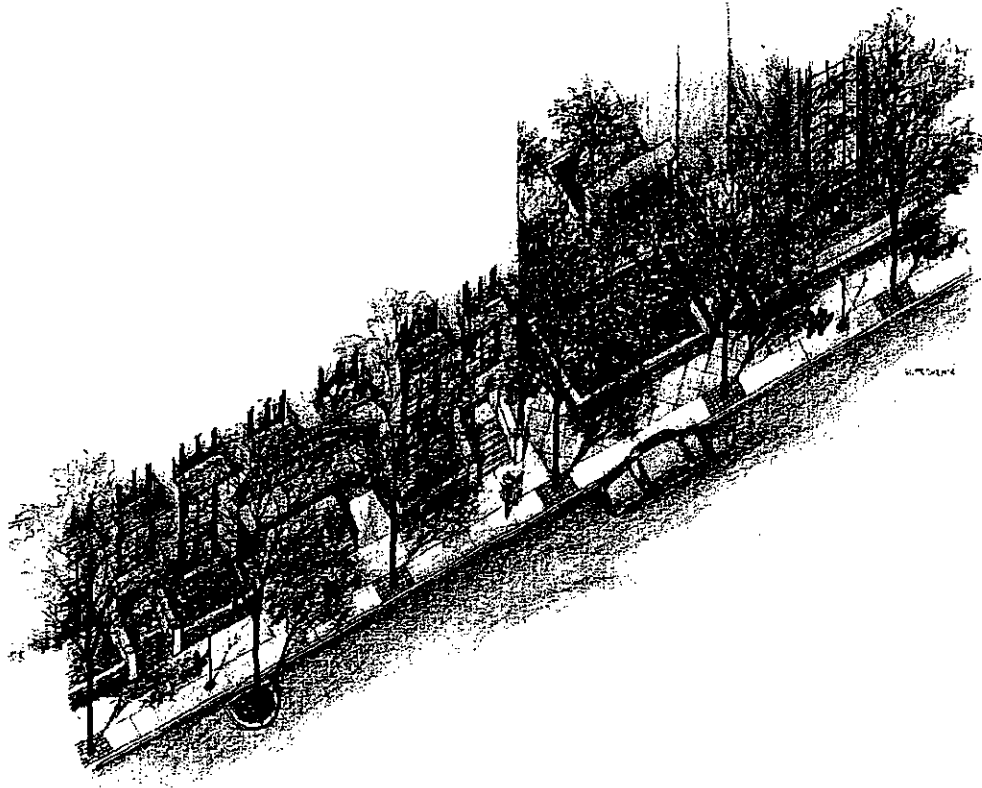


ASSOCIATES

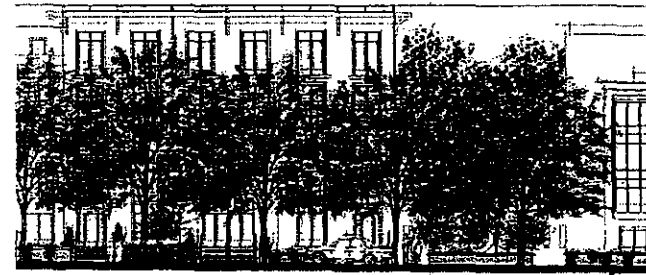
Design Review  
Committee

December 10th  
2003



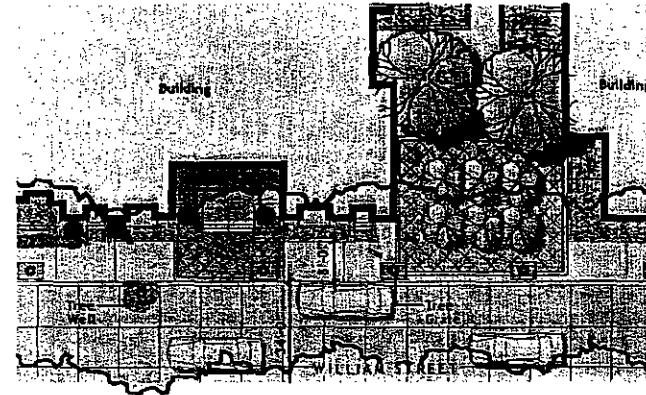


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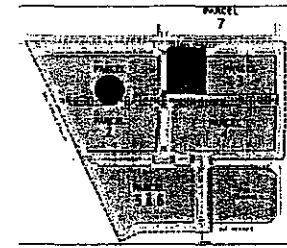
ELEVATION

0 10' 20'



PLAN

0 10' 20'



KEY MAP

Lobby Condition  
Mews Entry 1B

July 23, 2003

**Uptown District**  
*Oakland, California*

McLarand Vasquez, Emsiek & Partners  
Architecture & Planning

Callhorpe Associates  
Urban Planning & Architecture

Korve Engineers

**PREPARED BY:**  
KenKay Associates  
Urban Planning & Landscape Architecture

UPTOWN OAKLAND

FORESTCITY  
ENTERPRISE

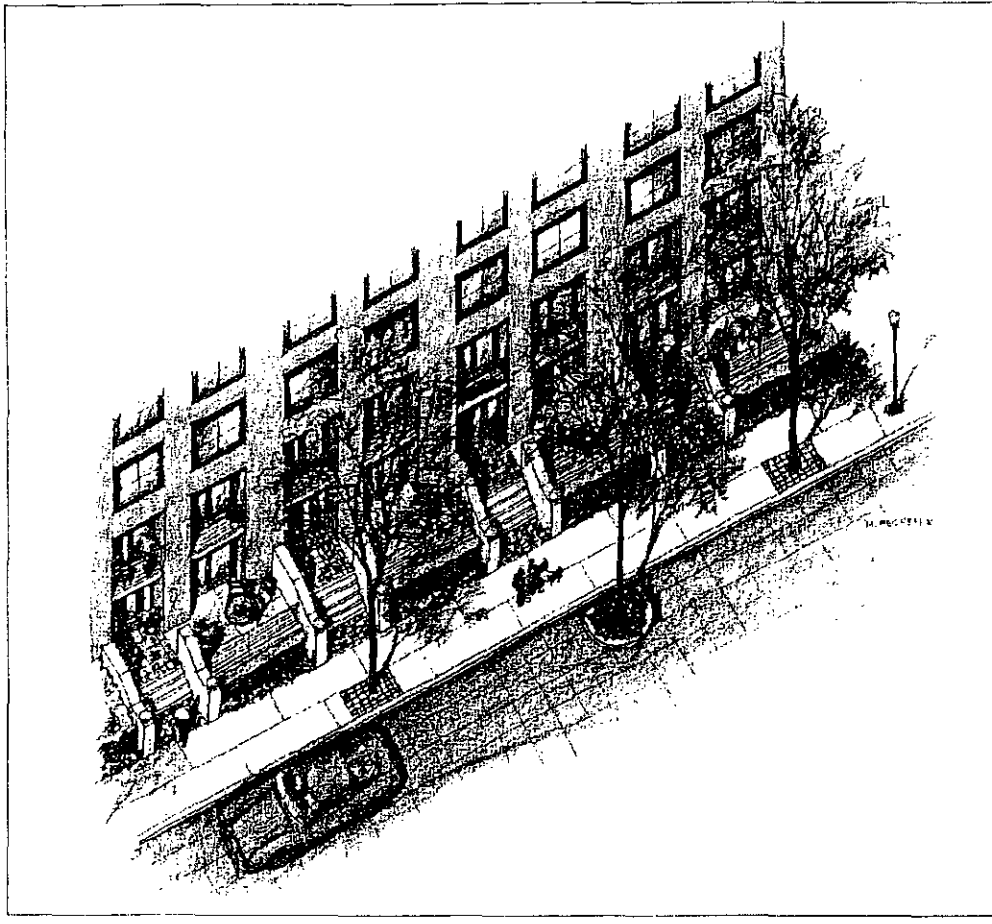


ASSOCIATE

Design Review  
Committee

December 10th  
2003

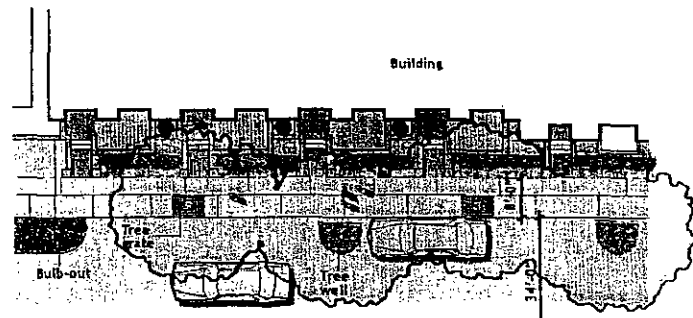




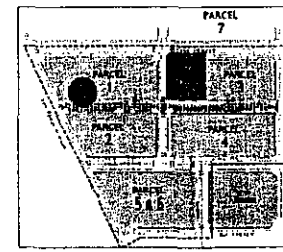
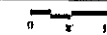
ARTIST RENDERING



ELEVATION



PLAN



KEY MAP

Stoop Condition **1C**  
July 23, 2003

**Uptown District**

*Oakland, California*

McLarand Vasquez Emsiek & Partners  
Architecture & Planning

Callhorpe Associates  
Urban Planning & Architecture

Korve Engineers

PREPARED BY:  
Ken Kay Associates  
Urban Planning & Landscape Architecture

UPTOWN OAKLAND

FOREST CITY

KEN KAY

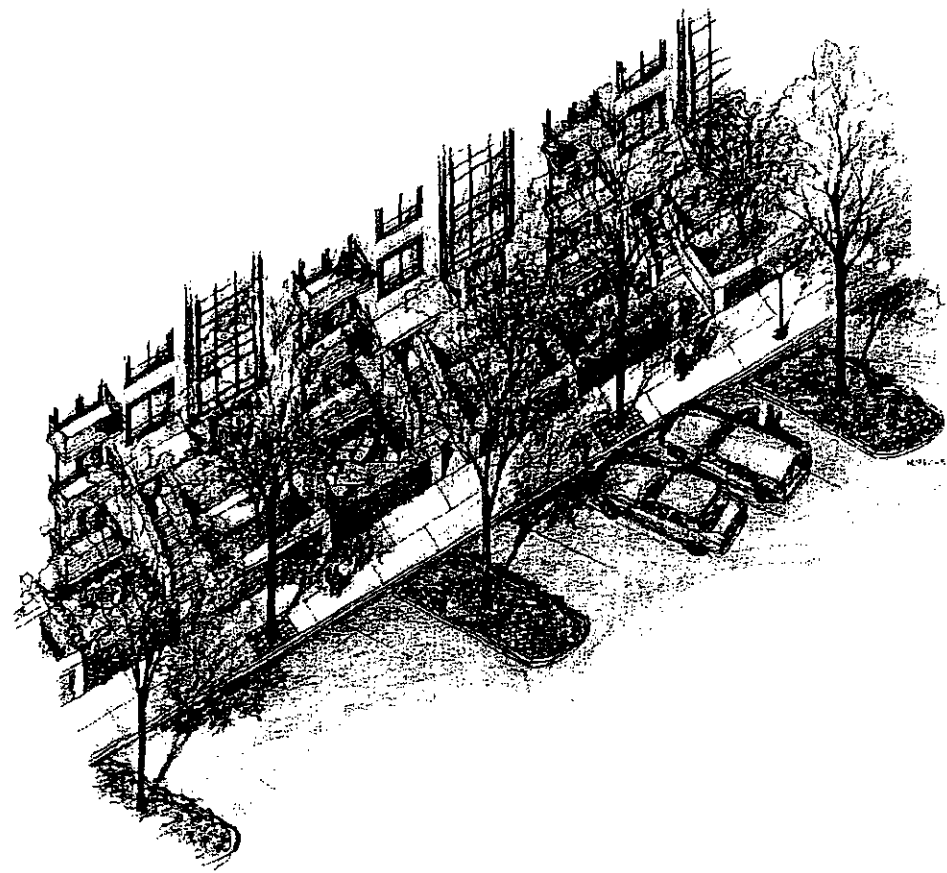


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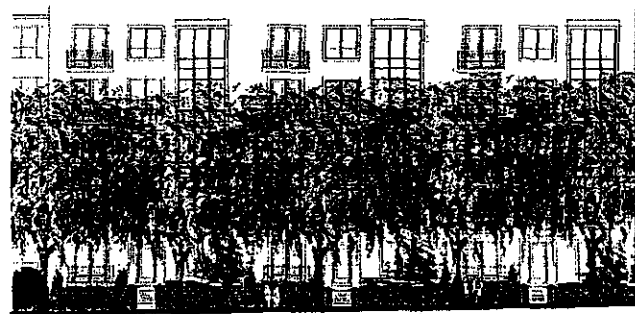
Design Review  
Committee

December 10th  
2003

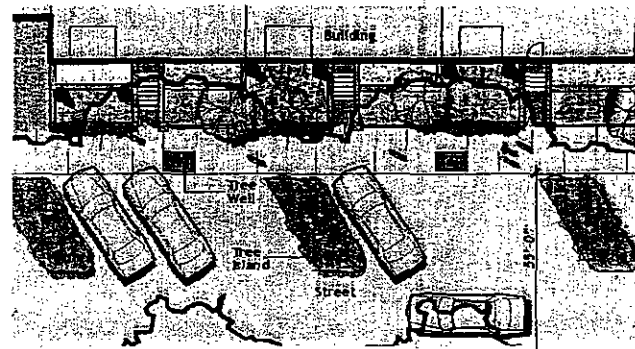




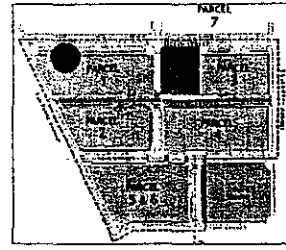
ARTIST RENDERING



ELEVATION



PLAN



KEY MAP

Stoop Condition **1D**  
 July 23, 2003  
 Uptown District  
 Oakland, California

McLarand Vasquez Emsiek & Partners  
 Architecture & Planning  
 Calthorpe Associates  
 Urban Planning & Architecture  
 Kory Engineers  
**PREPARED BY:**  
 KenKoy Associates  
 Urban Planning & Landscape Architecture

UPTOWN OAKLAND

FOREST CITY  
 ENTERPRISES

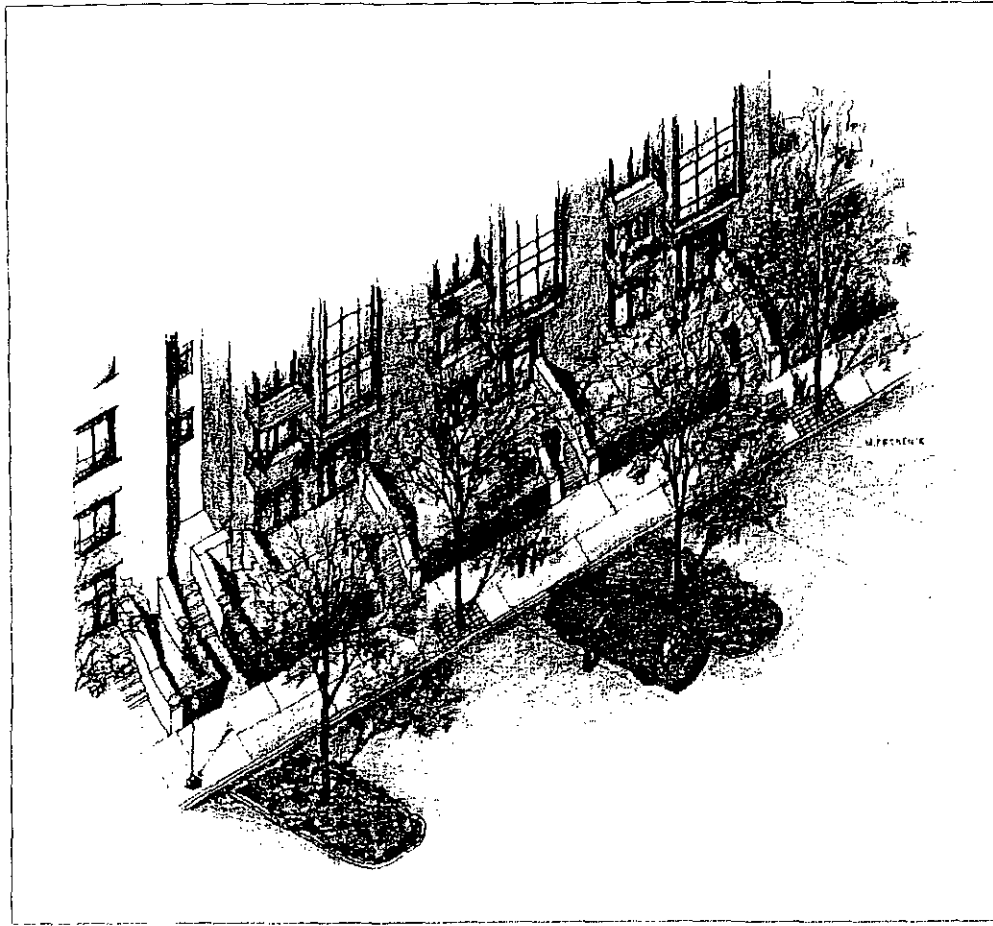


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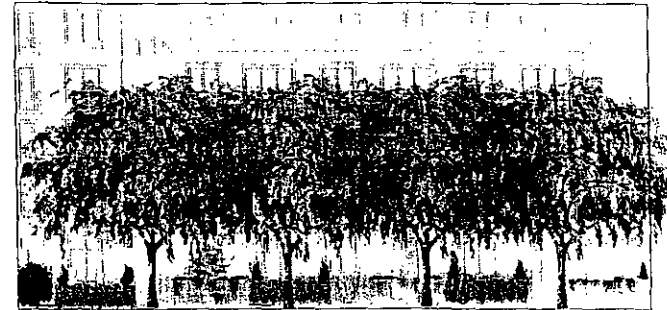
Design Review  
 Committee

December 10th  
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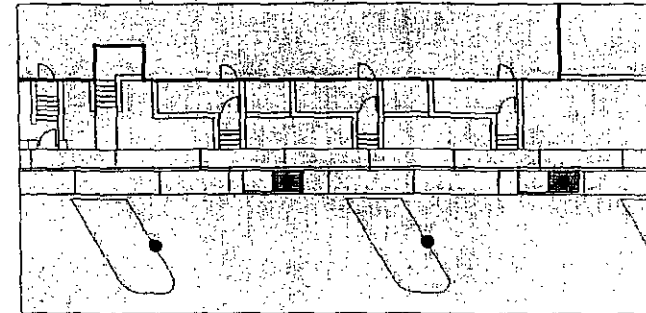




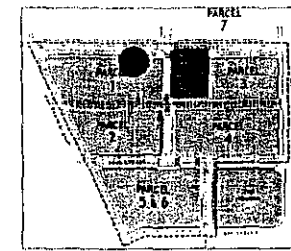
ARTIST RENDERING



ELEVATION



PLAN



KEY MAP

Stoop Condition **1E**  
 July 23, 2003  
 Uptown District  
 Oakland, California

McLarand Vasquez Emsiek & Partners  
 Architecture & Planning

Calthorpe Associates  
 Urban Planning & Architecture

Korve Engineers

**PREPARED BY:**

KenKoy Associates  
 Urban Planning & Landscape Architecture

UPTOWN OAKLAND

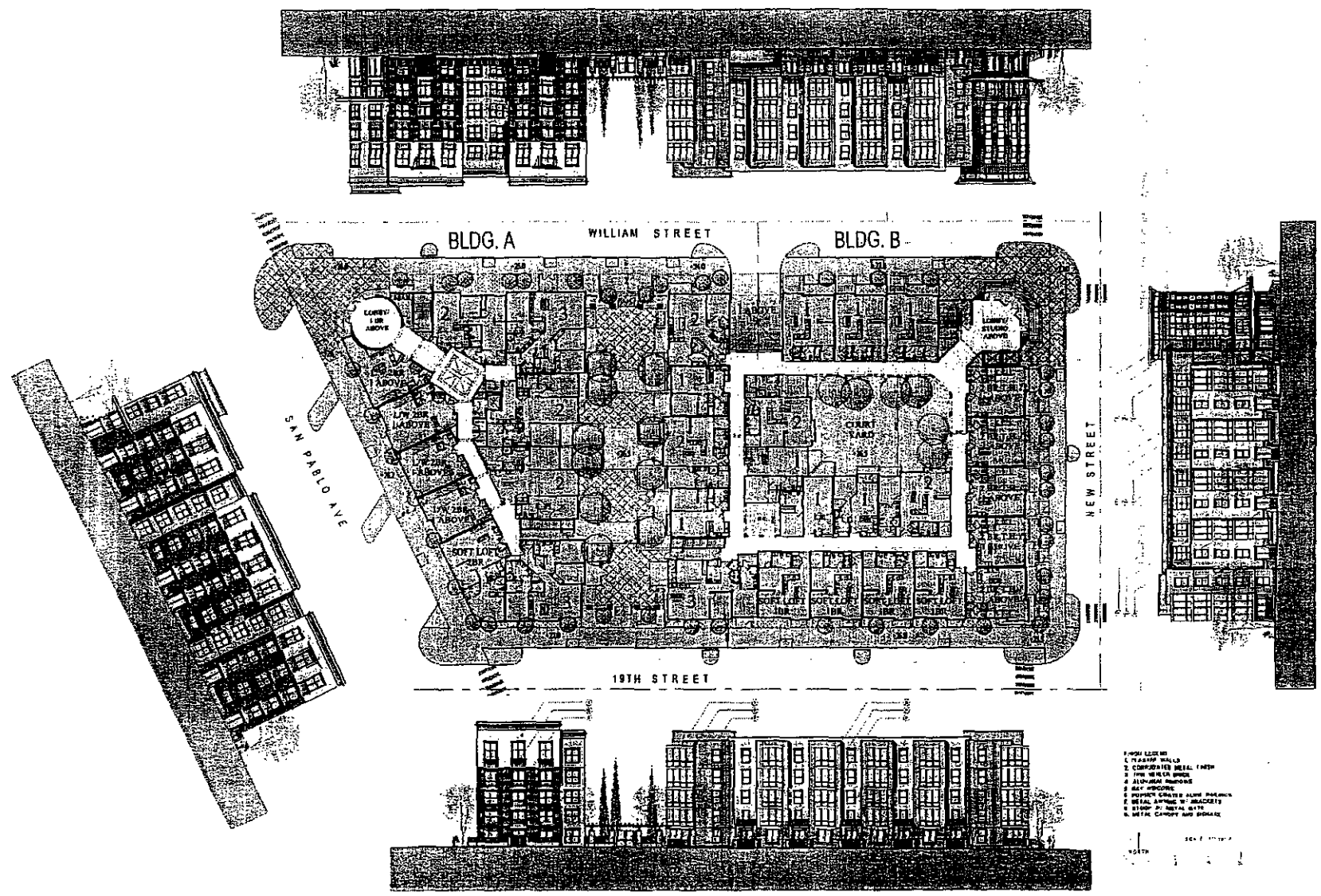
FOREST CITY  
 SYSTEMS

KEN KAY  
 ASSOCIATES

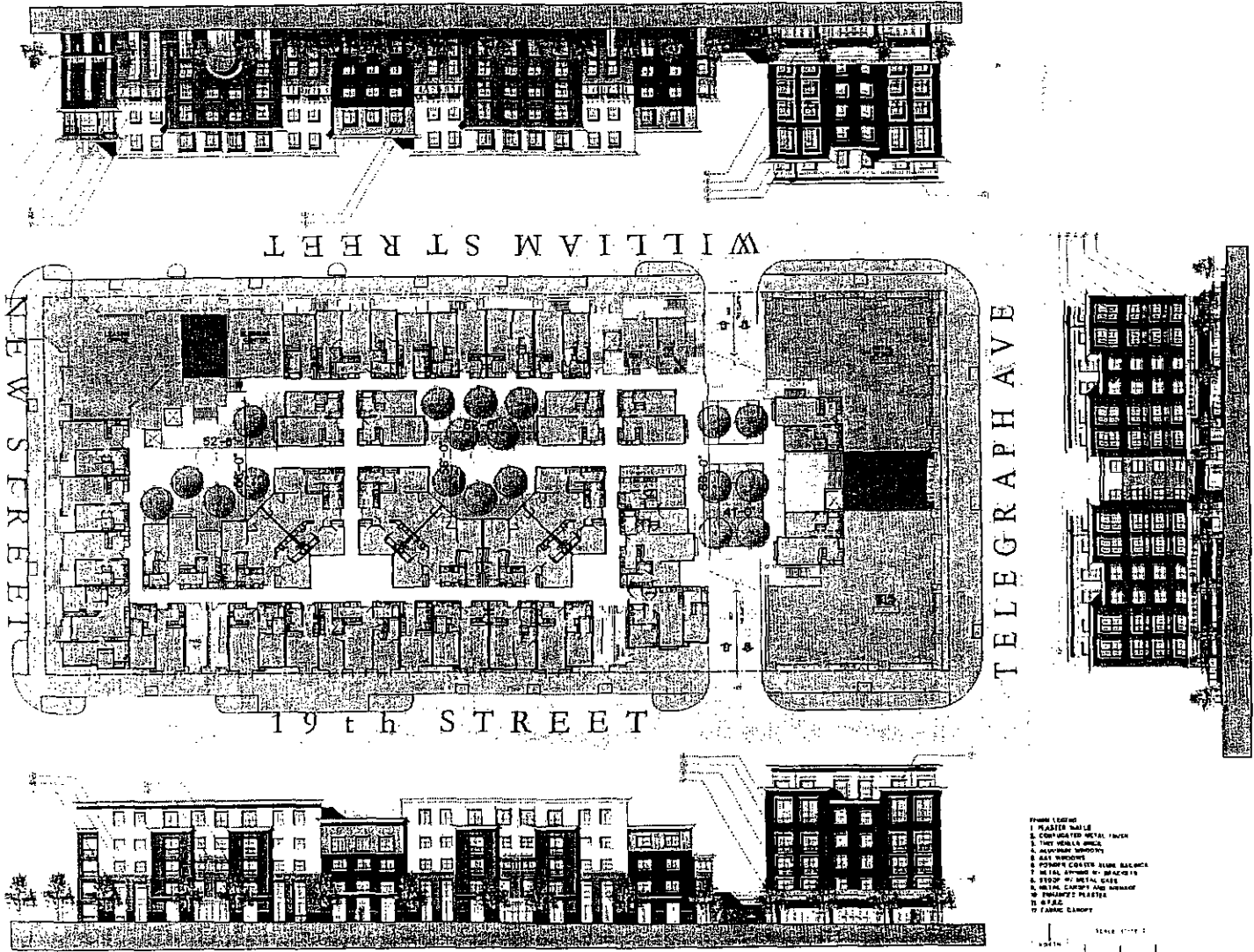
Design Review  
 Committee

December 10,  
 2000





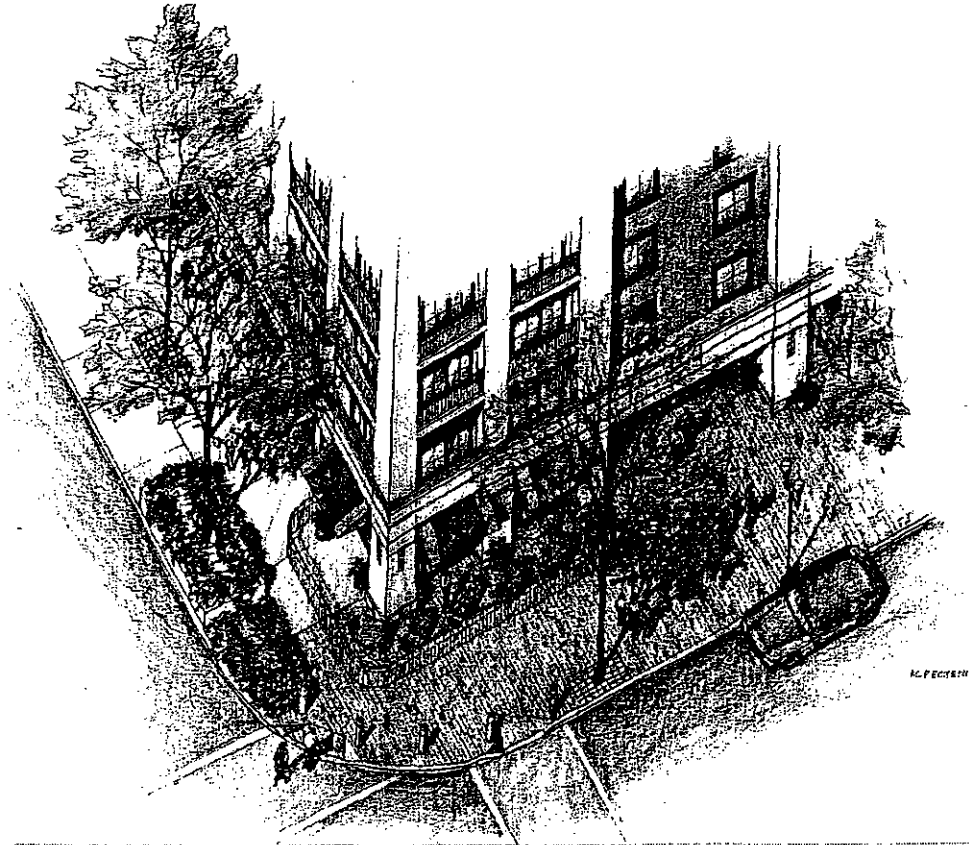
PARCEL 2 - SCHEMATIC STUDY



- FROM LEFT TO RIGHT
- 1. PLASTER WALL
  - 2. CORRUGATED METAL PANEL
  - 3. TYPICAL BRICK
  - 4. ALUMINUM WINDOW
  - 5. GLASS WINDOW
  - 6. PORTLAND CEMENT BLOCK BALCONY
  - 7. METAL WINDOW BRACKET
  - 8. BRICK W/ METAL GRATE
  - 9. METAL GARAGE AND SIGNAGE
  - 10. STUCCO PLASTER
  - 11. BRICK
  - 12. FABRIC CANOPY

PARCEL 4 - SCHEMATIC STUDY



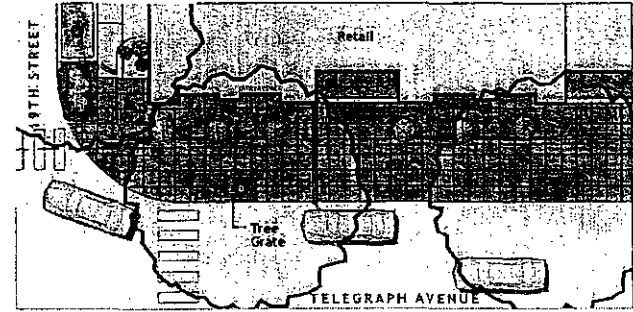


ARTIST RENDERING



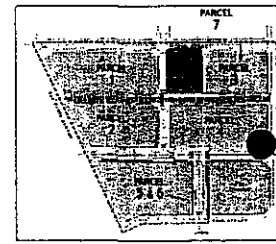
ELEVATION

0 8' 16'



PLAN

0 8' 16'



KEY MAP

Corner Condition **4A**  
July 23, 2003

**Uptown District**  
*Oakland, California*

McLarand Vasquez Emsiek & Partners  
Architecture & Planning

Callihorpe Associates  
Urban Planning & Architecture

Prepared by:  
KenKey Associates  
Urban Planning & Landscape Architecture

UPTOWN OAKLAND

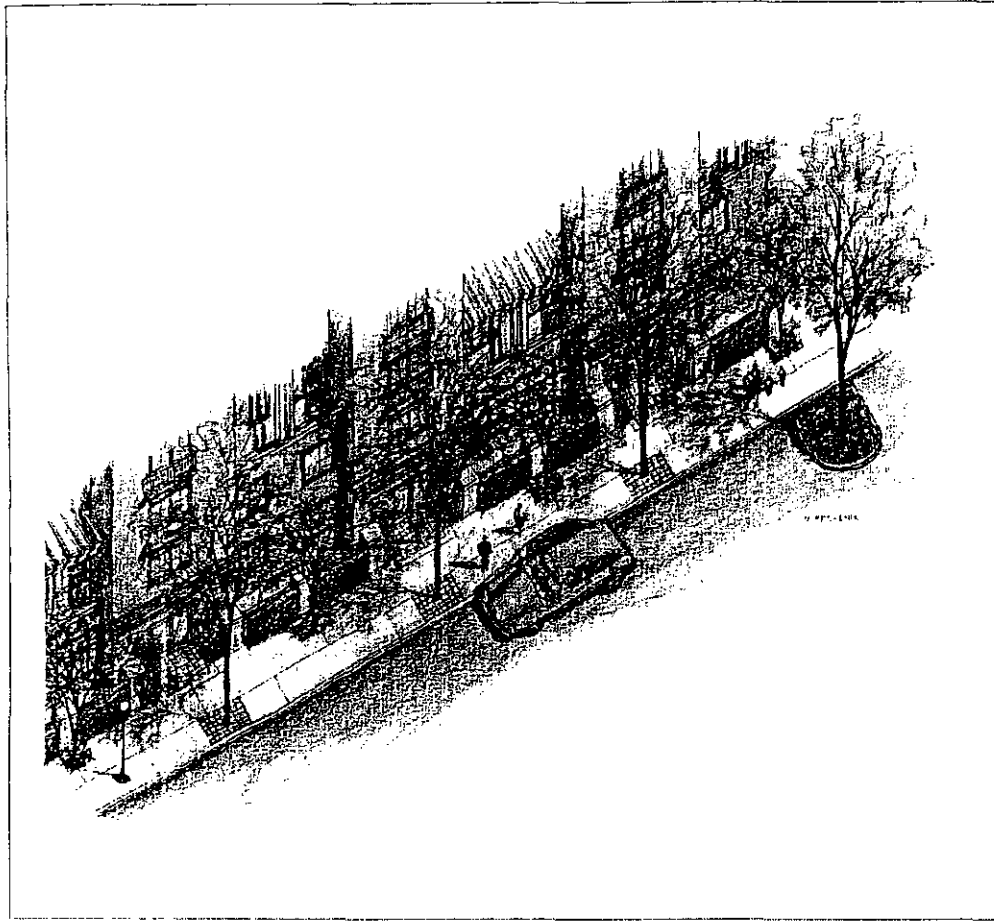
FORESTCITY  
CONSTRUCTION

KEN KAY  
ASSOCIATE

Design Review  
Committee

December 10th  
2003

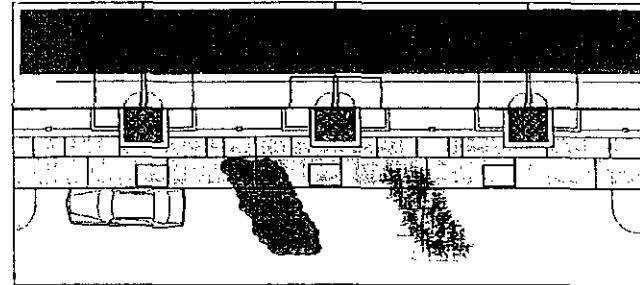
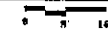




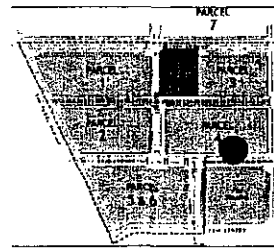
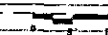
ARTIST RENDERING



ELEVATION



PLAN



KEY MAP

Live/Work  
Stoop Condition **4B**  
July 23, 2003

**Uptown District**  
Oakland, California

McLarand Vasquez Emsiek & Partners  
Architecture & Planning  
Collinorpe Associates  
Urban Planning & Architecture  
Korve Engineers  
**PREPARED BY:**  
KenKey Associates  
Urban Planning & Landscape Architecture

UPTOWN OAKLAND

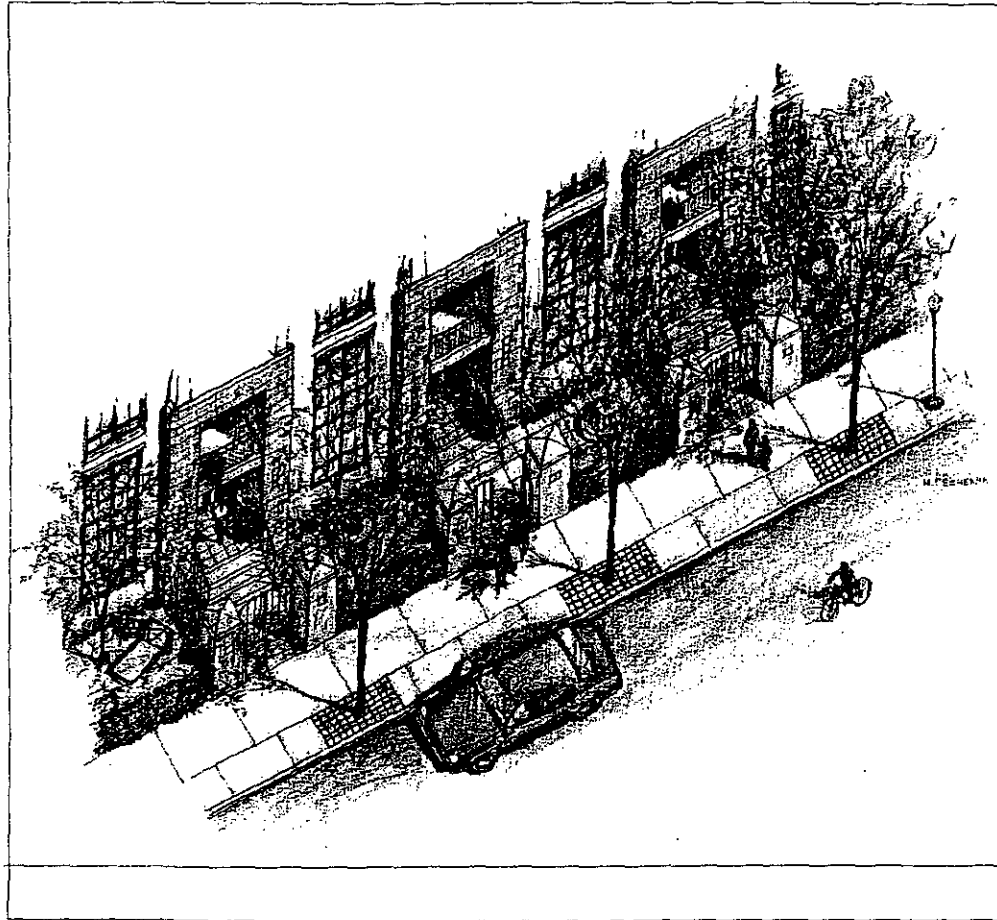
FOREST CITY  
PARTNERS



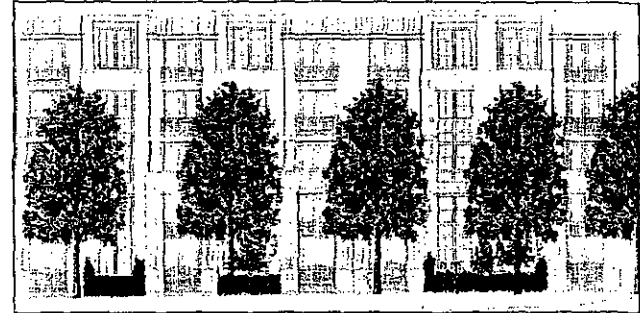
Design Review  
Committee

December 10th  
2003

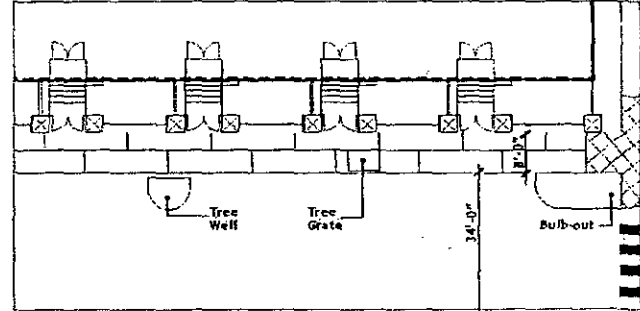




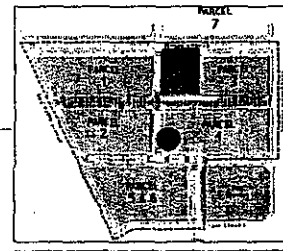
ARTIST RENDERING



ELEVATION



PLAN



KEY MAP

Stoop Condition **4C**  
July 23, 2003

**Uptown District**

*Oakland, California*

McLarand Vasquez Emsiek & Partners  
Architecture & Planning

Colthoipe Associates  
Urban Planning & Architecture

Korve Engineers

**PREPARED BY:**  
Ken Kay Associates  
Urban Planning & Landscape Architecture

UPTOWN OAKLAND

FOREST CITY  
RECREATION



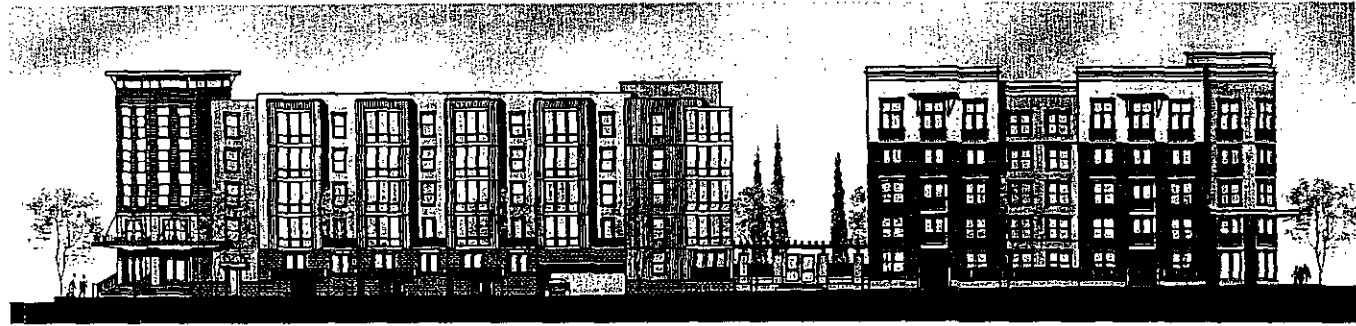
Design Review  
Committee

December 10th  
2003





PARCEL 1 - SOUTH



PARCEL 2 - NORTH



PARCEL 4 - NORTH

WILLIAM STREET - ELEVATIONS

McCLARAND VASQUEZ EMSIEK & PARTNERS

UPTOWN OAKLAND

FOREST CITY  
LAND REGENCY

KEN KAY



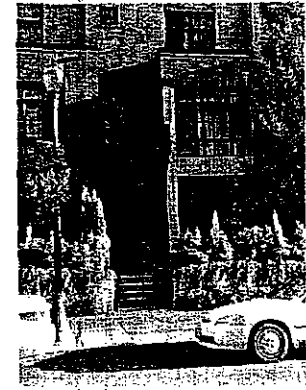
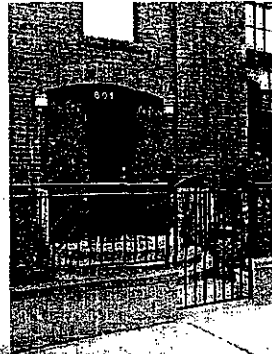
ASSOCIATES

Design Review  
Committee

December 10th  
2003



MAITINUED



ARCHITECTURAL CHARACTER PHOTOS

McLARAND VASQUEZ EMSIEK & PARTNERS

UPTOWN OAKLAND

FOREST CITY  
RESIDENTIAL

KEN KAY



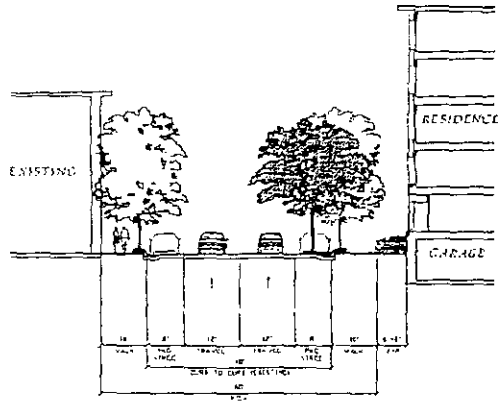
ASSOCIATES

Design Review  
Committee

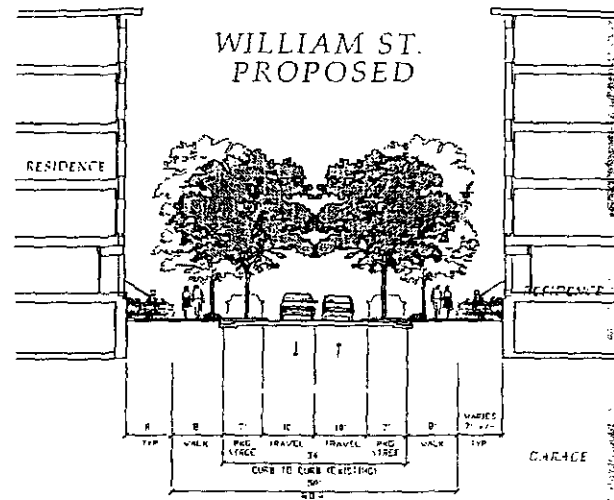
December 10th  
2003



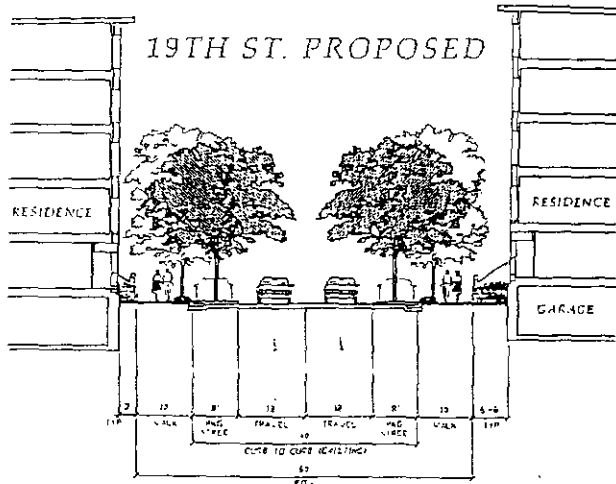
18TH ST. PROPOSED



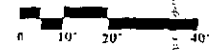
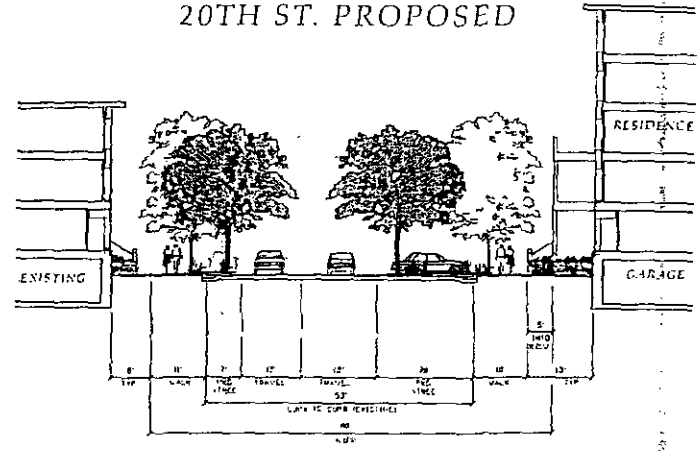
WILLIAM ST. PROPOSED



19TH ST. PROPOSED



20TH ST. PROPOSED



STREET SECTIONS

UPTOWN OAKLAND

FOREST CITY PARTNERS

KEN KAY ASSOCIATES

Design Review Committee

December 10th 2003

M & PARTNERS



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SAN LUIS OBISPO

## MEMORANDUM

DATE: April 21, 2005 (Revised 5-2-05)

TO: Emily Weinstein, Forest City Residential West  
Joanne Price, Forest City Residential West

FROM: Lynette Dias *LDias*

SUBJECT: Uptown Mixed Use Project EIR and Revisions to the Project

Subsequent to the City certifying the EIR, some revisions have been incorporated into the Uptown Mixed Use Project. Forest City submitted the PUD application for the project on December 4, 2004 and will be submitting a revised PUD application on April 25, 2005. The purpose of this memorandum is to evaluate the project revisions to and determine whether the revisions would result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. An overview of the key differences between the Project evaluated in the EIR and the Revised Project is provided below followed by an assessment of the potential environmental effects of these changes. Based on review of the findings of the *Uptown Mixed Use Project EIR*, it is LSA's professional opinion that the Revised Plan will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

### Project Description Changes

The elements of the Revised Project that are significantly different than what was assumed in the EIR are described below for both the December 4, 2004 PUD submittal and the Revised PUD submittal that will be submitted on April 25, 2005.

#### *December 4, 2004 PUD submittal.*

The key difference between the Project evaluated in the EIR and the December submittal is that the development proposed on Block 4 and Block 3 was switched (i.e., what was proposed on Block 3 was moved to Block 4 and what was proposed on Block 4 was moved to Block 3), as summarized in Table 1 below. In addition, new driveway locations for the parking garages serving Blocks 3 and 4 were incorporated into the plans. The driveways serving Blocks 3 and 4 were shifted to William Street from 19<sup>th</sup> and 20<sup>th</sup> Streets and the Block 3 or 4 driveways on 19<sup>th</sup> Street or 20<sup>th</sup> Street were eliminated.



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**Table 1: Summary of Differences –EIR Project Description and December 2004 Submittal**

Block	EIR Project Description	December 2004 PUD Submittal
3	12-Story building ± 250 residential units ± 7,500 sq. ft. of ground floor commercial 0.57 acre park	5-story building ± 225 residential units 12,000 sq. ft. of ground floor commercial
4	5-story building ± 225 residential units 14,500 sq. ft. ground floor commercial	12-Story building ± 250 residential units ± 7,500 sq. ft. of ground floor commercial 0.57 acre park

Source: McLaren Vasquez Emsiek & Partners, 2004.

*April 2005 Revised PUD submittal.* The key difference between the Project evaluated in the EIR and the April 2005 Revised PUD submittal are detailed below. Most of the changes relate to the site plan and are summarized in Table 2 below. The changes related to the wastewater infrastructure are described following Table 2.

**Table2: Summary of Differences – EIR Project Description and April 2005 Submittal**

	EIR Project Description	Current Site Plan
Housing	Parcels 1 through 4 included 855 dwelling units.	Parcels 1 though 4 include 833 units.
Retail	Parcel 3 – 7,500 sf Parcel 4 – 14,500 sf	Parcel 3 – 12,000 sf Parcel 4 – 12,000 sf
Driveway Locations	Parcel 1 – William Street Parcel 2 – William Street Parcel 3 – 20th Street/William Street Parcel 4 – William Street/19th Street	Parcel 1 – New Street Lane 'A' Parcel 2 – New Street Lane 'A' Parcel 3 – 20th Street Parcel 4 – 19th Street
Telegraph Ave/20th St	The EB and WB approaches consisted of a shared left and through and a shared through and right turn lanes.	The EB and WB approaches consist of an exclusive left-turn lane and shared through and right-turn lane.
20th Street	4 lanes	2 lanes with left turn lanes
Telegraph	2 lanes with left turn lanes	4 lanes

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The EIR also assumed that the following in regards to the wastewater infrastructure:

Implementation of the proposed Project would result in the generation of approximately 280,000 gpd of wastewater.<sup>1</sup> Wastewater generated by the proposed Project represents less than 0.2 percent of the MWWTP's secondary treatment capacity. This wastewater would be accommodated by the MWWTP, which is currently operating at 46 percent of its secondary treatment capacity. Therefore, wastewater generated by the proposed Project would be subject to both primary and secondary treatment and would not violate the wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board. The wastewater lines that serve the Project site have a capacity of 1.35 mgd based on average existing wastewater flow (6,970 gpd), and could accommodate the increase in flow that would result from the proposed Project.<sup>2</sup> Public Works Agency staff have indicated that as part of the final public improvement plans for the Project, the conveyance system will be evaluated to confirm what repairs, if any, will be incorporated into the final public improvement plans and specifications. Therefore, implementation of the proposed Project would not require the construction of new wastewater treatment or transport facilities.

Subsequent to the EIR being certified, the City requested that the project assumptions related to wastewater assume 2.5 persons per dwelling unit instead of the 2.25 persons assumed in the EIR analysis. The Sanitary Sewer Hydraulic Analysis prepared by Korve Engineers (April 2005), subsequent to the EIR preparation, also determined that it will be necessary to replace and upsize approximately 459 linear feet of the sewer main in Telegraph Avenue as part of the proposed project should this line be reused.

### **Environmental Assessment**

LSA considered the analysis included for each of the environmental topics included in Chapter IV of the EIR and determined that the only topics potentially affected by this change are:

**Transportation, Circulation and Parking; Historic Architectural, Archaeological and Paleontological Resources; Utilities and Infrastructure; Aesthetic Resources; Wind; and Shade and Shadow.** A brief discussion of each of these topics is provided below.

**Transportation, Circulation and Parking.** A detailed traffic analysis is provided in the attached memorandum from Bill Burton at Korve Engineers.

The 2003 EIR was found to have a significant impact on the Telegraph Avenue/20th Street, Telegraph Avenue/19th Street, San Pablo Avenue/20th Street, Telegraph Avenue/20th Street, Telegraph Avenue/William Street, and Telegraph Avenue/19th Street intersections. The current site plan was found to have a significant impact on the San Pablo Avenue/20th Street, Telegraph Avenue/20th Street and Telegraph Avenue/19th Street intersections.

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<sup>1</sup> Toothman, Robert, 2003. Korve Engineering. Personal communication with LSA Associates, Inc. September 2..

<sup>2</sup> Ibid.

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The signal optimization identified in the 2003 EIR would mitigate the impacts with the current proposed project at all impacted study intersections.

All of the mitigation measures identified in the EIR would continue to be valid under the current project description. No new impacts would result and no additional mitigation measures would be necessary.

**Historic Architectural, Archaeological and Paleontological Resources.** Shifting the 12-story building to Block 4 would have the greatest impact on the Fox Oakland Theater located immediately south of Block 4. The excerpt from the Draft EIR, provided below, describes the project's potential impacts to the Fox Oakland Theater. The Project revisions would not change these findings.

**Impact H1ST-11: The proposed Project could impact the setting of the Fox Oakland Theater. (LTS)**

The Fox Oakland Theater is rated by the OCHS as A1+, listed on the National Register, and designated as a City Landmark.<sup>1</sup> The Fox Oakland Theater is a primary contributor to a potential Uptown Shopping/Entertainment historic district,<sup>2</sup> and the focus of numerous historic preservation activities since the mid-1970s. The proposed Project has the potential to affect this historic property.

The area around the Fox Oakland Theater has been significantly altered since it was constructed in the late 1920s. The area experienced its heyday in the following decade, when its surroundings grew to include the Paramount Theater, Capwell's, the Oakland Floral Depot Building, and a variety of commercial enterprises, none of which are over four stories in height. The tower and façade of the Fox Oakland Theater, with the Floral Depot across Telegraph Avenue and the Capwell's store up the street, dominated the uptown landscape.

Since that time, several buildings have been demolished and others have been remodeled so that they no longer reflect their period of significance. A number of parking structures and lots have also been constructed. There have, however, been no multi-story buildings constructed within the Project area, but many have been developed nearby, and those have significantly altered the skyline. The theater retains its integrity of location, design, materials, workmanship, and feeling to a remarkable degree, although its integrity of setting and association has been compromised.<sup>3</sup>

Although the proposed Project would alter the immediate surroundings of the Fox Oakland Theater, the new construction would represent a less-than-significant effect because of the previous compromises in setting and association.

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<sup>1</sup> The Fox Oakland Theatre was designed by Weeks & Day and Maury Diggs and completed in 1927-28. It is a turreted and crenellated Hindu-Deco movie palace with wraparound store and office wings, clad in brown brick and exuberant polychrome tile. It is a primary contributor to a potential Uptown historic district whose themes are luxury shopping and entertainment and Art Deco architecture of the 1920s and 1930s (with the remainder of the district located on the east side of Telegraph Avenue and along Broadway from 17<sup>th</sup> to 21<sup>st</sup> Streets) (OCHS, 2000).

<sup>2</sup> City of Oakland Planning Department, Oakland Cultural Resources Survey, 2000, 1983-85, and 1994-95, op. cit.

<sup>3</sup> Although no criteria were noted in the nomination, the Fox Oakland was determined eligible for the National Register, evidently under Criterion A, for its association with the film industry and as the largest movie theatre in Oakland at the time, and Criterion C, for its Art Deco-Hindu architectural significance, and as one of the last remaining Art Deco buildings in downtown Oakland.

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Mitigation Measure H1ST-11: No mitigation measure is necessary to address this less-than-significant impact. (LTS)

***Utilities and Infrastructure.*** Utilities (including water, stormwater, and wastewater) and associated delivery infrastructure would be affected by the changes made to the previous Plan. However, as discussed below, the Project revisions would not result in significant utility or infrastructure-related impacts.

Water Supply. The reconstruction of William Street approximately ten feet south of its existing location would require the removal of an existing 4-inch water line. Even with the removal of this 4-inch water line, it is still anticipated that required water flow could be provided to the project site (in combination with the other pipelines surrounding the site) without major system upgrades. The points of connection for water supply are anticipated to remain the same under the Project revisions.

The Project revisions would result in approximately the same number of residential units and slightly less commercial square footage than assumed in the EIR Project Description. Therefore, the Project Revisions would not result in increased water demand.

Stormwater. The changes made to the Project would not result in an increase in impervious surfaces within the project site. In addition, post-development drainage patterns would not change as a result of the Project revisions under the Revised Plan. The net amount of stormwater discharge would not significantly change compared to the previous Plan and would enter the collection system at the same point. Therefore, the Project Revisions would not result in significant impacts to the stormwater system beyond those described in the EIR.

Wastewater. Since the preparation of the EIR, a more detailed Sanitary Sewer Analysis and Recommendations study was completed. The City requested that the project assumptions related to wastewater be revised to assume 2.5 persons per dwelling unit versus the 2.25 persons per dwelling unit assumed in the EIR analysis. As a result, the wastewater flow is projected to be greater than what was estimated in the EIR. The study also determined that it will be necessary to replace and upsize approximately 459 linear feet of the sewer main in Telegraph Avenue should this line be reused. Although the EIR did not anticipate a need for increased capacity, the EIR did conclude that as part of the final public improvement plans for the project, the conveyance system would be evaluated to confirm what repairs, if any, will be incorporated into the final public improvement plans and specifications. It further concluded that no significant impacts related to wastewater would occur as the implementation of the proposed project would not require the construction of new wastewater treatment or transport facilities, the construction of which would result in significant physical impacts.

Although the upsizing of the sewer line in Telegraph Avenue was not specifically contemplated in the EIR, the implementation of this infrastructure improvement should this line be reused will not result in any significant impacts as a construction management plan to minimize distribution to traffic and sensitive uses adjacent to Telegraph Avenue will be implemented. Also, the increase in capacity that will result from the upsizing will only provide capacity to serve existing uses and the proposed project; no excess capacity that could result in growth inducing impacts would result.

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Therefore, the Project Revisions would not result in any significant impacts to the wastewater system beyond those described in the EIR.

***Aesthetic Resources.*** The aesthetic resources analysis includes four visual simulations of the proposed Project. The simulations provided in Figure IV.J-3 and Figure IV.J-4 of the EIR would be altered by the Revised Project because the location of the 12-story building and the 5-story building would be flipped. However, this revision would not result in new significant impacts or require any mitigation measures beyond those included in the EIR. Impact AES-1 and Mitigation Measure AES-1, restated below, would also apply to the Revised Plan.

**Impact AES-1: The proposed Project would alter the intrinsic architectural character of the Project site and its surroundings. (S)**

Mitigation Measure AES-1: The following measures shall be incorporated into the final Project design:

- Create streetscape vitality and enhance the pedestrian experience through detailed treatment of building facades, including entryways, fenestration, and signage, and through the use of carefully chosen building materials, texture, and color.
- Design of building facades shall include sufficient articulation and detail to avoid the appearance of blank walls or box-like forms.
- Exterior materials utilized in construction of new buildings, as well as site and landscape improvements, shall be high quality and shall be selected for both their enduring aesthetic quality and for their long term durability.
- Ensure that the architectural and landscape treatment of the proposed parking structure promotes human scale and pedestrian activity.
- Detailed designs for the public park shall be developed. The design shall emphasize the public nature of the space and pedestrian comfort. The plaza design shall consider sun/shade patterns during mid-day hours throughout the year. The plaza design shall be sensitively integrated with the streetscape. (LTS)

***Wind.*** The location of a 12-story building on Block 4 instead of Block 3 would not change the findings of the wind analysis. The 12-story building would be approximately 156 feet high. The long axis of the Block 4 building would remain aligned with Telegraph Avenue, and would not be exposed to prevailing west or southeasterly winds. Therefore, the proposed 12-story building on Block 4 is not anticipated to result in significant adverse wind effects.

***Shade and Shadow.*** The changes to the previous Plan would not significantly alter the shade and shadow effects analyzed in the EIR. The most noticeable difference would be the shadow patterns that would occur during the afternoons in the winter and spring months. The relocation of the 12-story building to Block 4 would increase the shadow effects on the Sears building for a short time in the late afternoon during the winter and spring months. Such a shadow effect would not be considered significant as it would not substantially impair the function of the Sears building.

## MEMORANDUM

**TO:** Jim Ostrom, Forest City Residential West

**FROM:** Bill Burton, Korve Engineering

**DATE:** April 12, 2005

**SUBJECT:** Oakland Uptown Project Traffic Analysis – 2003 EIR vs. Current Site Plan

**PROJECT NO.** 803057x0

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The traffic related implications of recent changes to the Oakland Uptown site plan were evaluated and compared to the results of the *Uptown Mixed Use Project EIR's* (2003) transportation study. The changes to the Uptown project include revised street sections, driveway locations and land uses. In order to assess potential impacts of the current project site plan, level of service analysis was calculated for the AM and PM peak hours in the year 2025 plus Proposed Project scenario at the following six intersections which abut the project site:

- San Pablo Avenue/20<sup>th</sup> Street;
- San Pablo Avenue/William Street;
- San Pablo Avenue/19<sup>th</sup> Street;
- Telegraph Avenue/20<sup>th</sup> Street;
- Telegraph Avenue/William Street; and
- Telegraph Avenue/19<sup>th</sup> Street.

If no new mitigation measures are required under this year 2025 ultimate condition it is a reasonable assumption that the project's impacts and mitigation measures would not be greater under interim scenarios wherein traffic volumes would be lower.

### SUMMARY OF CHANGES

Table 1 summarizes the differences between the 2003 EIR and the current site plan. The changes to the project site include revised street sections, driveway locations and land uses on Parcels 1 through 4. The land uses on other project parcels have been assumed to be the same as described in the 2003 EIR. It should be noted that at the time of EIR preparation the City was considering reducing Telegraph Avenue from 4 lanes to 2 lanes with a center left turn lane, as part of a streetscape improvement project. This geometric lane configuration is no longer under consideration.

**TABLE 1: SUMMARY OF DIFFERENCES – 2003 EIR AND CURRENT SITE PLAN**

Changes	2003 EIR	Current Site Plan
Housing	Parcels 1 through 4 included 855 dwelling units.	Parcels 1 though 4 include 833 units.
Retail	Parcel 3 – 7,500 sf Parcel 4 – 14,500 sf	Parcel 3 – 12,000 sf Parcel 4 – 12,000 sf
Driveway Locations	Parcel 1 – William Street Parcel 2 – William Street Parcel 3 – 20 <sup>th</sup> Street/19 <sup>th</sup> Street Parcel 4 – William Street/19 <sup>th</sup> Street	Parcel 1 – New Street Lane 'A' Parcel 2 – New Street Lane 'A' Parcel 3 – 20 <sup>th</sup> Street Parcel 4 – 19 <sup>th</sup> Street
Telegraph Ave/20 <sup>th</sup> St	The EB and WB approaches consisted of a shared left and through and a shared through and right turn lanes.	The EB and WB approaches consist of an exclusive left-turn lane and shared through and right-turn lane.
20 <sup>th</sup> Street	4 lanes	2 lanes with left turn lanes
Telegraph	2 lanes with left turn lanes	4 lanes

## TRIP GENERATION

Table 2 presents the results of the current project description's trip generation analysis. The current project is forecast to result in a daily increase of approximately 10,880 daily vehicle trips. In the morning peak hour, the current project would generate approximately 800 vehicle trips (143 inbound and 657 outbound). In the evening peak hour, the current project would generate 1,048 vehicles trips (681 inbound and 367 outbound).

**TABLE 2 PROJECT TRIP GENERATION – CURRENT SITE PLAN**

Land Use	Size	AM Peak			PM Peak			Daily		
		In	Out	Total	In	Out	Total	In	Out	Total
Apartments	978 DU	80	419	499	406	200	606	3,081	3,081	6,161
Condominiums	270 DU	20	99	119	98	48	146	791	791	1,582
Student Housing <sup>a</sup>	600 DU	49	257	306	249	123	372	1,890	1,890	3,780
Faculty Housing <sup>a</sup>	50 DU	4	21	25	21	10	31	158	158	315
Retail	35,000 sf	22	14	36	63	68	131	751	751	1,502
<b>Subtotal (All Trips)</b>		<b>175</b>	<b>810</b>	<b>985</b>	<b>837</b>	<b>449</b>	<b>1,286</b>	<b>6,670</b>	<b>6,670</b>	<b>13,341</b>
<b>Modal Split<sup>b</sup></b>										
BART Trips		(18)	(93)	(111)	(91)	(45)	(135)	(693)	(693)	(1,385)
AC Bus Trips		(11)	(57)	(68)	(56)	(27)	(83)	(425)	(425)	(849)
Linked Trips <sup>c</sup>		(3)	(2)	(5)	(9)	(10)	(20)	(113)	(113)	(225)
<b>Total Vehicle Trips</b>		<b>143</b>	<b>657</b>	<b>800</b>	<b>681</b>	<b>367</b>	<b>1,048</b>	<b>5,441</b>	<b>5,441</b>	<b>10,881</b>

<sup>a</sup> The ITE "Apartment" land use category 220 was used to complete the trip generation forecast for the "student and faculty housing" use.

<sup>b</sup> Transit trips are estimated to be 16 percent of all non-student residential trips generated by the proposed Project and 25 percent of the student trips. BART and AC transit are estimated to serve 62 and 38 percent of Project transit trips, respectively, based on the ACCMA's model, updated to reflect the cumulative land use forecasts of the City of Oakland.

<sup>c</sup> 15 percent of the retail trips are assumed to be internal linked trips.

Source: ITE, Trip Generation, 6th Edition, 1997.

Table 3 compares project's trip generation characteristics of the 2003 EIR project and the current site plan. The current site plan would generate one percent fewer vehicular trips than the 2003 EIR in the AM peak hour and 0.4 percent fewer vehicular trips in the PM peak hour.

**TABLE 3: PROPOSED PROJECT TRIP GENERATION – 2003 EIR AND CURRENT PROJECT**

Land Use	AM Peak			PM Peak			Daily		
	In	Out	Total	In	Out	Total	In	Out	Total
2003 EIR	144	664	808	685	367	1,052	5,682	5,682	11,364
Current Project	143	657	800	681	367	1,048	5,441	5,441	10,881
<i>Difference</i>	(1)	(7)	(8)	(4)	-	(4)	(241)	(241)	(483)
<i>% Change</i>	-1%	-1%	-1%	-0.6%	0.0%	-0.4%	-4%	-4%	-4%

## LEVEL OF SERVICE ANALYSIS

Table 4 summarizes the level of service at the study intersections as documented in the 2003 EIR and under the current project description. Under the 2003 EIR, all study intersections on Telegraph Avenue and San Pablo Avenue/20<sup>th</sup> Street intersection would operate at LOS E or F. Under the current site plan, the San Pablo Avenue/20<sup>th</sup> Street, Telegraph Avenue/20<sup>th</sup> Street and Telegraph Avenue/19<sup>th</sup> Street intersections would operate at LOS F in the PM peak hour.

**TABLE 4: SUMMARY OF LEVEL OF SERVICE ANALYSIS – YEAR 2025 PLUS PROJECT CONDITION**

Intersection	Intersection LOS (Average Vehicle Delay in Seconds)			
	AM Peak Hour		PM Peak Hour	
	EIR	Current Project	EIR	Current Project
San Pablo Ave/20 <sup>th</sup> St	C (22.0)	C (20.6)	F (87.9)	F (103.4)
San Pablo Ave/William St	A (0.1)	A (0.5)	A (1.0)	A (1.2)
San Pablo Ave/19 <sup>th</sup> St	C (20.5)	C (20.5)	C (28.7)	C (28.9)
Telegraph Ave/20 <sup>th</sup> St	F (86.7)	C (34.4)	F (260.6)	F (103.7)
Telegraph Ave/William St	E (63.0)	A (5.7)	F (98.7)	A (8.1)
Telegraph Ave/19 <sup>th</sup> St	F (126.3)	B (13.8)	F (134.9)	F (84.3)

Note: Intersections that currently or are projected to operate at a LOS E or F are shaded.

## IMPACTS AND MITIGATIONS

The 2003 EIR was found to have a significant impact on the Telegraph Avenue/20<sup>th</sup> Street, Telegraph Avenue/19<sup>th</sup> Street, San Pablo Avenue/20<sup>th</sup> Street, Telegraph Avenue/20<sup>th</sup> Street, Telegraph Avenue/William Street, and Telegraph Avenue/19<sup>th</sup> Street intersections. The current site plan was found to have a significant impact on the San Pablo Avenue/20<sup>th</sup> Street, Telegraph Avenue/20<sup>th</sup> Street and Telegraph Avenue/19<sup>th</sup> Street intersections.



Table 5 summarizes the levels of service and delays with mitigation measures at the impacted intersections. The signal optimization identified in the 2003 EIR would mitigate the impacts with the current proposed project at all impacted study intersections.

**TABLE 5: 2025 PLUS PROJECT CONDITION - INTERSECTION LOS SUMMARY WITH MITIGATION**

Intersection	Peak Hour	Intersection LOS (Average Vehicle Delay in seconds)					
		Existing Timing		Optimized Timing		With Intersection Improvements	
		EIR	Current Project	EIR	Current Project	EIR	Current Project
San Pablo Avenue/ 20 <sup>th</sup> Street	AM	C (22.0)	C (20.6)	NR	NR	NR	NR
	PM	F (87.9)	F (103.4)	D (44.9)	C (28.1)	NR	NR
Telegraph Avenue/ 20 <sup>th</sup> Street	AM	F (86.7)	C (34.4)	B (12.5)	NR	NR	NR
	PM	F (260.6)	F (103.7)	E (78.1)	D (45.0)	NR	NR
Telegraph Avenue/ William Street	AM	E (63.0)	A (5.7)	NR	NR	NR	NR
	PM	F (98.7)	A (8.1)	B (13.7)	NR	NR	NR
Telegraph Avenue/ 19 <sup>th</sup> Street	AM	F (126.3)	B (13.8)	D (44.6)	NR	C (27.0)	NR
	PM	F (134.9)	F (84.3)	F (107.5)	C (33.5)	E (66.5)	NR

- Notes: 1. NR = Not Required.  
 2. Intersections that currently or are projected to operate at a LOS E or F are shaded.

All of the mitigation measures identified in the original 2003 EIR would continue to be valid under the current project description. No new impacts were identified and no additional mitigation measures would be necessary.

### ON-STREET PARKING

Table 4 summarizes the numbers of on-street parking spaces along the frontage of each parcel (1 through 4). The EIR site plan included a total of 144 on-street parking spaces along the frontage of parcels 1 through 4. Due to the changes in street configurations, the current project site would provide 124 on-street parking spaces, 20 spaces less than included in the 2003 EIR.

**TABLE 6: SUMMARY OF ON-STREET PARKING SPACES**

Location	EIR	Current Project
Parcel 1	58	40
Parcel 2	36	20
Parcel 3	28	41
Parcel 4	22	23
<b>Total</b>	<b>144</b>	<b>124</b>

It should be noted that the original EIR site plan included the conversion of San Pablo Avenue from two northbound lanes with parallel parking to one northbound lane with diagonal parking. This cross-section currently exists on the portion of northbound San

Pablo Avenue south of the project site. The City's Fire Department recently identified that this section was not in keeping with their standards and the City would be removing the section in the near future. Thus, the *diagonal parking along the project's frontage* has been removed in the current site plan, reducing the available on-street parking by 12 spaces.

# **Oakland Uptown Development Project**

## **Existing Sanitary Sewer Analysis and Recommendations**

**Forest City Residential West, Inc.**

**Submitted to:**

**City of Oakland  
Public Works Agency  
Engineering Services**

**Prepared by:**



**155 Grand Ave., Suite 400  
Oakland, CA 94612**

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## 1.0 Introduction

This sanitary sewer capacity analysis is prepared for Forest City Development for submittal to the City of Oakland for the Oakland Uptown Development Project. It updates the previous sewer load estimates and capacity analysis included in the Draft EIR and reflects the current sewer design concept. This analysis will review the capacity of the existing sanitary sewer system in the Uptown District that would serve the proposed development and identify any required capacity enhancements to the existing system.

## 2.0 Sanitary Sewer Collection System

### 2.1 Existing Sanitary Sewer System

The existing sanitary sewer system that serves the Uptown District consists of a series of 10" VCP pipe in William Street, 19<sup>th</sup> Street, 18<sup>th</sup> Street, 17<sup>th</sup> Street and 16<sup>th</sup> Street that flow in an easterly direction to a 10" VCP pipe in Telegraph Avenue. The sewer main in Telegraph flows northerly into a 60" interceptor main on 20<sup>th</sup> Street. The 60" interceptor main carries flow northeasterly toward East Bay Municipal Utility District's (EBMUD) wastewater treatment facility. Figure 1 indicates the portion of sanitary sewer system that serves development within the study area.

### 2.2 Sanitary Sewer System General Conditions

A video inspection of the sewer lines in 18<sup>th</sup> Street, 19<sup>th</sup> Street, William Street and Telegraph Avenue was performed in September 2004. In general, the existing pipes surveyed are serviceable and are currently in good condition. Relatively few areas of pipe joint separation, or offsets in the main, were observed. Approximately 350 linear feet of pipe in William Street and 125 feet of pipe in 18<sup>th</sup> Street were unable to be inspected due to objects or debris present in the line. Objects that prevented full inspection of these sewer mains included miscellaneous rocks, debris and protrusion of laterals.

Three areas of pipeline that was inspected were in distressed condition and exhibited cracking of the pipe. The distressed portions of pipelines are identified in Table 1 below and their locations described as a distance from the Telegraph Sewer. These areas would require spot repair of approximately 10 feet each.

Table 1: Locations of Distressed Pipeline in Project Area

Main Location	Pipe Size/Type	Approx. Repair Length	Location Relative to Telegraph Sewer
William Street	10" VCP	10 feet	80 feet West
19 <sup>th</sup> Street	10" VCP	10 feet	40 feet West
18 <sup>th</sup> Street	10" VCP	10 feet	275 feet West

In addition to the portions of pipeline identified above as being in distressed condition, a portion of the pipeline in Telegraph Avenue north of William Street was shown to be in a major state of disrepair and would require complete replacement. The video inspection of this portion of the Telegraph sewer showed major cracks beginning approximately 60 feet north of William Street and progressing to a collapsed pipe 50 feet further, at which point the inspection could not continue. Therefore, approximately 100 feet of the Telegraph sewer pipe from 20<sup>th</sup> Street to the point of collapse could not be inspected.

### 2.3 Sanitary Sewer System Demands

The sanitary sewer demands estimated in this analysis include the following assumptions:

- Average wastewater demand is 100 gallons per capita day;
- Peak sanitary sewage discharge is 1.8 times the average demand;
- Maximum sanitary sewage discharge assumes a factor of 4.0 for inflow/infiltration;
- Land use and unit count for Parcels 1-3 are from the PUD submittal of 04/08/05;
- Land use and unit count for Parcels 4-6 are from the Uptown Oakland Draft EIR;
- Land use densities are shown in Table 2 below.

Table 2: Land Use Densities

Land Use	Density
Residential Apartments	2.5 persons per dwelling unit
Commercial Retail	450 SF per employee
Commercial Office	225 SF per employee
Ice Center (Cultural/Entertainment Facility)	1500 SF per employee

The Uptown Oakland Draft EIR included an estimate of the projected population growth generated by the proposed project of 2218 residents in 1270 dwelling units. Therefore, the estimated residential population density is 1.75 persons/du. Sanitary sewer demand calculations prepared for the Draft EIR assumed a more conservative 2.25 persons/du. However, for purposes of this sanitary sewer analysis, the City of Oakland Public Works Agency requested that we assume 2.5 persons/du.

Although many of the buildings are currently vacant, the demands were calculated based on the assumption that all buildings are at full occupancy. The existing building uses for which the existing sewer loads are based on were determined by a field survey of building type, size and estimated use on 03/04/05. Scale aerial photography (Figure 2) of the area was used to determine the approximate building area for the estimates of square footage. Tables in the appendix indicate the building type, assumed land use and wastewater demands for each of the existing buildings believed to be a part of the study area.

The existing average sanitary discharge into the system is estimated at 160,500 gallons per day and is based on the current land use and building type that is serviced by the existing sewer system upstream from the proposed development. For design purposes, a peaking factor of 1.8 was applied to the average sanitary discharge, yielding 289,000 gallons per day peak sanitary discharge. The inflow and infiltration factor was applied to

the peak sanitary discharge to determine the maximum sanitary discharge, which is estimated at 1,155,000 gallons per day, or 1.155 million gallons per day (MGD).

The proposed development consists of six parcels of residential development totaling 1248 units with approximately 20,500 square feet of commercial retail space. Tables in the appendix indicate the size and type of development of each parcel, and the estimated sanitary discharge. There is an estimated average of 316,500 gallons per day of sanitary discharge generated by the development. For design purposes, the peaking factor was applied to the average sanitary discharge, yielding 569,800 gallons per day peak sanitary discharge. The inflow and infiltration factor was applied to the peak sanitary discharge to determine the maximum sanitary discharge for design purposes, which is estimated at 2.28 MGD. Table 3 below summarizes the average, peak and maximum sanitary sewage discharge for the existing and proposed developments.

Table 3: Summary of Sanitary Sewage Loads

Development Area	# of Residential Units	Commercial Building Area (SF)	# of Persons	Average Sanitary Discharge (gpd)	Peak Sanitary Discharge (gpd)	Max. Sanitary Discharge (Incl. I/I) (gpd)	Maximum Discharge (cfs)
Existing	-	430,900	4,885	180,500	289,000	1,155,000	1.79
Proposed	1248	20,500	3,166	316,500	569,800	2,279,200	3.53
Total	1248	451,400	7,851	477,000	858,800	3,434,200	5.32

## 2.4 Sanitary Sewer System Analysis and Design

Analysis of the existing system indicates that it does not have the capacity to support estimated flows from the existing development on the upstream portion of the Telegraph sewer plus the design flows from full build-out of the proposed development. The design flows exceed pipe capacity on the portion of 10-inch sewer on Telegraph between 19<sup>th</sup> Street and 20<sup>th</sup> Street.

The analysis of the existing system was performed using Haestad Methods SewerCAD v5.5. The steady state analysis modeled the sewer network under maximum peak loads at a single point in time. Output from SewerCAD identifying pipeline segments that do not have the capacity to carry maximum sanitary discharge is shown in the appendix.

Replacement of the sewer main in Telegraph Avenue with increased pipe sizes summarized in Table 4 below will provide adequate capacity to support design sewer flows for both the existing and proposed development.

Table 4: Proposed Capacity Enhancements

Pipe ID	Location	Pipe Size/Type	Length
P-10	Telegraph – 19 <sup>th</sup> to William	12" HDPE	141 feet
P-11	Telegraph – 19 <sup>th</sup> to William	15" HDPE	89 feet
P-17	Telegraph – William to 20 <sup>th</sup>	15" HDPE	229 feet

### **3.0 Conclusions and Recommendations**

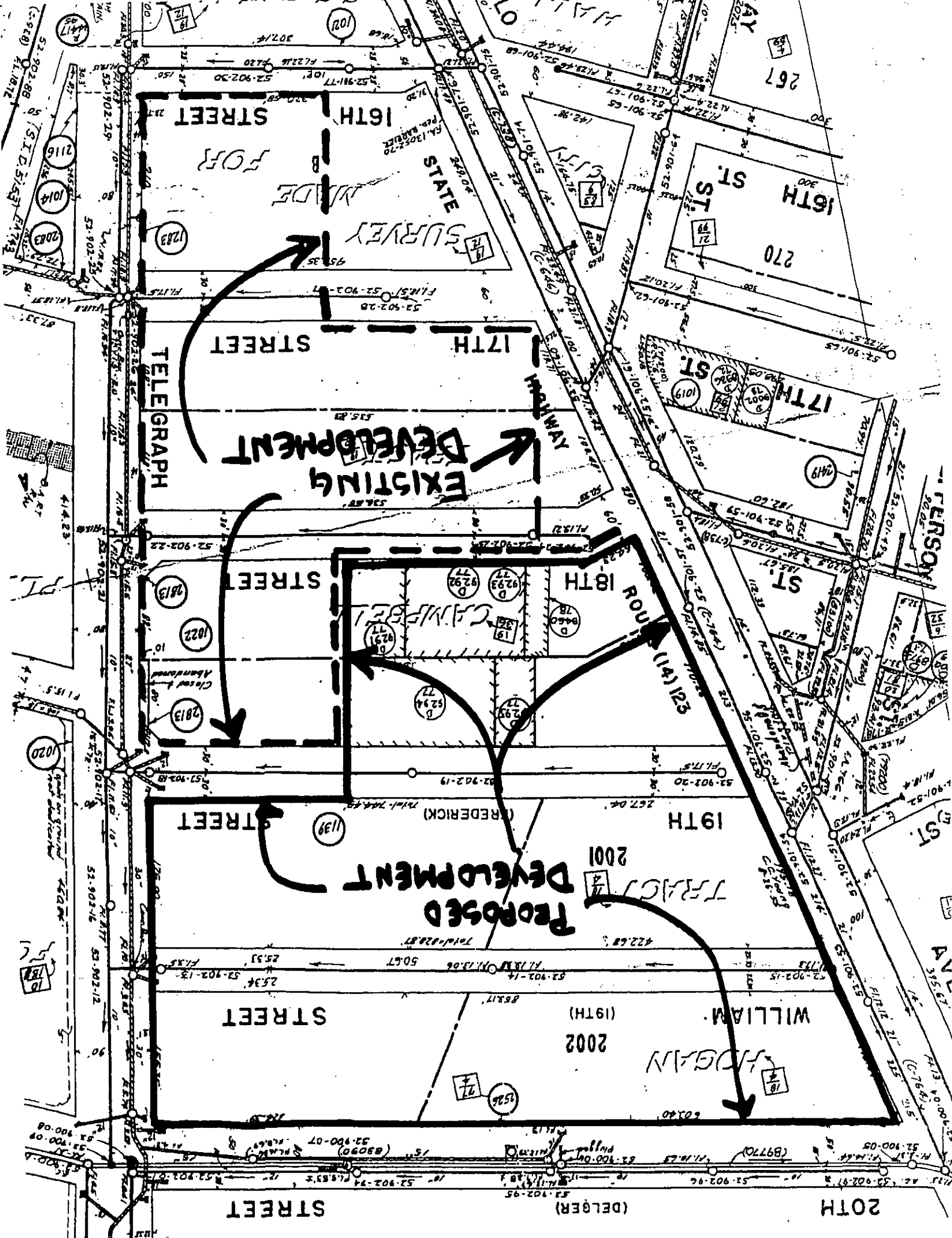
If the option to reuse the existing sanitary sewer collection system is pursued, capacity enhancements will be required to the sewer main in Telegraph Avenue to support the additional sewage demands generated by the development. The capacity constraints can be resolved with the replacement and upsizing of approximately 459 linear feet of existing sewer main in Telegraph Avenue from 19<sup>th</sup> Street to 20<sup>th</sup> Street.

Spot repairs of the existing sewer pipe that is distressed in the identified areas on William Street, 19<sup>th</sup> Street and 18<sup>th</sup> Street is recommended.

The remaining portion of sewer pipelines could continue to be in serviceable in their *current condition for many years and would be capable of handling design flows from the development.* However, sliplining or other form of pipeline rehabilitation would extend the serviceable life of the system.







16TH STREET

17TH STREET

18TH STREET

19TH STREET

20TH STREET

TELEGRAPH STREET

DELOER STREET

MADE FOR SURVEY

EXISTING DEVELOPMENT

Proposed DEVELOPMENT

HOGAN WILLIAM

WAYWAY (14) 123

16TH ST

17TH ST

18TH ST

19TH ST

20TH ST

DELOER STREET

267

270

270

270

201

202

202

1283

1022

1013

1139

1526

201

202

1019

1022

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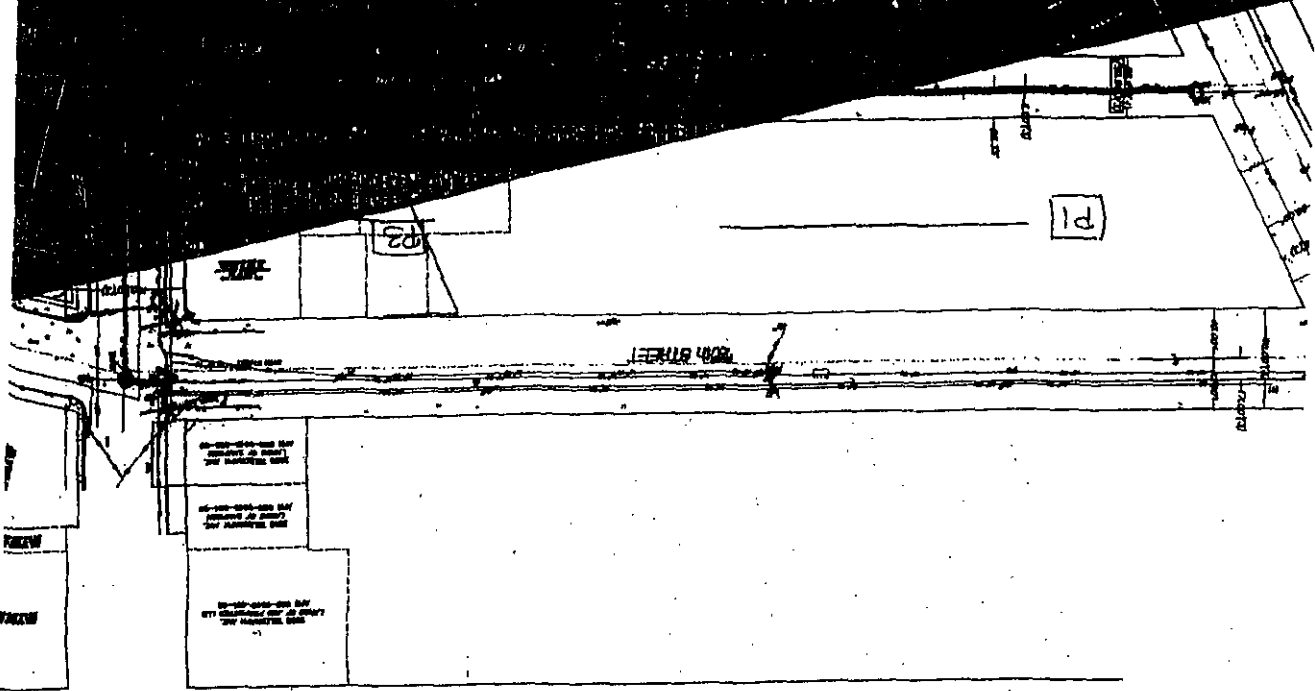
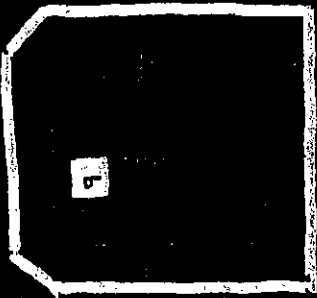
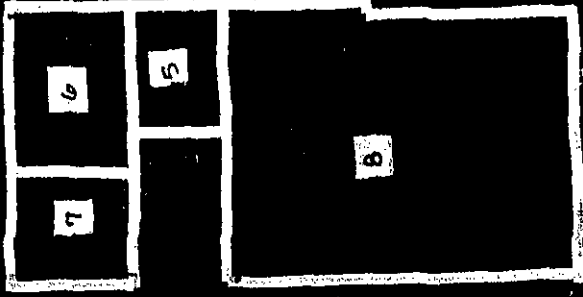
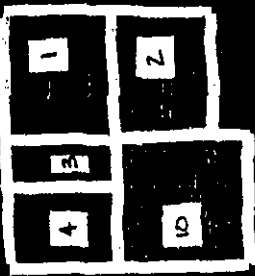
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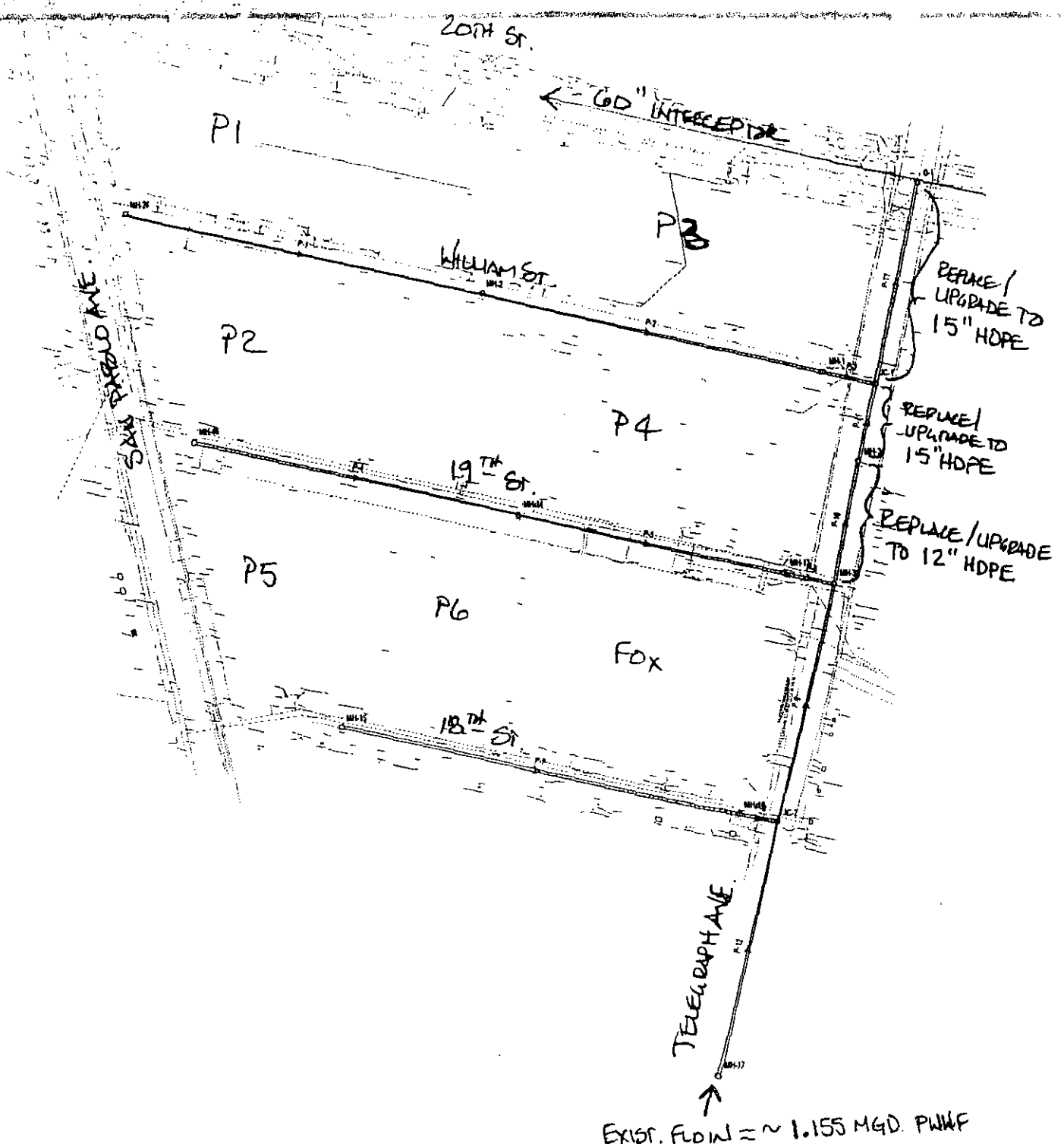
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FIGURE 2





**Oakland Uptown Project**

**Sanitary Sewage Loads: Telegraph Ave. Sewer - 20th Street to 16th Street**

March 30, 2005

Parcel	Land Use	Density		Units	Sq. Ft	Persons	Wastewater Demand	Average Sanitary Discharge	Peak Factor	Peak Sanitary Discharge	Maximum Discharge - Includes inflow and Infiltration	Maximum Discharge
				#			gpd/Person	gpd		gpd	cfs	
P1	Apartments	2.5	persons/du	255	-	638	100	63,750	1.80	114,750	459,000	0.71
P2	Apartments	2.5	persons/du	193	-	483	100	48,250	1.80	86,850	347,400	0.54
P3	Apartments	2.5	persons/du	217	-	543	100	54,250	1.80	97,650	390,600	0.60
	Commercial	450	sf/employee	-	13000	29	100	2,889	1.80	5,200	20,800	0.03
P4	Apartments	2.5	persons/du	168	-	420	100	42,000	1.80	75,600	302,400	0.47
	Commercial	450	sf/employee	-	7500	17	100	1,667	1.80	3,000	12,000	0.02
P5	Condominiums	2.5	persons/du	270		675	100	67,500	1.80	121,500	486,000	0.75
P6	Apartments	2.5	persons/du	145	-	363	100	36,250	1.80	65,250	261,000	0.40
Total Project				1248	20500	3166		316,556		569,800	2,279,200	3.53

**Notes:**

- 1 Land use, number of dwelling units, and floor areas for Parcels 1-3 from PUD Submittal of 04/08/05, Parcels 4-6 from Uptown Oakland Draft EIR. Development of Parcels 7-9 in the Draft EIR were not considered part of this analysis as these parcels would be served by other collection systems.
- 2A 2.5 average persons per dwelling unit based on City of Oakland DPW assumptions; 450 square feet per employee based on current City and County of San Francisco assumptions for Hunters Point Redevelopment project
- 2B Draft Uptown Oakland EIR assumes approximately 1.75 persons/du, with 1270 units and 2218 residents in Parcels 1-6 (Table III-3). Previous sewer loading estimates, including total sewerage generated in the Draft EIR, assumed 2.25 persons/du.
- 3 100 gpd/person based on current City and County of San Francisco assumptions for Hunters Point Redevelopment project and is specified as a design value for average flow in "Recommended Standards for Sewer Works" (Ten States Standards).
- 4 Discharge including inflow/infiltration is estimated four times peak sanitary discharge
- 5 Residential density assumption changed from 2.25 persons/du to 2.5 persons/du at the request of City of Oakland DPW on 03/28/05.

Existing Sanitary Sewer System Loads: Telegraph Ave. Sewer - 20th Street to 16th Street

March 30, 2005

Building	Land Use	Density		Units	SF	Persons	Wastewater Demand	Average Sanitary Discharge	Peak Factor	Peak Sanitary Discharge	Maximum Discharge - Includes Inflow and Infiltration	Maximum Discharge
1	14-story Office / Commercial	225	sf/employee	-	146300	650	100	65022	1.80	117,040	468,160	0.72
2	4-story Office / Commercial	225	sf/employee	-	27800	124	100	12356	1.80	22,240	88,960	0.14
3	5-story Office	225	sf/employee	-	17000	76	100	7556	1.80	13,600	54,400	0.08
4	3-story Mixed-Use Commercial	450	sf/employee	-	21000	47	100	4667	1.80	8,400	33,600	0.05
5	4-story Mixed-Use Commercial	450	sf/employee	-	30400	68	100	6756	1.80	12,160	48,640	0.08
6	1-story Retail Commercial	450	sf/employee	-	13200	29	100	2933	1.80	5,280	21,120	0.03
7	3-story Office / Commercial	225	sf/employee	-	27600	123	100	12267	1.80	22,080	88,320	0.14
8	Ice Center	1500	sf/employee	-	60900	41	100	4060	1.80	7,308	29,232	0.05
			patron	-	-	200	15	3000	1.80	5,400	21,600	0.03
9	Fox Oakland	3-story Mixed-Use Theatre Commercial										
	Theatre			-	-	3000	3	9000	1.80	16,200	64,800	0.10
	Office	225	sf/employee	-	30000	133	100	13333	1.80	24,000	96,000	0.15
	Retail	450	sf/employee	-	25500	57	100	5667	1.80	10,200	40,800	0.06
10	3-story Office / Commercial	225	sf/employee	-	31200	139	100	13867	1.80	24,960	99,840	0.15
Total Existing Sanitary Demand					430,900	4,665		160,482		288,668	1,155,472	1.79

Notes:

1. Theatre demand based on patron capacity of 3000 at the Fox Oakland at 3 gpd/person.
2. Ice Center assumed to match demands of cultural/entertainment facility with 1500 SF/employee and 15 gpd per patron.
3. Discharge including inflow/infiltration is estimated four times peak sanitary discharge.

Scenario: Base

Node Loading Report (Steady-state)

Label	Sanitary Load Type	Sanitary Unit Load Type	Sanitary Unit Load Units	Sanitary Unit Load Count	Sanitary Pattern Load Base Flow (gpd)	Sanitary Pattern Load	Sanitary Base Load (gpd)	Known Flow (gpd)	Total Sanitary Flow (gpd)	Total Wet Weather Flow (gpd)	System Known Flow (gpd)	Total Flow (gpd)	Total Flow Out (gpd)
MH-15	Base Load	Apartment - 100 gpcd	resident	675.00	0.00	Fixed	67,500.00	0.00	491,400.00	0.00	0.00	491,400.00	491,400.00
MH-16	<None>	<None>	N/A	N/A	0.00	Fixed	0.00	0.00	491,400.00	0.00	0.00	491,400.00	491,400.00
MH-40	Base Load	Apartment - 100 gpcd	resident	483.00	0.00	Fixed	48,300.00	0.00	351,624.00	0.00	0.00	351,624.00	351,624.00
MH-14	Base Load	Apartment - 100 gpcd	resident	363.00	0.00	Fixed	36,300.00	0.00	615,888.00	0.00	0.00	615,888.00	615,888.00
MH-13	Composite	<Composite>	N/A	N/A	0.00	Fixed	43,875.00	0.00	887,739.77	0.00	0.00	887,739.77	887,739.77
MH-32	<None>	<None>	N/A	N/A	0.00	Fixed	0.00	0.00	1,275,888.38	0.00	1,155,500.00	2,431,388.38	2,431,388.38
MH-34	<None>	<None>	N/A	N/A	0.00	Fixed	0.00	0.00	1,275,888.38	0.00	1,155,500.00	2,431,388.38	2,431,388.38
MH-26	Base Load	Apartment - 100 gpcd	resident	643.00	0.00	Fixed	64,300.00	0.00	468,104.00	0.00	0.00	468,104.00	468,104.00
MH-2	Base Load	Apartment - 100 gpcd	resident	545.00	0.00	Fixed	54,500.00	0.00	835,829.28	0.00	0.00	835,829.28	835,829.28
MH-1	Base Load	Commercial - General	ft²	3,000.00	0.00	Fixed	3,250.00	0.00	853,538.37	0.00	0.00	853,538.37	853,538.37
MH-17	<None>	<None>	N/A	N/A	0.00	Fixed	0.00	1,155,500.00	0.00	0.00	1,155,500.00	1,155,500.00	1,155,500.00

Scenario: Base

Gravity Node Report

Label	X (ft)	Y (ft)	Calculated Station (ft)	Ground Elevation (ft)	Rim Elevation (ft)	Structure Diameter (ft)	Total Flow (gpd)	Hydraulic Grade Line In (ft)	Hydraulic Grade Line Out (ft)	Gravity Element Headloss (ft)	Description
MH-15	049,824.30	121,473.03	12+51	28.84	28.84	4.00	491,400.00	19.93	19.93	0.00	
MH-16	050,283.15	121,372.19	7+81	25.55	25.55	4.00	491,400.00	16.56	16.56	0.00	
JC-2	050,326.75	121,363.47	7+37	25.80		2.00	646,900.00	15.99	15.99	0.00	
MH-40	049,652.79	121,796.15	12+16	27.55	27.55	4.00	351,624.00	18.23	18.23	0.00	
MH-14	050,032.25	121,712.52	8+27	24.62	24.62	4.00	615,888.00	15.48	15.48	0.00	
MH-13	050,334.58	121,646.56	5+18	22.51	22.51	4.00	887,739.77	12.82	12.82	0.00	
MH-32	050,391.82	121,634.03	4+59	22.82	22.82	4.00	431,388.38	11.83	11.83	0.00	
MH-34	050,420.89	121,772.23	3+18	20.32	20.32	4.00	431,388.38	9.62	9.62	0.00	
MH-26	049,572.15	122,050.31	11+18	26.30	26.30	4.00	488,104.00	17.95	17.95	0.00	
MH-2	049,990.78	121,959.12	6+90	21.08	21.08	4.00	835,829.28	13.52	13.52	0.00	
MH-1	050,380.24	121,872.55	2+91	18.22	18.22	4.00	853,538.37	10.06	10.06	0.00	
JC-1	050,440.32	121,859.31	2+29	18.40		2.00	083,728.51	9.12	9.12	0.00	
O-1	050,489.82	122,082.73		15.22	15.22		083,728.51	0.00	0.00	0.00	
MH-17	050,263.17	121,080.51	10+27	25.70	25.70	4.00	155,500.00	17.57	17.57	0.00	



Scenario: Base

Gravity Pipe Report

Label	Upstream Node	Upstream Invert Elevation (ft)	Downstream Node	Downstream Invert Elevation (ft)	Constructed Slope (ft/ft)	Length (ft)	Material	Section Size	Total Flow (gpd)	Design Capacity (gpd)	Excess Design Capacity (gpd)	Flow / Design Capacity (%)	Average Velocity (ft/s)	Hydraulic Grade Line In (ft)	Hydraulic Grade Line Out (ft)
P-7	MH-15	19.59	MH-16	16.30	0.007000	470.00	Vitrified Cl	10 inch	491,400.00	1,400,114.42	908,714.42	35.1	1.39	22.66	22.2
P-8	MH-16	16.30	JC-2	15.43	0.019773	44.00	Vitrified Cl	10 inch	491,400.00	2,353,140.16	1,861,740.16	20.9	1.39	22.26	22.2
P-9	JC-2	15.43	MH-32	11.22	0.015144	278.00	Vitrified Cl	10 inch	1,646,900.00	2,059,364.20	412,464.20	80.0	4.67	22.22	19.5
P-4	MH-40	17.95	MH-14	15.22	0.007018	389.00	Vitrified Cl	10 inch	351,624.00	1,401,912.90	1,050,288.90	25.1	1.00	20.28	20.1
P-5	MH-14	15.12	MH-13	12.41	0.008770	309.00	Vitrified Cl	10 inch	615,888.00	1,567,183.73	951,295.73	39.3	1.75	20.11	19.6
P-6	MH-13	12.41	MH-32	11.72	0.011695	59.00	Vitrified Cl	10 inch	887,739.77	1,809,726.93	921,987.16	49.1	2.52	19.69	19.5
P-10	MH-32	11.17	MH-34	8.92	0.015957	141.00	Vitrified Cl	10 inch	2,431,388.38	2,113,957.30	-317,431.08	115.6	6.90	19.53	16.5
P-11	MH-34	8.82	JC-1	8.35	0.005281	89.00	Vitrified Cl	10 inch	2,431,388.38	1,216,097.61	-1,215,290.77	199.9	6.90	16.55	14.6
P-1	MH-26	17.65	MH-2	13.08	0.010678	428.00	Vitrified Cl	10 inch	468,104.00	1,729,221.89	1,261,117.89	27.1	4.17	17.95	15.8
P-2	MH-2	13.08	MH-1	9.72	0.008421	399.00	Vitrified Cl	10 inch	835,829.28	1,535,669.29	699,840.01	54.4	2.37	15.83	14.8
P-3	MH-1	9.72	JC-1	8.36	0.021935	62.00	Vitrified Cl	10 inch	853,538.37	2,478,495.40	1,624,957.04	34.4	2.42	14.83	14.6
P-17	JC-1	8.36	O-1	6.07	0.010000	229.00	Vitrified Cl	10 inch	3,083,728.51	1,873,456.81	-1,410,271.70	164.3	8.75	14.67	6.9
P-12	MH-17	16.94	JC-2	15.33	0.005552	290.00	Vitrified Cl	10 inch	1,155,500.00	1,246,890.88	91,390.88	92.7	3.28	23.60	22.2

EXISTING SYSTEM

→ FLOW EXCEEDS CAPACITY IN PIPES # 10, 11 & 17

Scenario: Base

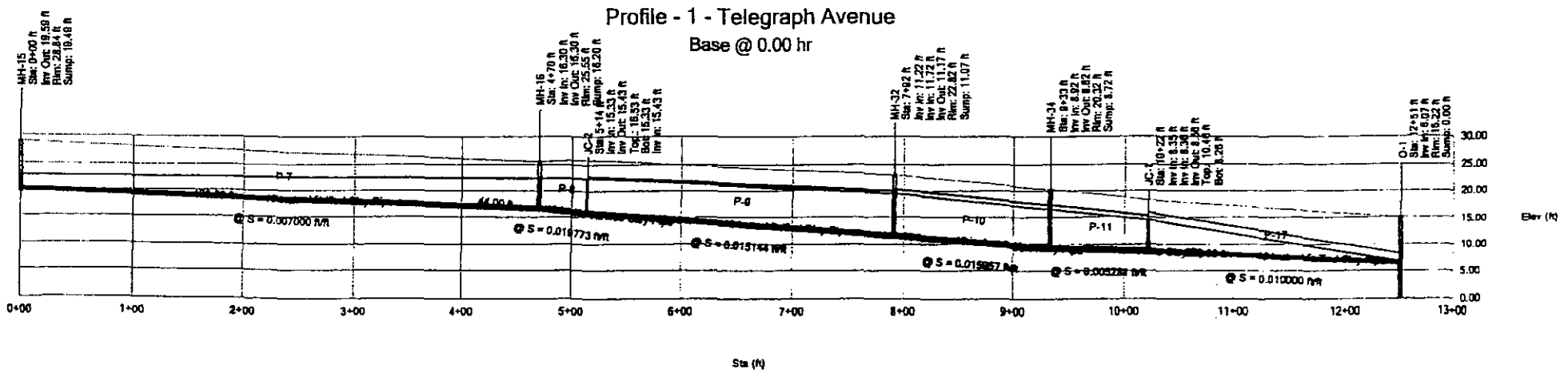
Gravity Pipe Report

Label	Upstream Node	Upstream Invert Elevation (ft)	Downstream Node	Downstream Invert Elevation (ft)	Constructed Slope (ft/ft)	Length (ft)	Material	Section Size	Total Flow (gpd)	Design Capacity (gpd)	Excess Design Capacity (gpd)	Flow / Design Capacity (%)	Average Velocity (ft/s)	Hydraulic Grade Line In (ft)	Hydraulic Grade Line Out (ft)
P-7	MH-15	19.59	MH-16	16.30	0.007000	470.00	Vitrified Cl	10 inch	491,400.00	1,400,114.42	908,714.42	35.1	3.62	19.93	16.64
P-8	MH-16	16.30	JC-2	15.43	0.019773	44.00	Vitrified Cl	10 inch	491,400.00	2,353,140.16	1,861,740.16	20.9	5.28	16.56	15.99
P-9	JC-2	15.43	MH-32	11.22	0.015144	278.00	Vitrified Cl	10 inch	1,646,900.00	2,059,364.20	412,464.20	80.0	6.49	15.99	11.83
P-4	MH-40	17.95	MH-14	15.22	0.007018	389.00	Vitrified Cl	10 inch	351,624.00	1,401,912.90	1,050,288.90	25.1	3.31	18.23	15.50
P-5	MH-14	15.12	MH-13	12.41	0.008770	308.00	Vitrified Cl	10 inch	615,888.00	1,567,183.73	951,295.73	39.3	4.18	15.48	12.82
P-6	MH-13	12.41	MH-32	11.72	0.011695	59.00	Vitrified Cl	10 inch	887,739.77	1,809,726.93	921,987.16	49.1	5.11	12.82	12.13
P-10	MH-32	11.17	MH-34	8.92	0.015957	141.00	Corrugated	12 inch	2,431,388.38	3,151,067.02	719,678.64	77.2	6.85	11.83	9.62
P-11	MH-34	8.82	JC-1	8.35	0.005281	89.00	Corrugated	15 inch	2,431,388.38	3,286,673.51	855,285.13	74.0	4.54	9.62	9.15
P-1	MH-26	17.65	MH-2	13.08	0.010678	428.00	Vitrified Cl	10 inch	468,104.00	1,729,221.89	1,261,117.89	27.1	4.17	17.95	13.52
P-2	MH-2	13.08	MH-1	9.72	0.008421	399.00	Vitrified Cl	10 inch	835,829.28	1,535,869.29	699,840.01	54.4	4.45	13.52	10.16
P-3	MH-1	9.72	JC-1	8.36	0.021935	62.00	Vitrified Cl	10 inch	853,538.37	2,478,495.40	1,624,957.04	34.4	6.38	10.06	9.12
P-17	JC-1	8.36	O-1	6.07	0.010000	229.00	Corrugated	15 inch	3,083,728.51	4,522,750.59	1,439,022.08	68.2	6.13	9.12	6.83
P-12	MH-17	16.94	JC-2	15.33	0.005552	290.00	Vitrified Cl	10 inch	1,155,500.00	1,246,890.88	91,390.88	92.7	4.02	17.57	15.96

UPGRADED SYSTEM - W/ CAPACITY ENHANCEMENTS  
 REPLACE P-10 w/ 12" HDPE  
 REPLACE P-11 & P-17 w/ 15" HDPE

↑  
 FLOW IN ALL PIPES  
 UNDER DESIGN CAPACITY

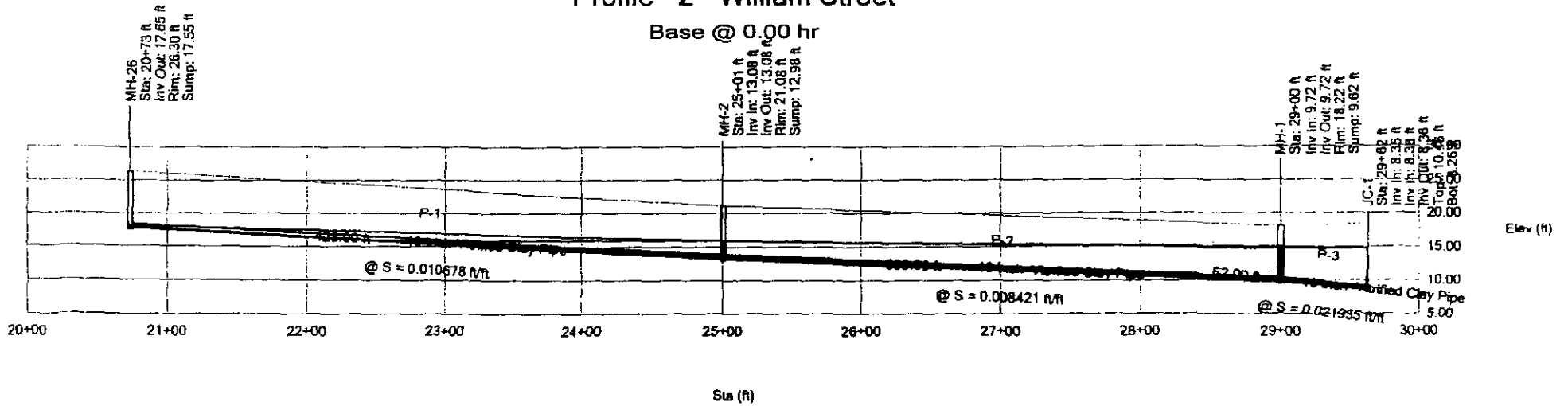
# Profile Scenario: Base EXISTING



Profile  
Scenario: Base EXISTING

Profile - 2 - William Street

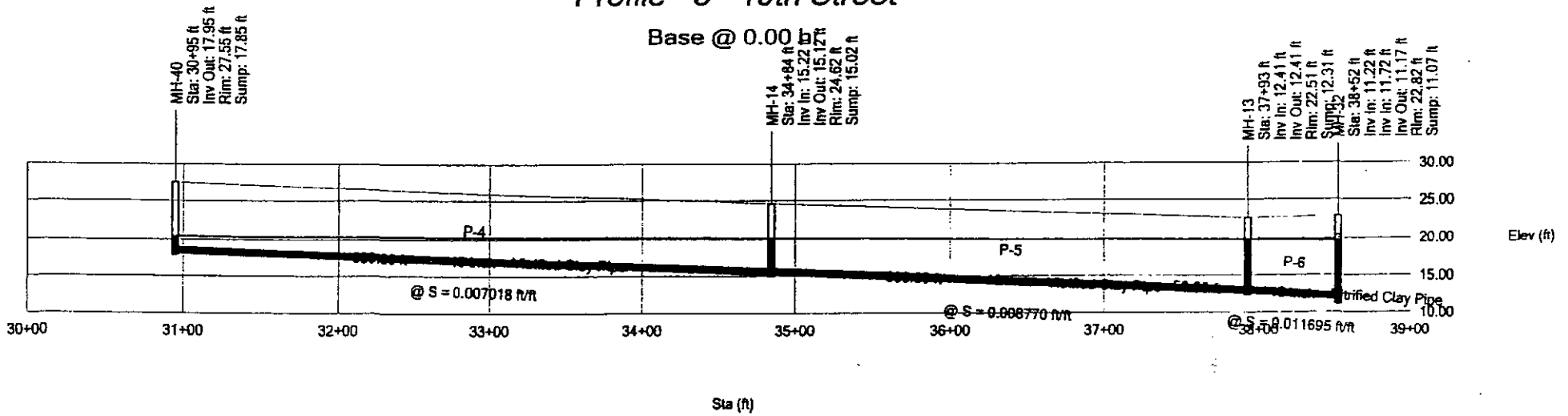
Base @ 0.00 hr



**Profile**  
**Scenario: Base EXISTING**

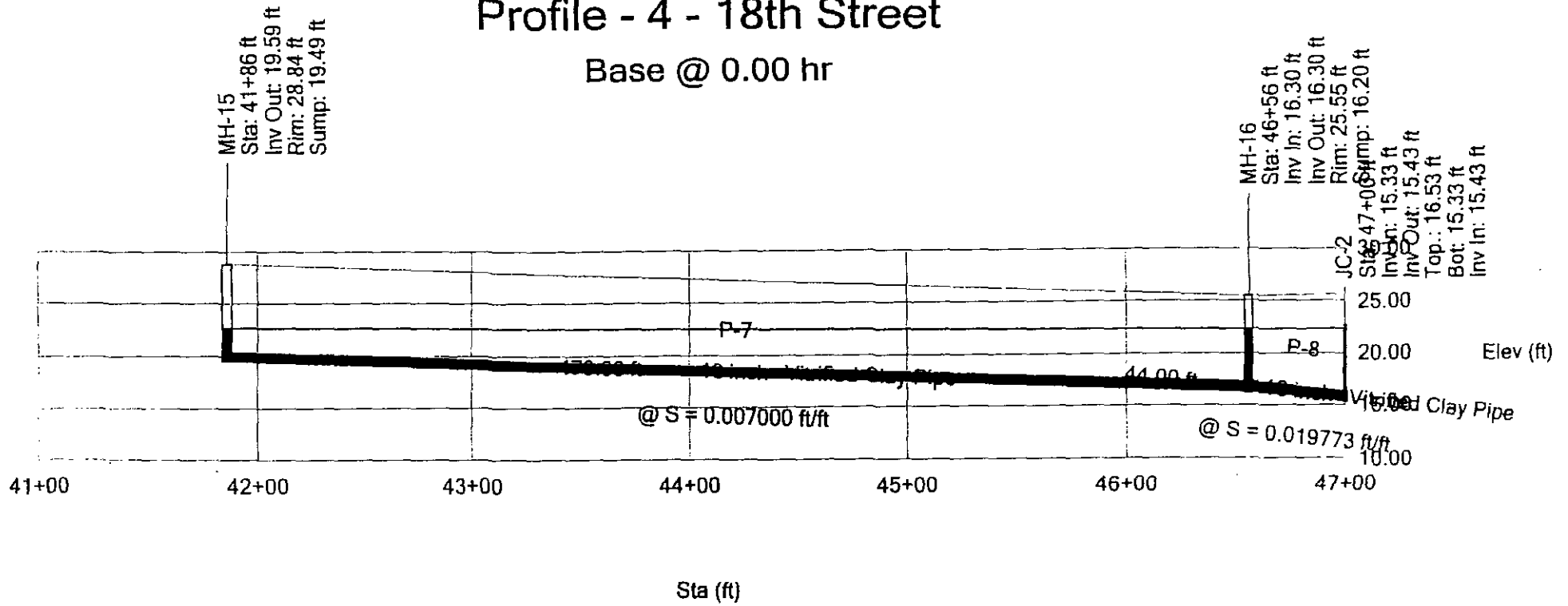
**Profile - 3 - 19th Street**

Base @ 0.00 ft

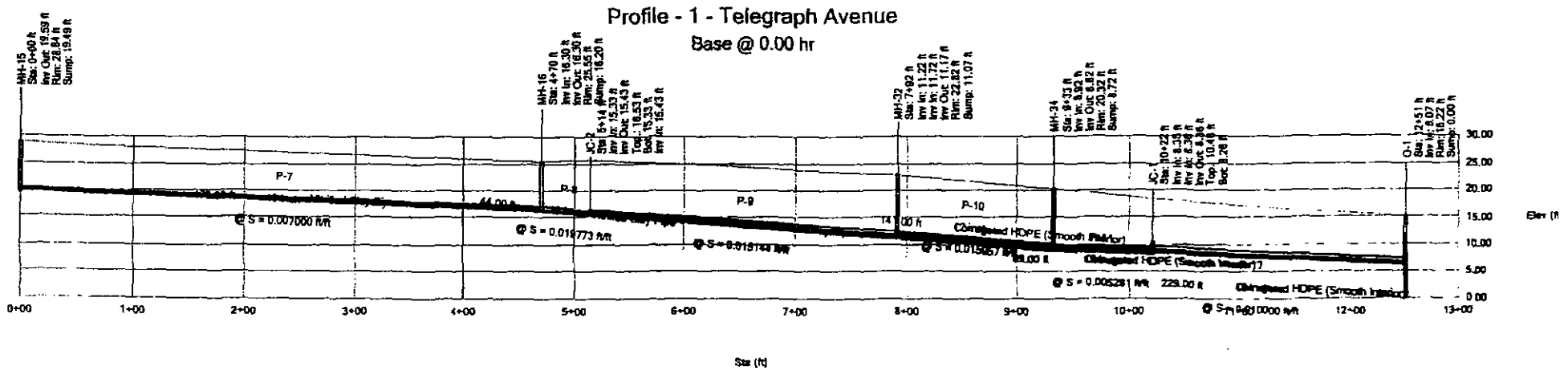


Profile  
Scenario: Base EXISTING

Profile - 4 - 18th Street  
Base @ 0.00 hr



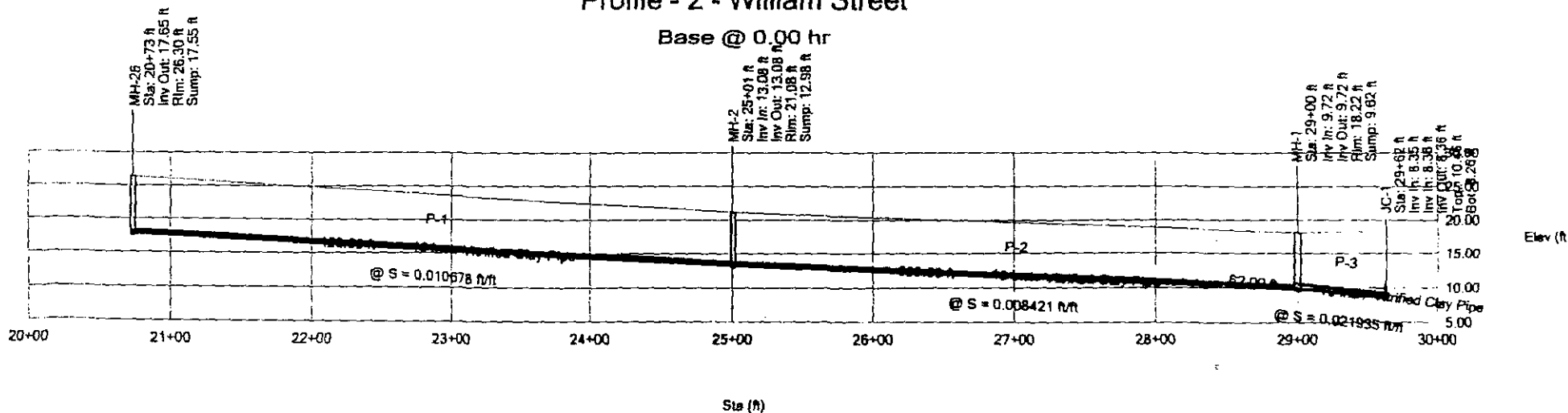
# Profile Scenario: Base UPGRADED



Profile  
Scenario: Base UPGRADED

Profile - 2 - William Street

Base @ 0.00 hr

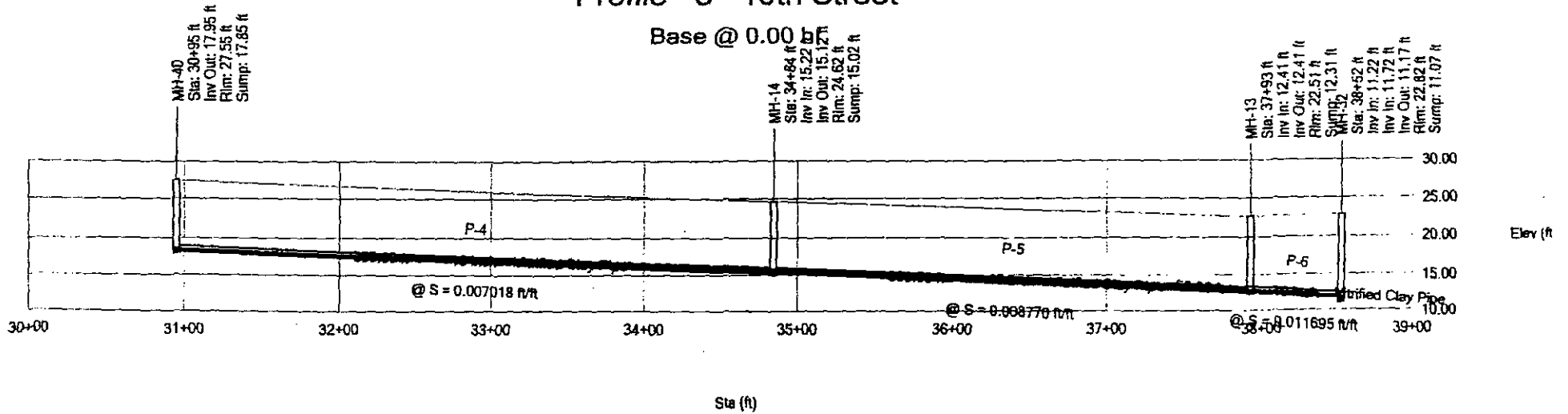




Profile  
Scenario: Base UPGRADED

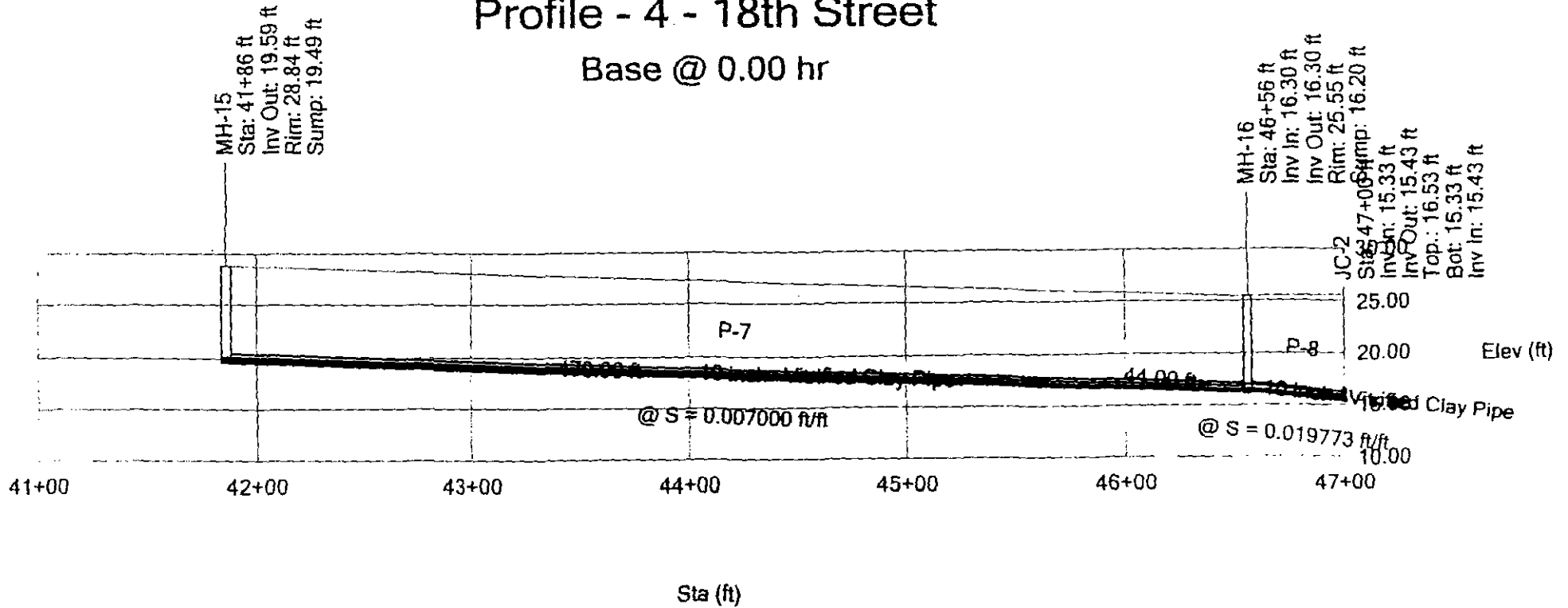
Profile - 3 - 19th Street

Base @ 0.00 ft



Profile  
 Scenario: Base UPGRADED

Profile - 4 - 18th Street  
 Base @ 0.00 hr





# Memorandum

**To:** Matthew Webb, Chair  
**From:** James P. Ryugo  
**Date:** April 13, 2005  
**Re:** Request to Endorse Uptown Park General Plan Amendment and Rezone

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## SUMMARY

Staff recommends that the Park and Recreation Advisory Commission (PRAC) endorse an application for a General Plan Amendment (GPA) and Rezone to allow a new park of approximately 25,000 square feet within the proposed Uptown Project. The GPA and Rezone are components of required land use entitlements for development of the proposed Uptown mixed-use project bounded generally by San Pablo Avenue to the west, Thomas L. Berkeley Way (formerly "20<sup>th</sup> Street") to the north, Telegraph Avenue to the east, and 19<sup>th</sup> Street to the south (see Attachment A). The currently proposed location of the new park site is on the westernmost portion of the block bounded by the proposed New Street to the west, William Street to the north, Telegraph Avenue to the east and 19<sup>th</sup> Street to the west (see Attachment B).

## FISCAL IMPACT

The proposed GPA and Rezone will not specifically result in any fiscal impact to the City. Development of a city park at the site would require consideration of an amendment to the PUD by the Planning Commission at a later date.

## BACKGROUND

The proposed Uptown mixed-use development includes phased redevelopment of the site with up to 700 residential units, 15,000 square feet of ground-floor commercial space, 575 (.82 spaces per unit) structured parking spaces, as well as the 25,000 square-foot city park. The proposed project also includes a new street, traffic-calming measures such as narrowed streets, angled parking, bulb-outs and extensive streetscape improvements.

The applicant has submitted an application for a Planned Unit Development (PUD) to allow phased development of the project. The PUD regulations require substantial consistency with zoning regulations included in the Planning Code. Accordingly, the applicant has also applied for the GPA and rezone for the park site to allow for future development of the proposed park.

7  
COMMUNITY & ECONOMIC  
DEVELOPMENT CMTE

JUN 14 2005

### KEY ISSUES

Key issues include the following:

- The proposed park site is currently located in the "Central Business District" General Plan land use designation, and is zoned "C-51 Central Business Service Commercial Zone/S-17 Downtown Residential Open Space Combining Zone". Development of a city park at the site requires a General Plan Amendment to "Urban Open Space", and a rezone to "OS Open Space". Development of a city park would also require an amendment to the PUD to be considered at a later date.
- Funding and responsibility for development and maintenance of the proposed park will be identified prior to consideration of an amendment to the PUD for development of the park.

### RECOMMENDATION

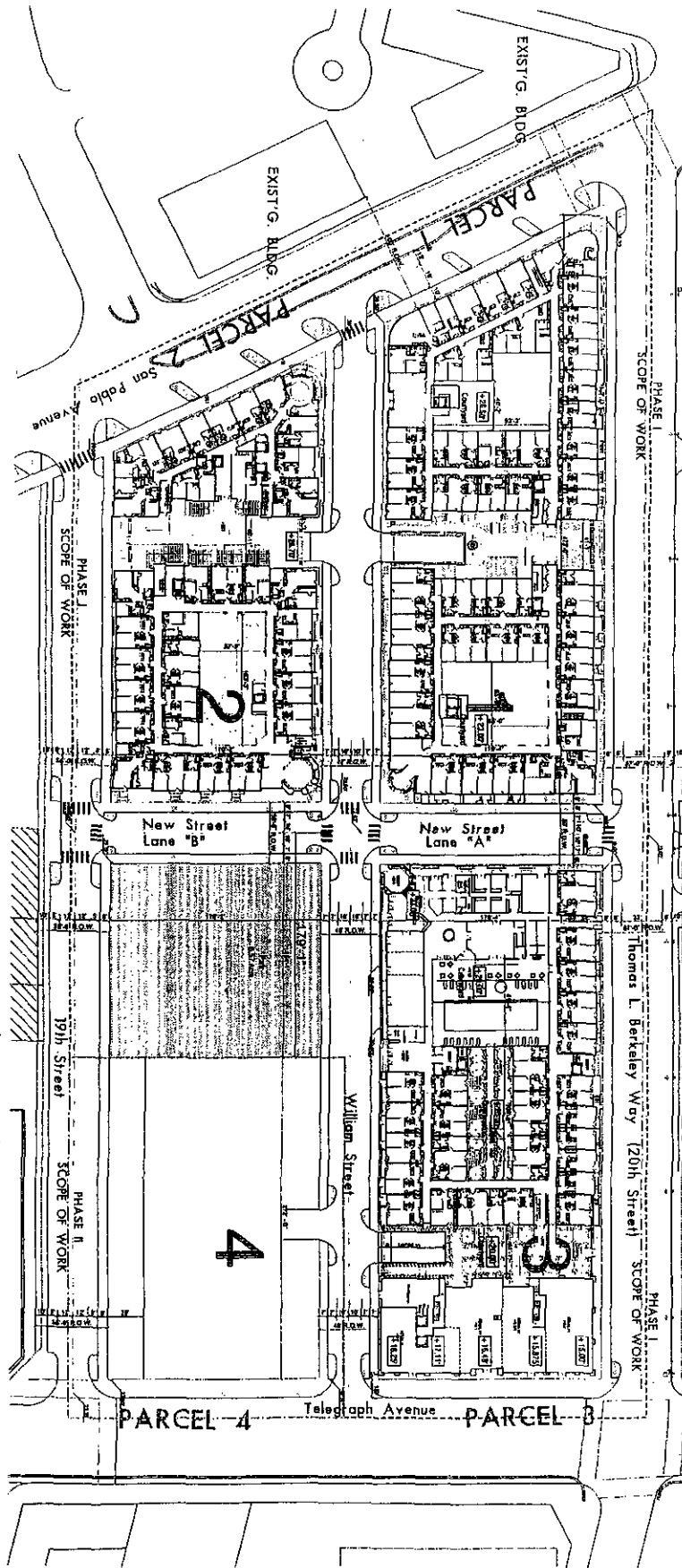
Staff recommends the Park and Recreation Advisory Commission:

- Endorse an application for a General Plan Amendment and Rezone to allow for future consideration and development of a new city park as part of the Uptown mixed-use project.; and
- Recommend a PUD condition of approval requiring PRAC review and recommendation to the Planning Commission regarding the final park design.

Respectfully submitted,



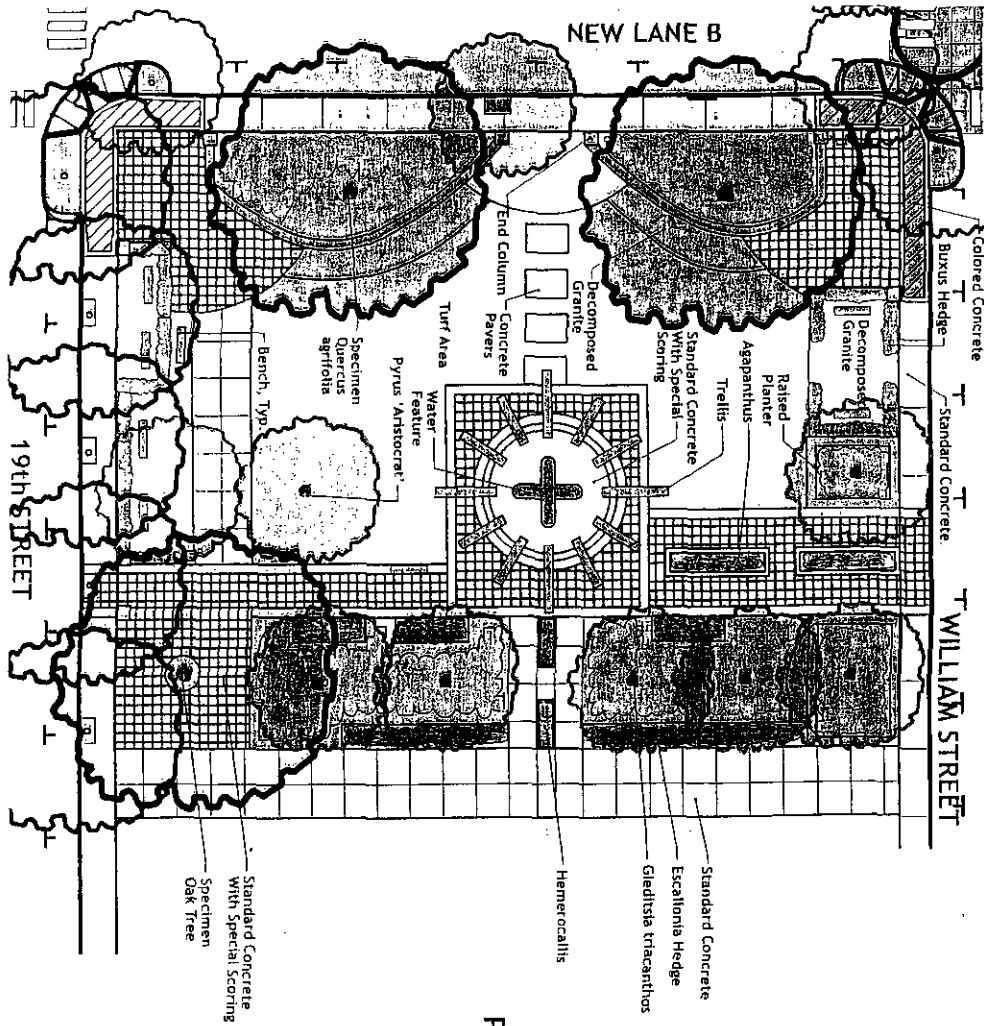
Catherine Payne  
Major Projects Unit  
Community and Economic Development Agency



SITE PLAN

Oakland, California

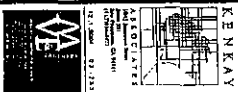
SCALE 1" = 20'



Parcel  
4

Conceptual Park Plan

SCALE 1"=80'



Planning Commission

June 1, 2005

Case Files: PUD05037;PUDF05047;TTM7616;ER030007;GP05105;RZ05106

**ATTACHMENT D:  
CITY COUNCIL AGENDA REPORTS DATED MAY 24, 2005:**

- 1. An Ordinance Conditionally Vacating Portions of Thomas L. Berkley Way, Williams Street, and 19<sup>th</sup> Street Between San Pablo Avenue and Telegraph Avenue for the Uptown Oakland Mixed Use Project and Quit Claiming the Underlying Fee Interests in the Vacated Rights-of-Way to the Oakland Redevelopment Agency**
- 2. Resolution Adopting Findings and Setting a Hearing to Receive Supporting Evidence and Public Comments on a Proposed Conditional Vacation of Portions of Thomas L. Berkley Way, Williams Street, and 19<sup>th</sup> Street between San Pablo Avenue and Telegraph Avenue for the Uptown Oakland Mixed Use Project and a Proposed Quit Claim of the Underlying Fee Interests in the Vacated Rights-of-Way to the Oakland Redevelopment Agency**

**CITY OF OAKLAND**  
*Agenda Report*

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: May 24, 2005

**RE: AN ORDINANCE CONDITIONALLY VACATING PORTIONS OF THOMAS L. BERKLEY WAY, WILLIAMS STREET, AND 19th STREET BETWEEN SAN PABLO AVENUE AND TELEGRAPH AVENUE FOR THE UPTOWN OAKLAND MIXED USE PROJECT AND QUIT CLAIMING THE UNDERLYING FEE INTERESTS IN THE VACATED RIGHTS-OF-WAY TO THE OAKLAND REDEVELOPMENT AGENCY**

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**SUMMARY**

An ordinance has been prepared conditionally vacating portions of Thomas L. Berkley Way (formerly 20th Street), Williams Street, and 19th Street between San Pablo Avenue and Telegraph Avenue, and quit claiming the underlying fee interests in the vacated rights-of-way to the Oakland Redevelopment Agency. The Redevelopment Agency will retain ownership of the Uptown Oakland building sites and the abutting vacated portions of the streets. The proposed building sites will occupy approximately eighty-five percent (85%) of the two blocks currently bounded by these streets. The proposed vacations of public street right-of-way would provide land area that is part of the Uptown Project including a new public park, construction of a new mid-block street (as yet unnamed) connecting Williams Street with 19th Street and Thomas L. Berkley Way, reconstruction of Williams Street closer to 19th Street, and construction of three new low-rise mixed-use residential/ commercial buildings. The resulting rights-of-way will maintain safe traffic flow and pedestrian access (refer to the attached Exhibits A and B).

The process for vacating public right-of-way is prescribed by the California Streets and Highways Code (section 8300 et seq.). Staff has completed the public announcement requirements: site posting, newspaper publication, and utility company notifications (refer to the attached Exhibit C). Two sequential public hearings by the City Council are now required to complete the vacation process. The first meeting of the Council would, by resolution, adopt findings required by the Streets and Highways Code and the Public Resources Code and also set a following hearing to receive public testimony. The second meeting of the Council would receive public testimony and complete the first reading of the proposed vacation ordinance. In a companion report, staff recommends that the Council schedule the first public hearing for the June 7 agenda. In this report, staff recommends that the Council schedule the second public hearing for the June 21 agenda. As required by City Charter, the final reading of the proposed vacation ordinance would be scheduled for the July 19 Council agenda. This scheduling will assist the project with obtaining discretionary approvals for inclusion with a bond-funding application in mid-July.

**FISCAL IMPACT**

Staff costs for processing the proposed street vacation will be covered by fees set by the Master Fee Schedule and paid by the applicant and will be deposited in the General Purpose Fund (1010). The Redevelopment Agency would acquire title to the underlying fee interests in the vacated public rights-of-way from the City without cost. The City would acquire title to the public park from the Redevelopment Agency without cost. The City's standard subdivision agreement will require that public infrastructure

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CED Committee  
May 24, 2005~~



improvements (replacement sewer main, pavement, sidewalks, curbs, gutters, street lighting, etc.) are bonded and constructed by the developer and warranted for future maintenance for one year without cost to the City.

## BACKGROUND

### Project Infrastructure Requirements

The Uptown Oakland Environmental Impact Report (EIR) and the developer's land use application (Planned Unit Development) identified four public infrastructure elements that are necessary for the viable development of the mixed-use project:

- new construction of a *two-block public street* (New Street) transecting Williams Street and connecting 19th Street to Thomas L. Berkley Way, which would be completed by the developer without cost to the City as a condition of approving the re-subdivision of the abutting parcels and would be dedicated by the Redevelopment Agency to the City; and
- new construction of a *public park* fronting on the new public street, 19th Street, and Williams Street, which would be completed by the developer without cost to the City as a condition of approving the proposed re-subdivision of the abutting parcels and would be dedicated by the Redevelopment Agency to the City through the subdivision map; and
- re-construction of *Williams Street shifting closer to 19th Street* and re-configuration of *Williams Street allowing bi-directional traffic flow*, which would be completed by the developer without cost to the City as a condition of approving the proposed re-subdivision of the abutting parcels; and
- net reduction of existing right-of-way widths (*narrower sidewalks and curbside parking lanes*) along 19th Street (two feet), Williams Street (six feet eight inches), and Berkley Way (nine feet), which would be vacated by the City to the Redevelopment Agency without cost through the proposed vacation ordinance, and

The land areas needed for the four proposed Uptown Oakland building sites are dependent upon the incorporation of the vacated public rights-of-way shown in the Exhibit A. The Redevelopment Agency will offset the proposed vacation of fourteen feet four inches of right-of-way along the north side of Williams Street with a dedication of seven feet eight inches of restorative right-of-way from the parcels abutting the south side of Williams Street. The resulting pavement, sidewalk, and parking lane widths for 19th Street, Williams Street, and Thomas L. Berkley Way are shown in Exhibit B.

No existing subsurface utility lines are located within the proposed vacated rights-of-way, and therefore, no newly dedicated public easements are needed. The EIR identified that a replacement public sewer main will be needed in Williams Street and New Street to serve the new buildings.

### Transfer of Right-Of-Way Ownership

Staff's review of historical records indicates that the three public streets pre-date the original subdivision of the two blocks in 1876. Consequently, the City owns the underlying fee interest in the right-of-way. Staff is recommending that the Council quit claim the land area to the Redevelopment Agency without valuable consideration (\$0 transfer of ownership).

## KEY ISSUES AND IMPACTS

### Developable Land Area

The proposed mixed-use buildings will fully occupy the land areas of the four proposed construction sites (Tentative Map parcels 1, 2, 3, and 4). The land areas of the existing parcels, as currently bounded by the adjoining streets, will be reduced by approximately 13,250 square feet for dedication of the new mid-block street and by approximately 4,750 square feet for dedication of restorative right-of-way for Williams Street. The reduction of approximately 18,000 square feet of land area from the existing parcels would be restored by the proposed vacation of approximately 20,500 square feet right-of-way. The proposed public park will provide an additional 25,000 square feet of land area for open space.

The Public Works Agency and the Alameda County Transit Authority have reviewed the proposed street designs and have concurred that the reductions in the widths of the right-of-way are consistent with the safe flow of traffic and handicapped accessibility by pedestrians and patrons. A future bike lane delineation (lane striping) on Thomas L. Berkley Way would not be impacted.

### Conditional Approval of the Vacation

Staff is recommending that the proposed vacation ordinance be conditioned on "triggering events" that are tied to the sequencing of approvals for the re-subdivision of the adjoining parcels. This would assure that ownership of the vacated rights-of-way would be re-conveyed to the City without cost in the unlikely event that the Uptown Oakland project is not completed with the following time frame:

- vacation of the public rights-of-way would become effective upon approval of the subdivision Vesting Tentative Map (July 2005); and
- vacation of the public rights-of-way would be voided, with title and use of the vacated streets re-conveyed to the City without cost, should the subdivision Final Map not be approved by the Council within two years of the Council's approval of the Vesting Tentative Map; and
- vacation of the public rights-of-way would be voided, with title and use of the vacated streets re-conveyed to the City without cost, should construction of the bonded public infrastructure improvements not be completed and approved by the City within five years of Council's approval of the multiple Final Map (October 2005), with an allowance for the City Administrator to extend the expiration for good cause.

## SUSTAINABLE OPPORTUNITIES

### Economic

The Uptown Oakland redevelopment project will provide opportunities for professional services and construction related jobs for the Oakland community. The developer is required to follow City policies for bidding and awarding contracts to Small and Local Business Enterprise firms.

### Environmental

Land use approvals and construction permits for public infrastructure improvements and new buildings require that the permittees comply with City ordinances and regional Best Management Practices for reducing nuisance noise, fugitive dust, construction debris disposal, and storm drainage pollutant runoff.

**Social Equity**

The Uptown Oakland project will provide affordable housing opportunities, will assist the economic revitalization of the downtown redevelopment zone, and will encourage the infusion and recurrence of diverse multi-cultural activities, businesses, and events.

**DISABILITY AND SENIOR CITIZEN ACCESS**

Public sidewalks and traffic signals that will be newly constructed, replaced, or relocated will conform with Caltrans and City requirements for handicapped accessibility. Access within the public park will similarly comply with state building code and City requirements for handicapped accessibility.

**RECOMMENDATIONS**

Staff recommends that the Committee accept this report and forward it to the City Council for their scheduled meeting on June 21, 2005, to adopt the proposed ordinance conditionally vacating portions of Thomas L. Berkley Way, Williams Street, and 19th Street between San Pablo Avenue and Telegraph Avenue and quit claiming the underlying fee interest to the Oakland Redevelopment Agency.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council accept this report and adopt the proposed ordinance conditionally vacating portions of Thomas L. Berkley Way, Williams Street, and 19th Street between San Pablo Avenue and Telegraph Avenue and quit claiming the underlying fee interest to the Oakland Redevelopment Agency.

Respectfully submitted,

\_\_\_\_\_  
**CLAUDIA CAPPIO**  
Development Director  
Community and Economic Development Agency

Prepared by:  
Raymond M. Derania  
Interim City Engineer  
Building Services Division

APPROVED FOR FORWARDING TO  
THE COMMUNITY AND ECONOMIC  
DEVELOPMENT COMMITTEE

\_\_\_\_\_  
OFFICE OF THE CITY ADMINISTRATOR

- Attachments: Ordinance - vacation of public rights-of-way and quit claim of underlying fee interest  
Exhibit A - location and limits of proposed street vacations  
Exhibit B - traffic lane, sidewalk, and parking lane widths  
Exhibit C - affidavit certifying notification of a public hearing

~~Item No. \_\_\_\_\_  
CED Committee  
May 24, 2005~~

Introduced by

Approved for Form and Legality

\_\_\_\_\_  
Councilmember

*Faizmah Faiz*  
\_\_\_\_\_  
City Attorney

## OAKLAND CITY COUNCIL

Ordinance No. \_\_\_\_\_ C.M.S. \_\_\_\_\_

**ORDINANCE CONDITIONALLY VACATING PORTIONS OF THOMAS L. BERKLEY WAY, WILLIAMS STREET, AND 19th STREET BETWEEN SAN PABLO AVENUE AND TELEGRAPH AVENUE FOR THE UPTOWN OAKLAND MIXED USE REDEVELOPMENT PROJECT AND QUIT CLAIMING THE UNDERLYING FEE INTERESTS IN THE VACATED RIGHTS-OF-WAY TO THE OAKLAND REDEVELOPMENT AGENCY**

**Whereas**, pursuant to the California Streets and Highways Code, a hearing has been held in the Chamber of the City Council, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza, in Oakland, California, on June 7, 2005, at 7:01 p.m. local time to receive supporting evidence and public comments for a proposed ordinance conditionally vacating portions of the public rights-of-way along Thomas L. Berkley Way, Williams Street, and 19th Street and quit claiming the underlying fee interest in the vacated public rights-of-way to the Oakland Redevelopment Agency without valuable consideration to the City of Oakland; and

**Whereas**, pursuant to the California Streets and Highways Code, Government Code, and Public Resources Code, the Council of the City of Oakland (City) has previously made the following findings by Resolution:

- the proposed vacation conforms with the City's adopted General Plan, and
- the proposed vacation does not require dedication of public easements, and
- the location and extent of the proposed vacation was properly noticed to the public, and
- the City owns the underlying fee interest in the public rights-or-way proposed to be vacated, and
- the proposed vacation is categorically exempted from the California Environmental Quality Act, and
- the proposed vacation does not limit public use or impede public access for non-motorized transportation, and
- the proposed vacation will not increase traffic and pedestrian inconvenience nor decrease traffic and pedestrian safety, and
- the hearing to receive supporting evidence and public comments for the proposed vacation and the proposed quit claim was properly noticed to the public; and

**Whereas**, the Oakland Redevelopment Agency (ORA) has determined that occupancy by privately owned buildings and privately maintained infrastructure of the portions of the public rights-of-way proposed for vacation is essential and the minimum area and dimensions necessary for the development of the Uptown Oakland Mixed Use redevelopment project (Uptown project); and

**Whereas**, ORA has therefore requested that the City vacate portions of the public rights-of-way along the south side of Thomas L. Berkley Way, the north side of Williams Street, and the north side of 19th Street to facilitate construction of the Uptown project; and

**Whereas**, ORA has further requested that the City quit claim the underlying fee interest in the vacated public rights-of-way to ORA without valuable consideration to the City; and

**Whereas**, ORA, the developer, and the Community and Economic Development Agency have proposed a Planned Unit Development land entitlement for the Uptown project that includes occupancy of portions of the public rights-of-way proposed for vacation; and

**Whereas**, occupancy by the Uptown project of portions of the public rights-of-way proposed for vacation could not be accomplished by alternative methods, measures, or mechanisms; and

**Whereas**, ORA is continuing to acquire by negotiation and eminent domain proceedings the real properties that abut the proposed vacation along Thomas L. Berkley Way, Williams Street, and 19th Street; and

**Whereas**, the long-term agreement between ORA and the private developer of the Uptown project, Forest City, will continue to vest ownership with ORA of the public rights-of-way proposed for vacation; and

**Whereas**, ORA will irrevocably offer for dedication to the City portions of the abutting real properties along the south side of Williams Street to replace public rights-of-way along the north side of Williams Street vacated by the City and will further irrevocably offer for dedication a new street connecting Thomas L. Berkley Way, Williams Street, and 19th Street; and

**Whereas**, Forest City will construct at no additional expense to the City replacement public infrastructure improvements, including underground utilities, street pavement, sidewalk, curb, and gutter, that will be removed from the vacated right-of-way during construction of the Uptown project; and

**Whereas**, a map describing and delineating the portions of the public rights-of-way proposed for vacation is attached hereto as Exhibit A; and

**Whereas**, the City may apply conditions for the vacation of public right-of-way and may instruct the City Clerk not to record a vacation until the conditions have been satisfied.

**Now, therefore, the Council of the City of Oakland does ordain as follows:**

**Ordained**, that the conditional vacation of portions of the public rights-of-way along the south side of Thomas L. Berkley Way, the north side of Williams Street, and the north side of 19th Street, as delineated in the attached Exhibit A, is hereby ordered; and be it further

**Ordained**, that a quit claim of the underlying fee interest in the vacated public rights-of-way to ORA without valuable consideration to the City is hereby ordered; and be it further

**Ordained**, that the City Clerk shall not file this order of vacation nor the quit claim for recordation with the Alameda County Recorder's Office unless and until the Planning Commission has approved the Vesting Tentative Map for subdivision of the Uptown project; and be it further

**Ordained**, that this order of vacation and the quit claim shall expire by limitation and become void should the Final Map for subdivision of the Uptown project not be approved by the Council within two years following the date of their recordation by the Alameda County Recorder; and be it further

**Ordained**, that this order of vacation and the quit claim shall become void should the replacement public infrastructure improvements not be fully constructed and accepted by the City within five years following the date of their recordation; and be it further

**Ordained**, that the City Administrator, or his or her designee, may extend the expiration of this order of vacation and the quit claim upon demonstration of good cause by the Oakland Redevelopment Agency; and be it further

**Ordained**, that reversion of the underlying fee interest in the vacated public rights-of-way from ORA to the City shall be without valuable consideration to ORA.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

## NOTICE AND DIGEST

**ORDINANCE CONDITIONALLY VACATING PORTIONS OF THOMAS L. BERKLEY WAY,  
WILLIAMS STREET, AND 19th STREET BETWEEN SAN PABLO AVENUE AND  
TELEGRAPH AVENUE FOR THE UPTOWN OAKLAND MIXED USE REDEVELOPMENT  
PROJECT AND QUIT CLAIMING THE UNDERLYING FEE INTERESTS IN THE VACATED  
RIGHTS-OF-WAY TO THE OAKLAND REDEVELOPMENT AGENCY**

This ordinance would conditionally vacate narrower lengths of the public right-of-way along the south side of Thomas L. Berkley Way (formerly 20th Street), the north side of Williams Street, and the south side of 19th Street to be incorporated into land area for the Uptown Oakland residential/ commercial construction project, and would quit claim the underlying fee interests, which are owned by the City, to the Oakland Redevelopment Agency for no cost.

**CITY OF OAKLAND**  
*Agenda Report*

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: May 24, 2005

**RE: A RESOLUTION ADOPTING FINDINGS AND SETTING A HEARING TO RECEIVE SUPPORTING EVIDENCE AND PUBLIC COMMENTS ON A PROPOSED CONDITIONAL VACATION OF PORTIONS OF THOMAS L. BERKLEY WAY, WILLIAMS STREET, AND 19th STREET BETWEEN SAN PABLO AVENUE AND TELEGRAPH AVENUE FOR THE UPTOWN OAKLAND MIXED USE PROJECT AND A PROPOSED QUIT CLAIM OF THE UNDERLYING FEE INTERESTS IN THE VACATED RIGHTS-OF-WAY TO THE OAKLAND REDEVELOPMENT AGENCY**

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**SUMMARY**

A resolution has been prepared adopting findings and setting a hearing for the City Council to receive supporting evidence and public comments on a proposed conditional vacation of portions of Thomas L. Berkley Way (formerly 20th Street), Williams Street, and 19th Street between San Pablo Avenue and Telegraph Avenue, and quit claiming the underlying fee interests in the vacated rights-of-way to the Oakland Redevelopment Agency. The Redevelopment Agency will retain ownership of the Uptown Oakland building sites and the abutting vacated portions of the streets. The mixed-use redevelopment project will occupy approximately three-fourths of the two blocks currently bounded by these streets (refer to Exhibit C). The proposed vacations of public street right-of-way would provide land area that is part of the Uptown Project including construction of a new public park and a new mid-block street (as yet unnamed) connecting Williams Street with 19th Street and Thomas L. Berkley Way, reconstruction of Williams Street closer to 19th Street, and construction of three new low-rise mixed-use residential/commercial buildings. The resulting rights-of-way will maintain safe traffic flow and pedestrian access (refer to the attached Exhibits A and B).

The process for vacating public right-of-way is prescribed by the California Streets and Highways Code (section 8300 et seq.). Staff has completed the public announcement requirements: site posting, newspaper publication, and utility company notifications (refer to attached Exhibit C). Two sequential public hearings by the City Council are now required to complete the vacation process. The first meeting of the Council would, by resolution, adopt findings required by the Streets and Highways Code and the Public Resources Code and set a following hearing to receive public testimony. The second meeting of the Council would receive public testimony and complete the first reading of the proposed vacation ordinance. In a companion report, staff recommends that the Council schedule the second public hearing for their June 21 agenda. In this report, staff recommends that the Council schedule the first public hearing for their June 7 agenda. As required by City Charter, the final reading of the proposed vacation ordinance would be scheduled for the July 19 Council agenda. This scheduling will assist the project with obtaining discretionary approvals for inclusion with a bond-funding application in mid-July.

**FISCAL IMPACT**

Staff costs for processing the proposed street vacation will be covered by fees set by the Master Fee Schedule and paid by the applicant and will be deposited into the General Purpose Fund (1010) . The

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Redevelopment Agency would acquire title to the underlying fee interests in the vacated public rights-of-way from the City without cost. The City would acquire title to the public park from the Redevelopment Agency without cost. The City's standard subdivision agreement will require that public infrastructure improvements (replacement sewer main, pavement, sidewalks, curbs, gutters, street lighting, etc.) are bonded and constructed by the developer and warranted for one year without cost to the City.

## BACKGROUND

### Project Infrastructure Requirements

The Uptown Oakland Environmental Impact Report (EIR) and the developer's land use application (Planned Unit Development) identified four public infrastructure elements that are necessary for the viable development of the mixed-use project:

- new construction of a *two-block public street* (New Street) transecting Williams Street and connecting 19th Street to Thomas L. Berkley Way, which would be completed by the developer without cost to the City as a condition of approving the re-subdivision of the abutting parcels and would be dedicated by the Redevelopment Agency to the City; and
- new construction of a *public park* fronting on the new public street, 19th Street, and Williams Street, which would be completed by the developer without cost to the City as a condition of approving the proposed re-subdivision of the abutting parcels and would be dedicated by the Redevelopment Agency to the City through the subdivision map; and
- re-construction of *Williams Street shifting closer to 19th Street* and re-configuration of *Williams Street allowing bi-directional traffic flow*, which would be completed by the developer without cost to the City as a condition of approving the proposed re-subdivision of the abutting parcels; and
- net reduction of existing right-of-way widths (*narrower sidewalks and curbside parking lanes*) along 19th Street (two feet), Williams Street (six feet eight inches), and Berkley Way (nine feet), which would be vacated by the City to the Redevelopment Agency without cost through the proposed vacation ordinance, and

The land areas needed for the three Uptown Oakland building sites are dependent upon the incorporation of the vacated public rights-of-way shown in the Exhibit A. The Redevelopment Agency will offset the proposed vacation of fourteen feet four inches of right-of-way along the north side of Williams Street with a dedication of seven feet eight inches of restorative right-of-way from the parcels abutting the south side of Williams Street. The resulting pavement, sidewalk, and parking lane widths for 19th Street, Williams Street, and Thomas L. Berkley Way are shown in Exhibit B.

No existing subsurface utility lines are located within the proposed vacated rights-of-way, and therefore, no newly dedicated public easements are needed. The EIR identified that a replacement public sewer main will be needed in Williams Street and New Street to serve the new buildings.

### Transfer of Right-Of-Way Ownership

Staff's review of historical records indicates that the three public streets pre-date the original subdivision of the two blocks in 1876. Consequently, the City owns the underlying fee interest in the right-of-way. Staff is recommending that the Council quit claim the land area to the Redevelopment Agency without valuable consideration (\$0 transfer of ownership).

## **KEY ISSUES AND IMPACTS**

The California Streets and Highways Code requires that a local jurisdiction make the following determinations for a proposed vacation of right-of-way:

- the vacation will conform with the City's adopted General Plan (so identified in the Environmental Impact Report for the Uptown Oakland project); and
- the vacated right-of-way will not require a public easement for existing or future utility lines (so confirmed by the utility agencies); and
- the public was notified by site postings and newspaper publications of two sequential public hearings, one setting the date to hear public comments and the second receiving public comments (so certified in the attached Exhibit C); and
- the vacation will not impact current or future access for non-motorized transportation (so identified in the Environmental Impact Report for the Uptown Oakland project); and
- the vacation will not increase traffic and pedestrian inconvenience nor decrease traffic and pedestrian safety (so confirmed by the Public Works Agency and Alameda County Transit Authority).

The California Public Resources Code further requires that a local jurisdiction determine that a project complies with the requirements of the California Environmental Quality Act (CEQA). Although a vacation of public right-of-way is categorically exempted, in this case an EIR has been prepared.

The City must further determine whether the City or the abutting property owners retain the underlying fee interest in the vacated right-of-way (City ownership so confirmed by staff).

## **SUSTAINABLE OPPORTUNITIES**

### **Economic**

The Uptown Oakland redevelopment project will provide opportunities for professional services and construction related jobs for the Oakland community. The developer is required to follow City policies for bidding and awarding contracts to Small and Local Business Enterprise firms.

### **Environmental**

Land use approvals and construction permits for public infrastructure improvements and new buildings require that the permittees comply with City ordinances and regional Best Management Practices for reducing nuisance noise, fugitive dust, construction debris disposal, and storm drainage pollutant runoff.

### **Social Equity**

The Uptown Oakland project will provide affordable housing opportunities, will assist the economic revitalization of the downtown redevelopment zone, and will encourage the infusion and recurrence of diverse multi-cultural activities, businesses, and events.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

Public sidewalks and traffic signals that will be newly constructed, replaced, or relocated will conform with Caltrans and City requirements for handicapped accessibility. Access within the public park will similarly comply with state building code and City requirements for handicapped accessibility.

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~~May 24, 2005~~

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## RECOMMENDATIONS

Staff recommends that the Committee accept this report and forward it to the City Council for their scheduled meeting on June 7, 2005, to adopt the proposed resolution adopting findings for the proposed conditional vacation and setting a hearing for the City Council to receive supporting evidence and public comments on the proposed conditional vacation of portions of Thomas L. Berkley Way, Williams Street, and 19th Street and quit claiming the underlying fee interest to the Oakland Redevelopment Agency.

## ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this report and adopt the proposed resolution adopting findings for the proposed conditional vacation and setting a hearing for the June 7, 2005, agenda of the City Council to receive supporting evidence and public comments on and complete the first reading of a proposed conditional vacation of portions of Thomas L. Berkley Way, Williams Street, and 19th Street and quit claiming the underlying fee interest to the Oakland Redevelopment Agency.

Respectfully submitted,

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**CLAUDIA CAPPIO**  
Development Director  
Community and Economic Development Agency

Prepared by:  
Raymond M. Derania  
Interim City Engineer  
Building Services Division

APPROVED FOR FORWARDING TO  
THE COMMUNITY AND ECONOMIC  
DEVELOPMENT COMMITTEE

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OFFICE OF THE CITY ADMINISTRATOR

Attachments: Resolution - findings and a public hearing for a proposed vacation ordinance  
Exhibit A - location and limits of proposed street vacations  
Exhibit B - traffic lane, sidewalk, and parking lane widths  
Exhibit C - affidavit certifying notification of a public hearing

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Introduced by

Approved for Form and Legality

\_\_\_\_\_  
Councilmember

*Farimah Faiz*  
\_\_\_\_\_  
City Attorney

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

**RESOLUTION ADOPTING FINDINGS AND SETTING A HEARING TO RECEIVE SUPPORTING EVIDENCE AND PUBLIC COMMENTS ON A PROPOSED CONDITIONAL VACATION OF PORTIONS OF THOMAS L. BERKLEY WAY, WILLIAMS STREET, AND 19th STREET BETWEEN SAN PABLO AVENUE AND TELEGRAPH AVENUE FOR THE UPTOWN OAKLAND MIXED USE REDEVELOPMENT PROJECT AND A PROPOSED QUIT CLAIM TO THE OAKLAND REDEVELOPMENT AGENCY OF THE UNDERLYING FEE INTERESTS IN THE VACATED RIGHTS-OF-WAY**

**Whereas**, the Community and Economic Development Agency (CEDA) of the City of Oakland (City) has determined with reasonable certainty from a thorough examination of the available historical public records that the public rights-of-way of Thomas L. Berkley Way (formerly 20th Street and Degler Street), Williams Street (formerly 19th Street), and 19th Street (formerly Frederick Street) between San Pablo Avenue and Telegraph Avenue were used as public streets before the abutting real property was originally divided as part of the Hogan Tract subdivision in 1876; and

**Whereas**, CEDA has determined with reasonable certainty from a thorough examination of the available historical public records that public rights-of-way were not offered for dedication to the City as part of original division of the abutting real property by the Hogan Tract subdivision in 1876; and

**Whereas**, CEDA has therefore determined with reasonable certainty that the City owns the underlying fee interest in the public rights-of-way of Thomas L. Berkley Way, Williams Street, and 19th Street between San Pablo Avenue and Telegraph Avenue; and

**Whereas**, the Oakland Redevelopment Agency (ORA) has acquired and is continuing to acquire by negotiation and eminent domain proceedings, as prescribed by state and federal statutes, the abutting real properties bounded by 19th Street, San Pablo Avenue, Thomas L. Berkley Way, Telegraph Avenue, and Williams Street for construction of the Uptown Oakland Mixed-Use redevelopment project (Uptown project); and

**Whereas**, ORA has entered into a long-term redevelopment agreement with the private developer of the Uptown project, Forest City, to construct privately owned buildings and appurtenant privately maintained infrastructure on these abutting real properties; and

**Whereas**, the Planning Commission of the City of Oakland will determine at its scheduled meeting on June 1, 2005, in a public hearing for an application by the Uptown project for a Planned Unit Development whether the proposed vacations of portions of Thomas L. Berkley Way, Williams Street, and 19th Street conform with the adopted General Plan of the City of Oakland; and

**Whereas**, ORA has determined the development of the Uptown project will necessitate that portions of the abutting public rights-of-way along Thomas L. Berkley Way, Williams Street, and 19th Street be occupied by these privately owned buildings and appurtenant privately maintained infrastructure; and

**Whereas**, pursuant to California Streets and Highways Code Sections 8312 and 8355, ORA has requested that the City vacate portions of the public rights-of-way along the south side of Thomas L.

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Berkley Way, the north side of Williams Street, and the north side of 19th Street to facilitate construction of the Uptown project, as delineated in the attached Exhibit A; and

**Whereas**, ORA has further requested that the City quit claim the underlying fee interest in the vacated public rights-of-way to ORA without valuable consideration to the City; and

**Whereas**, pursuant to the real property subdivision provisions of California Government Code Section 66475 and Oakland Municipal Code Chapter 16.20, ORA will irrevocably offer for dedication to the City portions of the abutting real properties along the south side of Williams Street to replace contiguous public right-of-way vacated by the City in order to retain safe traveled widths of the traffic lanes for private vehicles and public transit and the sidewalk for pedestrians; and

**Whereas**, pursuant to Oakland Municipal Code Chapter 16.20, the private developer will construct at no additional expense to the City replacement public infrastructure improvements, including new underground utilities, street pavement, sidewalk, curb, and gutter, that will be removed from the vacated right-of-way during construction of the Uptown project; and

**Whereas**, the Public Works Agency of the City has concurred that the reconfigurations in the traveled widths of the existing traffic lanes along Thomas L. Berkley Way, Williams Street, and 19th Street resulting from the vacation of these public rights-of-way will not impede the safe flow of traffic and the safe access by pedestrians, as delineated in the attached Exhibit B; and

**Whereas**, pursuant to Guidelines Section 15301 -- Class I of the California Environmental Quality Act, CEDA has determined that the vacation of these public rights-of-way is categorically exempted; and

**Whereas**, pursuant to California Streets and Highways Code Sections 8317, 8322, and 8323, facsimiles of the newspaper publication and public posting and an affidavit are attached as Exhibit C confirming that CEDA has completed the statutory requirements for notifying the public of the City's intention to vacate portions of these public rights-of-way and of the public hearing to receive supporting evidence and public comments for the proposed vacation; and

**Whereas**, pursuant to California Streets and Highways Code Section 8313 and Government Code Section 65402, the Planning Commission of the City has determined that there is no map or diagram nor any expressed policies or provisions preventing the vacation of these portions of public rights-of-way and that the location, purpose, and extent of the vacation therefore conforms with the City's adopted General Plan; and

**Whereas**, pursuant to California Streets and Highways Code Section 8348, CEDA has notified the serving public utilities and has determined from their written responses that dedication of public easements in the vacated portions of the public rights-of-way to maintain, operate, replace, remove or renew their existing works is not required for public convenience and necessity; and

**Whereas**, pursuant to California Streets and Highways Code Section 892, CEDA has determined that vacation of portions of the public rights-of-way will not limit public use of or impede public access for non-motorized transportation; and

**Whereas**, pursuant to California Streets and Highways Code Section 8320, a map may be used to describe fully the portions of public streets to be vacated; and

**Whereas**, pursuant to California Streets and Highways Code Section 8324, the City may apply conditions for the vacation of public right-of-way and may instruct the City Clerk not to record a vacation until the conditions have been satisfied.

~~\_\_\_\_\_~~  
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Now, therefore, the Council of the City of Oakland does resolve as follows:

**Resolved**, that the City of Oakland owns the underlying fee interest in Thomas L. Berkley Way, Williams Street, and 19th Street; and be it further

**Resolved**, that a map is attached hereto as Exhibit A that fully describes and delineates the portions of the public streets proposed for vacation; and it is further

**Resolved**, that upon determination by the Planning Commission of conformance with the City's adopted General Plan, the proposed vacations of these portions of public rights-of-way will so conform; and be it further

**Resolved**, that the proposed vacation of these portions of public rights-of-way is categorically exempted from the requirements of the California Environmental Quality Act; and be it further

**Resolved**, that dedication of public easements to maintain, operate, replace, remove or renew existing works within the proposed portions of the public rights-of-way proposed for vacation is not required for public convenience or necessity; and be it further

**Resolved**, that the reconfigured traffic lanes and sidewalks resulting from the proposed vacation and companion dedication of public rights-of-way, as delineated in the attached Exhibit B, and proposed reconstruction of replacement public improvements will not increase the inconvenience of the public or decrease the safety of motorized and non-motorized vehicles and pedestrians, and be it further

**Resolved**, that the proposed vacation of portions of the public rights-of-way does not limit public use of or impede public access for non-motorized transportation; and be it further

**Resolved**, that the statutory requirements for conspicuous site posting of the proposed vacation and newspaper publication of the pending public hearing of the proposed vacation have been completed; and be it further

**Resolved**, that a hearing to receive supporting evidence and public comments for a proposed ordinance that would conditionally vacate portions of the public rights-of-way along Thomas L. Berkley Way, Williams Street, and 19th Street and would quit claim the underlying fee interest in the public rights-of-way proposed for vacation to the Oakland Redevelopment Agency without valuable consideration to the City will occur in the Chamber of the City Council, Third Floor of City Hall, at One Frank Ogawa Plaza, in Oakland, California, on June 21, 2005, at 7:01 p.m. local time.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

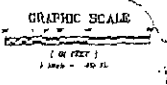
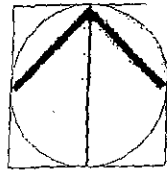
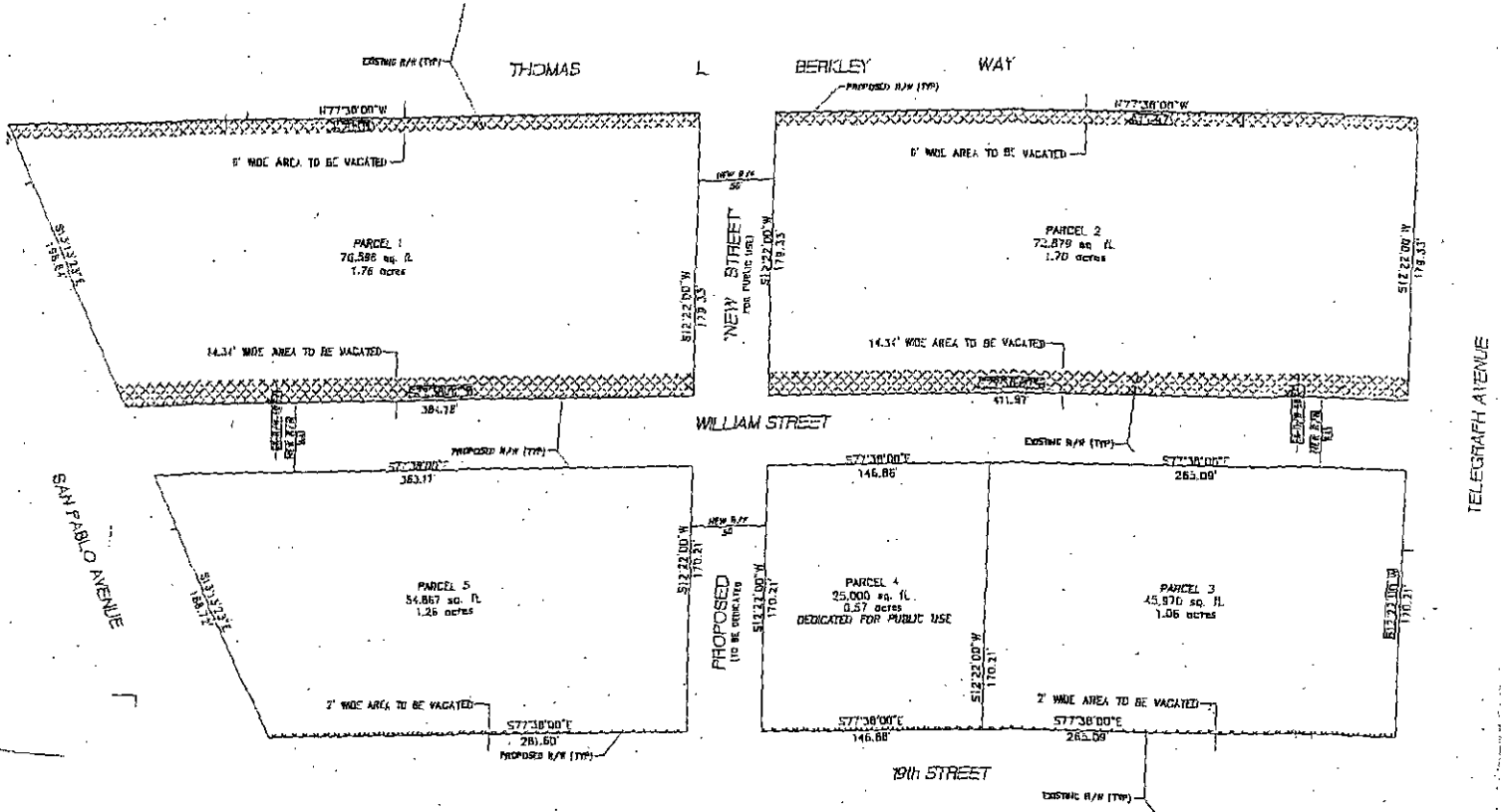
ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
Interim City Clerk and Clerk of the  
Council of the City of Oakland, California

~~Item:  
CERD Committee  
May 24, 2005~~

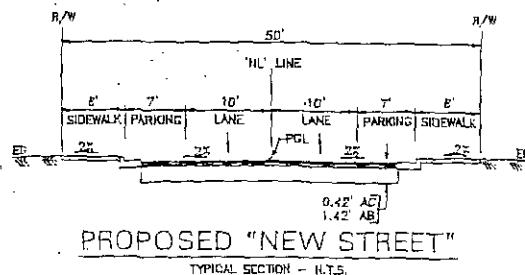
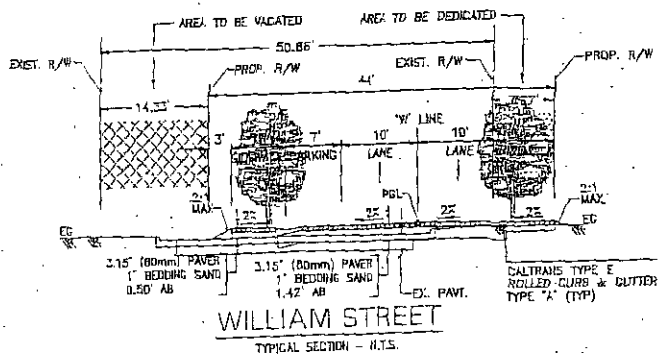
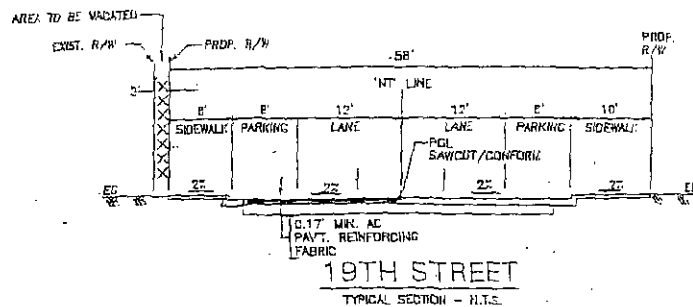
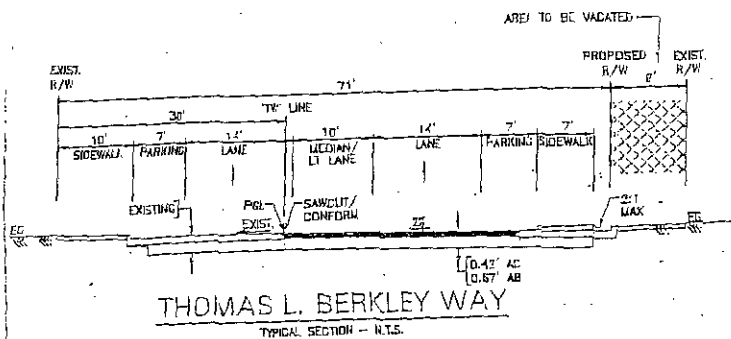
# Exhibit A

## Proposed Street Vacations For The Uptown Oakland Mixed-Use Redevelopment Project Street



# Exhibit B

## Proposed Street Reconstructions For Vacated Rights-Of-Way For The Uptown Oakland Mixed-Use Redevelopment Project Street





## Exhibit C

An Affidavit Certifying Notifications  
Of A Public Hearing On Proposed Street Vacations  
For The Uptown Oakland Mixed-Use Redevelopment Project Street

Pursuant to California Streets and Highways Code Section 8322, I hereby certify that the following public notifications did occur on the dates and times and at the locations and for the durations indicated below:

### Site Posting

The attached placard was affixed on April 22, 2005, at 9:00 a.m. local time to City street light poles in the public sidewalk at intervals not exceeding 300 feet on Thomas L. Berkley Way, Williams Street, and 19th Street and have remained in place since then advising the public of a hearing on June 7, 2005, at 7:01 p.m., in the Chambers of the Council of the City of Oakland, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza to schedule a meeting on June 21, 2005, at the same time and same location to receive evidence and public testimony on the proposed vacation of portions of the public rights-of-way delineated on the placard.

### Newspaper Publication

The attached notice was published in the *Oakland Tribune* on April 21, 2005, and May 2, 2005, advising the public of a hearing on June 7, 2005, at 7:02 p.m., in the Chambers of the Council of the City of Oakland, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza to schedule a meeting on June 21, 2005, at the same time and same location to receive evidence and public testimony on the proposed vacation of portions of the public rights-of-way and further advising the public that a map delineating the portions of the rights-of-way proposed for vacation is available at the Building Services counter on the second floor of the Dalziel Administration building, 250 Frank H. Ogawa Plaza.

date

05/02/05

by

Derania

RAYMOND M. DERANIA

Interim City Engineer

Community and Economic Development Agency

## Exhibit C

Public Notifications Of A Public Hearing On Proposed Street Vacations  
For The Uptown Oakland Mixed-Use Redevelopment Project Street

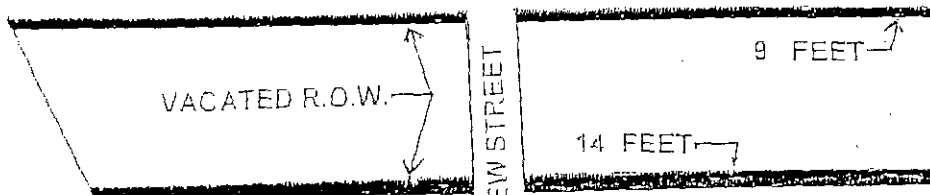


# PUBLIC NOTICE

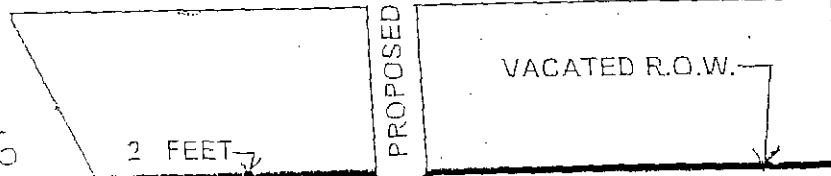
Community & Economic Development Agency  
Building Services Division  
Gatzert Administration Building  
250 Ogawa Plaza - 2nd Floor  
Oakland, CA 94612

## PUBLIC HEARING ON PROPOSED STREET VACATIONS

THOMAS L. BERKLEY WAY



SAN PABLO AVE



TELEGRAPH AVE

19<sup>TH</sup> STREET

Pursuant to California Streets and Highways Code Section 8320 et seq., notice is given to the public that the Council of the City of Oakland intends to conditionally vacate portions of Thomas L. Berkley Way, Williams Street, and 19th Street for use by the Uptown Oakland mixed use redevelopment project and to quit claim the underlying fee interest in the proposed vacation to the Oakland Redevelopment Agency.

Notice is also given to the public that the Council of the City of Oakland will hold a hearing to receive evidence supporting and public comments for the proposed conditional vacation in the Chamber of the City Council, on the Third Floor of City Hall, at One Frank B. Ogawa Plaza, in Oakland, California, on June 7, 2005, at 7:01 p.m. local time.

*It is a misdemeanor to deface or to remove this posting. Violators are subject to a fine of \$1,000 and a jail sentence of 6 months.*

## Exhibit C

### Public Notifications Of A Public Hearing On Proposed Street Vacations For The Uptown Oakland Mixed-Use Redevelopment Project Street

#### PUBLIC NOTICE

##### Public Hearing for Partial Vacations of Public Streets

Pursuant to California Streets and Highways Code section 8320 et seq., the Council of the City of Oakland will hold a public hearing in the Chamber of the City Council, Third Floor of City Hall, at One Frank H. Ogawa Plaza, in Oakland, California, on June 7, 2005, at 7:01 p.m. local time to receive evidence supporting and public comments for proposed ordinances conditionally vacating portions of the rights-of-way along Thomas L. Berkeley Way, Williams Street, and 19th Street for the Uptown Oakland mixed use redevelopment project and quit claiming the underlying fee interest in the public rights-of-way proposed for vacation to the Oakland Redevelopment Agency without valuable consideration to the City. A map fully delineating the proposed vacations is available at the City of Oakland, Building Services Division, Daniel Administration Building, Second Floor, 250 Frank H. Ogawa Plaza, Oakland, CA 94612.

The Oakland Tribune, #500382

April 25,

May 2, 2005

FICTITIOUS SIGNATURE

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COMMUNITY & ECONOMIC  
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JUN 14 2005

**ATTACHMENT B:  
VESTING TENTATIVE MAP SHOWING CHANGES IN GENERAL PLAN LAND USE  
DESIGNATIONS AND ZONING CLASSIFICATIONS**











**NOTICE AND DIGEST**

**AN ORDINANCE TO REZONE A 25,000 SQUARE-FOOT SITE LOCATED IN THE MIDDLE OF THE BLOCK BOUNDED BY SAN PABLO AVENUE TO THE WEST, THOMAS L. BERKLEY WAY TO THE NORTH, TELEGRAPH AVENUE TO THE EAST AND 19<sup>TH</sup> STREET TO THE SOUTH FROM C-51 CENTRAL BUSINESS SERVICE DISTRICT/S-17 DOWNTOWN RESIDENTIAL OPEN SPACE COMBINING ZONE TO OS OPEN SPACE (NEIGHBORHOOD PARK).**

**NOTICE AND DIGEST**

**A RESOLUTION TO CHANGE THE GENERAL PLAN DESIGNATION OF A 25,000 SQUARE-FOOT PORTION OF THE BLOCK BOUNDED BY SAN PABLO AVENUE TO THE WEST, WILLIAM STREET TO THE NORTH, TELEGRAPH AVENUE TO THE EAST AND 19<sup>TH</sup> STREET TO THE SOUTH FROM CENTRAL BUSINESS DISTRICT TO PARK AND URBAN OPEN SPACE.**