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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
AGENDA REPORT

2003 OCT 16 PM 3:19

TO: Office of the City Manager
ATTN: Debora Edgerley
FROM: Community and Economic Development Agency
DATE: October 28, 2003

RE: A resolution to change the General Plan designation of 1357 5" Street (land bounded by 5" Street, 1-880, and Mandela Parkway), from Business Mix to Community Commercial; and

An Ordinance amending Chapter 17.100(S-15, Transit Oriented Zone) of the Oakland Zoning Code to conditionally permit auto fee parking.

SUMMARY

On August 6, 2003, the Planning Commission approved a conditional use permit, design review, and variance permit to construct a five story, 775 space parking garage and three buildings up to eight stories tall containing a total of up to 120 residential units at 1357 5" Street. Plans also include approximately 38,500 square feet of ground floor commercial space. The site is located on a parcel across an intersection from the West Oakland Bay Area Rapid Transit (BART) Station. The Planning Commission also took action to recommend to the City Council the adoption of a Zoning Text Amendment conditionally permitting Auto Fee Parking in the S-15 Transit Oriented Zone and changing the General Plan designation of the site to Community Commercial from Business Mix. This recommendation accommodates the project, known as the Mandela Transit Village, and implements the intent of the General Plan to promote compact, mixed use development adjacent BART Station areas. Attachment A contains the Planning Commission staff report. The City Council is now being requested to approve the proposed General Plan land use designation change and adopt an ordinance for the Zoning Text Amendment.

FISCAL IMPACT

The ordinance conditionally permitting auto fee parking in the S-15 Zone may indirectly enhance the parking tax revenue of the Multipurpose Reserve Fund (#1750) by enabling the construction of new auto fee parking lots. Also, it is expected that the development of this site will result in an increased property valuation for property tax purposes and encourage new commercial and mixed use activities in the area

14.1
ORA/COUNCIL
NOV 18 2003

Item: ~~X~~
CE&D Committee
October 28, 2003

BACKGROUND

The West Oakland Transit Village Study was undertaken in 1998 by a tri-agency team consisting of the City of Oakland Community and Economic Development Agency, the Oakland Housing Authority and BART. This team was formed to study the creation of a transit village around the West Oakland BART station. The study resulted in an Action Report, which was reviewed by the Planning Commission and the City Council in February 2002. The report supports a "transit village" concept of concentrating housing units within walking distance of transit stations, thus increasing ridership, easing traffic congestion, and reducing the dependence on the automobile. The concept also includes providing commercial opportunities for commuters and residents of the transit village. In that study, the subject site was identified as an opportunity to accommodate a parking structure. The report cites the preservation of the existing parking stock in the area as important to serve BART passengers and preserve BART ridership.

On August 6, 2003, the Planning Commission approved a conditional use permit, design review, and variance permit to construct a five story, 775 space parking garage and three buildings up to eight stories tall containing a total of up to 120 residential units with 38,500 square feet of ground floor commercial space. The site is a 152,800 square foot triangular parcel defined by 5th Street, Mandela Parkway, and Interstate I-800 across an intersection from the West Oakland BART Station.

As part of the Planning Commission's actions, a recommendation to the City Council is now being forwarded for the adoption of a Zoning Text Amendment conditionally permitting Auto Fee Parking in the S-15 Transit Oriented Zone and changing the General Plan designation of the site to Community Commercial from Business Mix. These changes are shown in the ordinance and resolution.

The site is located in the S-15, Transit Oriented Zone. This zoning designation intended to create, preserve and enhance areas devoted primarily to serve multiple modes of transportation and to feature high-density residential, commercial, and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development. Despite the finding of the West Oakland Transit Village Study designating the site for a parking structure, the project requires a Zoning Text Amendment because the City's Zoning Ordinance does not allow auto fee parking, a major component of the project, in this zone.

The project also requires a General Plan Amendment to change the site's General Plan designation from Business Mix to Community Commercial. The Business Mix General Plan designation is intended to "create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments". The project would need a General Plan Amendment because, according to the City of Oakland's "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (Guidelines) passed by the Planning Commission on May 6, 1998, the residential activities proposed by the

Item: _____
CE&D Committee
October 28, 2003

applicant “clearly (do) not conform” with the intent of the General Plan to preserve areas that have a Business Mix designation for exclusively commercial and industrial uses. According to the Guidelines, the Community Commercial designation would allow the proposed mix of uses, including the residential activities. A map of the area to change General Plan designations is shown as Attachment B.

Both the Zoning Text Amendment and a General Plan Amendment are legislative acts requiring consideration and approval by the City Council after a public hearing.

KEY ISSUES AND IMPACTS

Zoning Text Amendment

Auto fee parking is not appropriate for widespread development within areas having an S-15 Transit Oriented Zone because this designation is intended to implement the intent of the General Plan to support transit use through locating employees, residents, and shoppers near BART stations at compact mixed use developments. Auto fee parking, particularly on those sites with only surface parking, occupies land that could be used for the more intensive development envisioned by the General Plan policies pertaining to Transit Oriented Development. Further, too many parking spaces near BART stations make the use of an automobile more convenient, increasing car use and impacting local neighborhoods. Finally, parking lots tend to make pedestrian travel less enjoyable because they create potential conflicts between pedestrians and automobiles and they generally lack visual interest.

However, both the Planning Commission and staff believe that an auto fee parking activity may be consistent with the appropriate development of Transit Oriented Districts at particular sites in a transit oriented district. A structured parking facility will concentrate existing surface parking, freeing land for the more intensive mixed use developments envisioned by the Zoning Ordinance and the General Plan for transit oriented districts. Parking structures obscured from the street by commercial and/or residential facilities will not substantially degrade the visual character of transit oriented districts. Further, as in the case of the Mandela Transit Village, a site is designated for parking to balance the need to preserve transit use through the park and ride opportunities that parking structures provide with the compact, mixed use development pattern consistent with transit oriented development.

Therefore, the Planning Commission recommended that auto fee parking be allowed in the S-15 designation if a development met the following criteria:

1. Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities;
2. Auto fee parking may only be contained in structured parking facility of at least three levels that replaces an existing at grade parking facility;

Item: _____
CE&D Committee
October 28, 2003

3. The new parking structure may represent no more than a 75 percent increase of existing parking at the site;
4. Auto fee parking at the site shall be specifically designated by a plan or study sponsored by the City of Oakland designed to promote transit oriented development as defined by the General Plan;
5. The facility or facilities containing the residential and/or commercial activities shall be adjacent to the street and the auto fee parking shall be behind and substantially visually obstructed from the principal street(s) by the residential and/or commercial facility or facilities; and
6. The project shall be consistent with the General Plan's goals, objectives, and policies that promote transit oriented development and districts

With these criteria, auto fee parking may be approved by the City if they met the transit oriented development intent of the S-15 Zone and the General Plan.

General Plan Amendment

The proposed General Plan Amendment is appropriate for the site because the current General Plan designation, Business Mix, does not allow residential activities. However, the site is adjacent to the West Oakland BART Station, and AC Transit hub, and in an area designated as a "Transit Oriented District" in the General Plan. In its definition of Transit Oriented Districts, the General Plan states: "Easy pedestrian and transit access to mixed-use housing and commercial development should characterize these areas." Therefore, if this site were to fulfill the General Plan's vision of being part of a transit oriented district, the site's current designation must be changed. Community Commercial is the appropriate designation for the site because it allows residential activities and the mix of commercial activities called for in the General Plan for Transit Oriented districts. Further, the designation does not allow the general or heavy industrial activities that would create land use conflicts with the residential activities appropriate for the transit oriented district.

Existing General Plan Land Use and Transportation Element policies in support of changing the General Plan designation to allow a mix of uses allowed in the Community Commercial designation include:

Policy N8.1 Developing Transit Villages. "Transit Village" areas should consist of attached multi-story development on properties near or adjacent to BART stations or other well-used or high volume transfer facilities, such as light rail, train, ferry stations, or multiple-bus transfer locations. While residential units should be encouraged as part of any transit village, other uses may be included where they will not negatively affect the residential living environment.

Policy T2.1 Encouraging Transit Oriented Development. Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transit such as BART, bus, shuttle service, light rail or electric trolley, ferry, and inter-city or commuter rail.)

Policy T2.2 Guiding Transit Oriented Development. Transit oriented developments should be pedestrian oriented, encourage night and day time use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

Policy T2.3 Promoting Neighborhood Services. Promote neighborhood-servicing commercial development within one-quarter to one-half mile of established transit routes and nodes.

Policy T2.5 Linking Transportation and Activities. Link transportation facilities and infrastructure improvements to recreational uses, job centers, commercial nodes, and social services (i.e. hospitals, parks, or community centers).

Environmental Determination

A Mitigated Negative Declaration (MND) has been prepared and adopted by the Planning Commission. The attached staff report to the Planning Commission contains the MND.

SUSTAINABLE OPPORTUNITIES

Providing housing within walking distance to a BART Station and an AC Transit Hub increases transit use, thus easing regionwide car congestion, and improving air quality. Further, the project will benefit the local economy by locating commuters next to ground level retail opportunities. The Zoning Text Amendment will have similar beneficial impacts by 1) requiring the concentration of surface parking to accommodate development consistent with the Transit Oriented Development vision of the General Plan, and 2) only allowing auto fee parking when it is designated by a plan or study that promotes transit oriented development.

DISABILITY AND SENIOR CITIZEN ACCESS

The resolution and ordinance will have no direct impact on disability or senior citizen access. However, the project will be required to be consistent with the Americans with Disabilities Act.

RECOMMENDATION(S) AND RATIONALE

Due to the reasons listed above and the staff report presented to the Planning Commission on August 6, 2003 (see attached), the Planning Commission and staff recommend that the City Council approve the subject Zoning Text and General Plan Amendments.

ACTION REQUESTED OF THE CITY COUNCIL

Item: ~~7~~
CE&D Committee
October 28, 2003

1. To adopt a City Council Resolution to change the General Plan designation of 1357 5th Street (land bounded by 5th Street, I-880, and Mandela Parkway), from Business Mix to Community Commercial.
2. To introduce a City Council Ordinance an Ordinance amending Chapter 17.100 (S-15, Transit Oriented Zone) of the Oakland Zoning Code to conditionally permit auto fee parking.

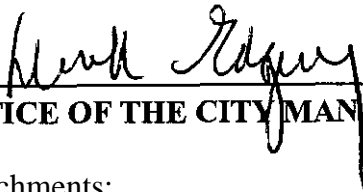
Respectfully submitted,



Claudia Cappio, Development Director

Prepared by:
Neil Gray, Planner III
Planning & Zoning

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



OFFICE OF THE CITY MANAGER

Attachments:

- A. August 6, 2003 Staff Report
- B. Change in General Plan Land Use Map

14.1
ORA/COUNCIL
NOV 18 2003

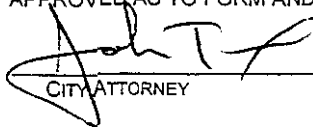
Item: 7
CE&D Committee
October 28, 2003

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OAKLAND

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APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____


CITY ATTORNEY

ORDINANCE NO. _____ C.M.S.

Ordinance amending Chapter 17.100 (S-15, Transit Oriented Zone) of the Oakland Zoning Code to conditionally permit auto fee parking.

WHEREAS, the City's General Plan contains numerous policies and objectives supporting the establishment of Transit Oriented Districts, areas that concentrate housing units and pedestrian oriented retail opportunities within walking distance of transit stations, thus increasing ridership, easing traffic congestion, and reducing the dependence on the automobile; and

WHEREAS, the City Council has reviewed and accepted the "West Oakland Transit Village Study", a document written in collaboration between the Community and Economic Development Agency, Bay Area Rapid Transit, and the Oakland Housing Authority that promotes transit oriented development as envisioned by the General Plan; and

WHEREAS, the "West Oakland Transit Village Study" designated sites appropriate for structured parking to accommodate the inevitable need for parking with increased development and pedestrian character that constitute the key attributes of a transit village; and

WHEREAS, an auto fee parking activity may be consistent with the appropriate development of Transit Oriented Districts at a particular site in a transit oriented district if it will concentrate existing surface parking, freeing land for the mixed use developments envisioned by the General Plan for transit oriented districts; is obscured from the street by commercial and/or residential facilities; is at a site designated for parking in an overall study written to promote transit oriented development to balance the need to preserve transit use through the park and ride opportunities that parking structures provide with the compact, mixed use development pattern consistent with transit oriented development.

WHEREAS, pursuant to City Ordinance and the California Environmental Quality Act, the City Planning Commission approved a negative declaration for this Zoning Text Amendment, and the City Council has considered the Negative Declaration and all comments received on it prior to the adoption of this ordinance. The City Council finds on the basis of the entire record before it, including the initial study and all comments received, that there is no substantial

14.1.1
ORA/COUNCIL
NOV 18 2003

~~COMMUNITY & ECONOMIC
DEVELOPMENT CMTE
OCT 28 2003~~

evidence that the project will have a significant effect on the environment and that the negative declaration reflects the City Council's independent judgment and analysis;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

SECTION 2. The requirements of the California Environmental Quality Act (CEQA), as amended, the guidelines, as prescribed by the Secretary of Resources, and the provisions of the City of Oakland, have been met through approval of a negative declaration.

SECTION 3. Sections 17.100.050 and 17.100.100 of the Oakland Planning Code are hereby amended to add, delete, or modify sections as set forth below. Section numbers and titles are indicated in **bold type**, additions are indicated by underlining, and deletions are indicated by ~~strike-out type~~. Portions of the code not cited, or not shown in underlining or strike-out type, are not changed:

17.100.050 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134:

A. Residential Activities:

Residential Care
Service-Enriched Permanent Housing
Transitional Housing

B. Civic Activities:

Utility and Vehicular
Extensive Impact

C. Commercial Activities:

Fast Food Restaurant
Convenience Market
Consumer Laundry and Repair Service
Transient Habitation and Commercial Activities
Alcoholic Beverage Sales
Mechanic or Electronic Games
Animal Care

Automotive Fee Parking subject to the additional criteria contained in Section 17.100.100F.

D. Manufacturing Activities:

Custom

E. Off-street parking serving nonresidential activities listed in Sections 17.100.040 and 17.100.050.

F. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12138 § 5 (part), 1999; Ord. 11892 § 4 (part), 1996: prior planning code § 6854)

17.100.100 Use permit criteria.

A conditional use permit for any use or facility listed in Sections 17.100.030, 17.100.050, 17.100.070 and 17.100.200, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following use permit criteria:

A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;

B. That the proposal will encourage an appropriate mixture of Residential and Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;

C. That the proposal is designed to provide a safe and pleasant pedestrian environment;

D. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:

1. That vehicular access cannot reasonably be provided from a different street or other way,

2. That every reasonable effort has been made to share means of vehicular access with abutting properties,

3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Section 17.110.040B;

E. That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement. (Ord. 11892 § 4 (part), 1996: prior planning code § 6860)

F. In addition to the foregoing criteria and any other applicable requirements, auto fee parking within this zone shall be subject to the following use permit criteria:

1. Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities;

2. Auto fee parking may only be contained in a structured parking facility of at least three stories that replaces an existing at grade parking facility;

3) The new parking structure shall represent no more than a 75 percent increase of existing parking at the site;

4) Auto fee parking at the site shall be specifically designated by a City sponsored plan or study designed to promote a transit oriented district as defined by the General Plan;

5) The facility or facilities containing the residential and/or commercial activities shall be adjacent to the principal street(s) and the auto fee parking shall be behind and substantially visually obstructed from the principal street(s) by the residential and/or commercial facility or facilities; and

6) The project shall be consistent with the General Plan's goals, objectives, and policies that promote transit oriented development and districts.

For purposes of this subsection 17.100.100F "principal street" means the street or streets on which the development is most primarily oriented and that is appropriately designated in the General Plan to accommodate the amount of trips proposed. On an interior lot, the principal street shall be the street in front of the development. On a corner lot, the principal streets shall be both the streets adjacent to the development. On a lot that has frontage on three or more streets, at least two streets shall be designated as principal streets.

In Council, Oakland, California, _____, 2003, Passed By The Following
Vote:

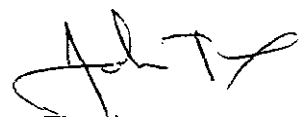
AYES-

NOTES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California



Ordinance amending Chapter 17.100 (S-15, Transit Oriented Zone) of the Oakland Zoning Code to conditionally permit auto fee parking.

NOTICE AND DIGEST

This ordinance amends the Oakland Planning Code to add provisions for the issuance of a conditional use permit for fee parking in the S-15 Transit Oriented Zone

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ORA/COUNCIL

NOV 18 2003

[Signature]
DEPUTY CITY ATTORNEY
OFFICE OF THE CITY CLERK
OAKLAND

2003 OCT 16 PM 3:19

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C. M. S.

INTRODUCED BY COUNCILMEMBER _____

Resolution Changing the General Plan designation of 1357 5th Street (landbounded by 5th Street, I-880, and Mandela Parkway) from Business Mix to Community Commercial

WHEREAS, 1357 5th Street, currently a surface parking lot and offices, is across an intersection from the West Oakland BART Station and an AC Transit Hub; and

WHEREAS, the Land Use and Transportation Element of the City of Oakland General Plan identifies the West Oakland BART Station area as a "Transit Oriented District"; and

WHEREAS, the Land Use and Transportation Element of the City of Oakland General Plan contains several objectives and policies encouraging mixed use developments that include housing within Transit Oriented Districts; and

WHEREAS, according to the City of Oakland's "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (Guidelines), passed by the Planning Commission on May 6, 1998, the site's current General Plan land use designation, Business Mix, does not allow residential activities; and

WHEREAS, according to the Guidelines, the Community Commercial General Plan land use designation would allow the mix of activities, including residential, encouraged by several policies and objectives in the General Plan; and

WHEREAS, a project and was approved at the August 6, 2003 meeting of the Planning Commission that included residential activities; and

WHEREAS, a development on the subject site was approved at the August 6, 2003 meeting of the Planning Commission that included residential activities; and

WHEREAS, the project's accompanying initial study was approved at the August 6, 2003 meeting of the Planning Commission; and

WHEREAS, the initial study was prepared and approved in compliance with CEQA, the State CEQA Guidelines and the City's Environmental Review Regulations; now, therefore, be it

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14.1-2
ORA/COUNCIL
NOV 18

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COMMUNITY & ECONOMIC
DEVELOPMENT CMTE
OCT 28 2003

RESOLVED: The General Plan land use designation of 1357 5" Street (land bounded by 5" Street, 1-880, and Mandela Parkway) is hereby changed from Business Mix to Community Commercial.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

14.1-2
ORA/COUNCIL
NOV 18 2003

ATTEST:

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COMMUNITY & ECONOMIC
DEVELOPMENT CMTE
OCT 28 2003

CEDA FLOYD
City Clerk and Clerk of the Council

ATTACHMENT A

August 6, 2003 Staff Report to the Planning Commission

14.1

ORA/COUNCIL
NOV 18 2003

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OCT 28 2003

File Number: CMDV03-051, ZT03-050, ER03-0005, and GP03-308


Location:	1357 5 th Street (see map on reverse)
Assessors Parcel Numbers:	
Proposal:	To construct a five story, 775 space parking garage and three buildings up to eight stories tall containing a total of up to 120 residential units with 38,500 square feet of ground floor commercial space. The buildings would reach a maximum height of 90'-0" to the peak of the roof.
Owner/Applicant:	Jabari Herbert, West Oakland Alliance
Planning Permits Required:	General Plan Amendment changing the General Plan designation of the site from Business <i>Mix</i> to Community Commercial to allow proposed residential activities. Zoning Text Amendment to conditionally permit auto fee parking in the S-15 Zone. Major Conditional Use Permit for a facility over 100,000 square feet in the S-15 Zone. Conditional Use Permit for the provision of parking for commercial activities in the S-15 Zone. Minor variances for height (55'-0" maximum; up to 90'-0" proposed) and required loading births. Design Review for new construction in the S-15 Zone.
General Plan:	Business Mix
Zoning:	M-20, Light Industrial Zone; S-15 Transit Oriented Development Zone
Environmental Determination:	Mitigated Negative Declaration prepared and circulated for 30-day comment period.
Historic Status:	Non-Historic Property (NHP); survey rating: N/A
Service Delivery District:	I – West Oakland
city council District:	3
For further information:	Contact case planner Neil Gray at 510-238-3878.

SUMMARY

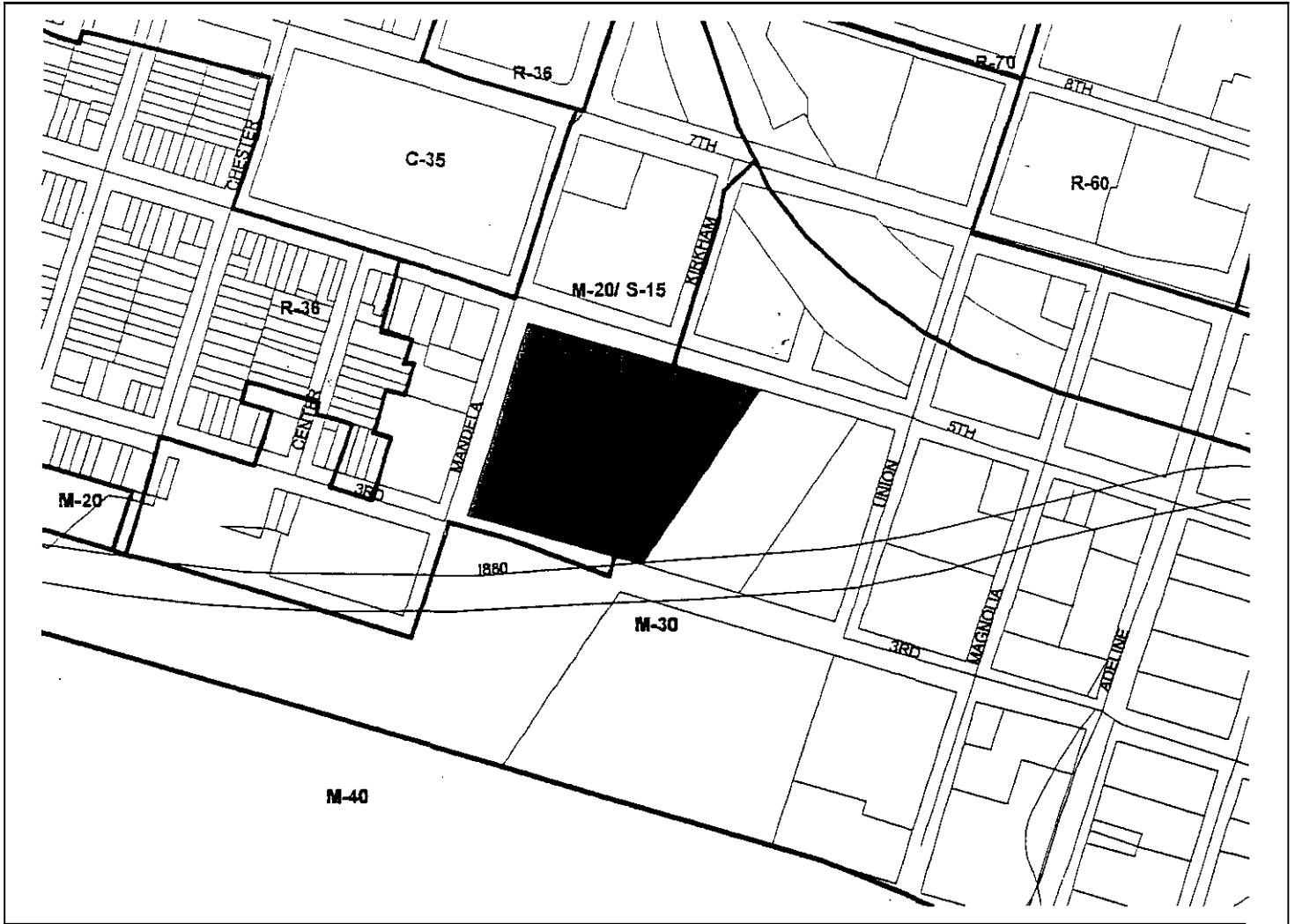
The proposal, located between 5th Street, Mandela Parkway, and Interstate 1-800, consists of 110 residential units, a 775 space parking structure, and ten ground floor commercial spaces. The site is across the intersection of 5th Street and Mandela Parkway from the West Oakland BART Station and an AC Transit Hub and is considered part of the West Oakland Transit Village area. The parking structure would be for fee and serve transit patrons.

Staff supports the required Zoning Text amendment to add auto fee parking as a conditionally permitted use in the S-15, Transit Oriented Development, Zone because the proposed criteria required for an approval of auto fee parking fulfills the intent of the General Plan by assuring that a proposed parking structure is only a part of an overall plan or study that promotes a transit oriented district and would concentrate parking at a site to free up land for a commercial or residential development. Staff also supports the proposed General Plan amendment designating the site Community Commercial because it would allow residential activities at the site, a critical element within a transit oriented district.

Staff also supports the design of the development because, as conditioned, it would place compact, mixed use development near a BART Station and AC Transit hub, fulfilling the intent of the General Plan. As conditioned the maximum 90'-0" height of the development is appropriate given its location between BART Tracks and the freeway and conditions that would reduce the scale of the buildings.


COMMUNITY & ECONOMIC DEVELOPMENT CMTE
 OCT 28 2003

CITY OF OAKLAND PLANNING COMMISSION



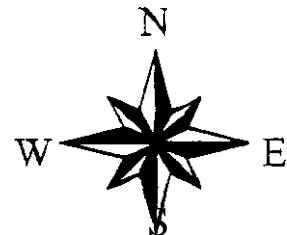
500 0 500 1000 Feet

Case File: CMDV03-051

Applicant: Jabari Herbert, West Oakland Alliance

Address: 1357 5th Street

Zone: M-20 / S-15



PROJECT DESCRIPTION

The proposed project, located at a 152,800 square foot triangular site defined by 5th Street: Mandela Parkway, and Interstate I-800, consists of 110 residential units, a 775 space parking structure, and ten ground floor commercial spaces. The project would include 184,970 square feet of gross residential building area and 38,600 square feet of commercial space; the parking garage would be 270,500 square feet. The site is across the intersection of 5th Street and Mandela Parkway from the West Oakland BART Station and is considered part of the West Oakland Transit Village area (see Background Section, below). The parking structure would be for fee and serve transit patrons. The commercial space would be designed to contain either retail or office activities.

Three 79'-0", seven-story concrete buildings (Buildings A, B, and C) containing the residential units and commercial space would face Mandela Parkway and 5th Street. Each building would contain separate six story, 45'-0" wide towers on platforms above the commercial space. Rounded windows would establish bay-shaped architectural elements on the towers. The proportions of the tower and the shapes created by the bay windows have been designed, according to the architect, to relate to the turn of the century homes in the neighborhood and throughout West Oakland.

The towers vary in height from approximately 75'-0" to 79'-0", with the higher towers toward the middle of the buildings. Open areas would be located between the towers on platforms above the ground floor commercial space; at the sides of buildings, open areas adjacent to the towers would provide an upper story setback from ground level open spaces. Green colored metal roofs, light orange colored concrete facades, and cement reliefs of African motifs on ground floor columns and other locations would establish a Pan-African architectural design theme. Each unit would be approximately 1,200 square feet and have two bedrooms and two baths.

The five-story parking structure would be sited behind the residential buildings and in front of an I-880 overpass that ranges in height from approximately 30'-0" to 50'-0". Automobile entrances to the parking structure (and the entire development) would be from 5th and Kirkham Streets and on 3rd Street near Mandela Parkway.

A pedestrian bridge from the fifth floors of the residential buildings would connect with recreational space on the top floor of the parking structure. This recreational open space would consist of a pool, gym, tennis courts, landscaping, and other facilities. A plaza area is located at the corner of 5th Street and Mandela Parkway to take advantage of the many pedestrians that would walk between the BART station and AC Transit Stops and the parking lot during peak commuting hours. A large gazebo shaped structure that would contain cafés and/or other vendors would be located in the middle of this open area. The project would also include a community building and open space between the northeast building, the parking structure, and the freeway; this building would stage community meetings, events, and recreational activities.

The current proposal shows that residents would have access to 142 parking spaces under the residential structures. Parking for the ground floor commercial space would be located in 94 surface parking spaces between the residential buildings and the parking structure.

The project architect has stated that he will propose several changes to the design of the buildings prior to the meeting of the Planning Commission. First, he has provided conceptual and preliminary plans showing the middle towers of the buildings with an additional story and be 90'-0" instead of 79'-0" tall. This change would add 10 units to the development and provide a greater variety and mix of unit sizes.

The project architect has also indicated that he is proposing to modify the plans to reduce the number of parking spaces. Staff will present these modifications at the August 6th Planning Commission meeting.

NEIGHBORHOOD DESCRIPTION

As mentioned, the project is across an intersection from the West Oakland BART station and bounded by Mandela Parkway to the west, 5th Street to the north, and the freeway to the south. In general, industrial uses are in the immediate vicinity of the site and residential neighborhoods predominate beyond.

Industrial activities take place across Mandela Parkway while a residential street exists on the other side of that block. The U.S. Postal Service operates a large mail sorting and distribution facility approximately five blocks west of the site. The Oakland Point, a historically designated residential neighborhood distinguished by its Victorian Style homes, is located west of the site. Industrial activities are located south of the freeway and east of the site.

The recently closed-Red Star Yeast Factory is located to the north of the site. Above grade BART tracks, surface parking, and a gas station are located to the north of the Yeast Factory. A U.S. Postal Service driver training is north of the eastern part of the site. The Mandela Gateway project, a 187 unit affordable housing project developed by the Bridge Housing Corporation, was approved by the Planning Commission on June 26, 2002 and is located further north across 7th Street. It is currently under construction. Like the subject proposal, that project was part of the West Oakland Transit Village Study (see below). Predominantly single family homes, duplexes, some industrial activities, and the Peralta Public Housing development are located north and east of the Mandela Gateway project.

Industrial uses are located south of the freeway.

BACKGROUND

The West Oakland Transit Village Study was undertaken in 1998 by a tri-agency team consisting of the City of Oakland Community and Economic Development Agency, the Oakland Housing Authority and BART. This team was formed to study the possibilities for creating a transit village around the West Oakland BART station. The study resulted in an Action Report, which was reviewed by the Planning Commission and the City Council in February 2002. The report supports a "transit village" concept of concentrating housing units within walking distance of transit stations, thus increasing ridership, easing traffic congestion, and reducing the dependence on the automobile. The concept also includes providing commercial opportunities for commuters and residents of the transit village.

This report estimates a potential for over 600 housing units to be created or redeveloped in the Transit Village area along with additional retail and parking structures to serve the BART station. In that study, the subject site was identified as an opportunity to accommodate a 1,400 to 1,600 space parking structure. The report sites the preservation of the existing parking stock in the area as important to serve BART passengers and preserve BART ridership.

COMMUNITY MEETINGS AND INPUT

Staff has attended two community meeting involving the project. The first presentation was at the April, 2003 Town Hall meeting sponsored by Vice Mayor Nancy Nadel. Attendees of the meeting expressed support for the project and had questions regarding the cost of the units and raised concerns regarding its location adjacent to the Red Star Yeast factory. (The owners of the factory had not yet announced the

closure of the facility at the time of the meeting). The second meeting was held at the project site on May 21st, 2003. That meeting had low attendance from the community, although representatives from BART and the community group representing South Prescott, the residential neighborhood near the site, were in attendance. Questions were raised by BART representatives regarding entrances at the site and the representative from South Prescott stated that his group was in support of the project, but they required more meetings to provide input. Staff has received calls from citizens concerned about the proposed height of the structures and the possibility that the structures would appear “monolithic” upon completion. Staff also received a letter dated July 27, 2003 (see Attachment F) from an organization called West Oaklanders on (and around) Peralta Street (WOOPS) that stated that they were generally in favor of the project but had concerns about the proposed height, massing, and parking facility.

DESIGN REVIEW COMMITTEE MEETING

Staff presented this project in front of the Planning Commission’s Design Review Committee. At that meeting, staff requested input from the Design Review Committee regarding the following issues:

- Whether the generous provision of parking supports the transit oriented development intent of the S-15 Zoning Designation;
- The proposed building designs in terms bulk, visual variety, materials, detail, and height;
- The design of the proposed commercial façades;
- The quality of the open space; and
- The adequacy of light and air for the units.

Please refer to Attachment B, the staff report presented to the Design Review Committee, for a detailed discussion of these issues. In general, the Design Review Committee concurred that the above issues should be addressed by the applicant and the architect for the project agreed to address the issues in their next submitted plans. However, the architect and staff disagreed on the location of the retail space within the plaza at the corner of 5th and Mandela. *Staff* asserted that the proposed location would serve as an obstruction to pedestrians traveling from the BART station to the parking structure and that moving the retail space to the sides of the plaza would feed activity in the middle of the public space. The applicant preferred the proposed location because it would be more visible from the street and the building’s hut shape would declare the Pan African theme of the development. On this point, Commissioner McClure emphasized that the amount of commercial space within the proposed plaza at the corner should be maximized in order to improve the economy of West Oakland. Commissioner Jang stated that retail buildings could define a circular “void” in the middle of the Plaza to allow easy pedestrian movement and maximize circulation.

Another representative of the applicant stated that reducing the proposed parking spaces for the commercial space and residents would lessen their marketability.

Finally, two members of the Oakland Point community group stated that they were not against the project but that their group has not been consulted sufficiently to give significant input into the design. They requested that the developer schedule a meeting with their group prior to a decision by the Planning Commission. The Planning Commission concurred with this request.

GENERAL PLAN ANALYSIS

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

Requirement for a General Plan Amendment

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

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

The changing to the designation from Business Mix to Community Commercial is appropriate for the site because it allows the *mix* of commercial and residential activities called for in the Land Use and Transportation Element of the General Plan (LUTE). Objective T2 of the LUTE is to "Provide mixed use, transit oriented development that encourages public transit use and increases pedestrian and bicycle **trips** at major transportation nodes". That the objective mentions "mixed use" indicates that a General Plan designation that allows a mix of uses, including residential, is appropriate adjacent to the BART station and the AC Transit hub. Objective N8 states that **the** City should "direct urban density and mixed use housing development to locate near transit **or** commercial corridors".

The amendment is also consistent with Objective N5 of the General Plan that states the City should "minimize conflicts between residential and non-residential activities while providing opportunities for residents to live and work at the same location". The General Plan Amendment will allow residential activities adjacent to three potentially incompatible non-residential facilities: the Red Star Yeast production facility, the BART tracks, and the freeway. However, the Red Star Yeast facility has closed production and the mitigations listed in the Noise and Air Quality sections of the attached initial study would reduce the environmental impact of the BART tracks and the freeway on the residents of the proposal to less than significant.

Further, the Guidelines state that General Manufacturing activities "clearly conform" to the Business Mix General Plan designation and is "unclear or silent" on whether Heavy Manufacturing activities are appropriate in areas with a Business **Mix** designation. On the other hand, the General Plan states that Heavy and General Manufacturing Activities "clearly (do) not conform" to the Community Commercial designation. Therefore, changing the designation to Community Commercial would remove the possible conflicts between the noise, odor, and other impacts inherent with the Heavy and General Manufacturing activities permitted by the Business Mix designation and the residential activities encouraged by the General Plan around the BART station and the AC Transit hub.

Policies in support of changing the General Plan designation to Community Commercial to allow the mix of uses called for by changing the designation from Business Mix to Community Commercial are as follows (note: the policies are in normal font and the amendment's consistency with the policies are in bold):

Policy N8.1 Developing Transit Villages. "Transit Village" areas should consist of attached multi-story development on properties near or adjacent to BART stations or other well-used or high volume transfer facilities, such as light rail, train, ferry stations, or multiple-bus transfer locations. While residential units should be encouraged as part of any transit village, other uses may be included where they will not negatively affect the residential living environment.

According to the Guidelines, changing the General Plan designation to Community Commercial would allow the residential activities called for by this policy. Business Mix, the current General Plan designation, does not allow residential activities.

Policy T2.1 Encouraging Transit Oriented Development. Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transit such as BART, bus, shuttle service, light rail or electric trolley, ferry, and inter-city or commuter rail.)

The General Plan defines Transit Oriented Districts as "Areas designed to take advantage of the opportunities presented by Oakland's eight BART stations and Eastmont Town Center. Easy pedestrian and transit access to mixed-use housing and commercial development should characterize these areas, as well as a strong identity created through careful urban design and mix of activities". The site proposed for this General Plan Amendment is at the convergence of the West Oakland BART Station and numerous AC Transit Lines, thus making it an appropriate area to develop as Transit Oriented Development. Further, page 55 of the LUTE specifically mentions the West Oakland BART Station area as a potential site for "transit oriented development".

The Amendment is consistent with the subject policy because according to the Guidelines and Zoning Ordinance, the current "Business Mix" designation does not allow residential activities and an amendment changing the General Plan designation to Community Commercial would allow the residential activities and mix of commercial activities called for in the General Plan's definition of a transit oriented district.

Policy T2.2 Guiding Transit Oriented Development. Transit oriented developments should be pedestrian oriented, encourage night and day time use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

According to the Guidelines and the Zoning Ordinance, changing the General Plan designation to Community Commercial would allow a wide variety of activities, goods, and services, including residential, retail, entertainment, general food sales (restaurants and markets), offices, and several others.

Policy T2.3 Promoting Neighborhood Services. Promote neighborhood-servicing commercial development within one-quarter to one-half mile of established transit routes and nodes.

According to the Guidelines and the Zoning Ordinance, the Community Commercial designation would allow neighborhood servicing commercial development across an intersection from a BART Station and near an AC Transit Hub.

Policy T2.5 Linking Transportation and Activities. Link transportation facilities and infrastructure improvements to recreational uses, job centers, commercial nodes, and social services (i.e. hospitals, parks, or community centers).

According to the Guidelines, the Community Commercial Designation would allow each of these activities to be linked to the BART and AC Transit transportation facilities. Note that the current Business Mix designation would not allow a hospital or a community center while these activities "clearly conform" to the Community Commercial designation.

Zoning Text Amendment Consistency with the General Plan

The project requires a Zoning Text Amendment because the City's Zoning Ordinance does not allow auto fee parking, a major component of the project, in the S-15, Transit Oriented Development Zone. Auto fee parking is not a permitted activity in the S-15, Transit Oriented Zone because it tends to encourage auto use instead of transit, contradicting the policies and objectives that the General Plan repeatedly emphasizes. However, the proposed text amendment would implement the policies and objectives of the General Plan by adding auto fee parking as a conditionally permitted use along with six criteria on any approval of a conditional use permit for a new auto fee parking proposal in the S-15 Zone. These criteria are: 1) Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities; 2) Auto fee parking may only be contained in an at least a three level structured parking facility that replaces an existing at grade parking facility; 3) The new parking structure may represent no more than a 75 percent increase of existing parking at the site; 4) Auto fee parking at the site shall be specifically designated by a plan or study sponsored by the City of Oakland designed to promote transit oriented development as defined by the General Plan; 5) The facility or facilities containing the residential and/or commercial activities shall be adjacent to the street and the auto fee parking shall be behind and substantially visually obstructed from the principal street(s) by the residential and/or commercial facility or facilities; and 6) The project shall be consistent with the General Plan's goals, objectives, and policies that promote transit oriented development and districts.

With these criteria, conditionally permitting auto fee parking would implement LUTE's policies and objectives listed above that promote transit oriented districts. The first, second, and third criteria assure the concentration of auto fee parking in a parking structure to free up land to accommodate the compact, mixed use development encouraged by the General Plan near transit centers. The fourth condition assures that the structured parking would be only one element of an overall plan or study that promotes transit oriented development. The fifth condition requires that the residential and/or commercial structure would have the most visible presence on the street, assuring that the visual character of transit oriented districts be consistent with the pedestrian oriented, mixed use areas envisioned by the General Plan. The final criterion gives assurance that the development would promote the transit oriented development goals of the General Plan.

Project Consistency to General Plan Objectives and Policies

The project itself is consistent with several of the objectives and policies of the General Plan. The commercial and residential components of the project are consistent with Objectives T2 and N8 of the LUTE (see above) by providing a mixed use, high density development near a BART station. The parking structure is consistent with the Objectives by shifting BART passengers parking from the surface

to a structure, freeing up land at the site for the proposed high density, mixed use aspects of the development. Further, the site was designated by the "West Oakland Transit Village Study" as a site for a large parking structure. Although the overall purpose of the document was to promote transit oriented development in the entire area, the site was designated for parking to accommodate "the inevitable need for parking with increased development and pedestrian character that constitute the key attributes of a transit village". Further, page 59 of the study states that development of a parking structure at the site would not, in the long term, constitute net additional parking in the station area but instead provide replacement parking for spaces removed due to transit oriented development at other sites. In short, allowing auto fee parking at the site is just one component of a document that, on the whole, promotes transit oriented development for a station area. Therefore, the proposed parking structure implements a study that is consistent with the General Plan's goals for transit oriented development.

The project is consistent with Policy N8.1 by providing an attached, multi-story residential development near a BART station.

The project is consistent with Policy T2.1 by locating a project and implementing a study consistent with the policies and objectives defining Transit Oriented development near the BART station and the AC Transit hub.

The proposed design is consistent with Policy T2.2 in the following regards:

- The proposed ground floor commercial space would be canopied by the bay windows and have approximately 9'-0" high windows. These elements create a scale comfortable for pedestrian activity. Further, the design has a clear pedestrian path from the BART Station to the development that leads through a plaza. The plaza would have pedestrian oriented commercial uses such as café's and small retail shops.
- The approximately 38,500 square feet of commercial space provides an opportunity for evening uses such as restaurants and retail stores. Further, the parking structure will be predominately for day use, allowing parking opportunities for evening visitors.
- The project proposes a *mix* of residential, retail, office, and fee parking activities.
- The development would be compatible with surrounding neighborhoods. The height is compatible with the surrounding neighborhoods because it would allow the development to mitigate noise and visual impacts of the freeway and the BART tracks. The proportions of the development's towers and the shapes created by the bay windows would relate to the turn of the century homes in the neighborhood and throughout West Oakland. Industrial activities are immediately adjacent to the site, thus there would be limited shadow impacts on the nearest residential neighborhoods. Finally, its location between the freeway and the BART tracks significantly isolates the sight, further reducing its impact on the surrounding community.

The project is consistent with Policy T2.3 by providing approximately 38,500 square feet of proposed commercial space at the site, providing opportunities for neighborhood servicing commercial development.

The ground floor commercial and the pedestrian plaza components of the proposal would also be consistent with Policy T2.5 by creating an activity node kitty corner from the BART Station and near an AC Transit hub.

The MND for this project also includes a detailed discussion and analysis of consistency with adopted plans and policies. The environmental review also includes an analysis of the physical impact that could be associated with the contemplated land use changes, such as traffic, noise and air quality.

ZONING ANALYSIS

The proposal is within the S-15, Transit Oriented Development Zone. The following section reviews the proposal in terms of the requirements that zone and other relevant regulations.

Design Review Requirement

The project requires a Design Review Permit because Section 17.100.020 states that no new construction is allowed in the S-15 Zone without design review approval from the City.

Major Conditional Use Permit

The proposal requires a Major Conditional Use Permit because Section 17.100.200 (Special Regulations for large scale developments in the S-15 Zone) and 17.134.020 (Definition of Major and Minor permits) state that no development that involves more than 100,000 square feet of new floor area is permitted except upon the granting of a Major Conditional Use Permit. A Conditional Use Permit is required in the S-15 Zone for any parking provided for non-residential activities. The development provides 94 parking spaces for the commercial activities.

Permitted Activities

As mentioned in the "General Plan Analysis" section of this report, the proposed auto fee parking is not permitted in the S-15 Zone. Staff proposes conditionally permitting auto fee parking in the Zone if a project meets the standard conditional use permit criteria contained in Chapter 17.134, Section 17.100.100 (required findings for conditionally permitted activities in the S-51 Zone) and the additional criteria contained in the General Plan Analysis section, above and the attached Zoning Text Amendment.

See the "Key Issues and Impacts" and "General Plan Analysis" Sections of this report for a discussion of this issue. Also, the proposed amended version of the S-15 regulations is contained in Attachment C of this report.

Section 17.100.100 Use Permit Criteria

This section contains criteria for the approval of conditionally permitted activities in the S-15 Zone. The "Required Findings" section of this report addresses these criteria.

Maximum Floor Area Ratio (FAR)

The Zoning Ordinance permits an FAR, defined as the ratio of building area to site area, of 4.4 on a corner parcel in the S-15 Zone. At approximately 1.3, the proposal is within this requirement. Note that this figure does not include the proposed parking structure or required parking because the Zoning Ordinance defines FAR as the total building square footage *not including parking* divided by the square

footage of the lot. However, with these parking facilities, the proposal would still have a total FAR of only approximately 3.4, within the requirements of the Zoning Ordinance.

Maximum Residential Density

After adjusting the square footage used by the commercial components of the proposal, the proposed residential density is one unit per 1,309 square feet of lot area. This figure is within the one unit per 450 square feet of lot area required by the S-15 Zone.

Maximum Height

The S-15 Zone allows a maximum height of 45'-0", except that the maximum may be extended to 55'-0" if one foot of building setback is provided for each additional foot of building height above 45'-0". The ordinance also says that no part of a building within 10'-0" of the rear property line may be above 30'-0" in height. The towers and the parking garage are 75'-0" and 62'-0", respectively, and, therefore, require a variance from the height standard. See the "Key Issues and Impacts" section of this report for a discussion of height issues.

Setback Requirements

The S-15 Zone requires no setbacks at the proposed site.

Minimum Usable Open Space

The S-15 Zone requires 150 square feet of open space per regular dwelling unit, or 16,500 square feet of open space for the proposal. This open space may be provided anywhere on a lot, including a roof. The proposal meets this requirement by providing 39,500 square feet of open space on top of the parking facility. A discussion of the quality and character of the open space is contained in the "Key Issues and Impacts" section of this report.

As mentioned in the "Major Conditional Use Permit" subsection of this report, the Zoning Ordinance permits no parking for non-residential activities and requires a Conditional Use Permit if a project provides any parking for non-residential activities. Therefore, the 94 parking spaces provided for the ground floor commercial space requires a Conditional Use Permit.

The Zoning Ordinance requires at least one-half a parking space per each residential unit. The proposal meets the residential requirement by providing 142 parking spaces for 110 units. As mentioned, the architect is proposing more units and fewer parking spaces than shown in the plans attached to this report. Staff will present the revised plans at the August 6, 2003 meeting of the Planning Commission.

ENVIRONMENTAL DETERMINATION

A proposed Mitigated Negative Declaration has been prepared and may be considered for adoption by the Planning Commission. Pursuant to the City's Environmental Review Regulations, the Planning Commission is responsible for adopting the proposed Mitigated Negative Declaration (MND) to be used by the City in considering a discretionary project approval. In adopting the MND, the Planning Commission must find that the report has been prepared in compliance with the California Environmental

Quality Act (CEQA), the State CEQA Guidelines, and the City's local Environmental Review Regulations. A MND is acceptable if the document is accurate and adequately discusses potential adverse environmental impacts and the way that the impacts would be mitigated to a less-than-significant level. The proposed MND (see Attachment E) was released for public review on July 7, 2003 and comments were solicited for a 30-day period ending on August 6, 2003. Among the State Agencies sent the document for review was the Native American Heritage Commission.

Environmental Impact The proposed MND evaluated the proposal and identified potentially significant adverse impacts in the following categories: air quality, cultural resources, geology and soils, hazards and hazardous materials, noise, and transportation and traffic. The proposed MND recommends mitigation measures that would avoid or reduce the significant effects to less than significant levels. These measures have been incorporated into the attached Mitigation Monitoring Program and are incorporated into the Conditions of Approval for the project. Some of the more significant mitigations measures include: preconstruction testing and a monitoring plan for architectural resources, mitigations regarding contaminated soil and groundwater, and requirements to mitigate noise levels within the residential buildings the rooftop open space.

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

1. That the proposed MND was prepared by the City of Oakland as the Lead Agency, was properly circulated for public review and comment for 30 days.
2. That the proposed MND was independently reviewed and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that such independent judgment is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); that the Planning Commission adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
3. That the proposed MND identifies all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels; and that all of the mitigation measures identified in the proposed MND and again in the Mitigation Monitoring Program will be adopted and implemented.
4. That the project complies with CEQA, and that the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to acting on the development approvals for the project.

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

Mitigation Monitoring: The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the attached Mitigation Monitoring Program. Adoption of this Program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 31081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility.

KEY ISSUES AND IMPACTS

General Plan Amendment

Staff believes that the proposed General Plan Amendment is appropriate for the site. As discussed in the General Plan Analysis section of this report, the current General Plan designation, Business Mix, does not allow residential activities at the site. However, the site is adjacent to the West Oakland BART Station, and AC Transit hub, and in an area designated as a "Transit Oriented District" in the General Plan. Further, in its definition of Transit Oriented Districts, the General Plan states: "Easy pedestrian and transit access to mixed-use housing and commercial development should characterize these areas." Therefore, if this site were to fulfill the General Plan's vision of being part of a transit oriented district, the site's current designation must be changed. Community Commercial is the appropriate designation for the site because it allows residential activities and the **mix** of commercial activities called-for in the General Plan for Transit Oriented districts. Further, the designation does not allow the general or heavy industrial activities that would create land use conflicts with the residential activities appropriate for the transit oriented district.

Zoning Text Amendment

In general, staff does not believe that the auto fee parking is appropriate for widespread development within transit oriented districts because transit oriented districts are meant to support transit use through locating employees, residents, and shoppers near BART stations through high density development. Auto fee parking, particular those with only surface parking, occupy land that could be used for this purpose. Further, ample parking spaces near BART stations make the use of an automobile more convenient, increasing car use and impacting local neighborhoods.

However, staff believes that the proposed Zoning Text Amendment is consistent with the appropriate development of Transit Oriented Districts because auto fee parking may be **an** appropriate activity for a particular site in a transit oriented district. **A** structured parking facility will concentrate existing surface parking, **freeing** land for the mixed use developments envisioned by the General Plan **for** transit oriented districts. Parking structures obscured from the street by commercial **and/or** residential facilities will not substantially degrade the visual character of transit oriented districts. Further, sometimes a site is designated for parking in an overall study written to promote transit oriented development to balance the need to preserve transit use through the park and ride opportunities that parking structures provide with the compact, mixed use development pattern consistent with transit oriented development.

As described in the General Plan Analysis section, above, staff believes that the criteria that would be required to allow auto fee parking facilities in the proposed Zoning Text Amendment (see Attachment C) would assure that auto fee parking would only be developed under these circumstances.

Conditional Use Permit for Auto Fee Parking at the Site

Staff recommends approval of parking at the site for the following reasons. First, the project meets the proposed conditions for allowing auto fee parking in the S-15 Zone: the parking structure would be part of a larger development that would have a significant commercial and residential component: the parking structure would be five stories. two more than the proposed three story minimum: the proposal would represent **an** approximately 73 percent increase in the number of parking spaces at the site, less than the proposed 75 percent standard proposed by staff: as mentioned in the Background section of this report, the subject site was designated by the West Oakland Transit Village study, a study sponsored by the City, to have structured parking; the mixed use construction would substantially obscure the project from the

street; and the General Plan Analysis section of this report determines that the project is consistent with the General Plan.

Another justification for permitting the auto fee parking structure at the site would be to reduce the impact of BART passenger parking in local neighborhoods by transferring parking from the street to the parking structure. The West Oakland BART station is widely used by residents throughout the East Bay because it is easily accessible from several freeways, a stop for several BART lines, and the last BART station from Downtown San Francisco. This has created severe parking and traffic impacts on nearby residential neighborhoods. For instance, a study for the nearby Mandela Gateway project found that on-street parking occupancy rates in the vicinity of the proposed project are generally high in the weekday midday, with an overall average of 91 percent occupied. Further, the study showed that the average occupancy rate for streets with unrestricted on-street parking is approximately 101 percent.

However, given the demand for parking in the area, approval of the parking structure without restricting or controlling on street parking would only serve to increase parking capacity in the area, not transfer parking from the street to the parking structure. Further, staff has concerns that the proposed parking garage would increase parking capacity in the neighborhood, and thus create additional traffic impacts in local neighborhoods.

Therefore, staff recommends a condition of approval requiring the developer to develop a comprehensive parking management strategy for the neighborhood surrounding the BART Station designed to mitigate the impacts of BART passenger parking on local streets. The plan would include an analysis of an appropriate radius of where people park to access the BART Station; a mapped inventory of the two- and four-hour residential parking permit locations within this radius; and recommendations of locations for new two- and four-hour residential parking permit zones for review by the Planning and Traffic Engineering Divisions.

Adoption of residential permit parking requires a petition containing the signature of at least one resident of 51% of the residential units in each block within the proposed permit area. Staff, therefore, does not recommend that issuance of a building permit require approval of the new restricted parking because the project should not be contingent upon the opinion of residents, a factor out of the control of the developer. However, staff does recommend that the condition require the applicant to make a good faith effort to work with affected neighbors, collect the required signatures, and complete all processes to institute the parking program required by the Public Works Department.

Design Issues

Bulk. Staff raised concerns at the Design Review Committee regarding the proposed bulk because the proposal would have a total floor area ratio (FAR), including the garage, of 3.7 and the site would contain approximately 560,000 square feet of total floor area (note that the Zoning Ordinance defines FAR as the total building square footage *not including parking* divided by the square footage of the lot; the garage is included in this calculation only to depict bulk using broadest possible method). With the exception of the US Postal Service facility, a 3.7 FAR on a lot this size would create significant bulk compared to other developments in West Oakland.

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The applicant proposes to mitigate this bulk through separating the buildings into the separate towers. The bulk created by the parking garage would also be hidden from the street by the structures at the front of the property. Staff suggested in the Design Review Committee staff report that a further reduction in the appearance of bulk could be attained by breaking up the towers' vertical space through providing each tower a defined top, middle, and bottom. A method mentioned in the staff report would be to lengthen the reliefs at the top of the towers down to the floor of the top residential story. Staff, the architect and the Design Review Committee also discussed the possibility of further defining the middle of the towers by either a) providing additional façade treatments on the area between the African motifs and the ground floor commercial space or b) providing a connection between each floor of the towers. These connections would step back each story, providing a deck area for each unit, increase the square footage of the units, and provide additional light into living spaces.

The applicant has discussed these issues with staff and has agreed to incorporate these elements in the plans. Therefore, staff recommends a condition of approval that these design elements be incorporated into the design development and final building permit plans.

Staff also recommends that the height of some towers have greater contrast to create visual variety in the development. This issue is further discussed in the Height subsection, below.

Materials and other architectural detail. Staff has concerns that the concrete would be the most significant exterior material on the structures. There is concern that this material, the proposed bulk, and repeating architectural elements would give the development an austere or institutional character. Staff believes the project could avoid this appearance if the plans included quality architectural detail to the finish of the concrete, windows, balconies, reliefs with African motifs, and similar elements.

Therefore, staff recommends a condition of approval stating that the applicant must submit plans for review and approval of the Planning Director that label the materials proposed for the exterior of each building and a color and material board for each building. These materials and treatments should provide the building with significant visual interest and quality. A condition of approval has been incorporated accordingly.

Height. As mentioned, the project requires a variance for height because they are 34'-0" above the maximum height of 45'-0". Staff, is in support of the proposed height for the following reasons:

- The height will likely be a benefit to the community by mitigating the noise and visual impacts of the freeway and the parking garage;
- View impacts would be limited because the area is flat;
 - The height allows for more units at the site, thus supporting the transit village concept of concentrating housing near the BART station and AC Transit hub (see Background, above);
- Its location between the freeway and the BART tracks significantly isolates the site: reducing its impact on the surrounding community;
- Shadow studies submitted by the applicant showed that the height would not limit the solar access of any residential facilities in the neighborhood; and
- The height allows the upper units of the development views over the freeway.

Further, staff recommends that the Planning Commission give staff authority to review and approve plans proposed to be submitted to the Planning Department that show the middle towers of each building reaching a height of 90'. This extra height accomplishes two significant goals. First it allows 10 new units at the site thereby increasing its density and implementing the policies in the General Plan of

locating residential units near BART stations and transit hubs. Secondly, the extra height further differentiates the middle towers of the buildings, reducing the appearance of bulk by breaking up the horizontal space of the buildings and ameliorating concerns regarding the repetitiveness of the development.

Ground floor commercial. The ground floor commercial space is a critical element of the project because it defines the space that will be most directly experienced by pedestrians and local motorists. Plans submitted to the Planning Department contain elements of a successful pedestrian oriented commercial façade: the towers' bay windows above create a canopy over the ground level and define an appropriate pedestrian scale, the African motif columns could be a successful design concept, and the windows are an appropriate height for local commercial storefronts. However, plans submitted to staff are conceptual and not at a scale that allows a sufficient analysis.

Therefore, staff recommends a condition of approval requiring detailed plans for review and approval of the Planning Director showing elevations of the ground floor space. These plans shall show traditional elements of successful commercial facades including: significant window space facing the street, an approximately two foot base at the bottom of the windows, a canopy or covering over the window and door, and space for a business sign. The details of the plans shall specifically designate all materials and contain architectural elements that provide significant visual interest to pedestrians.

Quality of open space. Staff has comments and concerns regarding the following proposed open spaces:

- a) *Plaza at 5th Street and Mandela Parkway.* It is critical that the corner of 5th and Mandela have visual interest, be a successful location for interaction and gathering, and be an unobstructed corridor because it will be so highly trafficked by BART passengers traveling to and from the BART station. The current plans show a circular commercial building designed for small vendors and cafés dominating the middle of this plaza; staff believes that this would be an obstruction to pedestrians and take up space that could be used for a fountain or public art with seating that would encourage interactions and gathering. Staff agrees that commercial activities, especially small retail shops and cafes, would be an important element to serve BART and AC Transit patrons and attract people to the plaza, but believes that these spaces should be located toward the sides of the plaza. Side vendors that feed activity within the space is a more traditional plaza design and would remove the obstruction for pedestrians. When this issue was brought in front of the Design Review Committee, Commission Jang agreed with staff and suggested that commercial structures could define a circular "void" within the plaza.

Staff, therefore, recommends a condition of approval that requires the commercial space in the plaza to be designed with a greater degree of open space and circulation area at 5th and Mandela.

As presented to the Design Review Committee, staff also believes that the corner of the parking structure closest to the plaza would be a focal point for people walking through the plaza and, therefore, should have a prominent architectural or artistic feature to create more visual interest. Staff also provided a suggestion that the plaza area open up to the parking area by replacing some of the proposed parking spaces at the northwest corner of the on-grade parking lot with landscaping. Furthermore, expanding the use of alternative paving methods between the open space and the parking structure would open up the plaza to the garage area and improve the appearance of the on grade parking lot.

Therefore, staff recommends conditions of approval requiring plans for review and approval of the Planning Director that includes these elements.

b) *Garage roof open space.* Staff has some concerns regarding the usability of the garage roof open space. This open space must be an important amenity to residents to preserve the livability of the development. The staff report prepared for the Design Review Committee stated that staff has concerns that the enjoyment of the space would be hampered by automotive fumes and noise from the adjacent freeway and cars in the garage. Another concern is that the narrow walkways from the residential buildings will not sufficiently integrate the open space with the rest of the development, discouraging its use. *Also*, the rooftop would need significant landscaping and other features for the open space to be usable; this may be difficult to accommodate on the roof of a concrete garage due to the heavy weight load. The noise and fume issues were addressed in the Initial Study prepared for the project (see Attachment E). Analyses prepared for the Initial Study stated that local emissions from the proposal, including the parking garage, would not exceed the standards of the Bay Area Air Quality Management District. Further, as mitigation to exposing sensitive receptors to noise created by the freeway, the Initial Study requires a qualified acoustician to perform site-specific noise measurements and a detailed acoustical analysis of the exterior noise levels for the open space located on the roof of the parking garage to ensure that the exterior ambient noise levels do not exceed 65 dBA. The initial study suggests that a possible mitigation if the noise level is above 65 dBA would be to construct a sound wall.

Staff believes that the other concerns would be addressed by recommended conditions of approval requiring:

- A landscaping plan for the rooftop showing significant groundcover, trees, seating opportunities, and plantings developed by a licensed landscape architect with experience in designing quality rooftop open space environments; and
- Plans showing wider walkways between the buildings and the rooftop open space, opening up the space to residents walking across the bridge. These walkways should be heavily landscaped, particularly in their wider segments, to make the open space more inviting.
- If deemed necessary, the sound wall shall be designed with glass or have openings so that the space would be more open to views and light.

View from freeway. Staff is concerned about the appearance of the development from the freeway. This highly visible freeway view would consist of the backs of the parking structure and the residential buildings. The current plans show outdoor concrete walkways that lead to the entrances of the structures on the back of the residential buildings and an unadorned side of a cement parking structure. **Staff** believes that the visual interest of these elevations should be upgraded given the number of people that will view the development from the freeway.

Therefore, staff recommends conditions of approval that would improve the appearance of the parking and the backs of the residential buildings structure through the extensive use of façade design treatments as well as vines, planter boxes, and other landscaping.

Area between parking structure and buildings. Staff expressed concerns to the Design Review Committee and the applicant that the space between the parking structure and the residential buildings needs improvement because it would be defined by an approximately 50'-0" cement parking structure on one side and 58'-0" of cement walkways on the other. Like the mitigations listed in the "View from freeway" section above, staff believes that this could be mitigated through creating visual interest on the parking and residential elevations. This area would be further improved using the methods described in the "Quality of open space" Section, above, of opening up the northwest corner of the at grade parking to the open space at the corner of 5th Street and Mandela Parkway. Further landscaping in the area between the parking lot and the residential structures would also improve the quality of this space. Therefore, staff recommends a condition of approval that the applicant submit for review and approval of the Planning Director plans that show significant visual improvement of the area between the garage and residential buildings.

Adequacy of light and privacy for residential units. Staff expressed concerns at the Design Review Committee that a limited amount of space between the towers will create light and privacy issues for residents. The floor plans proposed include two bedrooms on each unit getting its significant sunlight from the windows facing the area between the towers. Staff has had concerns that the sunlight available for these rooms would be limited given the approximately 63'-0" height and narrow, 13'-0" width of the area between the towers. Light would be particularly limited for the bottom units. Staff has recently received preliminary revised plans from the applicant showing a 20'-0" space between the towers. Staff believes that this amount of space would provide sufficient light, air, and privacy for the lower units. Therefore, staff recommends a condition of approval that plans be submitted for review and approval of the Planning Director that show the towers a minimum 20'-0" from one another. This condition is required even though plans reflecting this separation have already been submitted to staff because they are only conceptual drawings.

Number of units. The applicant has submitted conceptual plans that would increase the number of units at the property by 10 units through increasing the height of the middle towers. Increasing the number units to this extent would still be within the allowed density in the S-15 Zone, would achieve the policies of the General Plan of maximizing the number of housing units near a BART station and an AC Transit hub, and fall within the environmental review completed for the project. However, it is unclear to staff how the adjustments allowing the additional units would affect the design of the structure. Therefore, staff recommends that the Planning Commission give staff authority to review and approve plans submitted to the Planning Department that show the design of the development after the extra units and height are incorporated into the plans.

Further Plans Required For Review

The applicant has yet to submit plans to staff showing the elevations of each side of all the proposed structures on the lot and floor plans for each building. Therefore, staff recommends a condition of approval requiring these plans to be submitted for review and approval of the Planning Director. Staff further recommends that these plans show significant architectural interest in keeping with the visual theme and context of the development.

Future Review by the Design Review Committee

Staff recommends a condition of approval requiring that revised plans in compliance with all the design conditions be reviewed by the Design Review Committee after approval by the Planning Commission. Staff recommends this condition because this report recommends several conditions of approval that would significantly refine the plans approved by the Planning Commission. At a future meeting, staff

would request that the Design Review Committee provide input to staff regarding whether the applicants have sufficiently addressed the design issues contained in the adopted conditions of approval.

Conclusion

Overall, staff believes that the proposed design is of high quality and consistent with the intent of the General Plan and the Zoning Ordinance. Staff believes that the height of the development is appropriate given its location between the BART tracks and the freeway. Further, with the conditions of approval recommended above, the massing of the proposed towers would significantly reduce their scale. The size of the residential buildings also obscures the parking garage from Mandela Parkway and Fifth Streets, reducing its visual impact on the neighborhood. Finally, the size of the buildings allows a substantial number of residential units on the site, fulfilling *the* intent of the General Plan and benefiting the region by maximizing the number of housing units near the BART station and an AC Transit hub.

As conditioned, the proposed pedestrian oriented ground floor commercial space is consistent with the policies in the General Plan promoting pedestrian oriented, mixed use, transit oriented districts and would provide important amenities to the neighborhood. As conditioned by this report and mitigated by the initial study, the rooftop open space would be an enjoyable space with impressive views of the Bay Area.

The proposed garage concentrates parking at the site, allowing space at the site for the commercial and residential development. As conditioned, the parking garage would also ease the parking impacts of BART passengers on surrounding neighborhoods.

A General Plan Amendment designating the site as Community Commercial allows residential activities at the site, fulfilling numerous General Plan policies of encouraging housing near BART stations and AC Transit hubs. The criteria proposed for the Zoning Text Amendment allowing auto fee parking in the S-15 Zone fulfills the intent of the General Plan by assuring that a proposed parking structure is only a part of an overall plan or study that promotes a transit oriented district and would concentrate parking at a site to free up land for a commercial or residential development.


Finally, the proposed initial study demonstrates that, with mitigations, the project will not have a significant impact on the environment or expose sensitive receptors to hazardous conditions. These mitigation measures have been incorporated into this use permit approval.

Therefore, staff recommends to the Planning Commission to:

1. Adopt the proposed Mitigated Negative Declaration based on the environmental findings contained in this report;
2. Adopt the attached Conditions of Approval/Mitigation Monitoring Plan for the proposed project; and
3. Approve the Major Conditional Use Permit, Minor Variances, and Design Review application subject to the attached findings and conditions of approval.
4. Recommend that the City Council adopt the General Plan Amendment designating the subject site from the Business Mix to the Community Commercial General Plan land use designation.

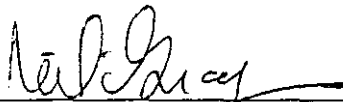
5. Recommend that the City Council adopt the zoning text amendment reflected in Attachment C. of this report.

Respectfully submitted:



LESLIE GOULD
Director of Planning and Zoning

Prepared by:



NEIL GRAY
Planner III

- Attachments:
- A. Project Plans
 - B. Staff report presented to the Design Review Committee on May 23, 2003
 - C. Proposed Zoning **Text** Amendment
 - D. Proposed General Plan Amendment
 - E. **Initial Study**
 - F. July 27, 2003 *Letter from West Oaklanders* on (and around) Peralta Street - WOOPS

FINDINGS FOR APPROVAL:

This proposal meets the required findings under Sections 17.134.050 (General Use Permit Criteria), 17.100.100 (Use Permit Criteria for the S-15 Transit Oriented Development Zone), 17.148.070 (Variance Criteria), 17.136.070.A (Residential Design Review Criteria), and 17.136.070.B (Non-Residential Design Review Criteria).

Section 17.134.050 (General Use Permit Criteria):

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

As conditioned, the proposed size, design, and operating characteristics will be compatible with the livability and appropriate development abutting properties. The height of the development would be a benefit to the community by blocking the visual and noise impacts of the freeway. Its location between the freeway and the BART tracks significantly isolates the site, further reducing its impact on the surrounding community. Further, as designed and conditioned, the separation of the towers, their defined bottom, middle and top, the pedestrian oriented retail space, and the required attention to design details, will significantly reduce the scale of the development. The size of the residential buildings also obscures the parking garage **from** Mandela Parkway and Fifth Streets, reducing its visual impact on the neighborhood. Finally, the size of the buildings allows a substantial number of residential units on the site, fulfilling the intent of the General Plan and benefiting the region by maximizing the number of housing units near the BART station and **AC** Transit hub.

The ground floor commercial space provides **an** opportunity for retail space, significantly benefiting the community.

The proposed garage concentrates parking at the site, allowing space at the site for the commercial and residential development. **As** conditioned, the parking garage would also ease the parking impacts of BART passengers on surrounding neighborhoods. Traffic studies demonstrate that surrounding intersections have ample capacity to serve the parking garage and development.

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

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

As conditioned and mitigated, the project will have a successful site plan. Parking spaces for the residential units and the commercial space are conveniently located under the residential structures. Parking for the commercial buildings is conveniently and functionally located between the residential buildings and the parking structures. According to the City's Traffic Engineering Division and studies completed for the initial study, the location of the entrances into the development and the

FINDINGS

parking structure would be easily and safely accessed from the street and would not create a queue of cars into the public right of way. A condition of approval of this report requires final review of the parking structure by the City to assure its functionality. All parking on the site is substantially hidden from view from Mandela Parkway and 5th Street, the most prominent streets serving the site.

The most significant and usable open space will be located on the roof of the parking garage. This area is conveniently located across pedestrian bridges from the residential buildings. The roof top open space would contain recreational facilities and, as conditioned, have significant landscaping. Air quality analysis and noise mitigations required as part of the Initial Study assure that the open space will be an enjoyable place for relaxation and recreational facilities. A plaza at the corner of 5th Street and Mandela Parkway will provide another important open space area. Its location on what will be a highly trafficked pedestrian path between the BART Station and the parking garage and the provision of retail space, assures activity in this area.

The proposed location of the development will provide convenient transit opportunities to residents and shoppers of the proposed development. The development will also provide a convenient location for BART and AC Transit passengers to park.

The location of the commercial area will allow convenient access by pedestrians from 5th Street and Mandela Parkway. The canopied entrances and storefront windows provide an appropriate, pedestrian oriented commercial area. Finally, the residential buildings' distinct and separate tower forms, rounded bay windows, African motifs, and, as conditioned, high quality finishes and materials will create an attractive development appropriate for its location.

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

The proposal would enhance the successful operation of the BART station area by constructing a compact, mixed use development consistent with transit oriented development and providing park and ride opportunities proximate to the West Oakland BART station and an AC Transit hub. This benefits the region by increasing transit ridership, reducing traffic congestion, and improving air quality. The development will also provide a significant number of affordable homeownership opportunities for residents of the neighborhood and region. The ground floor space will provide much needed commercial activity to West Oakland.

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

See Design Review Findings, below.

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

The project requires a General Plan Amendment to change the site's General Plan designation from Business Mix to Community Commercial. The Business Mix General Plan designation is intended to "create, preserve and enhance areas of the City that are appropriate for a wide variety of business and

related commercial and industrial establishments". The project would need a General Plan Amendment because, according to the City of Oakland's "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" (the Guidelines) passed by the Planning Commission on May 6, 1998, and as last amended December 5, 2001 the residential activities proposed by the applicant "clearly (do) not conform" to the intent of the General Plan to preserve areas that have a Business Mix designation for exclusively commercial and industrial uses. According to the Guidelines, the Community Commercial designation would allow the mix of uses, including the residential activities, proposed by the applicant. Further, the project requires a Zoning Text Amendment because the current S-15 regulations do not currently permit or conditionally permit auto fee parking. The General Plan Analysis section, above, describes how these proposed amendments and the project itself meet the goals, objectives, and policies of the General Plan related to transit oriented districts and other land use issues.

Section 17.100.100 (Use Permit Criteria for the S-15 Transit Oriented Development Zone):

6. That the **proposal will** be of a quality and character which harmonizes with and serves to protect the value of private and **public** investment in the area;

The residential buildings' distinct and separate tower forms, rounded bay windows, African motifs, and, as conditioned, high quality finishes and materials will create an attractive development appropriate for its location. Further, parking for the development is located behind the residential structures, obscuring them from the principal streets adjacent to the proposal. The African themes established by the hut shaped structures, roof shapes, colors, and reliefs with African motifs provide the development a distinct character consistent with the African American population in West Oakland.

7. That the proposal will encourage an appropriate mixture **of** Residential and Commercial Activities in a manner **which** promotes and enhances use of multiple modes of transportation;

The development locates high density residential development and commercial opportunities adjacent to BART and AC Transit. This enhances multiple modes of transportation by making transit opportunities convenient to use for workers and residents. The proposed parking structure enhances park and **ride** opportunities for BART and AC Transit users. Finally, **as** conditioned, the homeowners association will provide residents and employees financial incentives to ride public transit.

8. That the proposal is designed **to** provide a safe and pleasant pedestrian environment;

As conditioned, the development will have traditional elements of successful pedestrian oriented commercial facades including: significant window space facing the street, an approximately two foot base at the bottom of the windows, a canopy or covering over the window and door, and space for a business sign. As conditioned, the lighting plan will provide appropriate security conditions for pedestrians.

9. That no front yard **parking**, loading area. or driveway **shall** connect **or** abut directly with the principal commercial street unless the determination can be made:

FINDINGS

- a. That vehicular access cannot reasonably be provided from a different street or other way,

Given the size of the parking garage and the development, the site requires two parking entrances. One entrance would occur on 3rd Street, not a principal commercial street. However, to have a logical separation between entrances, the second entrance must be located on either Mandela Parkway or 5th Streets, both principal streets. The designer chose 5th Street because it would be most conveniently accessed from the freeway.

- b. That every reasonable effort has been made to share means of vehicular access with abutting properties,

The site is bounded by three streets so there are no directly abutting properties.

- c. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Section **17.110.040B**;

As conditioned, the proposal is required to follow the requirements of Section 17.110.040B.

- 10.** That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement.

The proposed amount of off-street parking is provided in excess of this code. There is no parking required for the proposed commercial space but the development provides 94 commercial parking spaces; the Zoning Ordinance requires one-half a parking space per unit but the proposal proposes more than one parking space per unit. However, as conditioned, the development will not significantly contribute to an increased orientation of the area to automobile or truck movement.

Section 17.148.070 (Variance Criteria):

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

The site's location adjacent to a freeway and BART tracks are unique physical circumstances and strict compliance would preclude effective design solutions due to the following reasons:

- The height may a benefit to the community by mitigating the noise and visual impacts of the freeway and the parking garage;
- View impacts would be limited because the area is flat;
- The height allows for more units at the site, thus supporting the transit village concept of concentrating housing near the BART station (see Background, above);
- Its location between the freeway and the BART tracks significantly isolates the sight, reducing its impact on the surrounding community;

FINDINGS

- Shadow studies shows that the height would not limit the solar access of any residential facilities in the neighborhood; and
- The height allows the upper units of the development views over the freeway.

As conditioned, the applicant shall develop a plan demonstrating that appropriate loading facilities will be included in the final plans.

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

The most significant intent of the height regulations are to reduce shadow impacts on-adjacent residential properties, permit structures that have a height in context with neighboring properties, and reduce view impacts. The applicant performed a study to demonstrate shadow impacts at 9:00 AM, 12:00 PM and 3:00 PM on March 21st, June 21st, September 21st, and December 21st. Of these times, only December 21 at 9:00 AM showed significant shadows cast on neighboring properties due to the proposed development. Further, the study showed that only very limited shadows would be cast on residential properties as a result of the development because surrounding properties have industrial activities. **The** height would be not be out of context with the area because the site's location between the BART tracks and the freeway physically isolates **the** site **from** the surrounding neighborhoods. View impacts would be limited because the area is flat and the existing freeway already substantially blocks the view of surrounding properties.

Variations for loading births have been issued under similar zoning circumstances.

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

See Finding 12.

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

See Findings 11. through 13.

17.136.070.A (Residential Design Review Criteria):

15. The proposed design will create a building **or** set **of** buildings that are well related to the surrounding area in their setting, scale, **bulk**, height, materials, and textures.

The proposed project includes three six to eight-story concrete buildings (Buildings A, B, and C) containing residential units and ground floor commercial space. Each building would contain separate 45'-0" wide towers on platforms above the commercial space. Rounded windows would establish bay-shaped architectural elements on the towers. This, along with the tower's defined

bottom, middle and top, create a design that successfully relates to the turn of the century homes in the neighborhood and throughout West Oakland. As conditioned, the ground floor commercial space will have a pedestrian scale appropriate for the pedestrian oriented transit district encouraged by the General Plan. As described in Finding 11, above, the height is well related to its setting between the BART tracks and the freeway. Finally, parking at the site is significantly obscured from view behind the residential buildings.

16. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.

Transit services, particularly the West Oakland BART station, are the most significant defining characteristics of the neighborhood. The proposal will bring a significant population near transit, thus supporting ridership. The proposed parking garage will also provide a convenient location for transit users to park.

17. The proposed design will be sensitive to the topography and landscape.

The site is flat and without significant landscape.

18. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.

The site is not situated on a hill.

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

See Finding 5.

Section 17.136.070.B Won-Residential Design Review Criteria):

20. The proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.102.030;

The most significant views of the parking garage would be from the freeway and the area between the garage and the residential structure. As conditioned, the appearance of the parking structure's facade would be significantly upgraded through the extensive use of facade design treatments as well as vines, planter boxes, and other landscaping. As conditioned, significant landscaping between the garage and the residential structures, particularly the area in front of the garage near the intersection of 5th Street and Mandela Parkway, will create an attractive space in front of the garage.

21. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

The proposed garage will harmonize with the surrounding environment by being significantly buffered from the street by landscaping and other buffering methods, being obscured from sight by the residential structures at the front of the property, and setback from the street. Further, as conditioned, extensive use of façade design treatments will give the building an attractive appearance.

- 22. The proposed design will be sensitive to the topography and landscape.

The site is flat and without significant landscaping.

- 23. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.

The site is not situated on a hill.

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

See Finding 5.

Section 17.144.060 Planning Commission action on private party application

- 25. The Commission shall consider whether the existing zone or regulations are inadequate or otherwise contrary to the public interest, and may approve, modify, or disapprove the application.

The existing S-15 zoning designation is inadequate because it does not allow auto fee parking under any circumstances despite that auto fee parking may be an appropriate activity for a particular site in a transit oriented district. A structured parking facility is in the public interest if it concentrates existing surface parking, freeing land for the mixed use developments envisioned by the General Plan for transit oriented districts. Parking structures obscured from the street by commercial and/or residential facilities will not substantially degrade the visual character of transit oriented districts. Further, sometimes a site is designated for parking in an overall study written to promote transit oriented development to balance the need to preserve transit use through the park and ride opportunities that parking structures provide with the compact, mixed use development pattern consistent with transit oriented development. Conditionally permitting auto fee parking under the proposed criteria remedies this inadequacy. Further, the proposed criteria assures that auto fee parking will only be permitted when the activities has the above listed benefits.

General Plan Administration Section of the General Plan

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

Findings a) and b). The changing to the designation from Business Mix to Community Commercial implements the General Plan because it allows the mix of commercial and residential activities called for in the Land Use and Transportation Element of the General Plan (LUTE). Objective T2 of the LUTE is to “Provide mixed use, transit oriented development that encourages public transit use and increases pedestrian and bicycle trips at major transportation nodes”. That the objective mentions “mixed use” indicates that a General Plan designation that allows a mix of uses, including residential, is appropriate adjacent to the BART station and AC Transit hub. Objective N8 states that *the* City should “direct urban density and mixed use housing development to locate near transit or commercial corridors”.

The amendment is also consistent with Objective N5 of the General Plan that states the City should “minimize conflicts between residential and non-residential activities while providing opportunities for residents to live and work at the same location”. The General Plan Amendment will allow residential activities adjacent to three potentially incompatible non-residential facilities: the Red Star Yeast production facility, the BART tracks, and the freeway. However, the Red Star Yeast facility has closed production and the mitigations listed in the Noise and Air Quality sections of the attached initial study would reduce the environmental impact of the BART tracks and the freeway on the residents of the proposal to less than significant.

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

Policies consistent with changing the General Plan designation to Community Commercial to allow the mix of uses called for by changing the designation from Business Mix to Community Commercial are as follows (note: details of the policies and the proposal’s consistency are contained in the General Plan Analysis section of this report and elsewhere in the administrative record).

Policy N8.1 Developing Transit Villages.

Policy T2.1 Encouraging Transit Oriented Development.

Policy T2.2 Guiding Transit Oriented Development.

Policy T2.3 Promoting Neighborhood Services.

Policy T2.5 Linking Transportation and Activities.

Finding c). The amendment would not allow heavy manufacturing in the area, and is, therefore, inconsistent with the policies of the General Plan that encourage manufacturing activities such as Policy T11 that states that the City should “support the Port of Oakland’s efforts to compete as a primary Port of Call for the West Coast shipping industry”. In addition, the General Plan lists “Maximize Oakland’s regional role as a transportation, distribution and communications hub” as a Goal in the Industry and Commerce Section of the General Plan.

The proposed site, however, is uniquely located adjacent to the West Oakland BART station and AC Transit lines. Therefore, the numerous policies, goals, and objective in the General Plan promoting housing in transit oriented districts takes precedence over the policies, goals, and objectives promoting industry. Allowing heavy industry at the site instead of residential activities would be a wasted opportunity of promoting a transit oriented district near the West Oakland BART station.

Finding d). The most significant Citywide impact would be the promotion of rapid transit, consistent with citywide goals found in LUTE.

CONDITIONS OF APPROVAL**STANDARD CONDITIONS:**

1. Approved Use.
 - a Ongoing.*

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans submitted August 30, 2003 and as amended by the following conditions. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval
2. Effective Date, Expiration, and **Extensions**
 - a Ongoing.*

This permit shall become effective upon satisfactory compliance with these conditions. This permit shall expire on August 6, 2005 unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees, the Planning Director **may** grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.
3. Scope of **This Approval**; Major and **Minor** Changes
 - a Ongoing.*

The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes and requirements imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to approved plans may be approved administratively by the Planning Director; major changes shall be subject to review and approval by the City Planning Commission.
4. Modification of Conditions or Revocation
 - a Ongoing.*

The City Planning Commission reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke **this** conditional use permit if it is found that the approved facility is violating any of the Conditions of Approval or the provisions of the Zoning Regulations.
5. Recording of Conditions of Approval
 - a Prior to issuance of building permit or commencement of activity.*

The applicant shall execute and record with the Alameda County Recorder's Office a copy of these conditions of approval on a form approved by the Planning Director. Proof of recordation shall be provided to the Planning Director.
6. Reproduction of Conditions on Building Plans
 - a Prior to issuance of building permit*

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

The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and

CONDITIONS OF APPROVAL

attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Building, Planning Commission, or City Council. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

STANDARD CONDITIONS FOR RESIDENTIAL CONTRUCTION:

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

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

CEQA CONDITION

10. CEQA Mitigations
 - a *Ongoing*
The applicant shall implement all the mitigations contained in the attached initial study and mitigation monitoring plan (MMP). Where there is a contradiction between the mitigations contained in the initial study and the mitigation monitoring plan, the initial study shall take precedence. The applicant shall be responsible for compliance with all mitigation measures adopted and with all conditions of approval set forth below at their sole cost and expense. The MMP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Where there is a mitigation contained in the initial study but not contained in the MMP, the mitigation in the initial study shall still be implemented by the developer.

HOMEOWNERS ASSOCIATION AND CC&R CONDITION

11. Homeowners Association
 - a *Within One Year of Issuance of the first Occupancy Permit*
The developer shall establish homeowners association representing condominium and commercial owners within the development. The homeowners association or the developer shall be responsible for developing Covenants, Conditions and Restrictions (CC&Rs). The Homeowners Association shall be responsible for enforcing the CC&Rs required by this report.

DESIGN CONDITIONS:

CONDITIONS OF APPROVAL

12. Design Elements Giving Towers Defined Top, Center, and **Bottom**.
 - a. ***Prior to issuance of building permit***

The applicant shall provide plans for review and approval of the Planning Director that show: The extension of the African Motifs at the top of the columns on the residential towers down to the floor level of the top story of each building; and either

 - a) A narrow, colored, horizontal band scored into the cement columns of the residential towers. These scored bands would be located at the same level at the floor of each story of the residential towers except that there shall be no scores for the top and bottom floors; or
 - b) Connections between the towers that are currently separated by a 14'-0" open area. These connections would recess more into the open area the higher the connection on the buildings, creating a step, or tiered appearance. The areas created by the stepping back of the connections shall be decks that would be available to adjacent residences. The enclosed connections shall serve as additional living area for the adjacent units.
13. Materials and **Architectural Details**
 - a. ***Prior to issuance of building permit***

The applicant shall submit for review and approval of the Planning Director plans that show the details of ~~the~~ exterior of each building. These details shall include the labeling of **all** the materials and treatments proposed for the exterior of each building. The applicant shall also provide a material and color board for review and approval of the **Planning** Director. All materials and treatments shall be of high quality that provide the building with significant visual interest. All material at ground level shall be made of durable material such as pre-cast concrete or stone that can be maintained in an urban environment.
14. **Ground Floor** Commercial Space
 - a. ***Prior to issuance of building permit***

The applicant shall submit for review and approval of the Planning Director detailed plans showing elevations of the ground floor commercial space. **These** plans shall show traditional elements of successful commercial facades including: significant window space facing the street, an approximately two foot base at the bottom of the windows, a canopy or covering over the window and door, and space for a business sign. The details of the plans shall specifically designate **all** materials and contain architectural elements that provide ~~significant~~ visual interest to pedestrians.
15. Plaza at **5th Street and Mandela Parkway**
 - a. ***Prior to issuance of building permit***

The applicant shall submit for review and approval of the Planning Director plans that show the site plan for the Plaza at 5th Street and Mandela Parkway. These plans shall not show the hut shaped structure currently contained in the submitted plans. Instead the plans shall show commercial structures surrounding the plaza space along the sides of the plaza. These commercial structures shall help to define the open area in the middle of the plaza and direct major pedestrian circulation paths. The middle of the plaza shall contain a fountain and/or public art.
16. Area **Between** Garage and Residential Structures
 - a. ***Prior to issuance of building permit***

The applicant shall submit for review and approval of the Planning Director plans that show increase visual interest to the area between the garage and residential buildings. These plans shall show vines or other significant plantings on the parking structure facing the residential towers. The plans shall also show significant landscaping or other features that bring visual interest to the sides of the residential buildings facing the parking structure. Landscaping shall be incorporated in the parking area between the residential towers and the parking structure.

17. Area Between Towers

a Prior to issuance of building permit

The applicant shall submit for review and approval of the Planning Director plans that show at least 20'-0" between each residential tower.

18. Windows

a Prior to issuance of a building permit

The applicant shall submit for review and approval of the Planning Commission plans that show details of all proposed windows. The details shall include cross sections, all external materials, framing material, glass, and mullions. All windows shall have a minimum two inch recess. All divided light windows shall be either "true" divided light or convincingly appear to be "true" divided light. The plans shall also include details of the window system and assembly to confirm adequate thickness of components and overall quality.

19. Signage

a Prior to issuance of an occupancy permit for the first unit

The project applicant shall submit a master signage plan for review and approval by the Planning Director, including but not limited to location, dimensions, materials and colors.

b. Ongoing

The approved plan shall be incorporated and enforced in the Covenants, Conditions and Restrictions (CC&Rs) required as part of this report.

20. Lighting Plan

a. Prior to Issuance of Building Permits

A lighting plan for the exterior of the project and for the surface parking lot shall be submitted for review and approval of the Planning Director. The lighting plan shall include the design and location of all exterior and parking garage lighting fixtures or standards, and said light shall be installed such that it is adequately shielded and does not cast glare onto adjacent properties. The plans shall show significant lighting for all public areas that provide appropriate security for residents, employees, customers, and users of the parking garage.

21. Additional Plans

a. Prior to issuance of building permit

The applicant shall submit for review and approval of the Planning Director plans that show a site plan showing each building, elevations of each side of every building, and floor plans of each building on the lot. These plans shall show significant architectural interest in keeping with the visual theme and context of the development consistent with the approved plans. The applicant shall also submit a color and material board for each building of the project for review and approval of the Planning Director.

22. Height and More Units
a Prior to Issuance of Building Permits.
The applicant may submit plans for review and approval of the Planning Director that show the center towers of the buildings reaching a maximum height of 90'-0" to the peak of the roof. This increasing of height shall solely accommodate new units, not the creation of mezzanines or two story units. The center towers of buildings A and B, as shown in the plans, shall only include the two middle detached towers (each of these buildings contains four detached towers). The center tower of Building C shall only include the middle tower (building C has three detached towers).
23. Northwest Corner of **Parking** Facility
a Prior to Issuance of Building Permits.
The applicant shall submit plans for review and approval of the Planning Director that contain a feature that has significant visual interest on the upper northwest corner of the structured parking facility. This may consist of an architectural element, public art, or other feature. The feature shall be visible by pedestrians when they are within the pedestrian plaza at the corner of 5th Street and Mandela Parkway. The pedestrian path connecting the open plaza with the northwest area of the parking facility shall contain alternative, decorative pavement. The plan shall also include landscaping outside of this path where surface the parking spaces closest to the plaza at the corner of 5th Street and Mandela Boulevard are currently located.
24. Refuse Collection
a Prior to issuance of building permit
The applicant shall submit for review and approval of the Planning Director plans that show the location of all refuse and garbage areas on site. The plans shall show all garbage areas screened from view of the public right of way.
25. Fence **Plan.**
a Prior to issuance of building permits.
The applicant shall submit for review and approval of the Planning Director plans that show the details and locations of all fences on the site.
26. View from Freeway.
a Prior to issuance of building permits.
The applicant shall submit for review and approval of the Planning Director a visual upgrading of the parking lot area that faces the freeway. This may be achieved through the extensive use of façade design treatments and/or vines, planter boxes, and other landscaping,
27. Rooftop open space.
a Prior to issuance building permit
If a sound wall on the rooftop open space is required to mitigate the noise impacts listed in Section XI of the associated mitigated negative declaration, plans, including elevations, shall be submitted for review and approval of the Planning Director. The plans shall show the sound wall designed with glass or have openings so that the space will be more open to views and light.
28. Design Review Committee
a Prior to Issuance of Building Permits.
Plans incorporating all revision as set forth in conditions of approval 12 through 27 shall be submitted to and reviewed by the Design Review Committee that have incorporated all the

design conditions included herein and any other proposed changes to the original design approved by the Planning Commission. The Planning Director shall receive input from the Design Review Committee at a public hearing. The Planning Director reserves the right to bring major changes in the approved plans to the Planning Commission for review and approval.

LANDSCAPING AND BUFFERING

29. **On-site Landscaping and Buffering**

a Prior to issuance of a building permit

The applicant shall submit for review and approval of the Planning Commission detailed landscaping and buffering plans. These plans shall be consistent with the buffering regulations in Chapter 17.110 of the Zoning Ordinance with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein. These plans shall also be consistent with all applicable requirements of the standards for required landscaping, screening, and buffering, Chapter 17.124 and 17.110.020 of the Zoning Ordinance, with respect to maintenance, required materials and capacity, combination materials, and heights; and other matters specified therein. All landscaping shall include an automatic system of irrigation.

b. Prior to issuance of a building permit

The applicant shall submit for review and approval of the Planning Director landscaping plans that show significant plantings in each of the proposed open spaces on the site. Further, the plans shall show significant landscaping in all open areas visible from the street, including, but not limited to, areas lining driveways into the development and parking structure, the rooftop open space, the plaza area at *the* corner of Mandela and 5th Streets, any open areas between property lines and buildings nearest to the property lines, the open areas between buildings, the open area at the corner of Mandela Parkway and 3rd Street, and the open area at the corner of 3rd Street and 5th Street.

c. Prior to issuance of a building permit

The applicant shall submit an irrigation plan for review and approval of the Planning Director. The plan shall show all landscaping on the site maintained by an automatic irrigation system.

d. Prior to issuance of a building permit

All landscaping plans shall be developed by a licensed landscape architect. The landscape plan for the rooftop open space shall be prepared by a landscape architect with significant experience with landscaping rooftop open spaces.

e. Prior to final building permit inspection

All landscaping and irrigation shall be installed and operable.

f. Ongoing

The Homeowners Association required herein shall maintain the all landscaping on the site in a neat and healthy condition. This requirement shall be in the CC&Rs required herein.

PARKING CONDITIONS

30. **Offsite Parking Management Plan**

a Prior to issuance of a building permit

In conjunction with the Planning and Public works agency, the applicant shall complete an analysis performed by a transportation planning professional shall be submitted for review and approval of the Planning Director and the Traffic Engineering Division. This analysis shall:

CONDITIONS OF APPROVAL

- Determine all streets where BART passengers park to access the West Oakland BART Station;
- Include a mapped inventory of the two- and four-hour residential parking permit locations on these streets; and
- Provide recommendations of locations for new two- and four-hour residential parking permit zones for review and approval by the Planning and Traffic Engineering Divisions.

The applicant shall demonstrate to the Planning Director that he has made a good faith effort to obtain the signatures required by the Public Works Department to allow residential parking permit programs on the streets recommended by the above described analysis. The applicant shall also complete all processes to institute the parking program required by the Public Works Department.

The applicant shall follow all appropriate and required processes with the Public Works Department to institute residential parking programs on all streets where the sufficient number of signatures have been obtained.

31. Onsite Parking Management Plan

a Prior to issuance of an occupancy permit for the first unit

The applicant shall establish an on-site parking management plan, which would allow residents and users of the project's commercial office space to share on-site parking spaces through the designation of assigned spaces for residents and "unassigned" spaces for residents and users of the commercial office space. The goal of the plan would be to accommodate project-generated parking demand on-site. The number of parking spaces in the assigned and unassigned ("shared") pool would be set on the basis of the patterns of usage of on-site parking spaces (by residents and users of the project's commercial/office space) throughout the day and evening. The parking management plan shall include but not be limited to the following components and requirements:

- Portion of the spaces used during the day will be for commercial office.
- Provisions for establishing a portion of the spaces for shared use.

b. Ongoing

The approved parking plan shall be incorporated and enforced in the CC&Rs for the units required as part of this report.

32. CarShare Program Requirement

a Prior to issuance of building permit

The applicant shall execute an agreement with CarShare to provide a minimum of one car at the location approved by the Planning Director for the project and the surrounding area. The applicant shall provide the Planning Director with evidence that it has executed a participation or membership agreement for CarShare in accordance with the policies, rules, and regulations of the CarShare. Applicant or the successor Homeowners Association shall remain a member of CarShare so long as CarShare or its successor or assignee is in fact operating CarShare. This provision shall be incorporated in the CC&Rs as required herein.

33. Bicycle Parking**a. Prior to Issuance of Building Permits.**

The applicant shall submit for review and approval of the Planning Director plans that show bicycle storage and parking facilities within the parking structure. The plans shall show the design and location of bike racks within these secure bike storage areas. Additionally the project sponsor shall install bike racks for short-term bike parking on the site. The total bike parking capacity at the site shall be consistent with the City of Oakland Bicycle Master Plan (July 1999).

34. Provide Recharge Stations for Electric Vehicles**a. Prior to Issuance of Building Permits.**

Plans shall be submitted for review and approval of the Planning Director plans that show at least one space in the parking garage designed to accommodate and function as a recharge station for electric vehicles. Electrical conduit shall be stubbed in accordingly as part of construction of the project and shall be documented in the final building permit plans approved for the project.

b. Prior to Final Inspection.

The recharge station required as part (a.) of this report shall be fully operational.

c. Ongoing.

The recharge station required as part (a.) of this report shall be fully maintained and operational. The homeowners association required as a condition of approval shall be responsible for its maintenance.

35. Garage Design.**a. Prior to Issuance of Building Permits.**

Plans shall be submitted for review and approval of the Planning Director and Engineering Services plans that show a fully detailed design of the proposed parking facility. The parking facility shall be operationally efficient and allow ample room for queuing so that customers entering the garage do not line up into the street or block traffic in the public right of way.

b. Ongoing.

Automobiles entering the garage shall not line up into the street or block traffic in the public right of way. If the facility develops a pattern where cars are consistently blocking traffic in the right of way, garage owner and operator shall institute changes to access control or other measures to correct the problem.

RIGHT OF WAY AND UTILITY CONDITIONS**36. Underground Utilities.****a. Prior to issuance of building permits.**

The applicant shall submit plans for review and approval of the Planning Director, the Public Works, and other relevant agencies plans that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground by the developer from the applicant's structures to the point of service. The plans shall show all electric and telephone facilities installed in accordance with standard specifications of the serving utilities.

b. Prior to final inspection.

The applicant shall install all electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities as required by part (a.) of this condition.

37. Water, wastewater and Storm Sewer Service**a. Prior to Issuance of Building Permits.**

The applicant shall provide the necessary information to the Public Works Agency, Design and Construction Services Division to conform the existing capacity of the water, wastewater and storm service systems that serve the project site and the projected project demand. The project sponsor shall be responsible for payment of the required installation or hookup fees to the affected service providers. The project sponsor shall also be responsible for payment of sewer and/or storm water improvement fees as required by the Public Works Agency.

38. Public Right of Way Landscape and Streetscape Plans**a. Prior to Issuance of Building Permits**

Plans showing public right of way landscaping plans and streetscape improvements shall be submitted to the Planning Director, Parks and Recreation Department, and the Public Works Department for review and approval. All streetscape improvements shall be consistent with the West Oakland Transit Village Study and with any plans adopted prior to issuance of the building permit. Improvement plans shall be submitted and approved for adjacent public rights-of-way showing all proposed improvements and compliance with conditions of approval and City requirements, including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, street lights, locations of transformers and other above-ground utility structures, the design, specifications locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards, and any other improvements or requirements for the project as provided for in this approval. With the exception of 3rd Street, the plans shall show street trees every 20 feet of street frontage or at a distance to the satisfaction of the Parks and Recreation Department. All costs for street and infrastructure improvements required because of the development shall be the responsibility of the developer. All landscaping shall include an automatic system of irrigation. Encroachment permits shall be obtained as necessary for any applicable improvements. Designs and specifications for the improvements will be approved by the Planning Director and the Public Works Agency.

b. Prior to Final Inspection

All landscaping and streetscape improvements described in the above condition shall be installed and in working or healthy condition.

c. Ongoing

The Homeowners Association required herein shall maintain the subject landscaping in a neat and healthy condition.

OTHER CONDITIONS**39. Zoning Text Amendment and General Plan Amendment.****a. Prior to Issuance of Building Permits.**

The proposed Zoning Text Amendment conditionally permitting auto fee parking and the General Plan Amendment giving the site a designation of Community Commercial shall be approved by the City Council.

40. Transit Incentives.**a. Prior to Issuance of Building Permits.**

The applicant shall submit plans for review and approval of the Planning Director a plan to provide financial incentives for residents and employees of the development to use public transit

facilities. The plan shall include designation of specific incentives and the means by which the program will be administered.

b. Ongoing.

The incentive program required as part (a.) of this condition of approval shall remain fully operational as long as residents and businesses exist at the development.

41. Regional Water Quality Control Board.

a. Prior to the issuance of a building permit and ongoing operation.

Alameda County's National Pollutant Discharge Elimination System (NPDES) permit issued on February 19, 2003, includes post-construction Best Management Practices that would apply to the project and would further control non-point pollution sources beyond what was included in the attached mitigated negative declaration. The proposed project shall be subject to the Tier 3 post-construction BMPs, which would reduce total suspended solid loadings by 80 percent, pursuant to the *Regional Board Staff Recommendations for New and Redevelopment Control for Stormwater Programs*. Plans submitted for the building permit shall incorporate all measures to meet these standards.

~~COMMUNITY & ECONOMIC
DEVELOPMENT CMTE~~

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MITIGATION MEASURES AND MONITORING PROGRAM

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

AIR QUALITY (IIIb and IIId)

Impact IIIb/III d: The project may violate air quality standards or contribute substantially an existing or projected air quality violation; and the project may expose sensitive receptors to substantial pollutant concentrations.

Mitigation Measures III d/III e: Unless otherwise indicated, the applicant shall implement the following measures to mitigate the above impact. The applicant is only responsible for mitigations directly resulting from the project.

- a) Water all active construction areas at least twice daily; and
- b) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind; and
- c) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; and
- d) Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; and
- e) Sweep daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets; and
- f) Hydroseed or apply non-toxic soil stabilizers to inactive construction areas; and
- g) Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); and
- h) Limit traffic speeds on unpaved roads to 15 miles per hour; and
- i) Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- j) Replant vegetation in disturbed areas as quickly as possible.

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

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

CULTURAL RESOURCES (Vb-Vd)

Impact Vb-Vd: The proposed project may result in significant impacts to archaeological or paleontological resources or human remains if they are encountered during grading or construction.

Mitigation Measure Vb-Vd: The applicant shall implement the following measures to mitigate the above impact. The applicant is only responsible for mitigations directly resulting from the project (see Description of Proposed Project on page 1 of the Initial Study).

CR-1.1 Pre-construction Testing. Following demolition of the existing building, place a series of mechanical exploratory borings or trenches at selected locations within the project site, under the supervision of a qualified archaeologist retained by the project applicant and approved by the City. Observe and record the precise location of any cultural materials found, and retain these cultural materials recovered from the test locations for further study. Conduct laboratory analyses and evaluations of any materials recovered, as appropriate, and prepare a brief report for the City recommending whether further investigations would be necessary to mitigate adverse impacts to important archaeological artifacts likely to be encountered during site excavation.

MITIGATION MONITORING PROGRAM

CR-1.2 Formulate and Implement Archaeological Monitoring Plan. As part of the submittal for grading and/or building permits for the project, the applicant shall formulate and implement a general archaeological monitoring plan during construction. This plan shall require that a qualified archaeologist, retained by the project applicant, monitor construction activities that may cause an adverse change to significant subsurface historical resources, as defined by Public Resources Code § 5020.1(j). The plan shall be reviewed and approved by the City prior to the issuance of a building or grading permit for the proposed project.

CR-1.3 Require Mitigation for Discovery of Cultural Resources during Excavation or Construction. If archaeological or prehistoric materials are encountered during pre-construction testing, project excavation, or construction, the following actions shall be taken:

- a) Construction or excavation activity in the immediate vicinity of the resource shall be immediately diverted until the City and a qualified archaeologist or cultural consultant have evaluated the potential material. Project personnel shall not alter any of the uncovered materials or their context.
- b) If human burial or disassociated human bone is encountered, current state law requires that the County Coroner be called immediately. All work must be halted in the vicinity of the discovery until the Coroner's approval to continue work has been received.
- c) If archaeological or cultural materials are discovered and the City and consulting archaeologist make a determination that the materials are unique based on the definition provided in Public Resources Code § 21083.2(g), the City and the project applicant, in consultation with the cultural resources expert, shall make a reasonable effort to avoid damaging effects, as contained in Public Resources Code § 21083.2(B).
- d) If the City determines that the avoidance, the creation of an easement, or capping are not feasible, a qualified cultural resource expert shall prepare a plan for mitigation in accordance with the provisions of Public Resources Code § 21083.2(c) which shall be submitted to the City for review and approval. Its implementation shall be a condition of approval.

Compliance with the above measures would reduce the potential impacts on archaeological or paleontological resources to less-than-significant levels.

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

Monitoring Timeframe: Implementation of mitigation CR-1.1 shall occur prior to issuance of a building permit for construction but subsequent to: 1) approval of a demolition permit and 2) any required demolition of existing structures on the site. Implementation of CR1.2 shall occur prior to issuance of grading and/or building permits for the project. Implementation of CR1.3 shall occur during pre-construction testing, project excavation, and construction.

GEOLOGY AND SOILS (VIb)

Impact VIb The project may result in substantial soil erosion or the loss of topsoil.

Mitigation Measure VIb: Unless otherwise indicated, the applicant shall implement the following measures to mitigate the above impact. The applicant is only responsible for mitigations directly resulting from the project.

1. The applicant shall be required to submit a construction period erosion control plan to the Building Services division for approval prior to the issuance of grading and building permits.
2. The plan shall be in effect for a period of time sufficient to stabilize the construction site throughout all phases of the project.

MITIGATION MONITORING PROGRAM

3. Long-term erosion potential shall be addressed through installation of project landscaping and storm drainage facilities, both of which shall be designed to meet applicable regulations.
4. Standard measures typically include the following:
 - a) Construction operations, especially excavation and grading operations, shall be confined as much as possible to the dry season, in order to avoid erosion of disturbed soils; and
 - b) Final project landscaping plans shall be submitted to the Planning Director for review and approval.

Compliance with the above measures would reduce the potential impacts of erosion or loss of topsoil to less-than-significant levels.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.
Monitoring Timeframe: Implementation of Mitigation 1. shall occur prior to issuance of building permits. Mitigation 2 shall occur throughout all phases of the project if more than one phase is proposed. Mitigation 3 shall occur prior to issuance of occupancy permit or submission of a landscape bond that assures installation of the required landscaping. Mitigation 4a shall occur throughout construction and grading activities. Mitigation 4b shall occur prior to issuance of a building permit.

HAZARDS AND HAZARDOUS MATERIALS (VIIIh)

Impacts VIIIb: The project may create significant hazard to the public through reasonably foreseeable upset and accident conditions involving the release of hazardous materials.

Mitigation Measures VIIIb: Unless otherwise indicated, the applicant shall implement the following measures to mitigate the above impact. The applicant is only responsible for mitigations directly resulting from the project (see Description of Proposed Project on page 1 of the Initial Study).

1. Mitigations in regard to the possible existence to an underground storage tank (UST), groundwater monitoring well, and the prior existence of a garbage dump and other dumping shall include the following:
 - a) A soil and groundwater sampling workplan shall be developed for the site to ensure that excavation and/or other site preparation activities (i.e., site grading) would not encounter any potential contaminated soil or groundwater.
 - b) The potential UST should be verified and along with the groundwater monitoring well located at the site, each should be properly abandoned in accordance with the Alameda County Health Care Service Agency (ACHCSA) guidelines.
2. The following measures would mitigate any impacts if contaminated soil and/or groundwater were encountered at the project site:
 - a) At sites where contamination is suspected or known to occur, the applicant shall perform a site investigation to assess the extent of soil and/or groundwater contamination and implement a remediation plan, if necessary. Site remediation shall be completed either before or during the construction phase of the project and completed prior to occupancy of the project.
 - b) Should remediation be necessary, a Corrective Action Plan (CAP) acceptable to the City shall be developed and implemented by the applicant under the guidance of the lead

MITIGATION MONITORING PROGRAM

- regulatory agency. The CAP would ensure that any contaminated soil or groundwater would not pose a health hazard to the public (including project tenants) and environment.
- c) The applicant shall remove, remediate and/or transport any contaminated soil from the site in accordance with ACHCSA, RWQCB, DTSC, California Highway Patrol and/or Department of Transportation guidelines prior to the issuance of a site-grading permit.
3. Implementation of the following measure would mitigate the potential impact of encountering asbestos containing materials at the project site during demolition:
 - a) Prior to demolition, a certified asbestos assessor or abatement contractor shall inspect the structures for asbestos-containing materials. Proper removal and disposal of any such materials shall be completed before demolition of the structures is commenced.
 4. Written verification shall be submitted to the Planning and Building Division that all required clearances have been granted and all applicable conditions have been met for any soil or groundwater contamination at the site from appropriate State, Regional or County regulatory agencies. This verification shall include all recommendations included in the ESI report dated November 16, 1999, and verification that heavy petroleum compounds (i.e., motor oil, asphalt, or diesel) detected in previous soil samples during the OSISO Phase II Investigation are below regulatory limits.

Compliance with the above measures would reduce the potential impacts of hazards and hazardous materials to a less-than-significant levels.

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

Monitoring Timeframe: Implementation of 1a., 1b., 2a, 2b., 2c., and 4 shall occur prior to issuance of building permits. Implementation of 3. shall occur prior to issuance of demolition permits.

NOISE XI(a and d)

Impact XI(a and d) The project may expose people to noise levels in excess of standards established in the local general plan or noise ordinance; and the project may result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project due to construction activity.

Mitigation Measures XI(a and d): Implementation of the following measures would be required to reduce disturbances adjacent, nearby, and on-site sensitive receptors to a less-than-significant level.

1. The Project Sponsor shall retain a qualified acoustician to perform site-specific noise measurements and a detailed acoustical analysis of the interior noise levels for the project's residential units. The acoustical analysis will take into account the specific character of BART train noise and any other local noise sources (e.g., the parking garage, mechanical equipment, and delivery trucks) when the exterior ambient noise level exceeds 65 dBA.. Per Title 24 of the CAC, interior noise levels in the residential units must not exceed a community noise equivalent level (CNEL) or day-night noise level (Ldn) of 45 dB in any habitable room. Measures that may be necessary, all or in part, to reduce noise levels to a less than significant level include, but are not limited to:
 - Double glazed, acoustically tested windows shall be required in conjunction with a properly insulated exterior wall sufficient to reduce BART train noise. As per Title 24 of the CAC, a

MITIGATION MONITORING PROGRAM

mechanical ventilation system will need to be provided for all units that must have their windows closed in order to meet the 65 dBA maximum.

- Where feasible, buildings shall be oriented so that windows do not directly face BART tracks. Some or all windows not facing BART may still need to be acoustically rated, to provide more noise reduction than would be available with standard construction.
2. The qualified acoustician shall also perform site-specific noise measurements and a detailed acoustical analysis of the exterior noise levels for the open space located on the roof of the parking garage to ensure that the exterior ambient noise levels do not exceed 65 dBA. Measures that may be necessary, all or in part, to reduce noise levels to a less than significant level include, but are not limited to:
- The project applicant shall construct a sound wall tall enough to break the line of sight between cars traveling along the roadway and existing single-family homes along the freeway. An effective sound wall would reduce noise levels by an additional 5 to 10 dBA.
3. The project may also result in significant short-term noise impacts during construction. Therefore the contractor shall be required to implement the following measures throughout the duration of construction activity:
- a) Equipment and trucks used for project construction would utilize the best available noise control techniques (e.g., improved exhaust mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds) in order to minimize construction noise impacts.
 - b) Equipment used for project construction would be hydraulically or electrically powered impact tools (e.g., jack hammers and pavement breakers) wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers would be used on other equipment. Other quieter procedures would be used such as drilling rather than impact equipment whenever feasible.
 - c) The construction activity would be kept to the hours of 7:00 AM to 7:00 PM, Monday through Friday. Saturday hours (8:00 AM to 5:00 PM) are permitted upon the discretion of City approval based on input from nearby residents and businesses. Saturday and Sunday construction (8:00 AM to 5:00 PM) would be allowed once the buildings are fully enclosed.
 - d) Stationary noise sources would be located as far from sensitive receptors as possible. If they must be located near existing receptors, they would be adequately muffled and/or enclosed within temporary sheds.
 - e) Plywood barriers would be erected along project boundaries to shield pedestrians and adjacent sensitive receptors from construction-related noise.
 - f) Machinery, including motors, would be turned off when not in use for more than 10 minutes.
 - g) Mobile equipment shall not be allowed to run idle near existing residences.
 - h) Residential property owners within 200 feet of planned construction areas shall be notified of the construction schedule in writing, prior to construction; the project sponsor shall designate a "disturbance coordinator" who shall be responsible for responding to any local complaints regarding construction noise; the coordinator (who may be an employee of the developer or general contractor) shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented; a telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site.

Implementation of these measures would reduce noise from construction equipment to less-than-significant levels (below the 65 dBA criterion).

MITIGATION MONITORING PROGRAM

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.
Monitoring Timeframe: Mitigations 1. and 2. shall occur prior to issuance of building permit.
Mitigation 3. shall occur during construction and grading activities.

UTILITIES AND SERVICE SYSTEMS XVI(G)

Impact XVI(e) The project may not comply with state regulations regarding the diversion of solid waste.

Mitigation Measure XVI(e): Unless otherwise indicated, the applicant shall implement the following measures to mitigate the above impact. The applicant is only responsible for mitigations directly resulting from the project (see Description of Proposed Project on page 1 of the Initial Study).

1. Prior to issuance of building permits, the project sponsor shall submit a plan to divert 50 percent of the construction waste generated by the project from landfill disposal for review and approval by the Public Works Agency; and
2. Prior to issuance of building permits, the project sponsor shall submit a plan to divert 50 percent of the solid waste generated by operation of the project for review and approval by the Public Works Agency.

The above measures would reduce both the potential short-term and long-term impacts of the proposed project on solid waste disposal to a less-than-significant level.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.
Monitoring Timeframe: Implementation will occur previous to issuance of building permits and throughout grading and construction activities.

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

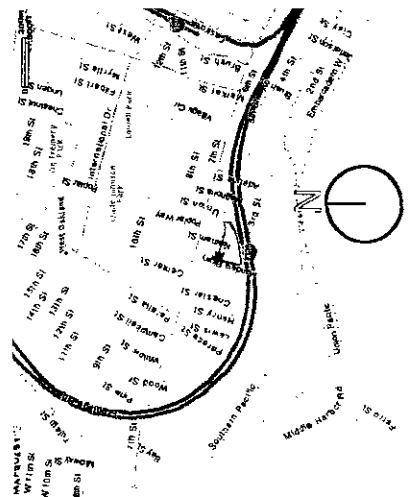
MANDELA TRANSIT VILLAGE

PROJECT DATA

MANDELA TRANSIT VILLAGE
 South East corner of E. Street and Mandella Parkway, Orlando, FL
 For: The Alliance for West Orlando Development
 By: Jonathan J. Jorg, P.E.
 Date: 1/22/13



JONG & JONG
 ARCHITECTS & ENGINEERS
 10000 W. Colonial Blvd., Suite 100
 Orlando, FL 32817
 Phone: 407.251.1111
 Fax: 407.251.1112
 www.jongandjong.com



© 2013 Mandella Transit Village, Inc. All Rights Reserved.

PROJECT DESCRIPTION:
 Location: South East corner of E. Street and Mandella Parkway, Orlando, FL
 Site Area: 10.0 acres
 Building Footprint: 1,000,000 sq. ft.
 Total Area: 10.0 acres
 2.54 PL

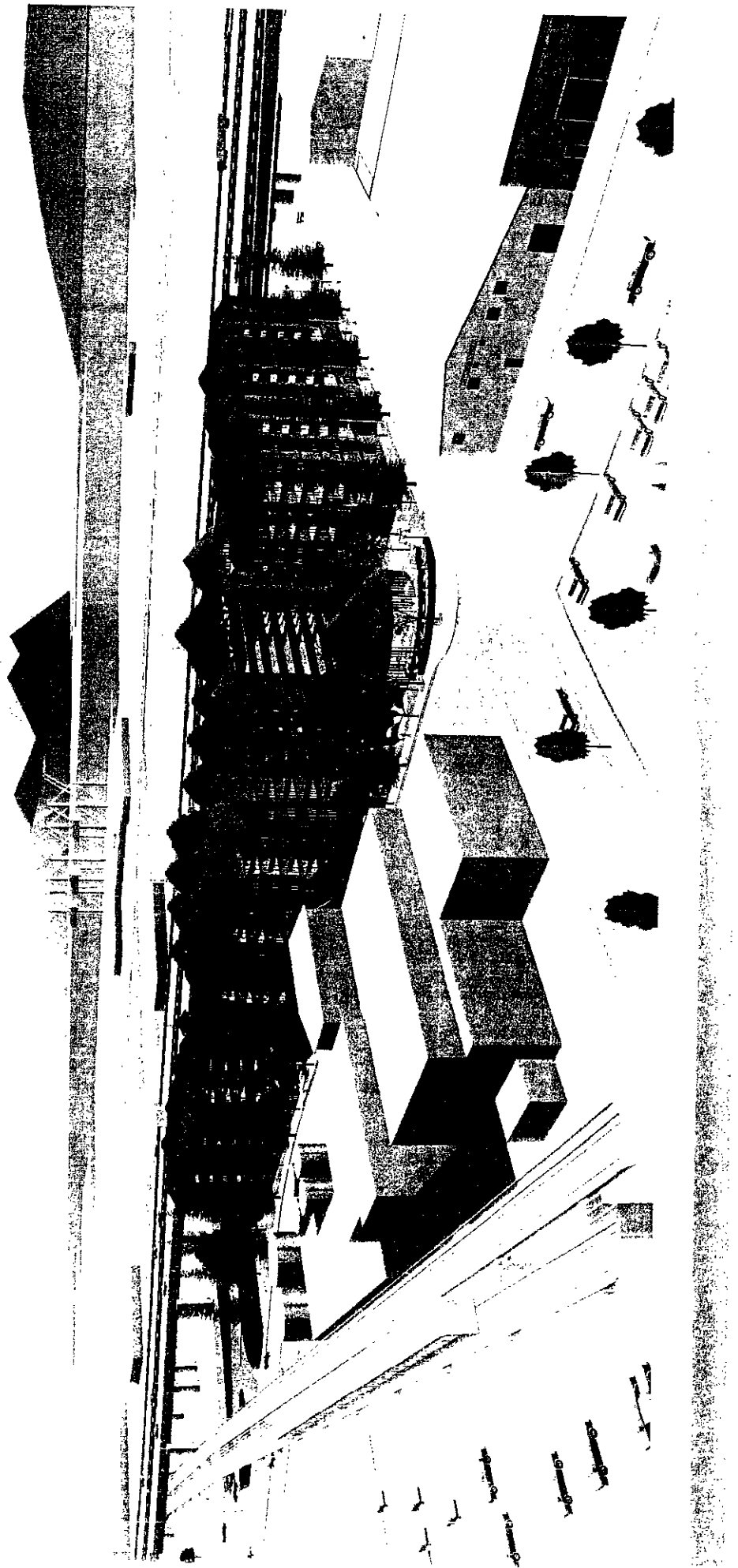
Use	Area (sq. ft.)	Area (sq. ft.)	Total (sq. ft.)
Commercial	1,000,000	1,000,000	1,000,000
Residential	1,000,000	1,000,000	1,000,000
Community / Recreational	1,000,000	1,000,000	1,000,000
Parking	1,000,000	1,000,000	1,000,000
Other	1,000,000	1,000,000	1,000,000
Total	1,000,000	1,000,000	1,000,000

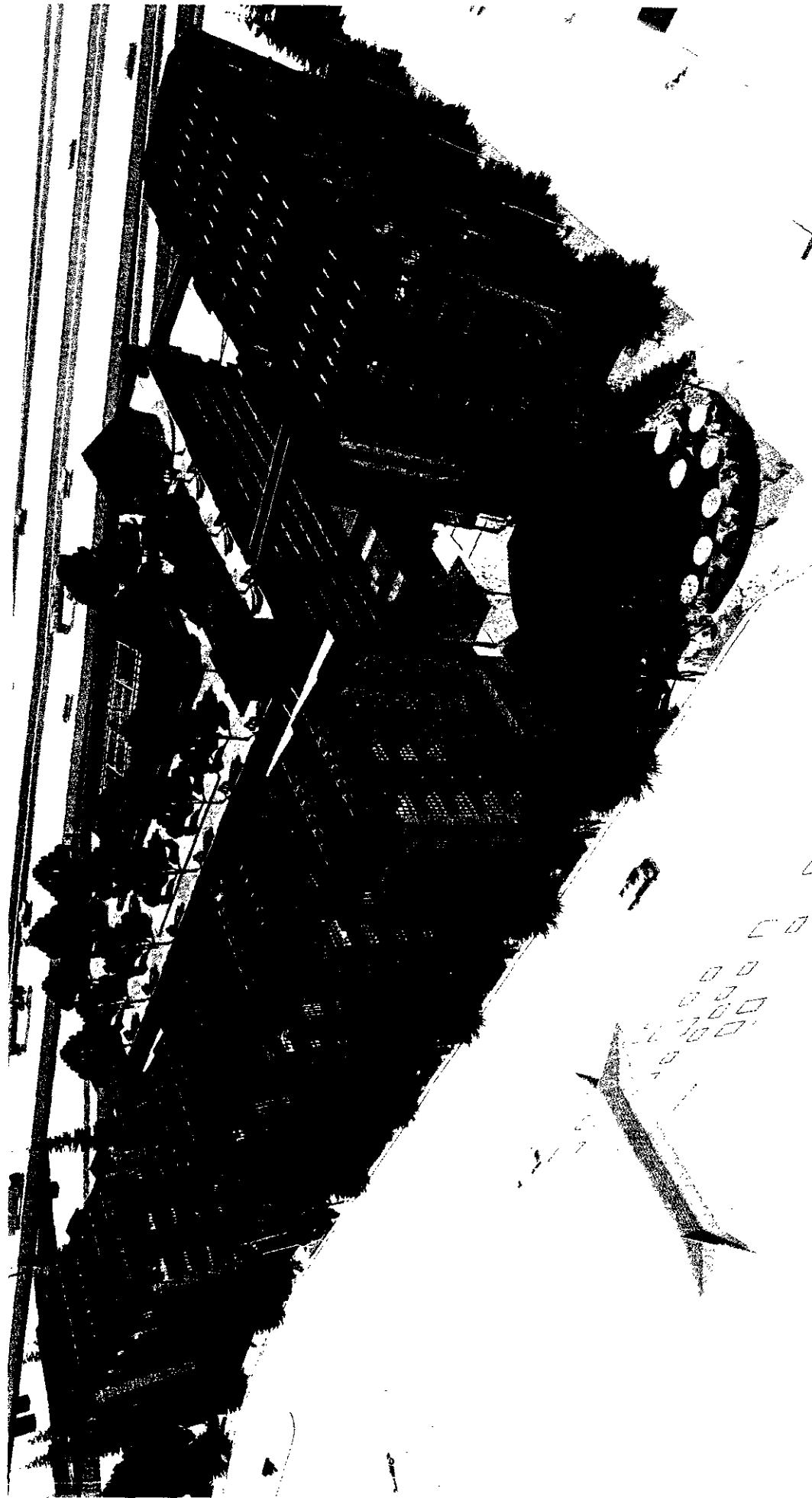
INDEX

Title Sheet	0
Rendering	r1
Rendering Detail	r2
Site Plan Landscape Plan	2
Basement Plan	p8
Ground Floor (1st)	p1
2nd-4th Floor Plan	p2
5th Floor Plan	p5
6th Floor Plan	p6
Roof Plan	pr
Site Elevation North	sn
Site Elevation South	ss
Site Elevation East	se
Site Elevation West	sw
Bldg. B (typ.) Elevation N	bn
Bldg. B (typ.) Elevation S	b8
Bldg. B (typ.) Elevation W	bW
Bldg. B (typ.) detail N left side	b4
Bldg. B (typ.) detail N right side	b4
Parking Garage	g3
Isometric	g4
North Elevation	g5
South Elevation	g6
West Elevation	g7
East Elevation	x
Pan-African cast stone motif	

MANDELA TRANSIT VILLAGE

3171 STREET & MANDELLA PARKWAY, ORLANDO, FL 32817
 THE ALLIANCE FOR WEST ORLANDO DEVELOPMENT • © 2013 MANDELLA TRANSIT VILLAGE, INC. • 01/22/13

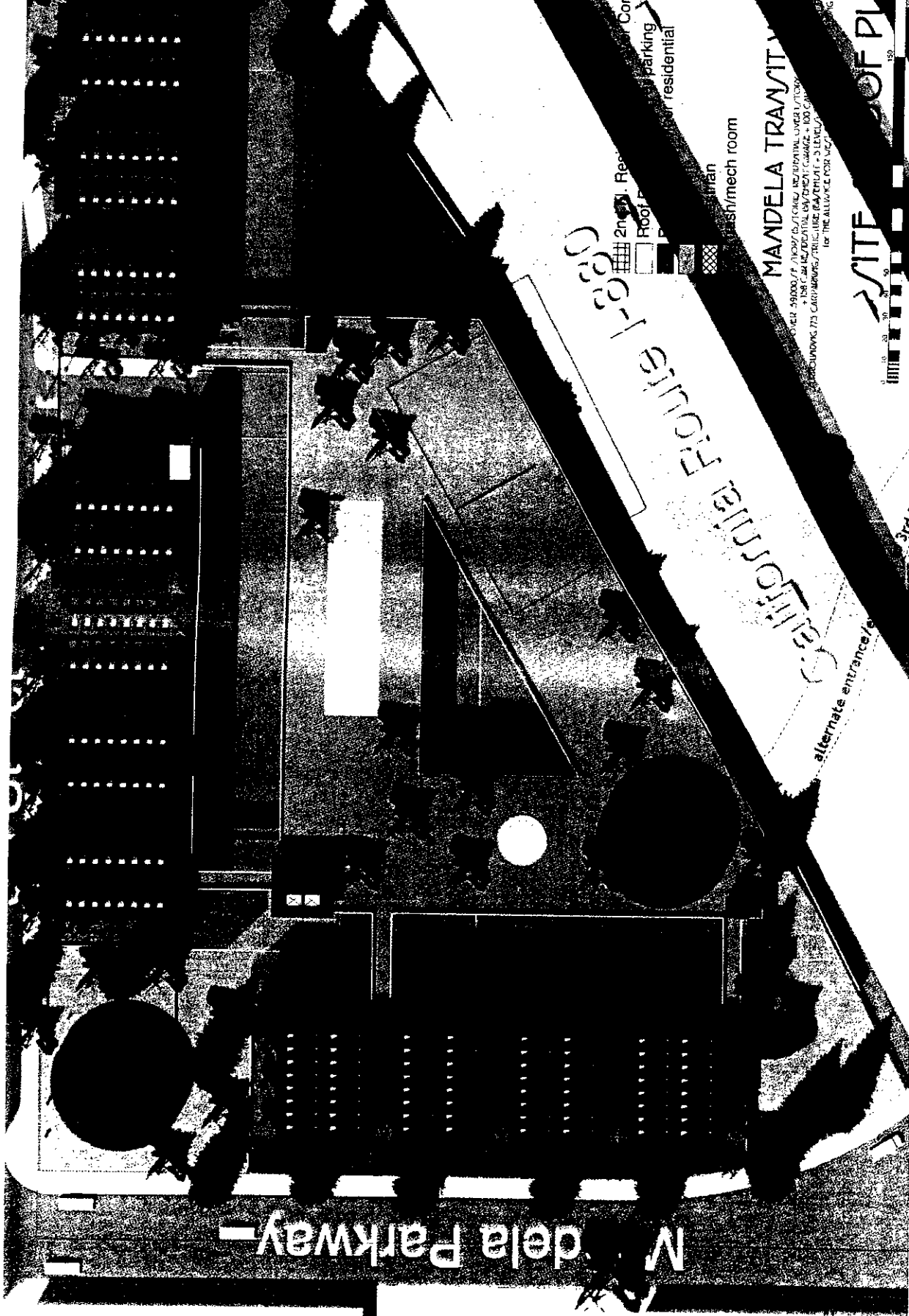




Aireal from North west Corner

MANDELA TRANSIT VILLAGE

ROOF: TYPICAL GREEN SLATE COLORED DIMENSIONAL ASPHALT SHINGLE
WINDOWS: THERMO PANELS COMPOSITE FRAME
EXTERIOR WALLS AND TRIM: PLASTER
DECORATIVE TRIM AND COLUMNS: CAST BRASS AFRICAN MOTIF PANELS
STOREFRONTS: COMMERCIAL STYLE COLOR COATED ALUMINUM FRAMES



Mandela Parkway

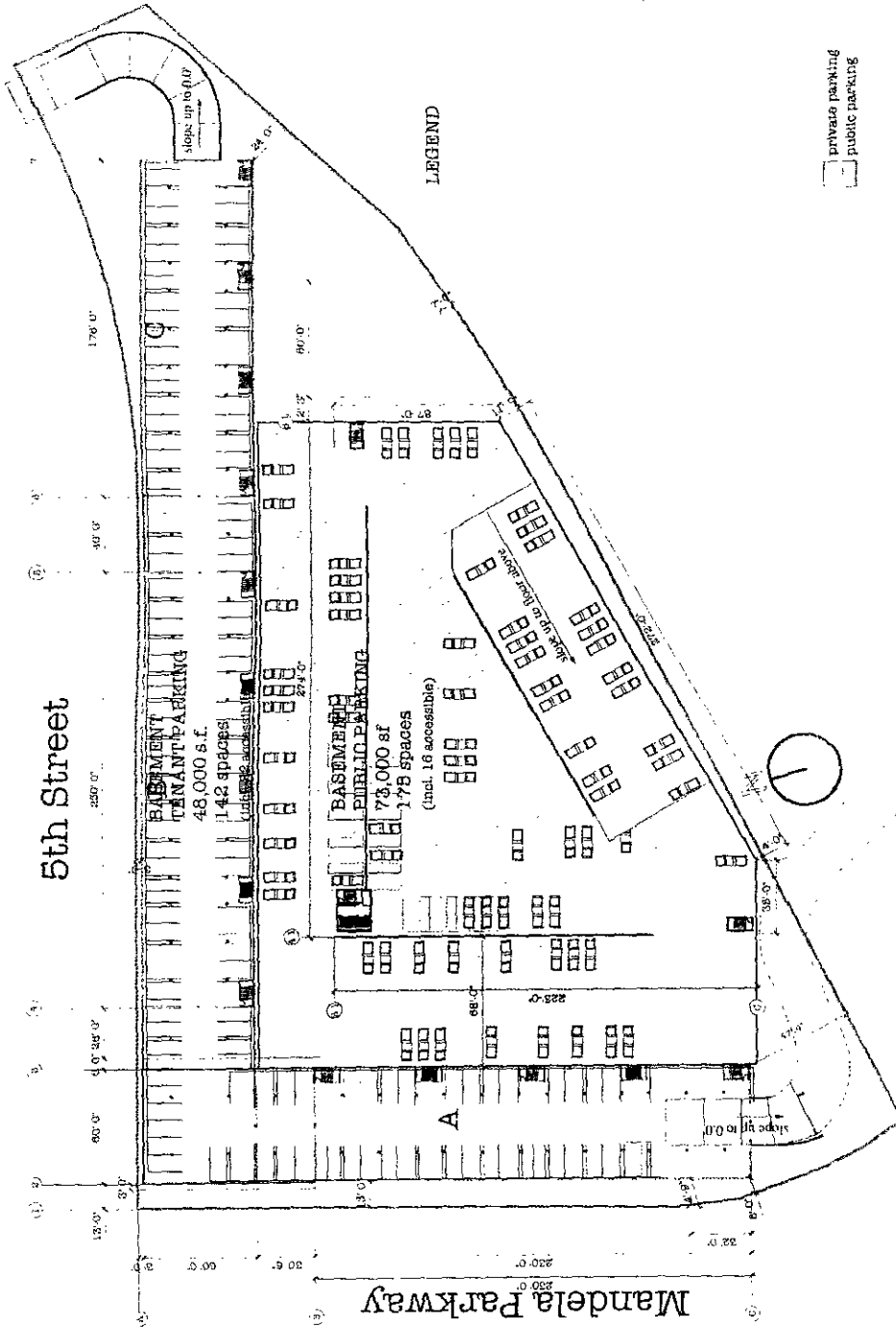
California Follies

2nd Fl. Restroom
 Roofed parking
 Residential
 Man
 Wash/mech room

MANDELA TRANSIT STATION
 1500 CALIFORNIA FOLLIES DRIVE, BOSTON, MASSACHUSETTS 02128
 ARCHITECT: HOK COMPANY
 CONSULTING: HOK COMPANY
 FOR THE ALLIANCE FOR MASS TRANSIT

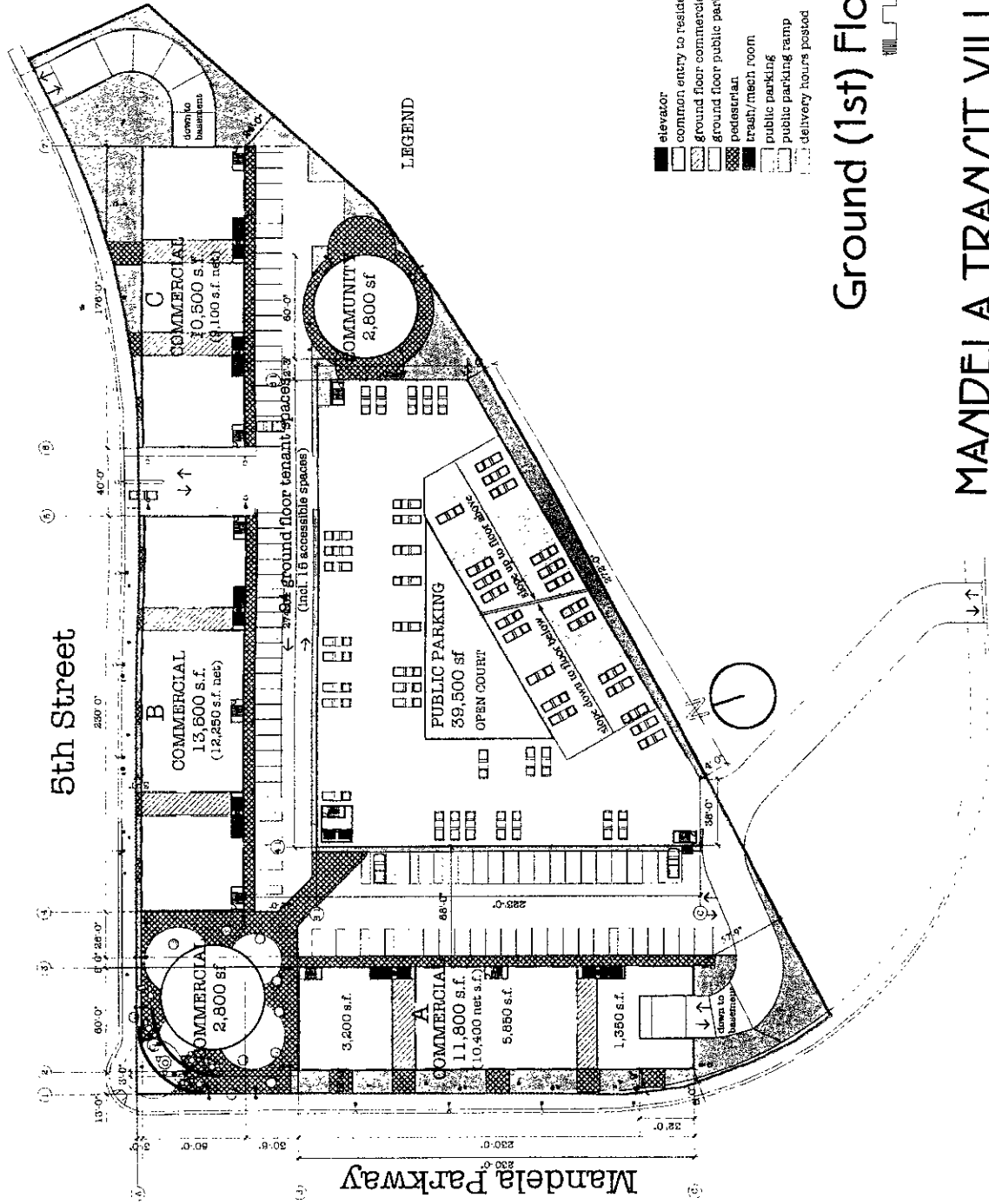
SCALE
 0 10 20 30 40 50
 FEET

re
 chouse



~~COMMUNITY ECONOMIC
DEVELOPMENT CMTE~~

OCT 28 2003



- LEGEND**
- elevator
 - common entry to residences/exits
 - ground floor commercial/community
 - ground floor public parking
 - pedestrian
 - trash/mech room
 - public parking
 - public parking ramp
 - delivery hours posted

Ground (1st) Floor Plan

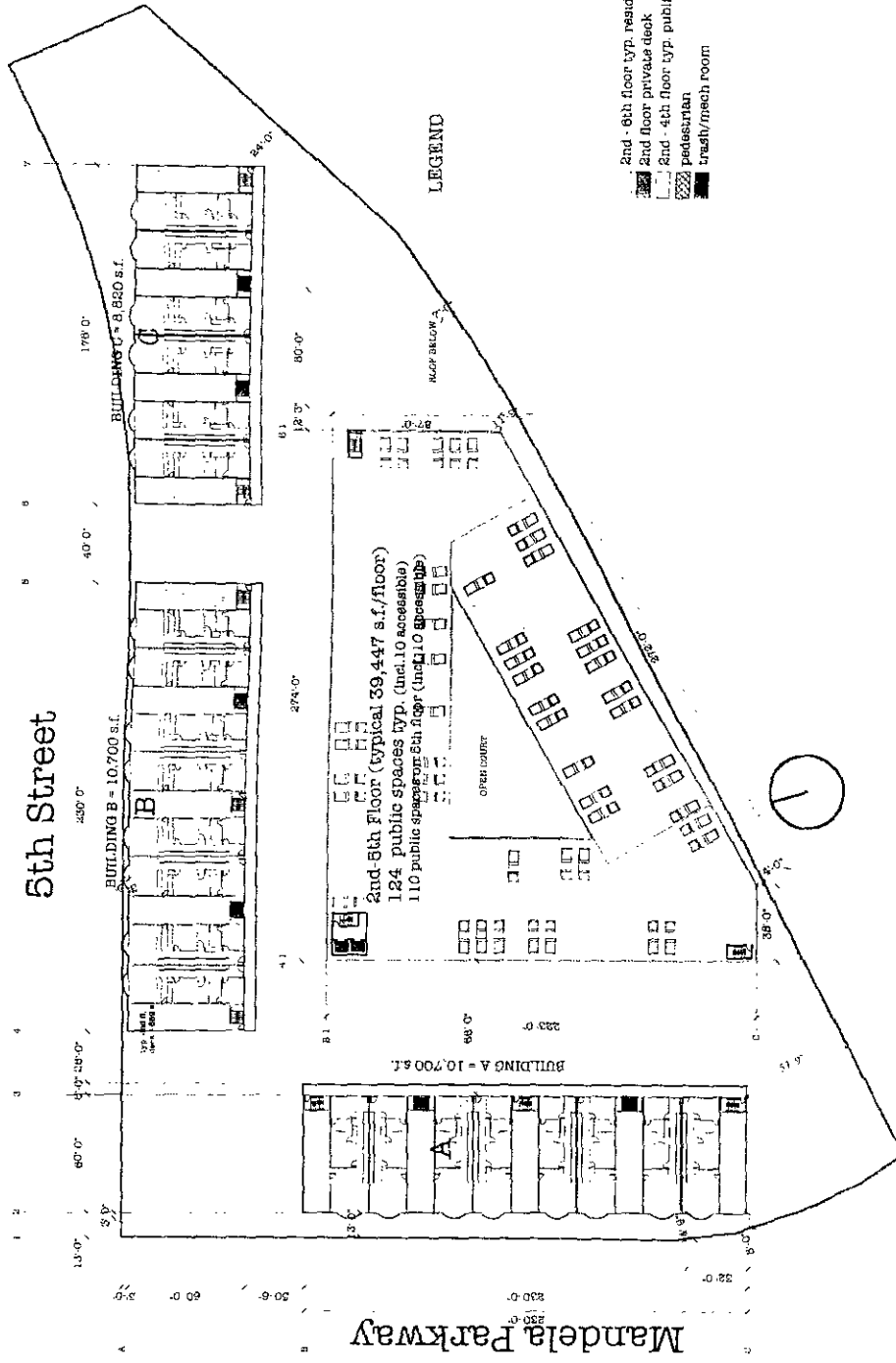
MANDELA TRANSIT VILLAGE | P

THE ALLIANCE FOR WF, JT, 3RD AND DEVELOPMENT | 3000 RESIDEN | 3000 P.A.M. | 1/2/2014

5th Street

3rd Street

Mandela Parkway



2nd thru 5th Floor Plan

Scale: 1" = 30'

2nd-6th Floor Residential:
 Typical 30,220 s.f./floor with 22 Individual Residential Units per Floor
 Typical Residential Unit is 2 bedroom, 2 bath, 1,200 s.f. floor plan.
 Building A: Residential - 9,800 s.f. net + 1,800 s.f. common = 10,700 gross s.f./floor
 Building B: Residential - 9,800 s.f. net + 1,800 s.f. common = 10,700 gross s.f./floor
 Building C: Residential - 7,350 s.f. net + 1,470 s.f. common = 8,820 gross s.f./floor
TOTAL A,B,C = 30,220 gross s.f./floor

MANDELA TRANSIT VILLAGE p2

THE ALUMINUM FLOORING CORPORATION
 2100 W. 14th Street, Tulsa, Oklahoma 74119
 © 2005 FLOORING CORPORATION

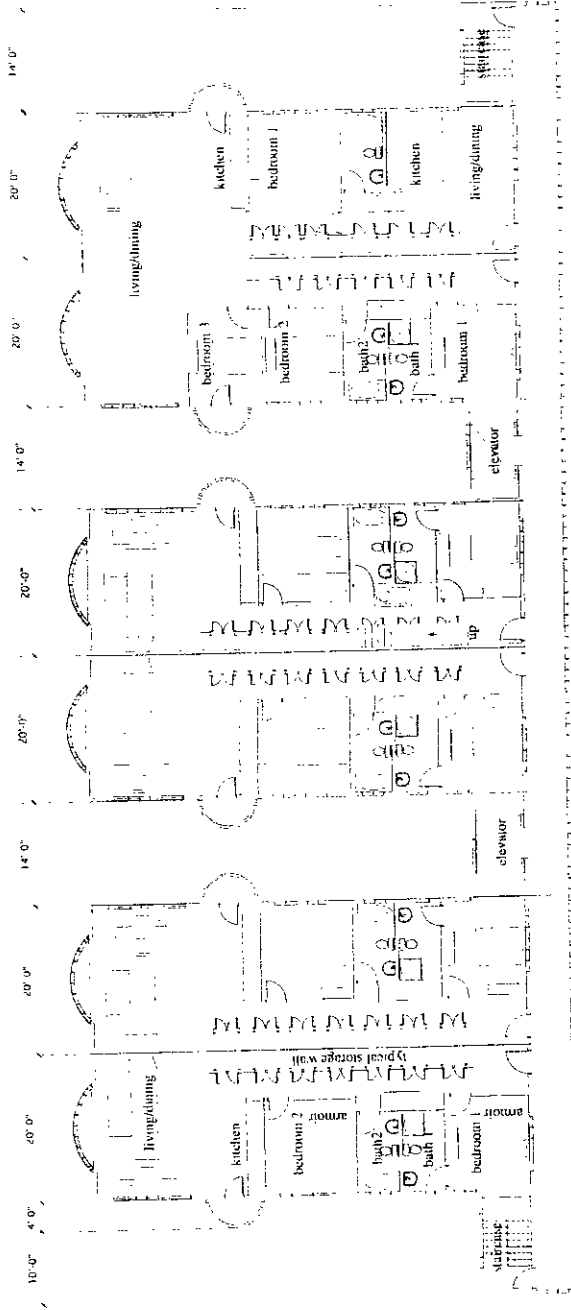
5th Street

3rd Street

Mandela Parkway

LEGEND

- 2nd - 6th floor typ. residential units
- 2nd floor private deck
- 2nd - 4th floor typ. public parking
- pedestrian
- trash/mach room



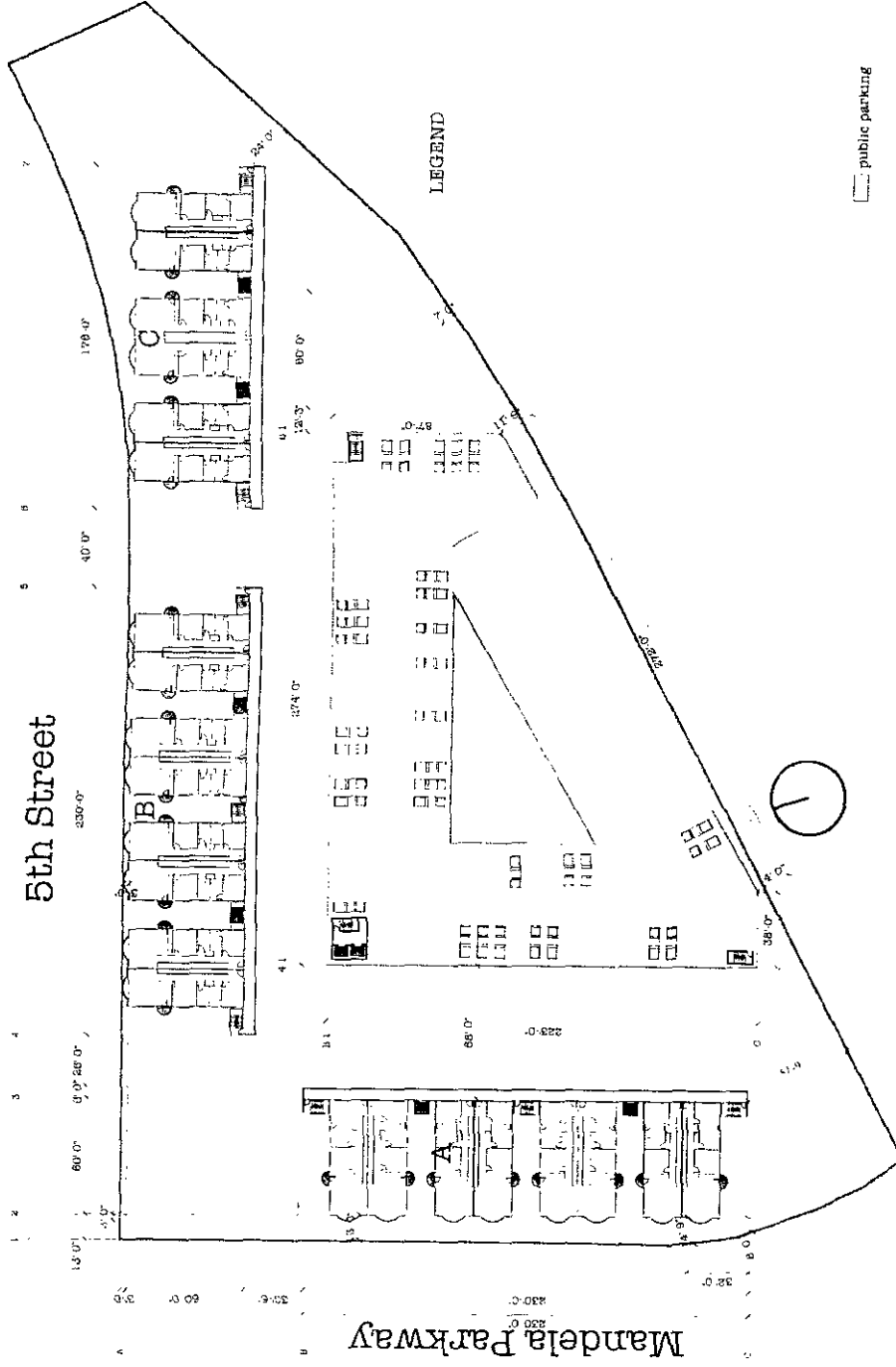
TYPICAL ARRANGEMENT
2 BDRM/2 BATH and 2 BDRM/2BATH

TYPICAL ARRANGEMENT
2 BDRM/2 BATH and 2 BDRM/2 BATH
except on upper floor, where two-story
units are 4 BDRM/4 BATH

OPTIONAL ARRANGEMENT
3 BDRM/2 BATH and 1 BDRM/1BATH

TYPICAL FLOOR PLATE

SCALE: 1/8" = 1'-0"



5th Street

Mandela Parkway

3rd Street

LEGEND

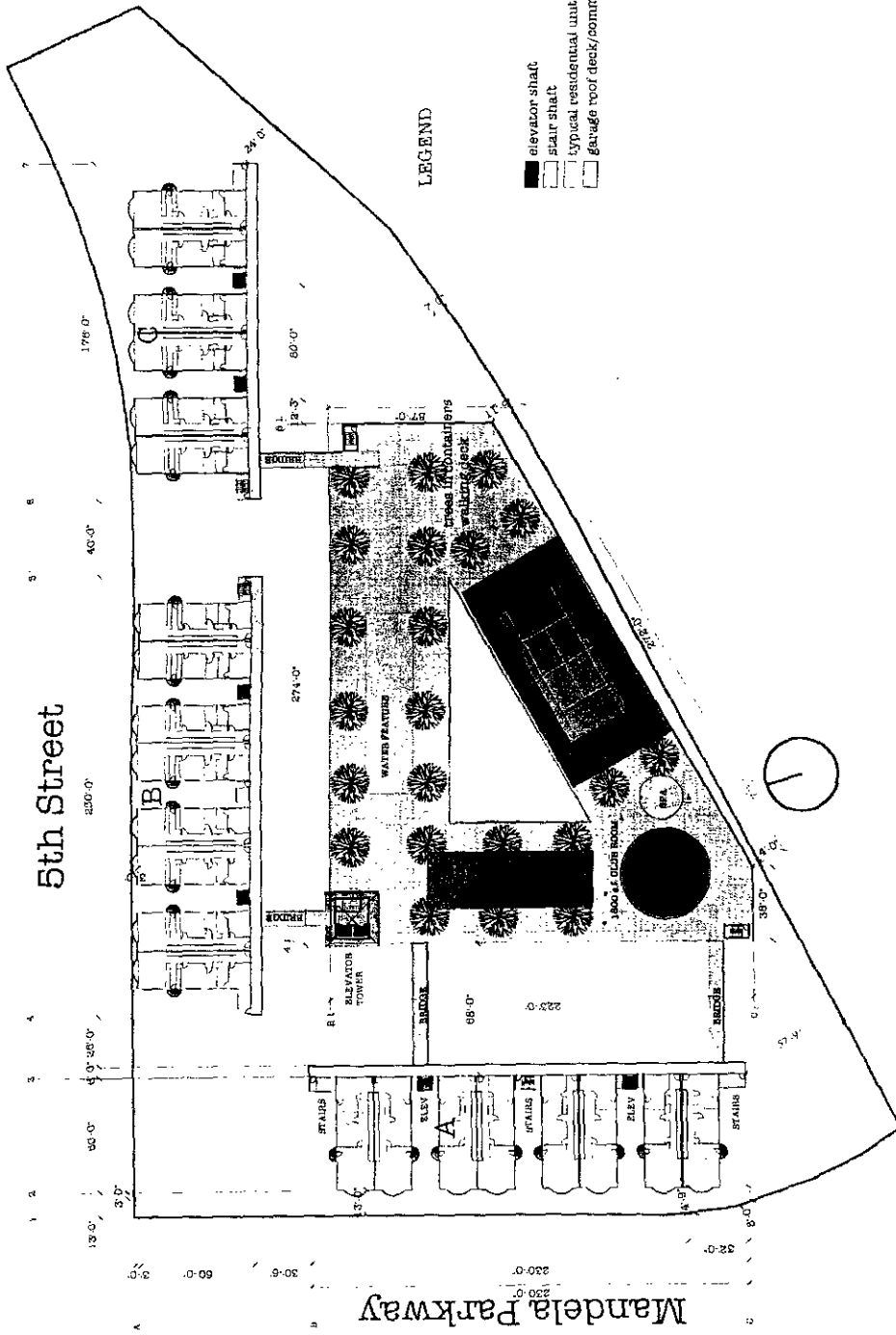
public parking

5th Floor Plan

1" = 50'

MANDELA TRANSIT VILLAGE p5

214 / 1001 G. HANON & PARKWAY, SAN ANTONIO, CALIFORNIA
 THE ALLIANCE FOR TRANSIT VILLAGE AND TRANSIT CORP. • 2014 • 12/20/14



LEGEND

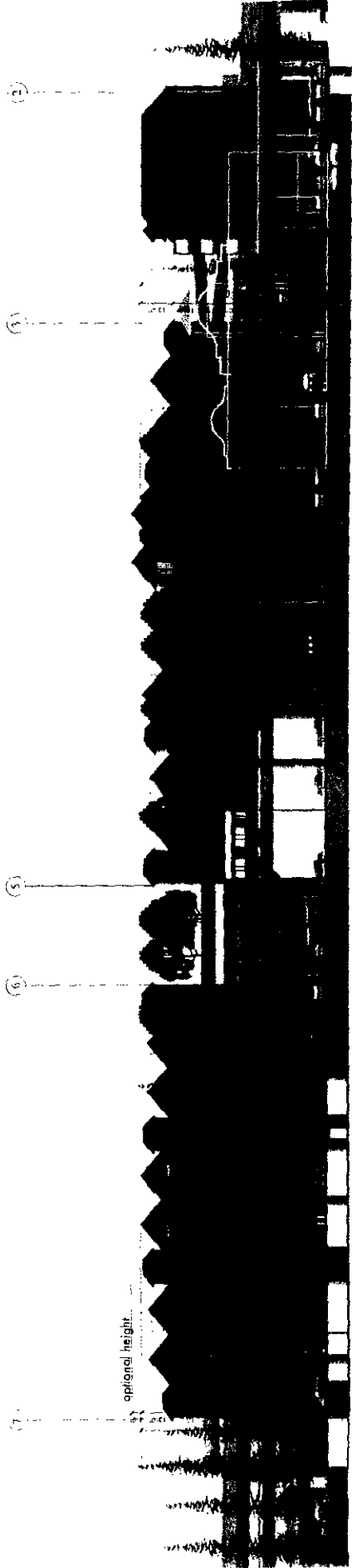
- elevator shaft
- stair shaft
- typical residential unit, 30 ft. x 60 ft. - 1,200 S.F.
- garage roof deck/ common open space, 39,776

6th Floor
 Scale: 1" = 50'

MANDELA TRANSIT VILLAGE p6

5TH STREET & MANDALA PARKWAY (CANAL/DRAINAGE)
 THE ALLIANCE FOR MULTI-COMMUNITY DEVELOPMENT • © 2000 BY MUREN JENSEN P.A. • 05/00/03

3rd Street



HOT SHAPED CORNER FOOD PAVILION, GROUND FLOOR COMMERCIAL TYPICAL ALL BUILDINGS SECURED UNDER UNIT PARKING WITH PRIVATE ELEVATORS TO RESIDENTIAL UNITS

BUILDING C

BUILDING B +
PARKING GARAGE BEHIND

BUILDING A +
SHOP GAZERO FRONT

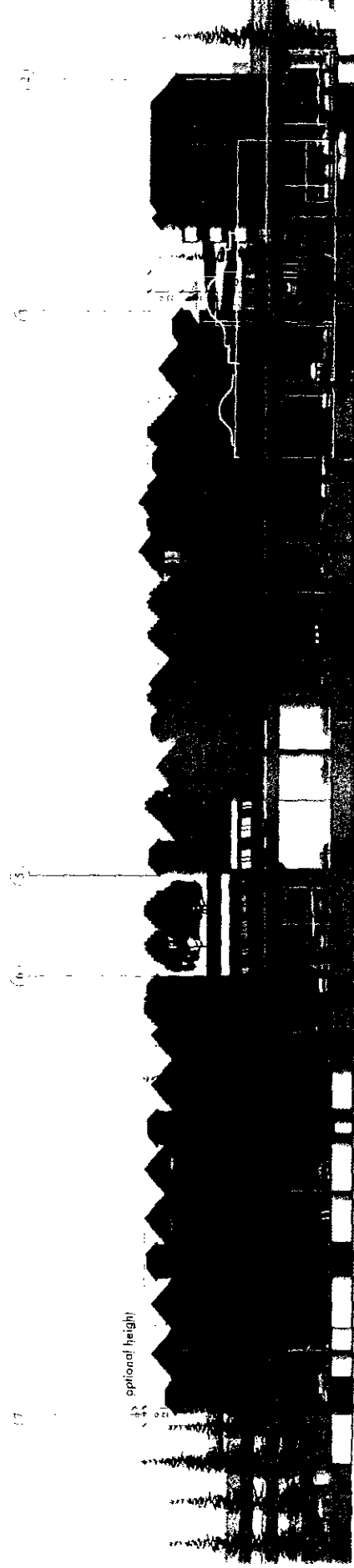
NORTH ELEVATION facing 5th Street and the BART tracks

- ROOF: TYPICAL GREEN SLATE COLORED DIMENSIONAL ASPHALT SHINGLE
- WINDOWS: THERMAL PANELED COMPOSITE FRAME
- EXTERIOR WALLS AND TRIM: PLASTER AND EPS PAINTED
- DECORATIVE TRIM AND COLUMNS: PRE-CAST PAN-AFRICAN MOTIF PANELS
- STOREFRONTS: COMMERCIAL STYLE COLOR COATED ALUMINUM FRAMES

North Elevation

Scale: 1" = 20' (1)

MANDELA TRANSIT VILLAGE



HUT SHAPED CORNER FOOD PAVILION, GROUND FLOOR COMMERCIAL TYPICAL ALL BUILDINGS SECURED UNDER UNIT PARKING WITH PRIVATE ELEVATORS TO RESIDENTIAL UNITS

BUILDING C

BUILDING B +
PARKING GARAGE BEHIND

BUILDING A +
SHOP GAZEBO FRONT

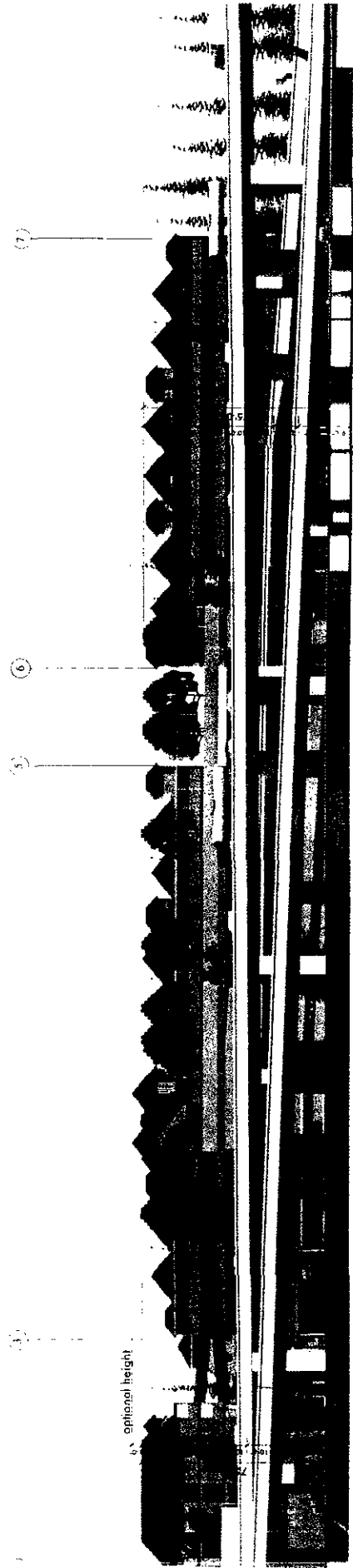
NORTH ELEVATION facing 5th Street and the BART tracks

ROOF: TYPICAL GREEN SLATE COLORED DIMENSIONAL ASPHALT SHINGLE
 WINDOWS: THERMAL PANELED COMPOSITE FRAME
 EXTERIOR WALLS AND TRIM: PLASTER AND EPS PAINTED
 DECORATIVE TRIM AND COLUMNS: PRE-CAST PAN AFRICAN MOTIF PANELS
 STOREFRONTS: COMMERCIAL STYLE COLOR COATED ALUMINUM FRAMES

North Elevation

Scale: 1" = 10 ft

WIDELAND CONSULTING



BUILDING C +
COMMUNITY GAZEBO FRONT

BUILDING B +
PARKING GARAGE IN FRONT
+ NIMITZ FREEWAY NEAR SIDE

SOUTH ELEVATION facing Nimitz Freeway

ROOF: TYPICAL GREEN SLATE COLORED DIMENSIONAL ASPHALT SHINGLE
WINDOWS: THERMAL PAINED COMPOSITE FRAME
EXTERIOR WALLS AND TRIM: PLASTER AND EPS PAINTED
DECORATIVE TRIM AND COLUMNS: PRECAST PANAFRIGAN MOTIF PANELS
STOREFRONTS: COMMERCIAL STYLE COLOR COATED ALUMINUM FRAMES

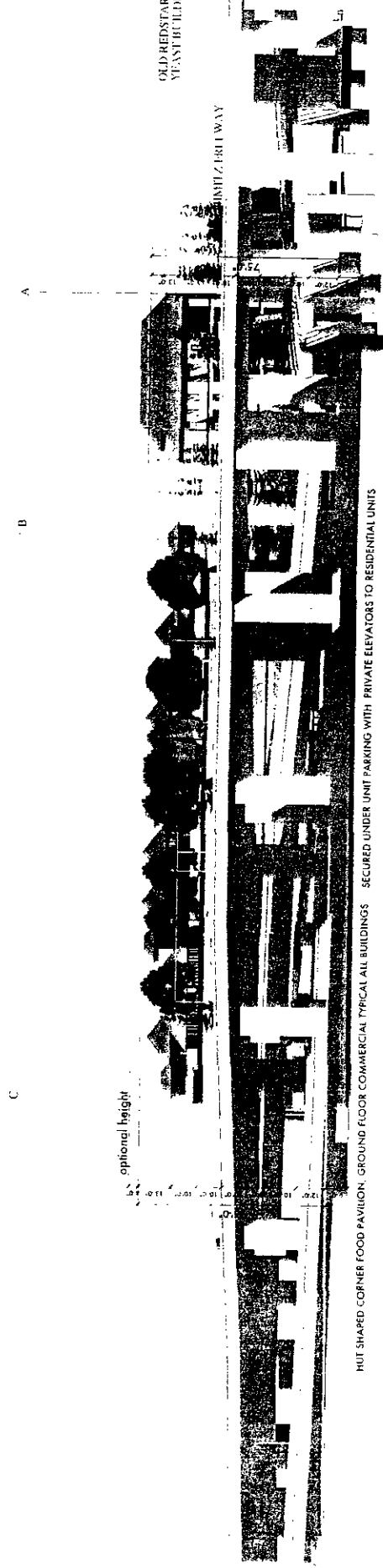
South Elevation

Scale: 1" = 20 ft

MANDELA TRANSIT VILLAGE

**COMMUNITY & ECONOMIC
DEVELOPMENT CMTE**

OCT 28 2003



OLD REDSTAR YEAST BUILDING

NIMITZ FREEWAY

HUT SHAPED CORNER FOOD PAVILION, GROUND FLOOR COMMERCIAL TYPICAL ALL BUILDINGS SECURED UNDER UNIT PARKING WITH PRIVATE ELEVATORS TO RESIDENTIAL UNITS

PARKING GARAGE + BUILDING A BEHIND

BUILDING B and C along 5th Street

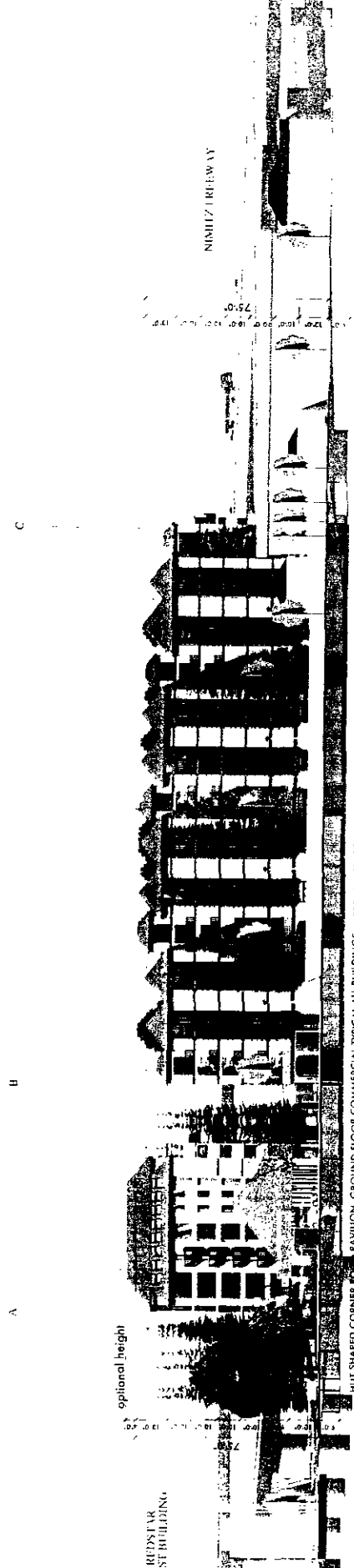
EAST ELEVATION facing the Nimitz Freeway

- ROOF: TYPICAL GREEN SLATE COLORED DIMENSIONAL ASPHALT SHINGLE
- WINDOWS: THERMAL PANED COMPOSITE FRAME
- EXTERIOR WALLS AND TRIM: PLASTER AND EPS PAINTED
- DECORATIVE TRIM AND COLUMNS: PRECAST PANAFRICAN MOTIF PANELS
- STOREFRONTS: COMMERCIAL STYLE COLOR COATED ALUMINUM FRAMES

East Elevation

Scale: 1" = 20' ft

MANDELA TRANSIT VILLAGE



REDSTAR
USE BUILDING

optional height

NIMHIZ DRIVEWAY

HUT SHAPED CORNER @ FACILION, GROUND FLOOR COMMERCIAL TYPICAL ALL BUILDINGS SECURED UNDER UNIT PARKING WITH PRIVATE ELEVATORS TO RESIDENTIAL UNITS

BUILDING B +
SHOP GAZEBO FRONT
@ CORNER OF 5th & MANDELA

BUILDING A +
PARKING GARAGE BEHIND

WEST ELEVATION facing MANDELA PARKWAY

ROOF: TYPICAL GREEN SLATE COLORED DIMENSIONAL ASPHALT SHINGLE
WINDOWS: THERMAL PANELED COMPOSITE FRAME
EXTERIOR WALLS AND TRIM: PLASTER AND EPS PAINTED
DECORATIVE TRIM AND COLUMNS: PRECAST PAN-AFRICAN MOTIF PANELS
STOREFRONTS: COMMERCIAL STYLE COLOR COATED ALUMINUM FRAMES

West Elevation

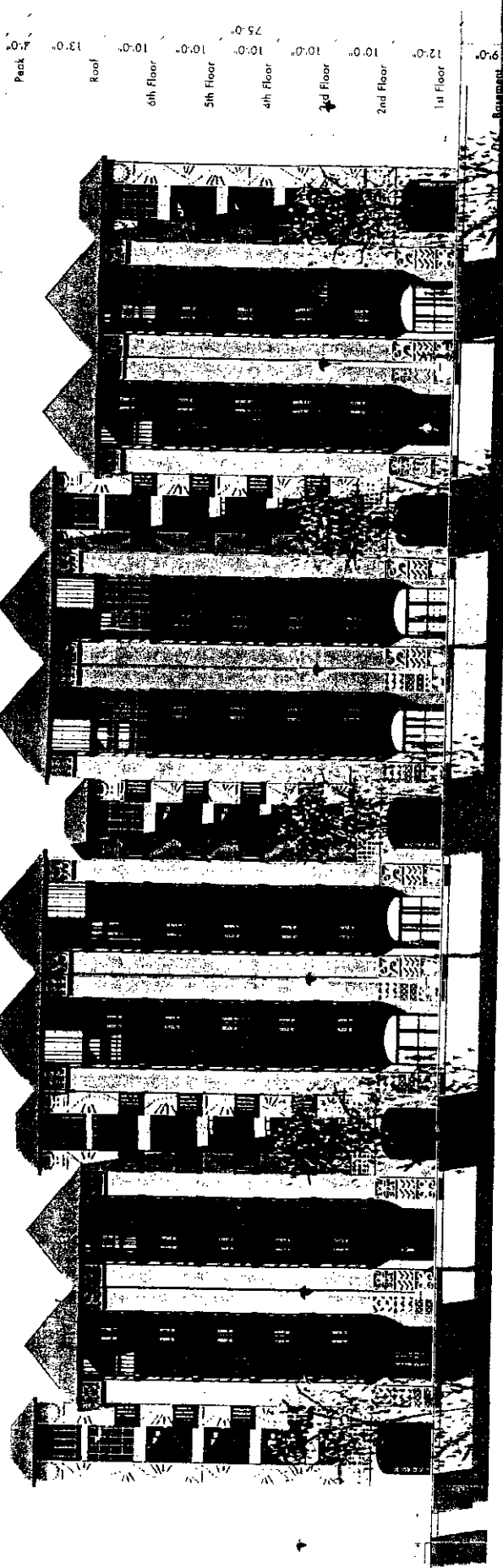
Scale: 1" = 20' ft

MANDELA TRANSIT VILLAGE

Typical Curved Floor to Ceiling Bay Window Each Unit
Typical Open Beamed Ceiling Upper Floor Units

Stair Tower

Elevator Tower



SECURED UNDER UNIT PARKING WITH PRIVATE ELEVATORS TO RESIDENTIAL UNITS

BUILDING B

BUILDING B (facing 5th Street)
BUILDING A (similar facing Mandela)
BUILDING C (similar facing 5th Street)

ROOF: TYPICAL GREEN SLATE COLORED DIMENSIONAL ASPHALT SHINGLE
WINDOWS: THERMAL PANELED COMPOSITE FRAME
EXTERIOR WALLS AND TRIM: PLASTER AND EPS PAINTED
DECORATIVE TRIM AND COLUMNS: PRECAST PANAFRICAN MOTIF PANELS
STOREFRONTS: COMMERCIAL STYLE COLOR COATED ALUMINUM FRAMES

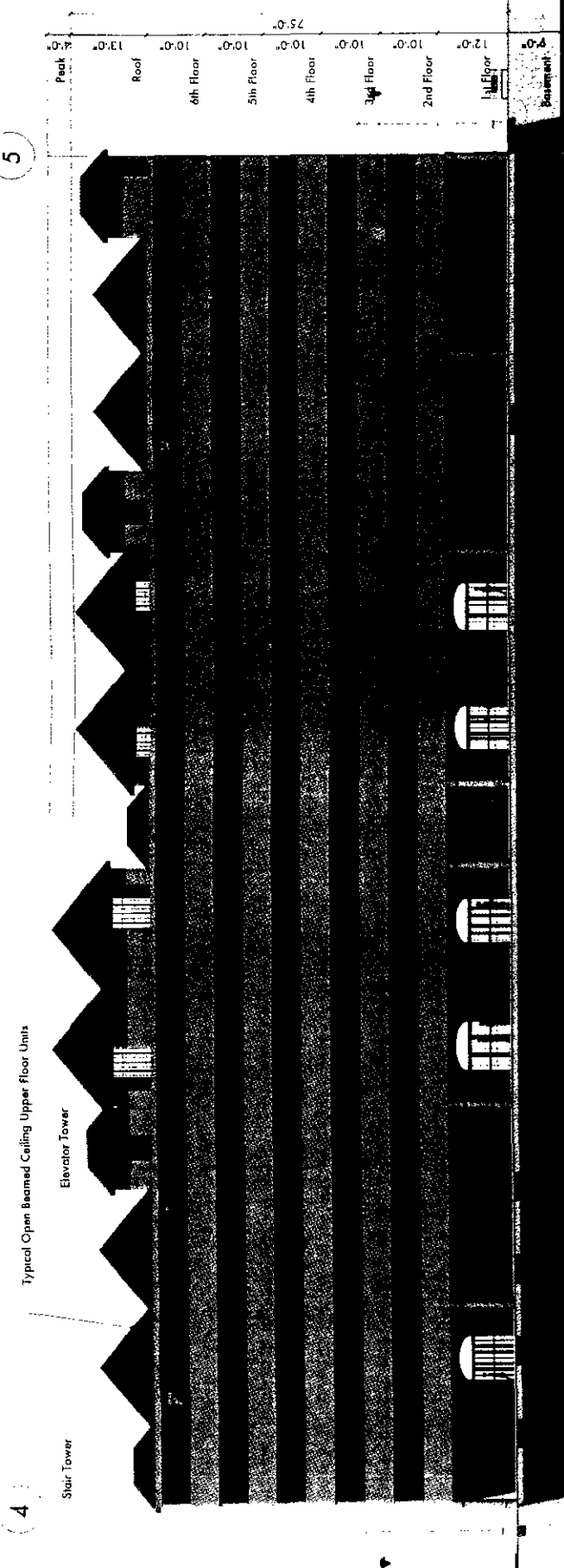
North Elevation

1/8"=1'-0"

MANDELA TRANSIT VILLAGE

2017/18 CT & MANDELA PARKWAY, DANFORTH & BIRCHMOUNT
THE ALLIANCE FOR URBET (LAND) DEVELOPMENT + 2015/16 SENIORS PLAN + URBAN

5



SECURED UNDER UNIT PARKING WITH PRIVATE ELEVATORS TO RESIDENTIAL UNITS

BUILDING B

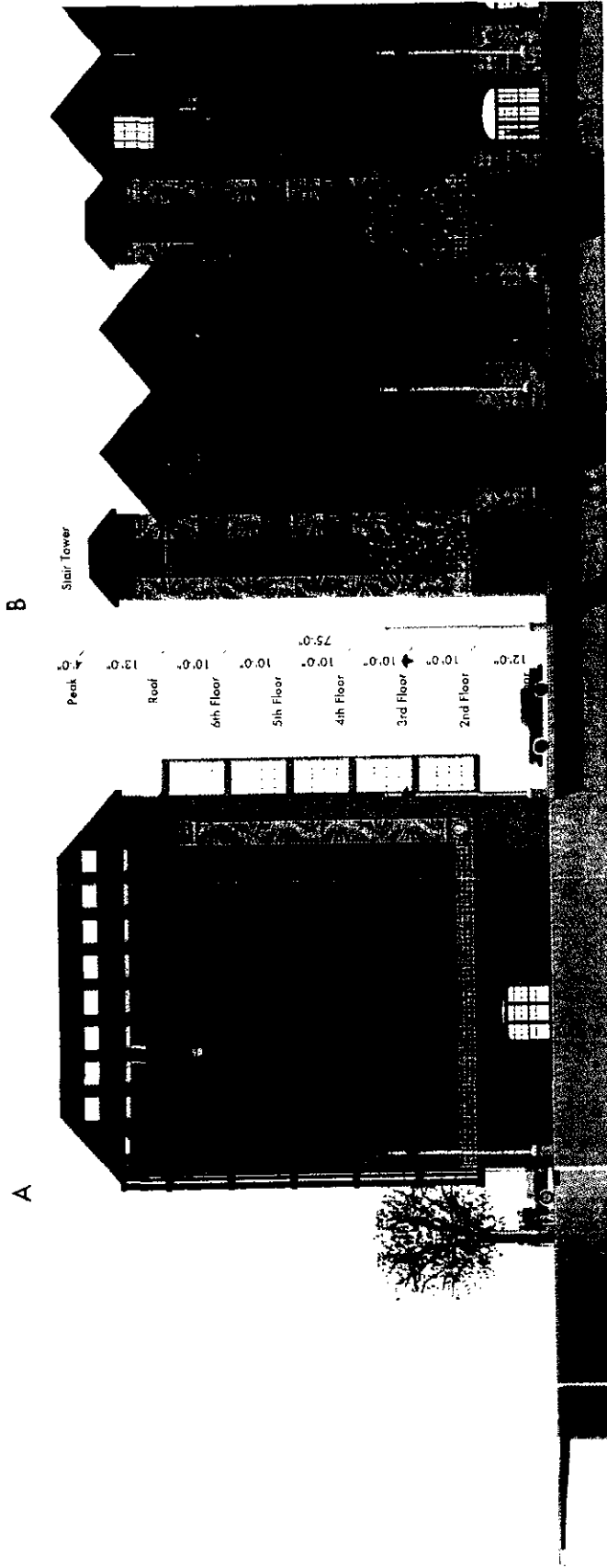
- BUILDING B (facing interior of lot)
- BUILDING A (similar facing interior)
- BUILDING C (similar facing interior)

ROOF: TYPICAL GREEN SLATE COLORED DIMENSIONAL ASPHALT SHINGLE
 WINDOWS: THERMAL, PANELED COMPOSITE FRAME
 EXTERIOR WALLS AND TRIM: PLASTER AND EFS PAINTED
 DECORATIVE TRIM AND COLUMNS: PRE-CAST PAN-AFRICAN MOTIF PANELS
 STOREFRONTS: COMMERCIAL STYLE COLOR COATED ALUMINUM FRAMES

South Elevation

1/8" = 1'-0"

MANDELA TRANSIT VILLAGE



SECURED UNDER UNIT PARKING WITH PRIVATE ELEVATORS TO RESIDENTIAL UNITS

BUILDING B

BUILDING B (each end similar)
 BUILDING A (each end similar)
 BUILDING C (each end similar)

BUILDING A

BUILDING A (facing Mandela Parkway, similar BUILDING B facing 5th St)

ROOF: TYPICAL GREEN SLATE COLORED DIMENSIONAL ASPHALT SHINGLE
 WINDOWS: THERMAL, PANED COMPOSITE FRAME
 EXTERIOR WALLS AND TRIM: PLASTER AND EFS PAINTED
 DECORATIVE TRIM AND COLUMNS: PRE-CAST PANAFRICAN MOTIF PANELS
 STOREFRONTS: COMMERCIAL STYLE COLOR COATED ALUMINUM FRAMES

West Elevation
 1/8" = 1'-0"

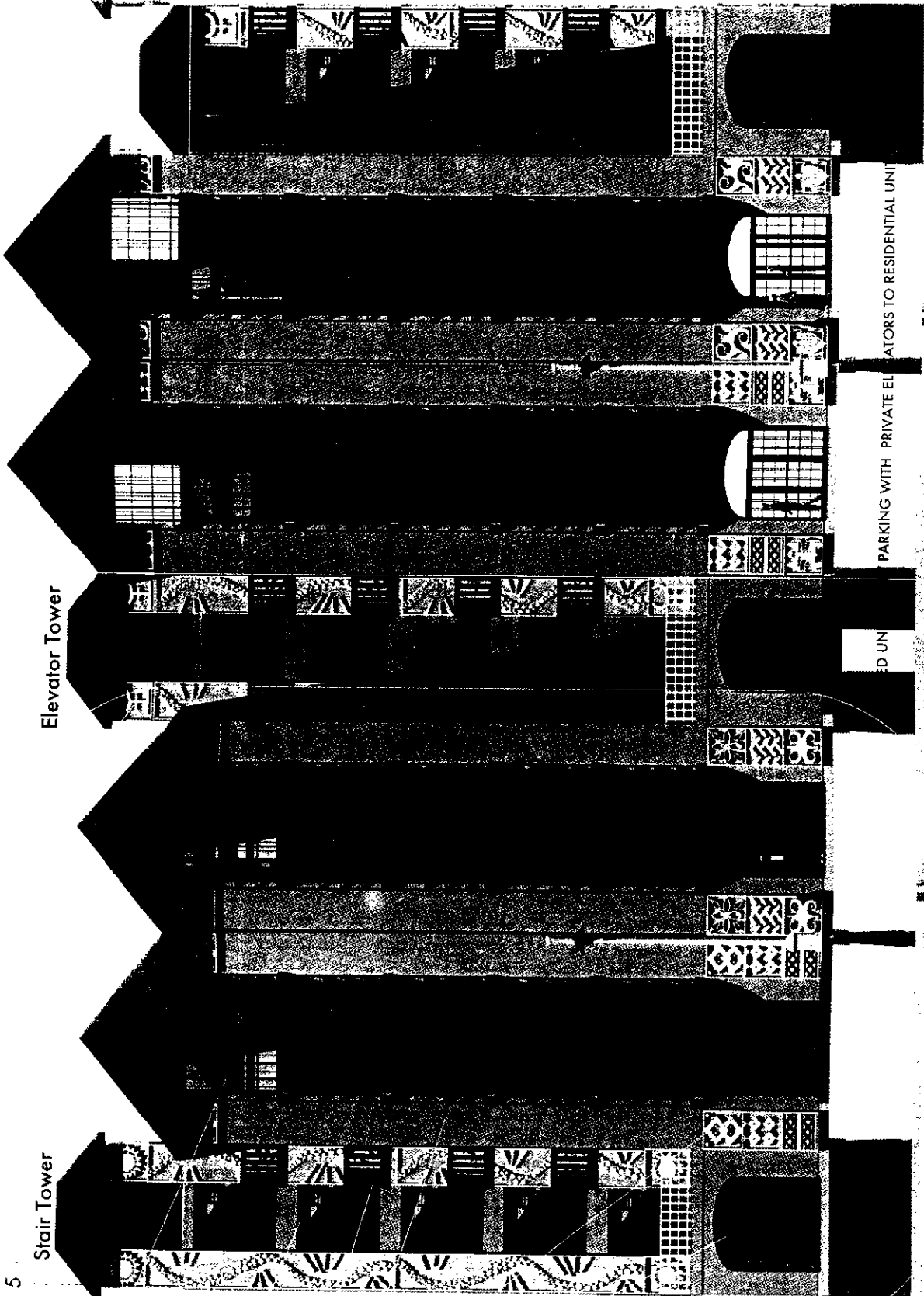
MANDELA TRANSIT VILLAGE

3000 JEFFERSON AVENUE, SUITE 100, OAKLAND, CA 94612
 TEL: (415) 778-1100 FAX: (415) 778-1101 WWW: WWW.MANDELA-VILLAGE.COM

5

Stair Tower

Elevator Tower

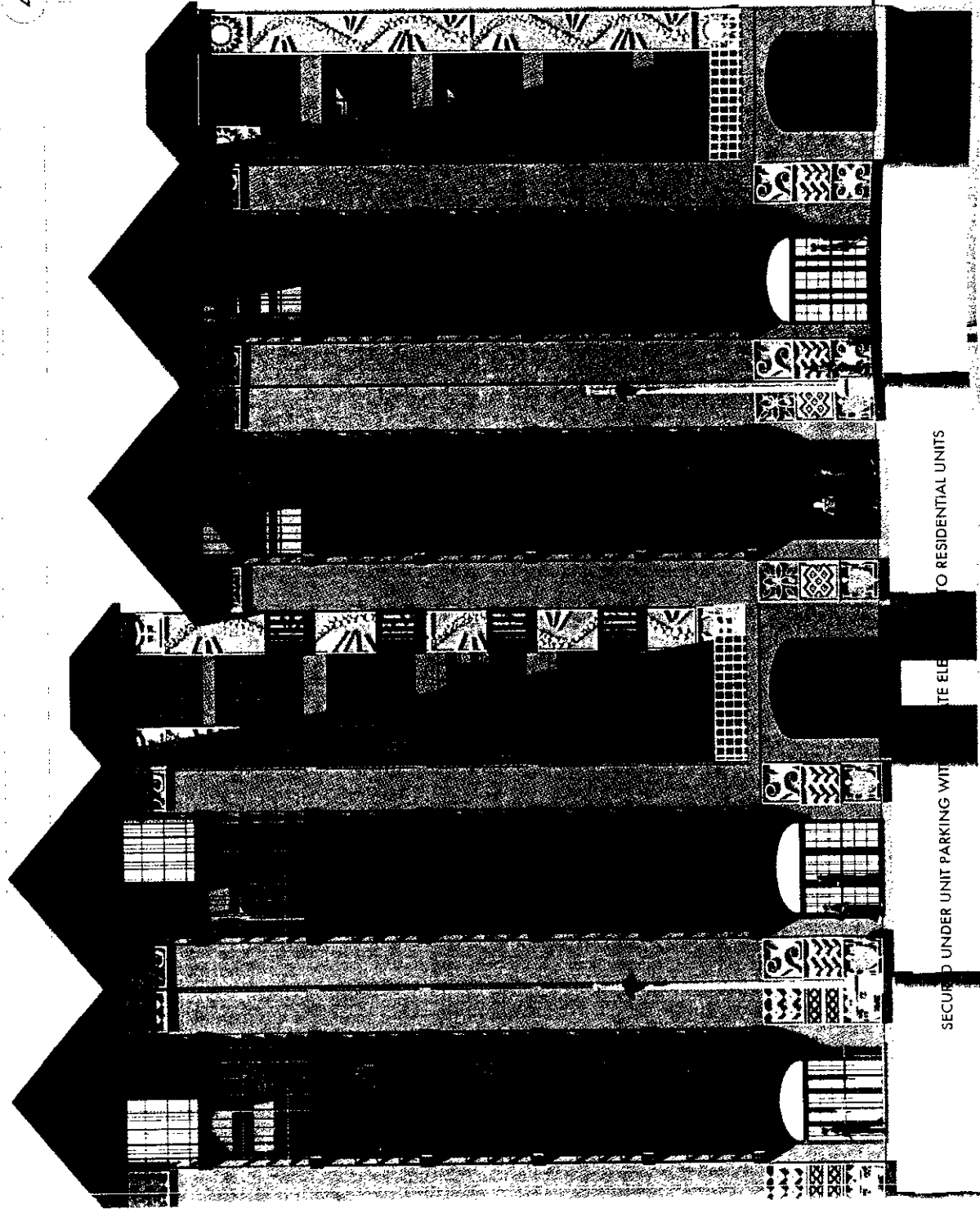


PARKING WITH PRIVATE ELEVATORS TO RESIDENTIAL UNIT

ED UN

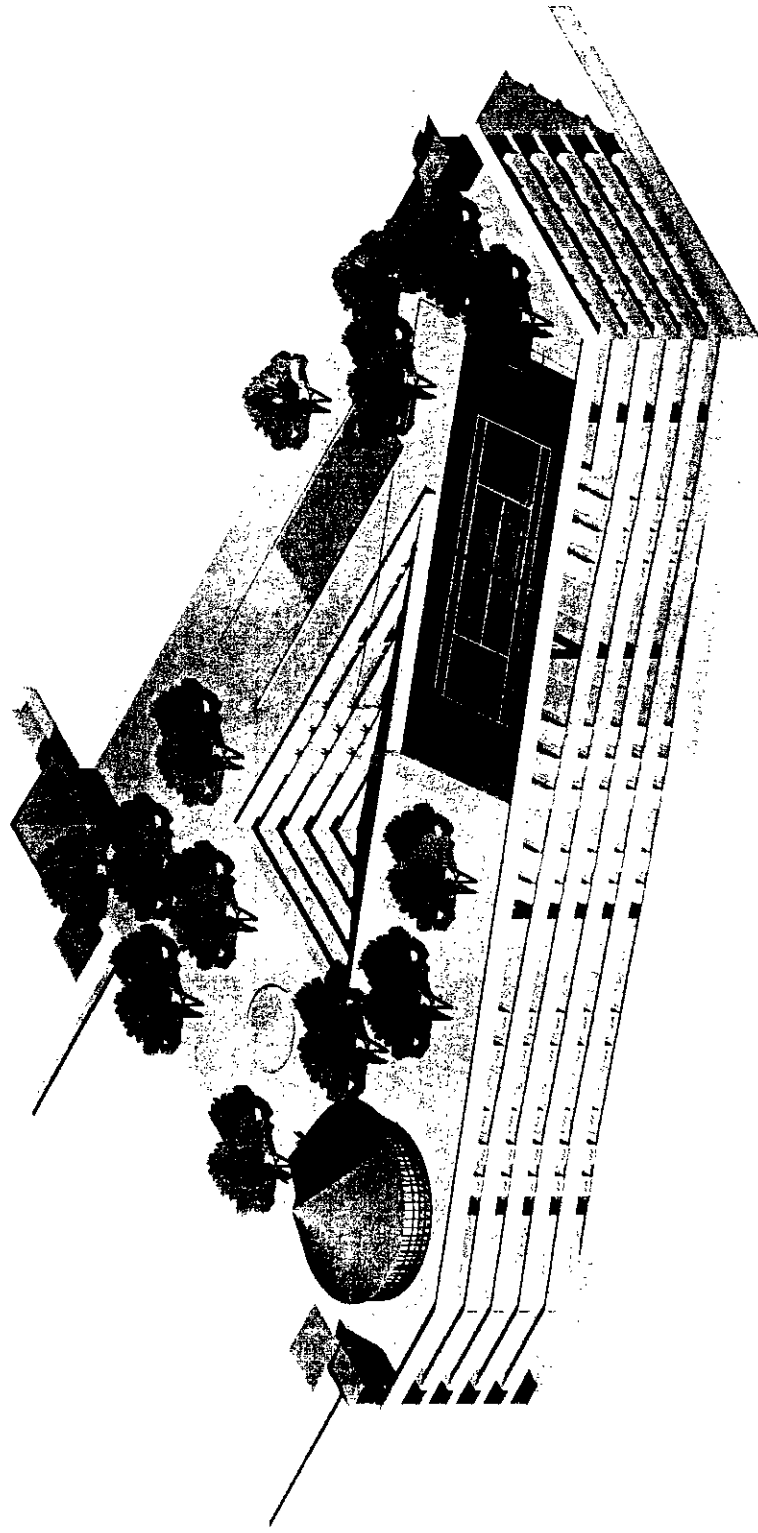
4

Peak 4'-0"
Roof 13'-0"
6th Floor 10'-0"
5th Floor 10'-0"
4th Floor 10'-0"
3rd Floor 10'-0"
2nd Floor 10'-0"
1st Floor 12'-0"
Basement 9'-0"



SECURED UNDER UNIT PARKING WITH...
WASTE ELE...
TO RESIDENTIAL UNITS

6 level concrete deck over basement
 4' cast concrete solid railings all around each level typical
 Upper level has walk on park deck with sports court, spa, and recreational kiosk
 Upper deck solid railing has cast African motif panels continuously around as finish trim
 The kiosk is glass surrounds with an open hut sloped roof, covered with green slate colored shing



North Isometric



Parking Garage & Roof Deck

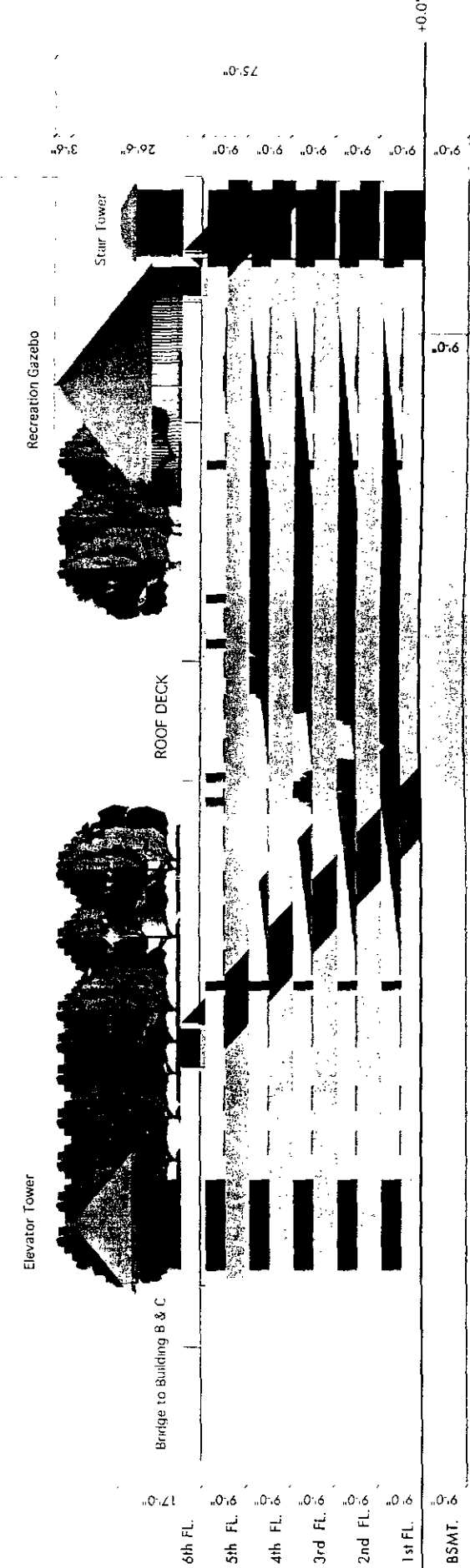
MANDELA TRANSIT VILLAGE g3

THE ALLIANCE FOR MULTIRACIAL AND DEVELOPMENTAL
 5111 TREE TRL, MANDELA PARKWAY, DAKOTA RIVER, CALIFORNIA
 95008 • 916.434.1111 • WWW.AFD-AMDC.COM

6 level concrete deck over Basement
 4' cast concrete solid railings all around each level typical
 Upper level has walk on park deck with sports court, spa, and recreational kiosk
 Upper deck solid railing has cast African-motif panels continuously around as finish trim
 The kiosk is glass surrounds with an open hut shaped roof, covered with green slate colored shingles.

B.1

B.2



West Elevation

SCALE: 1" = 10'

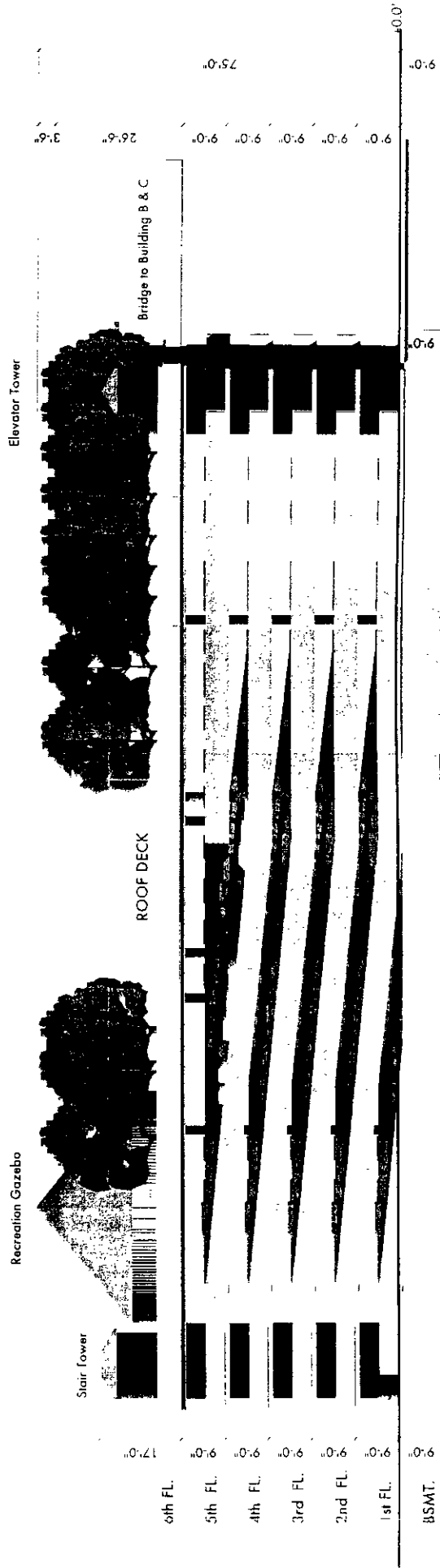
Parking Garage & Roof Deck
MANDELA TRANSIT VILLAGE 96

THE ALLIANCE FOR URBAN TRANSIT DEVELOPMENT • 2000 PENNSYLVANIA AVENUE, N.W. • WASHINGTON, D.C. 20004

6 level concrete deck over Basement
 4' cast concrete solid railings all around each level typical
 Upper level has walk on park deck with sports court, spa, and recreational kiosk
 Upper deck solid railing has cast African-motif panels continuously around as finish trim
 The kiosk is glass surrounds with an open hut shaped roof, covered with green slate colored shingles.

B.2

B.1



East Elevation

SCALE: 1/8" = 1'-0"

Parking Garage & Roof Deck
MANDELA TRANSIT VILLAGE 97

THE ALLIANCE FOR THE CAROLINA TRANSIT VILLAGE
 5107 TRIPLE O MANDELA PARKWAY, CAROLINA, NC 27617
 TEL: 919.487.1100 FAX: 919.487.1101



SOUTH AFRICA
(Lydenburg Head Motif)
bronze-age Bantu



EGYPT
(Pre-Dynastic)
north



ZAIRE
(DEM.REP.OF CONGO)
central



NIGER
north-central



KWAZULU-NATAL
(South Africa)
south



SENIJO
(IVORY COAST)
west



EGYPT
(Pre-Dynastic)
north



ZAIRE
(DEM.REP.OF CONGO)
central



NIGER
north-central



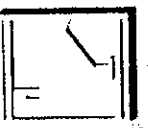
KENYA
east



SENIJO
(IVORY COAST)
west



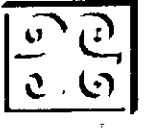
ZULU (Kwa-Zulu)
SOUTH AFRICA
south



EWE-ADANGBE
(Kpetoe, Ghana)



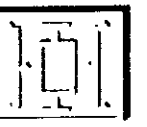
ADINKRA
(Ghana)



ADINKRA
(Ghana)



SENIJO
(IVORY COAST)
west



NDEBELE
SOUTH AFRICA
south



EWE-ADANGBE
(Kpetoe, Ghana)



XHOSA
SOUTH AFRICA
south



CONGO
south central



CONGO
south central

AFRICAN MOTIFS FOR MANDELA TRANSIT VILLAGE
 prepared by: Bendrew Jong, FAIA
 for: The Alliance for West Oakland
 ©2002 Bendrew Jong, FAIA

Case File Number: CMDV03-051

May 28, 2003

Location:	1357 5 th Street
Proposal:	To construct a five story, 775 space parking garage and three six-story buildings containing a total of 110 residential units with 35,800 square feet of ground floor commercial space.
Owner/Applicant:	Jabari Herbert, West Oakland Alliance
Planning Permits Required:	General Plan Amendment changing the General Plan designation of the site from Business Mix to Community Commercial to allow proposed residential activities. Zoning Text Amendment to conditionally permit auto fee parking in the S-15 Zone. Major Conditional Use Permit for a facility over 100,000 square feet in the S-15 Zone. Minor variances for height (55'-0" maximum; 79'-0" proposed) and required loading births. Design Review for new construction in the S-15 Zone.
General Plan:	Business Mix
Zoning:	M-20, Light Industrial Zone; S-15 Transit Oriented Development Zone
Environmental Determination:	Initial Study being prepared.
Historic Status:	Non-Historic Property (NHP); survey rating: N/A
Service Delivery District:	I - West Oakland
City Council District:	3
For further information:	Contact case planner Neil Gray at (510) 238-3878.

SUMMARY

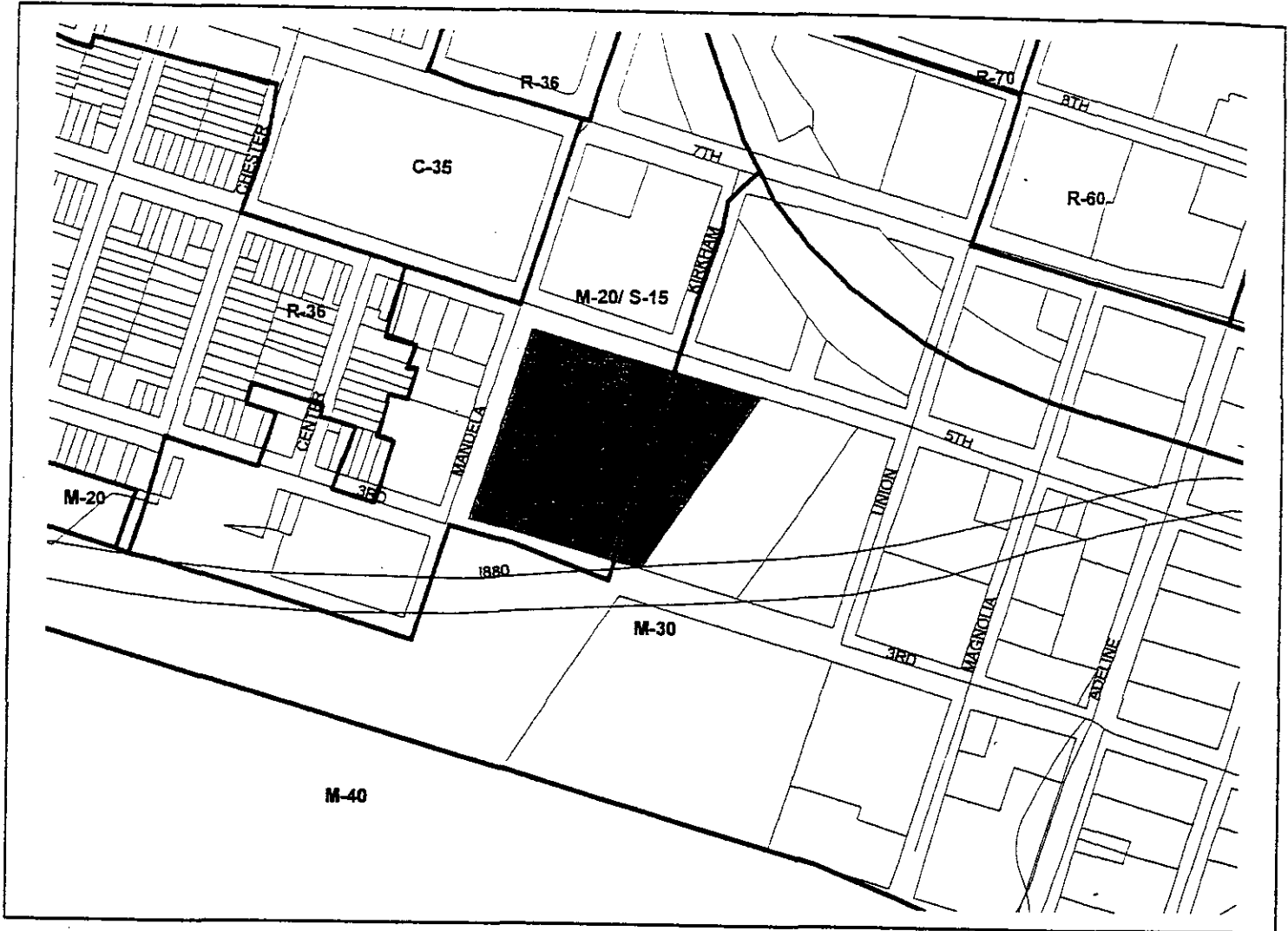
The proposal consists of 110 residential units, a 775 space parking structure, and ten ground floor commercial spaces. The site is across the intersection of 5th Street and Mandela Parkway from the West Oakland BART Station and is considered part of the West Oakland Transit Village area (see Background Section, below). The parking structure would be for fee and serve BART patrons.

The project is within an area that was the topic of a report that studied the economics and land uses of the West Oakland BART Station area. The report supports a "transit village" concept of concentrating housing units within walking distance of transit stations, thus increasing ridership, easing traffic congestion, and reducing the dependence on the automobile. In that study, the subject site was identified as an opportunity to accommodate a 1,400 to 1,600 space parking structure. Parking at the site would replace surface parking removed by development in the Transit Village area, including development of the BART parking lot.

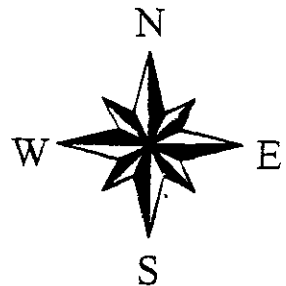
Staff requests input from the Design Review Committee regarding several design related items, in particular:

- Whether the generous provision of parking support the transit oriented development intent of the S-15 Zoning Designation;
- The proposed building designs in terms bulk, visual variety, materials, detail, and height;
- The design of the proposed commercial façades;
- The quality of the open space; and
- The adequacy of light and air for the units.

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMDV03-051
Applicant: Jabari Herbert, West Oakland Alliance
Address: 1357 5th Street
Zone: M-20 / S-15



PROJECT DESCRIPTION

The proposal, located at a 152,800 square foot triangular site defined by 5th Street, Mandela Parkway, and Interstate I-800, consists of 110 residential units, a 775 space parking structure, and ten ground floor commercial spaces. The project would include 184,970 square feet of gross residential building area and 38,600 square feet of commercial space; the parking garage would be 270,500 square feet. The site is across the intersection of 5th Street and Mandela Parkway from the West Oakland BART Station and is considered part of the West Oakland Transit Village area (see Background Section, below). The parking structure would be for fee and serve BART patrons. The commercial space would be designed to contain either retail or office activities.

Three 75'-0", six-story concrete buildings (Buildings A, B, and C) containing the residential units and commercial space would face Mandela Parkway and 5th Street. Each building would contain separate five story 45'-0" wide towers on platforms above the commercial space. Rounded windows would establish bay-shaped architectural elements on the towers. The proportions of the tower and the shapes created by the bay windows have been designed, according to the architect, to relate to the turn of the century homes in the neighborhood and throughout West Oakland.

The towers vary in height from approximately 70'-0" to 75'-0", with the higher towers toward the middle of the buildings. Open areas would be located between the towers on platforms above the ground floor commercial space; at the sides of buildings, open areas adjacent to towers would provide an upper story setback from ground level open spaces and entrances. Green colored metal roofs, light orange colored concrete facades, and cement reliefs of African motifs on ground floor columns and other locations would establish a Pan-African architectural design theme. Each unit would be 1,200 square feet and have two bedrooms and two baths.

The five-story parking structure would be sited behind the residential buildings and in front of an I-880 overpass that ranges in height from approximately 30'-0" to 50'-0". Automobile entrances to the parking structure (and the entire development) would be from 5th and Kirkham Streets and on 3rd Street near Mandela Parkway.

A pedestrian bridge from the fifth floors of the residential buildings would connect with recreational space on the top floor of the parking structure. This open space would consist of a pool, gym, tennis courts, landscaping, and other facilities. A plaza area is located at the corner of 5th Street and Mandela Parkway to take advantage of the many pedestrians that would walk between the BART station and the parking lot during peak commuting hours. A large gazebo shaped structure that would contain cafés and/or other vendors would dominate this open area. The project would also include a community building and open space between the northeast building, the parking structure, and the freeway; this building would stage community meetings, events, and recreational activities.

Residents would have access to 142 parking spaces under the residential structures. Parking for the ground floor commercial space would be located in 94 surface parking spaces between the residential buildings and the parking structure.

NEIGHBORHOOD DESCRIPTION

As mentioned, the project is across an intersection from the West Oakland BART station and bounded by Mandela Parkway to the west, 5th Street to the north, and the freeway to the south. In general, industrial uses are in the immediate vicinity of the site and residential neighborhoods predominate beyond.

Industrial activities take place across Mandela Parkway while a residential street exists on the other side of that block. The U.S. Postal Service operates a large mail sorting and distribution facility approximately five blocks west of the site. Residential neighborhoods are located west of that facility. Industrial activities are located south of the freeway and east of the site.

The Red Star Yeast Factory is located to the north of the site but its owner has announced the facility's closure after community complaints regarding odor and possible environmental contamination. Above grade BART tracks, surface parking, and a gas station are located to the north of the Yeast Factory. A U.S. Postal Service driver training is north of the eastern part of the site. The Mandela Gateway project, a 187 unit affordable housing project developed by Bridge Housing Corporation, was approved by the Planning Commission on June 26, 2002 to be located further north across 7th Street. Like the subject proposal, that project was part of the West Oakland Transit Village study (see below). Predominantly single family homes, duplexes, some industrial activities, and the Peralta Public Housing development are located north and east of the Mandela Gateway project.

Industrial uses are located south of the freeway.

BACKGROUND

The West Oakland Transit Village study was undertaken in 1998 by a tri-agency team consisting of the City of Oakland Community and Economic Development Agency, the Oakland Housing Authority and BART. This team was formed to study the possibilities for creating a transit village around the West Oakland BART station. The study resulted in an Action Report, which was reviewed by the Planning Commission and the City Council in February 2002. The report supports a "transit village" concept of concentrating housing units within walking distance of transit stations, thus increasing ridership, easing traffic congestion, and reducing the dependence on the automobile. The concept also includes providing commercial opportunities for commuters and residents of the transit village.

This report estimates a potential for over 600 housing units to be created or redeveloped in the Transit Village area along with additional retail and parking structures to serve the BART station. In that study, the subject site was identified as an opportunity to accommodate a 1,400 to 1,600 space parking structure. Parking at the site would replace surface parking removed by development in the Transit Village area, including development of the BART parking lot. The report sites the preservation of the existing parking stock in the area as important to serve BART passengers and preserve BART ridership.

COMMUNITY MEETINGS

Staff has attended two community meeting involving the project. The first presentation was at the April Town Hall meeting for Vice Mayor Nancy Nadel. Attendees of the meeting expressed support of the project and had questions regarding the cost of the units and raised concerns regarding its location adjacent to the Red Star Yeast factory (the owners of the factory had not announced the closure of the facility at the time of the meeting). The second meeting was held at the project site. That meeting had low attendance from the community, although representatives from BART and the community group from South Prescott, the residential neighborhood near the site, were in attendance. Questions were raised by BART representatives regarding entrances at the site and the representative from South Prescott stated that his group was in support of the project, but they required more meetings to provide input.

KEY ISSUES AND IMPACTS

Staff is requesting design input from the Design Review Committee regarding the following issues:

Parking

Staff has concerns that the project provides too many parking spaces for the residential and commercial activities. The S-15, Transit Oriented Zone requires one-half a parking space per residential unit; no parking spaces for the commercial activities; and a conditional use permit if a proposal supplies *more* than these requirements. This limited parking standard and the required staff review of parking in excess of the standard is in place to preserve the intent of the S-15 Zone to "create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation" (Section 17.100.010 of the Zoning Ordinance) surrounding BART Stations. Limiting parking for activities surrounding BART stations fulfills this intent by discouraging the use of the automobile in favor of mass transit. This reduces dependence on the automobile, benefiting the City and the entire region by reducing traffic and air pollution.

According to the requirements described above, the proposal would require only 55 parking spaces while the proposal would provide 236 parking spaces (142 residential parking spaces and 94 commercial parking spaces). This resultant parking ratio would be one parking space per approximately 410 square feet of commercial space and 1.3 spaces per living unit. For the sake of comparison, standard parking zoning regulations outside the S-15 area would require only 206.5 parking spaces (a ratio of one space per unit and one space per 400 square feet of commercial area). Thus, the project provides more than required even in non-transit oriented zones.

Staff believes that the parking ratio is too high and could be reduced without a detrimental impact on the project. A parking management plan could be instituted instead, providing parking and transit use incentives and other management tools. With such a strong supply of structured parking adjacent to the residential and commercial portion, a lease arrangement is also an option. The design implications of such a change are significant, for instance, existing parking could be used for landscaping between the garage and the residential buildings (see "Quality of open space" section, below). Also, the floor plans for the residential units include significant storage; some of this storage could be provided at the current location of the underground parking spaces.

Staff also believes that the project provides an important opportunity to participate in the City Car Share Program to further support a reduction of parking spaces because many residents will only need part time use of a car given the proximity of the BART station.

Bulk

The proposal would have a total floor area ratio (FAR), including the garage, of 3.7 and the site would contain approximately 560,000 square feet of total floor area (note that the Zoning Ordinance defines FAR as the total building square footage *not including parking* divided by the square footage of the lot; the garage is included in this calculation only to depict bulk using broadest possible method). With the exception of the U.S. Postal Service facility, a 3.7 FAR on a lot this size would create significant bulk compared to other developments in West Oakland.

The applicant proposes to mitigate this bulk through separating the buildings into the separate towers. The bulk of the parking garage would also be hidden from the street by the structures at the front of the property. The applicant has provided a scale model of the project to depict the proposed bulk and scale

in relation to the surrounding neighborhood. Staff will bring the model to the Design Review Commission Meeting for review. A discussion of bulk in relation to other architectural features is also included in following sections.

Visual variety

Buildings A and B are each separated into four separate bay elements and Building C is separated into three of these identical elements. This creates eleven nearly identical tower shaped structures with uniform scale, treatments, shapes, and roof forms. The proposal also repeats identically designed stories above the ground floor commercial space. Each unit having the same floor plan contributes to this uniformity in exterior appearance.

Staff believes a) the repeating of architectural elements negates the reduction in the appearance of bulk described above, and b) more variety in architectural elements would improve the visual interest of the project. Staff believes more variety in height and façade treatments are necessary to create an acceptable design. For instance, further reduction in the appearance of bulk and increased visual interest can be attained by providing each tower a defined top, middle, and bottom. One method discussed with the applicant would be to lengthen the reliefs at the top of the towers to the bottom of the top floor and provide other treatment of the cement elements on the sides of towers.

Materials and other architectural detail

Staff requests input from the Design Review Committee regarding concrete being the most significant exterior material on the structures. There is concern that this material, the proposed bulk, and repeating architectural elements would give the development an austere or institutional character. Staff believes the project could avoid this appearance if the plans included quality architectural detail to the finish of the concrete, windows, balconies, reliefs with African motifs, and similar elements.

Ground floor commercial

The ground floor commercial space is a critical element of the project because it defines the space that will be most directly experienced by pedestrians and local motorists. The façade windows under the bay windows above create a canopy and define an appropriate pedestrian scale and the African motif columns could be a successful design concept, but the plans submitted to staff are conceptual and not at a scale that allows a sufficient analysis.

Like the residential towers, the details of the ground floor façades are critical in assessing the proposal.

Height

With the exception of the U.S. Postal Service facility, the proposed cluster of 70'-0" to 75'-0" tall buildings would be significantly taller than other developments in West Oakland and the Victorian style residential buildings found throughout West Oakland.

The height impacts, however, are mitigated by the following factors:

- The height may a benefit to the community by mitigating the noise and visual impacts of the freeway and the parking garage;
- View impacts would be limited because the area is flat;

- The height allows for more units at the site, thus supporting the transit village concept of concentrating housing near the BART station (see Background, above).

Staff has asked the applicant for shadow studies to further assess the impacts of the proposed height.

Staff requests input from the Design Review Committee in regards to the appropriateness of the proposed height and whether the proposed height should be mitigated through stepping back the upper stories of the buildings. Staff will bring a scale model of the project to the Design Review Committee meeting to facilitate a discussion of height issues.

Quality of open space

Staff requests input from the Design Review Committee on the following concerns regarding the quality of the proposed open space:

Plaza at 5th Street and Mandela Parkway. It is critical that the corner of 5th and Mandela have visual interest and be a successful location for interaction and gathering because it will be so highly trafficked and visible. The current plans show a circular commercial building designed for small vendors and cafés dominating the middle of this plaza; staff believes that this would be an obstruction to pedestrians and take up space that could be used for a fountain or public art with seating that would encourage interactions and gathering. Staff agrees that commercial activities, especially small retail shops and cafés would be an important element to serve BART patrons and attract people to the plaza, but believes that these spaces should be located toward the sides of the plaza. Staff also believes that the side elevations of the buildings facing that plaza require upgrading to provide more visual interest.

Staff also believes that the corner of the parking structure closest to the plaza would be a focal point for people walking through the plaza and, therefore, should have a prominent architectural or artistic feature to create visual interest. The applicant could also open up the parking area to the open space by replacing some of the proposed parking spaces at the northwest corner of the on-grade parking lot with landscaping. Furthermore, expanding the use of alternative paving methods between the open space and the parking structure would open up the plaza to the garage area and improve the appearance of the on grade parking lot.

Garage roof open space. Staff believes that the open space on top of the garage has an opportunity to be an important amenity to residents of the development but has some concerns regarding its usability. As designed, staff is concerned that the enjoyment of the space would be hampered by automotive fumes and noise from the adjacent freeway and cars in the garage. Another concern is that the narrow walkways from the residential buildings will not sufficiently integrate the open space with the rest of the development, discouraging its use. Also, the rooftop would need significant landscaping and other features in order for the open space to be usable and this is difficult to accommodate on the roof of a concrete garage due to the heavy weight load. Staff believes that these concerns may be addressed by the following additions:

- A six to eight foot trellis constructed of thick wood and landscaping along the sides of the open space would somewhat mitigate the fumes and noise of the freeway. The trellis could have intermittent openings with benches to look at views over the freeway;
- A landscaping plan for the rooftop showing significant groundcover, trees, seating opportunities, and plantings developed by a licensed landscape architect with experience in designing quality rooftop open space environments;

- If possible, the ventilation system of the parking garage should direct fumes away from the open space; and
- The walkways could widen as they get closer to the roof, opening up the space to residents walking across the bridge. These walkways should be heavily landscaped, particularly in their wider segments, to make the open space more inviting.

Southeast open space. Staff believes that the open space at the southeast portion of the site will be particularly loud and not have significant solar access given its location between the freeway and the residential buildings.

View from freeway

Staff is concerned about the appearance of the development from the freeway. This highly visible freeway view would consist of the backs of the parking structure and the residential buildings. The current plans show outdoor concrete walkways that lead to the entrances of the structures on the back of the residential buildings and an unadorned side of a cement parking structure. Staff believes that the visual interest of these elevations should be upgraded given the number of people that will view the development from the freeway. Staff suggests that appearance of the parking structure could be significantly upgrading through the extensive use of façade design treatments as well as vines, planter boxes, and other landscaping.

Area between parking structure and buildings

Staff is concerned that the space between the parking structure and the residential buildings needs improvement because it would be defined by approximately 50'-0" cement parking structure on one side and 58'-0" of cement walkways on the other. Like the mitigations listed in the "View from freeway" Section above, staff believes that this could be mitigated through creating visual interest on the parking and residential elevations. This area would be further improved using the methods described in the "Quality of open space" Section, above of opening up the northwest corner of the at grade parking to the open space at the corner of 5th Street and Mandela Parkway.

Adequacy of light and privacy for residential units

Staff has concerns that the limited amount of space between the towers will create light and privacy issues for residents. The floor plans proposed include two bedrooms on each unit getting its significant sunlight from the windows facing the area between the towers. Staff has concerns that the sunlight available for these rooms would be limited given the approximately 63'-0" height and narrow, 13'-0" width of the area between the buildings. Light would be particularly limited for the bottom units.

The narrow width of the open space would also compromise the privacy of the units because the bedrooms, bathrooms, living room, and balcony of each unit would be separated only by the 13'-0" wide space.

Conclusion

With the exception of the parking issues raised above, staff believes that the project is consistent with the intent and vision of the West Oakland Transit Village Study. The provision of a significant number of housing units, supplying replacement parking to allow construction in the BART parking lot, providing retail opportunities for BART patrons, and creating employment near the BART station are all consistent with the "transit oriented development" vision described in the study. However, as shown above, there

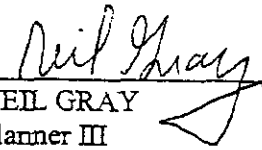
are significant design issues that require serious consideration by the Design Review Committee and the community before the plan goes in front of the full Planning Commission. Further, the project requires more detailed drawings for staff, the Planning Commission, and the community to make a full evaluation including details of the ground floor and special areas such as the plaza.

Respectfully submitted:



LESLIE GOULD
Director of Planning and Zoning

Prepared by:



NEIL GRAY
Planner III

Attachments: A. Project Plans

~~COMMUNITY & ECONOMIC
DEVELOPMENT CMTE~~

~~OCT 28 2003~~

Chapter 17.100 S-15 TRANSIT ORIENTED DEVELOPMENT ZONE REGULATIONS

Sections:

- 17.100.010 Title, purpose, and applicability.
- 17.100.020 Design review for construction or alteration.
- 17.100.030 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one acre or more land area.
- 17.100.040 Permitted activities.
- 17.100.050 Conditionally permitted activities.
- 17.100.060 Permitted facilities.
- 17.100.070 Conditionally permitted facilities.
- 17.100.080 Special regulations applying to certain Commercial and Manufacturing Activities.
- 17.100.090 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.
- 17.100.100 Use permit criteria.
- 17.100.110 Limitations on Signs, marquees, awnings.
- 17.100.120 Minimum lot area, width, and frontage.
- 17.100.130 Maximum residential density.
- 17.100.140 Maximum nonresidential floor area ratio.
- 17.100.150 Maximum height.
- 17.100.160 Minimum yards and courts.
- 17.100.170 Minimum usable open space.
- 17.100.180 Buffering and landscaping.
- 17.100.190 Special regulations for mini-lot developments.
- 17.100.200 Special regulations for large scale developments.
- 17.100.210 Other zoning provisions.

17.100.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the S-15 transit oriented development zone regulations. The S-15 zone is intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and mixed-use developments to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities, allowing for amenities such as benches, kiosks, lighting, and outdoor cafes; and by limiting conflicts between vehicles and pedestrians, and is typically appropriate around transit centers such as Bay Area Rapid Transit (BART) stations, AC Transit centers, and other transportation nodes. These regulations shall apply in the S-15 zone. (Ord. 11892 § 4 (part), 1996: prior planning code § 6850)

17.100.020 Design review for construction or alteration.

No building, Sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance unless plans for such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136, or for Micro Telecommunications Facilities pursuant to the telecommunications regulations in Chapter 17.128 and the design review procedure in Chapter 17.136. However, design review approval is not required for Realty Signs, Development Signs, holiday decorations, and displays behind a display window; and it is not required, except as otherwise provided in Section 17.114.110C, for mere changes of copy, including cutouts, on signs the customary use of which involves frequent and

periodic changes of copy. (Ord. 11904 § 5.62 (part), 1996: Ord. 11892 § 4 (part), 1996: prior planning code § 6851)

17.100.030 Special regulations applying to mixed-use developments on Bay Area Rapid Transit (BART) stations on sites with one acre or more land area.

No mixed-use developments that include Bay Area Rapid Transit (BART) stations located on sites with one acre or more land area shall be permitted except upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134 or upon the granting of a planned unit development permit pursuant to Chapters 17.122 and 17.140, and shall be subject to the following special regulations:

A. Intermodal Activities and Pedestrian Plaza. Developments should incorporate multiple forms of public transportation and a pedestrian plaza.

B. Professional Design. The application shall certify that talents of the following professionals will be utilized at some stage in the design process for the development:

1. An architect licensed by the state of California; and
2. A landscape architect licensed by the state of California, or an urban planner holding or capable of holding membership in the American Institute of Certified Planners.

C. Undergrounding of Utilities. All electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities shall be placed underground by the developer as required by the city. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities. Street lighting and fire alarm facilities shall be installed in accordance with standard specifications of the Electrical Department.

D. Performance Bonds. The City Planning Commission or, on appeal, the City Council may, as a condition of approval of any said development, require a cash bond or surety bond for the completion of all or specified parts of the development deemed to be essential to the achievement of the purposes set forth in Section 17.100.010. The bond shall be in a form approved by the City Attorney, in a sum of one hundred fifty (150) percent of the estimated cost of the work, and conditioned upon the faithful performance of the work specified within the time specified. This requirement shall not apply if evidence is provided to the city which indicates that alternative bonding or other assurances have been secured by the Bay Area Rapid Transit District. (Ord. 11892 § 4 (part), 1996: prior planning code § 6852)

17.100.040 Permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, are permitted:

A. Residential Activities:

Permanent

B. Civic Activities:

Essential Service

Limited Child Care

Community Assembly

Community Education

Nonassembly Cultural

Administrative

Health Care

Telecommunications

C. Commercial Activities:

General Food Sales

Convenience Sales and Service

Medical Service

General Retail Sales

General Personal Service
Consultative and Financial Service
Administrative
Business and Communication Service
Group Assembly
(Ord. 11904 § 5.78, 1996; Ord. 11892 § 4 (part), 1996: prior planning code § 6853)

17.100.050 Conditionally permitted activities.

The following activities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134:

- A. Residential Activities:
 - Residential Care
 - Service-Enriched Permanent Housing
 - Transitional Housing
- B. Civic Activities:
 - Utility and Vehicular
 - Extensive Impact
- C. Commercial Activities:
 - Fast Food Restaurant
 - Convenience Market
 - Consumer Laundry and Repair Service
 - Transient Habitation and Commercial Activities
 - Alcoholic Beverage Sales
 - Mechanic or Electronic Games
 - Animal Care

Automotive Fee Parking subject to the additional criteria contained in Section

17.100.100F.

- D. Manufacturing Activities:
 - Custom
- E. Off-street parking serving nonresidential activities listed in Sections 17.100.040 and 17.100.050.
- F. Additional activities which are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof, subject to the conditions set forth in Section 17.102.110. (Ord. 12138 § 5 (part), 1999; Ord. 11892 § 4 (part), 1996: prior planning code § 6854)

17.100.060 Permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, are permitted:

- A. Residential Facilities:
 - Multifamily Dwelling
- B. Nonresidential Facilities:
 - Enclosed
 - Sidewalk Cafe
- C. Signs:
 - Residential
 - Special
 - Development
 - Realty
 - Civic
 - Business

D. Telecommunications:

Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)
(Ord. 11904 § 5.82, 1996; Ord. 11892 § 4 (part), 1996: prior planning code § 6855)

17.100.070 Conditionally permitted facilities.

The following facilities, as described in the use classifications in Chapter 17.10, may be permitted upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134:

A. Residential Facilities:

One-Family Dwelling

Two-Family Dwelling

B. Nonresidential Facilities

Open Facilities

C. Telecommunications:

Micro, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)

Mini, except as provided in Chapter 17.128 and Section 17.134.020(A) (23)

Macro

Monopole

(Ord. 11904 § 5.86, 1996; Ord. 11892 § 4 (part), 1996: prior planning code § 6856)

17.100.080 Special regulations applying to certain Commercial and Manufacturing Activities.

A. Convenience Markets, Fast-Food Restaurants, and Certain Establishments Selling Alcoholic Beverages. See Section 17.102.210.

B. Manufacturing Activities. All accessory manufacturing activities, as defined in Section 17.10.040F, shall be conducted entirely within an enclosed facility. (Ord. 11892 § 4 (part), 1996: prior planning code § 6858)

17.100.090 Special regulations applying to the demolition of a facility containing rooming units or to the conversion of a living unit to a nonresidential activity.

See Sections 17.100.100 and 17.102.230. (Ord. 11892 § 4 (part), 1996: prior planning code § 6859)

17.100.100 Use permit criteria.

A conditional use permit for any use or facility listed in Sections 17.100.030, 17.100.050, 17.100.070 and 17.100.200, may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following use permit criteria:

A. That the proposal will be of a quality and character which harmonizes with and serves to protect the value of private and public investment in the area;

B. That the proposal will encourage an appropriate mixture of Residential and Commercial Activities in a manner which promotes and enhances use of multiple modes of transportation;

C. That the proposal is designed to provide a safe and pleasant pedestrian environment;

D. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:

1. That vehicular access cannot reasonably be provided from a different street or other way,

2. That every reasonable effort has been made to share means of vehicular access with abutting properties,

3. That the proposal is enclosed or screened from view of the abutting principal street by the measures required in Section 17.110.040B;

E. That the amount of off-street parking, if any, provided in excess of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement. (Ord. 11892 § 4 (part), 1996: prior planning code § 6860)

F. In addition to the foregoing criteria and any other applicable requirements, auto fee parking within this zone shall be subject to the following use permit criteria:

1. Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities;

2. Auto fee parking may only be contained in a structured parking facility of at least three stories that replaces an existing at grade parking facility;

3) The new parking structure shall represent no more than a 75 percent increase of existing parking at the site;

4) Auto fee parking at the site shall be specifically designated by a City sponsored plan or study designed to promote a transit oriented district as defined by the General Plan;

5) The facility or facilities containing the residential and/or commercial activities shall be adjacent to the principal street(s) and the auto fee parking shall be behind and substantially visually obstructed from the principal street(s) by the residential and/or commercial facility or facilities; and

6) The project shall be consistent with the General Plan's goals, objectives, and policies that promote transit oriented development and districts.

For purposes of this subsection 17.100.100F "principal street" means the street or streets on which the development is most primarily oriented and that is appropriately designated in the General Plan to accommodate the amount of trips proposed. On an interior lot, the principal street shall be the street in front of the development. On a corner lot, the principal streets shall be both the streets adjacent to the development. On a lot that has frontage on three or more streets, at least two streets shall be designated as principal streets.

17.100.110 Limitations on Signs, marquees, awnings.

A. General Limitations. All Signs shall be subject to the applicable limitations set forth in Section 17.104.020.

B. Restriction on Aggregate Sign Area. The maximum aggregate area of display surface of all Business, Civic, and Residential Signs on any one lot shall be one square foot for each one foot of abutting street line in the case of an interior lot; or 0.5 square feet for each one foot of abutting street line in the case of a corner lot. However, a larger area may be approved, pursuant to Section 17.100.020, upon determination that the signage will be of a quality and character which harmonizes with the visual character of the surrounding area. The aggregate area shall include only one face of double-faced signs and shall exclude Signs behind display windows and Signs having a display surface with no face greater than one square foot.

C. Maximum Size of Individual Freestanding Signs. No single Sign, other than a Special Sign, which is not attached to a building shall have a display surface greater than seventy-five (75) square feet on any one face.

D. Prohibition of Signs Above Roof Line. No sign, other than a Special Sign, which is attached to a building shall extend above the roof line or parapet wall thereof.

E. Maximum Projection Over Sidewalk.

1. No marquee, awning, or canopy, or Sign which is integrated in the design thereof, shall project horizontally more than seventy-five (75) percent of the distance from the lot line to the curb.

2. No other Sign shall project more than four feet beyond any street line.

F. Maximum Height of Freestanding Signs. No Sign, other than a Special Sign, which is not attached to a building shall extend more than thirty (30) feet above finished grade.

G. Prohibition of Pennants and Streamers. No Signs, other than Special Signs and Signs behind a display window, shall include any pennants, streamers, propellers, or similar devices.

H. Development Signs. All Development Signs shall be located on the lot or tract referred to thereon and shall be permitted only for a one-year period, except that an off-site location or a longer period may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134.

I. Realty Signs. All Realty signs shall be located on the same lot as the facilities advertised thereon, and shall be removed within seven days after occupancy, or change of occupancy, of the facilities. (Ord. 11892 § 4 (part), 1996: prior planning code § 6863)

17.100.120 Minimum lot area, width, and frontage.

Every lot containing a Residential Facility shall have a minimum lot area of four thousand (4,000) square feet and a minimum lot width of twenty-five (25) feet, except as a lesser area or width is allowed by Section 17.106.010. No minimum lot area or lot width is prescribed for any lot which does not contain a Residential Facility. Every lot shall have a minimum frontage of twenty-five (25) feet upon a street, except as this requirement is modified by Section 17.106.020. (Ord. 11892 § 4 (part), 1996: prior planning code § 6864)

17.100.130 Maximum residential density.

A. Permitted Density. Residential uses shall be subject to the same maximum density, and other, related regulations as set forth in Section 17.28.120 for the R-70 zone.

B. Conditionally Permitted Density. The number of living units permitted by subsection A of this section may be increased by up to twenty-five (25) percent upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and subject to the criteria listed in Section 17.100.100. The number of living units may also be increased, as prescribed in Section 17.106.060, in certain special housing. (Ord. 11892 § 4 (part), 1996: prior planning code § 6865)

17.100.140 Maximum nonresidential floor area ratio.

The maximum nonresidential floor area ratio of any facility shall be as set forth below.

A. Permitted Floor Area Ratio. The maximum permitted floor area ratio shall be 4.0, except that this ratio may be exceeded by ten percent on any corner lot and may also be exceeded by ten percent on any lot which faces or abuts a public park at least as wide as the lot.

B. Conditionally Permitted Floor Area Ratio. The floor area ratio permitted by subsection A of this section may be increased by up to one hundred fifty (150) percent upon the granting of a conditional use permit, pursuant to Section 17.100.100 and the provisions set forth in the conditional use permit procedure in Chapter 17.134, and provided that it is a mixed use development containing residential and commercial activities and as defined as a project including at least twenty-five (25) percent of the number of residential units that would be permitted if the project were solely residential. (Ord. 11892 § 4 (part), 1996: prior planning code § 6867)

17.100.150 Maximum height.

Except as otherwise provided in Sections 17.108.020, 17.108.030 and Chapter 17.128, the maximum height of all buildings and other facilities shall be forty-five feet. This maximum height may be extended up to fifty-five (55) feet provided that the following criteria is met:

A. One foot of building setback is provided for each additional foot of building height above forty-five feet. The height of facilities, however, shall be further limited, in that any portion of a building located within ten feet of the rear property line shall not exceed a height of thirty (30) feet and, as applicable, by the provisions of Section 17.108.010A for lots lying along a boundary

of a residential zone. (Ord. 11904 § 5.90, 1996; Ord. 11892 § 4 (part), 1996; prior planning code § 6869)

17.100.160 Minimum yards and courts.

No yards or courts are generally required except as indicated below. The following minimum yards and courts shall be provided unobstructed except for the accessory structures or other facilities allowed therein by Section 17.108.130:

A. Front Yard. A front yard shall be provided, as prescribed in Section 17.108.040, in certain situations where part of the frontage on the same side of a block is in a residential zone.

B. Side Yard--Street Side or Corner Lot. A side yard shall be provided, as prescribed in Section 17.108.070, on the street side of a corner lot in certain situations where a lot to the rear of the corner is in a residential zone.

C. Side Yard--Interior Lot Line.

1. A side yard shall be provided along an interior side lot line, when and as prescribed in Section 17.108.080, for Residential Facilities.

2. A side yard shall be provided, as prescribed in Section 17.108.090, along an interior side lot line lying along a boundary of any of certain other zones.

D. Rear Yard.

1. A rear yard with a minimum depth of ten feet shall be provided for all Residential Facilities, except as a lesser depth is allowed by Section 17.108.110.

2. A rear yard shall be provided, as prescribed in Section 17.108.100, along a boundary of any of certain other zones.

E. Courts. On each lot containing a Residential Facility, courts shall be provided when and as required by Section 17.108.120. (Ord. 11892 § 4 (part), 1996; prior planning code § 6870)

17.100.170 Minimum usable open space.

Minimum usable open space.

A. Group Usable Open Space for Residential Facilities. On each lot containing Residential Facilities with a total of two or more living units, group usable open space shall be provided for such facilities in the minimum amount of one hundred fifty (150) square feet per regular dwelling unit plus one hundred (100) square feet per efficiency dwelling unit. All required group usable open space shall conform with the standards set forth in Chapter 17.126, except that group usable open space may be located anywhere on the lot, and may be located entirely on the roof of any building on the site.

B. Private Usable Open Space for Residential Facilities. Private usable open space shall be provided in the minimum amount of thirty (30) square feet per regular dwelling unit and twenty (20) square feet per efficiency unit. All required space shall conform to the standards for required private usable open space in Section 17.126.040. All private usable open space may be substituted for group usable open space with a ratio prescribed in Section 17.126.020 except that actual group open space shall be provided in the minimum amount of seventy-five (75) square feet per regular dwelling unit and fifty (50) square feet per efficiency unit. (Ord. 11892 § 4 (part), 1996; prior planning code § 6871)

17.100.180 Buffering and landscaping.

A. Buffering. All uses shall be subject to the applicable requirements of the buffering regulations in Chapter 17.110 with respect to screening or location of parking, loading, and storage areas; control of artificial illumination; and other matters specified therein.

B. Landscaping. All uses shall be subject to the applicable requirements of the standards for required landscaping and screening, Chapter 17.124, with respect to maintenance, required materials and capacity, combination materials, and heights; and other matters specified therein. (Ord. 11892 § 4 (part), 1996; prior planning code § 6872)

17.100.190 Special regulations for mini-lot developments.

In mini-lot developments, certain of the regulations otherwise applying to individual lots in the S-15 zone may be waived or modified when and as prescribed in Section 17.102.320. (Ord. 11892 § 4 (part), 1996: prior planning code § 6873)

17.100.200 Special regulations for large scale developments.

No development which involves more than one hundred thousand (100,000) square feet of a new floor area shall be permitted except upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and Section 17.100.100, or upon the granting of a planned unit development approval pursuant to Chapters 17.122 and 17.140. (Ord. 11892 § 4 (part), 1996: prior planning code § 6875)

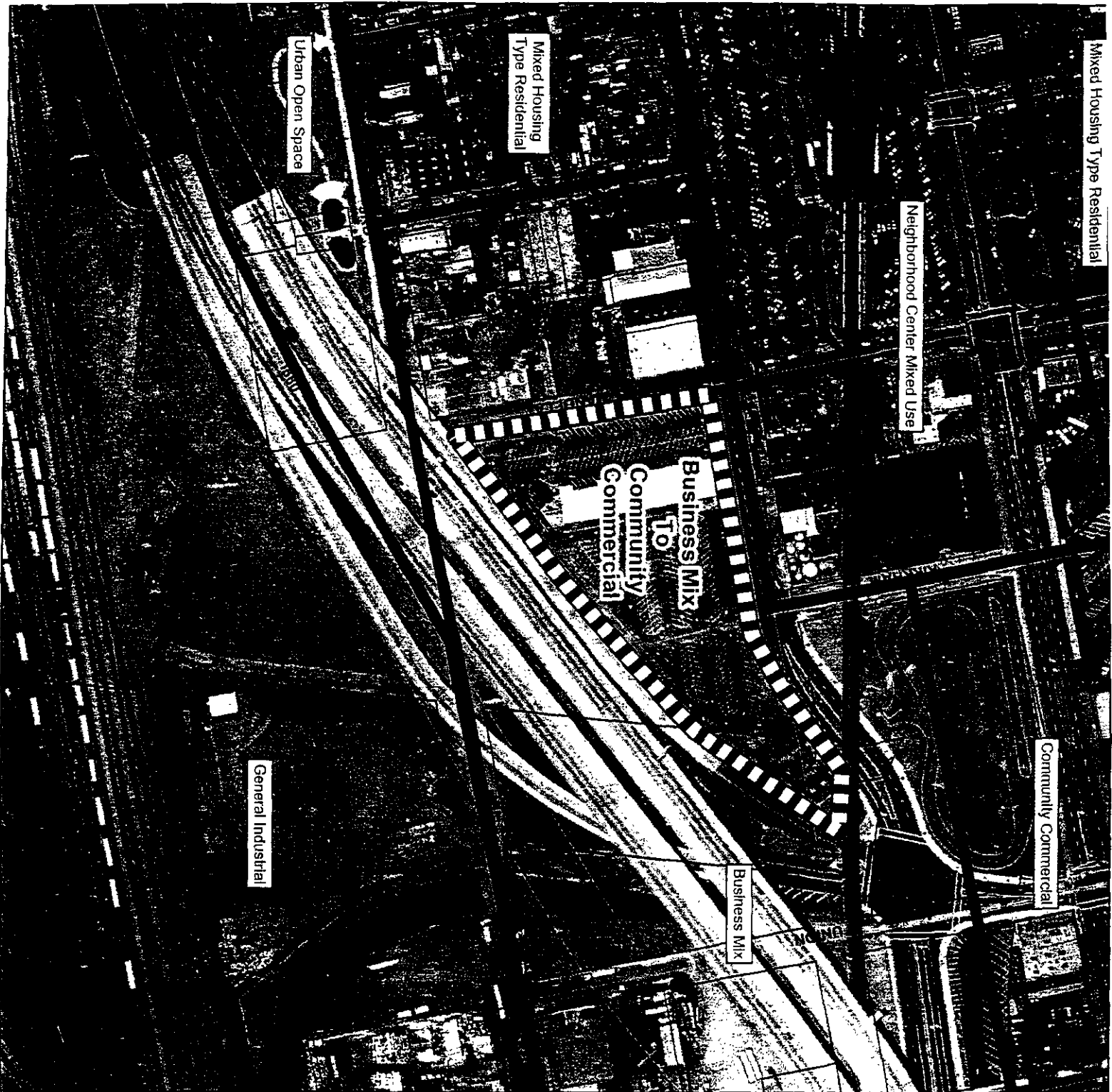
17.100.210 Other zoning provisions.

A. Parking and Loading. Off-street parking and loading shall be provided as prescribed in the off-street parking and loading requirements in Chapter 17.116.

B. Home Occupations. Home occupations shall be subject to the applicable provisions of the home occupation regulations in Chapter 17.112.

C. Nonconforming Uses. Nonconforming uses and changes therein shall be subject to the nonconforming use regulations in Chapter 17.114.




D. General Provisions. The general exceptions and other regulations set forth in Chapter 17.102 shall apply in the S-15 zone. (Amended during 1997 codification; prior code § 6876)



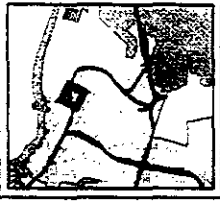
Mandela Transit Village



Legend

-  Parcels
-  General Plan Land Use
-  Mandela Transit Village

City of Oakland
July 2003



INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

1. **Project Title:** Alliance for West Oakland Development Project
2. **Lead Agency Name and Address:** City of Oakland
Community and Economic Development Agency
Planning Division
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612
3. **Contact Person and Phone Number:** Neil Gray, Planner II
(510) 238-3878
4. **Project Location:** 1357 5th Street (APN# 0390-010-01)
5. **Project Sponsor's Name and Address:** Alliance For West Oakland Development
1357 5th Street
Oakland, CA 94607
6. **General Plan Designation:** Business Mix and Park and Urban Open Space
7. **Zoning:** S-15 (Transit Oriented Development)
8. **Description of Project:**

The proposed site is a 152,800 square foot (sf) lot that accommodates parking for 450 cars, as well as 9,200 sf a warehouse. The Alliance for West Oakland Development Project would consist of three, seven-story apartment buildings along Fifth Street and Mandela Parkway, surrounding a six-story parking structure and commercial space on the southeast portion of the site. The site is bounded on the south by the I-880 freeway. The apartment buildings would total 209,100 sf with 110 units, 48,000 sf of associated parking, and 26,350 sf of common space. Each of the three residential buildings would be between 55,000 and 65,000 sf and each unit would be approximately 1,120 sf with nine-foot ceilings; units on the top floor would have 12-foot ceilings. The residential building would be 75-80 feet high.

The parking uses would encompass 270,500 sf and accommodate 1,013 vehicles. A total of 317 parking spaces would be on the first floor of the parking structure (which would be the basement of the structure) and 214 on the second floor (which would be at the ground level). Floors two through four would contain 124 spaces each and the fifth floor of the garage would contain 110 spaces. The garage would be 60 feet in height. The roof of the parking structure would contain approximately 40,000 sf of open space, including a running track, tennis courts, basketball courts, volleyball courts, a swimming pool, and a Jacuzzi, for use of apartment residents.

The project would also include 35,800 sf of commercial space and a 2,800 sf retail kiosk at the northeast corner of the site. A 2,800 sf space would provide for public assembly and community meetings. Bridges would connect the residential buildings to the roof of the parking facility. Landscaping would include trees and shrubs to be located along the perimeter of the site and within the designated open space area.

Access to the site would be provided by three driveways, one directly south of Kirkham Street on Fifth Street, a second on Fifth Street near the I-880 freeway on-ramp, and the third to the south of the site on Third Street. Access to the residential basement parking (142 total spaces, 22 handicapped) would be provided by a gated, two-way driveway on Fifth Street near the east end of the project site. Residents could also use the driveway on Third Street for entry and exit. Access to the ground-floor commercial parking (94 total spaces, 15 handicapped) would be provided by the two-way driveway at the intersection of Fifth and Kirkham Streets and the Third Street Entrance. This parking area would be accessible during commercial operating hours, from approximately 10:00 AM to 8:00 PM. The paid parking garage (777 total spaces, 66 handicapped) would be accessed via two driveways, one at the intersection of Fifth and Kirkham Streets and the other Third Street to the south of the project site. This garage would operate from 6:00 AM to 12:00 AM, seven days a week. The project would include a twenty-four hour security system including video surveillance and security staff for all parking facilities.

This Initial Study is intended to address potential environmental impacts associated with demolition of existing uses and sites, and construction and operation of the development proposed by the project including acquisition of all necessary zoning, grading, and building permits, subdivision requests, any other discretionary approvals required by the City of Oakland or other agencies.

9. Surrounding Land Uses and Setting:

The proposed residential/mixed-use project site is located in West Oakland directly across Fifth Street from the West Oakland BART station (see Appendix B, Figure 1). The approximately three-acre site encompasses one parcel east of Mandela Parkway between Fifth Street and the I-880 freeway. The existing site is a 152,800-sf lot, paved and used for surface parking for 450 cars, as well as a 9,200 sf warehouse. The warehouse now houses the Alliance for West Oakland Development (AWOD) offices and three other tenants, including the Youth Empowerment Center, the Mandela Village Arts Center, and Pill Hill printing company. A total of 19 people are presently employed at the site.

The project site is directly adjacent to I-880. The area surrounding the project site contains a mixture of land uses, including industrial, storage uses, parking lots, and the West Oakland BART station. The Lesaffre (Red Star) Yeast Company site, a former yeast production facility, is north of the project site. The West Oakland BART station and associated parking is northwest of the project site. The California Soda Company, a storage lot, and Cable Moore are located to the west of the site. Across Fifth Street at Kirkham, there is a vacant parking lot. An I-880 freeway on-ramp is to the east of the project site. Most of the industrial structures in the area are one story, ranging in height from 12 feet to 15 feet. Privately operated, pay parking lots are located in the general vicinity of the project site. In addition, the Mandela Gateway Mixed-Use project is under construction to the north of the project site at the intersections of Mandela Parkway and Seventh Street and Market and Fifth Street.

10. Other Public Agencies Who Have Permit Authority or Discretionary Actions Related to the Project (include but are not limited to):

- City of Oakland

11. City Actions for Which This Initial Study May Be Applied (include but are not limited to):

- *General Plan* Amendment
- Conditional Use Permit
- Major Variance from Development Standards Contained in the Oakland Planning Code
- Design Review

12. Compliance With Environmental Review Requirements Under CEQA:

This Initial Study, prepared by the City of Oakland as the lead agency, has been completed to meet applicable requirements of both the California Environmental Quality Act (CEQA) for reviewing agencies, decision-makers and the public, as encouraged by CEQA Guidelines § 15226. The City serves as the lead agency.

13. Purpose and Need for the Project:

The West Oakland neighborhood area has been the focus of a number of important initiatives by community groups, the City, BART and the Oakland Housing Authority. The primary purpose of these efforts, which have included re-zoning to protect existing neighborhoods, is to improve the quality of the physical environment and socio-economic conditions. The building of a residential development is an important effort to help revitalize the West Oakland community by developing new, transit-accessible, community-serving housing and retail uses. The project would also provide more extensive parking for commuters at the West Oakland BART. The components of the project, which include implementing a site plan and architectural design that will improve the urban character and quality of the area, and adding important commercial activities and accessible parking, will all aid in this overall revitalization effort.

14. List of Figures and Tables:

Table 1: Maximum Allowable Receiving Construction Noise Level Standards (dBA)

Table 2: Maximum Allowable Receiving Noise Level Standards (dBA), Residential and Civic (Commercial)

Table 3: Intersection Level of Service: Existing, Existing Plus Project, Existing Plus Project without Garage, and Future (Year 2020) Cumulative (Including the Project) PM Peak Hour Conditions

Table 4: Summary of On-Street Parking Occupancy Data

Figure 1: Project Location

Figure 2: Site Plan

Figure 3: Basement

Figure 4: Ground Floor

Figure 5: Typical Floor Plan

Figure 6: Land Use

Figure 7: Zoning

Figure 8: Shadow Study June 21 at Noon

Figure 9: Shadow Study September 21 at Noon

Figure 10: Shadow Study December 21 at Noon

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

**COMMUNITY & ECONOMIC
DEVELOPMENT CMTE**
OCT 28 2003

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lester V. Gault
Signature

7/3/03
Date

Neil Gray
Planner III

for Claudia Cappio
Deputy Planning Director

EVALUATION OF ENVIRONMENTAL IMPACTS

CEQA requires that an explanation of all answers except "No Impact" answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified. As defined here, a significant effect is considered a substantial adverse effect.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance – Visual Impacts

According to the CEQA Guidelines, a project will normally have a significant impact on the environment if it would "have a substantial adverse effect on a scenic vista, substantially damage scenic resources, substantially degrade the existing visual character or quality of a site and its surroundings, or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area."

For the purposes of the proposed project, an aesthetic or visual impact is considered significant if the project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings;
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area;
- Introduce landscape that would now or in the future cast shadow on existing solar collectors (in conflict with California Public Resource Code Section 25980-25986);
- Cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors;
- Cast shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space;
- Cast shadow on a historic resource, as defined by CEQA Section 15064.5(a), such that it would substantially diminish/impair its eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, or in a local register of historical resources or a historical resource survey as defined by the Public Resource Code; or

- Require an exception (variance) to the policies and regulations in the Oakland *General Plan*, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the *General Plan*, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses.

Comment to Questions Ia-Ic: The proposed mixed-use project would be in a built-out area of West Oakland adjacent to the I-880 freeway. The surrounding uses are primarily industrial and the site is not located near a state scenic highway.¹ In addition, the I-880 freeway currently obstructs any potentially scenic views of the surrounding area to the south of the project site. The project would entail the construction of three, seven-story residential buildings and a parking structure, which would be of higher design quality than previous development on the site and would incorporate a Pan-African design style including materials, colors, and textures with African inspired motifs.

The proposed project would introduce new structures in an urban area characterized by a mix of building heights and scales. The proposed buildings would be seven stories in height, larger than the immediately surrounding properties. The proposed residential buildings would rise to 75 to 80 feet; the parking structure to 60 feet. The proposed buildings would be taller than almost all of the buildings in the surrounding area, with the exception of the US Postal Service (USPS) facility located at Seventh Street and Peralta Street. The USPS facility is also approximately 75 feet tall and occupies most of the blocks bounded by Peralta Street and Wood Street.

Buildings to north of Fifth Street and west of Mandela Parkway are large industrial structures and are approximately 40 to 50 feet tall. The proposed multi-unit buildings would also be larger in mass than the industrial buildings north of Fifth Street and west of Mandela Parkway. However, the project would incorporate variations in setback, the placement of windows and doors, and vertical elements in the façade to separate the building mass into smaller units, comparable to buildings in the immediate area. The parking structure would not be visible from Mandela Parkway and would be partially visible between buildings on Fifth Street. Landscaping would also be located between the buildings to limit views of the parking structure. The project site is also bounded by the I-880 freeway including the I-880/West Grand Avenue interchange to the south. Since there are no structures or views to the south of the site, the proposed project would not substantially degrade the existing visual character south of the project site. In addition, the proposed structures would screen views of the freeway, which would improve the visual character of the surrounding neighborhood, and would be considered a beneficial impact of the project.

The visual character of the proposed project would also be substantially different than the concrete block structures to the north of Fifth Street and west of Mandela Parkway. The proposed project would include green slate, colored asphalt shingle roofs, decorative trim and columns, and commercial-style, color-coated aluminum framed storefronts. Although the proposed structures would create a change in the visual character of the area, the project would generally improve views in the area. Therefore, the project impact on the visual character of the area would not be considered adverse.

A shadow study was conducted for the proposed project (see Appendix B, Figures 8, 9 and 10). Because the site would not be adjacent to any public open space, solar collectors, or any historic resources, the proposed buildings would not be expected to generate significant shadow impacts. According to the shadow study, common areas of open space consisting predominantly of the facilities on the roof of the parking structure would not be affected by the proposed structures because of the 50 to 60 feet between the proposed residential structures and the proposed garage. The lawn adjacent to the

¹ CALTRANS Website: <http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm>, Officially Designated State Scenic Highways, 1/23/03

kiosk that would be located at the corner of Fifth Street and Mandela Parkway would remain largely free of shadow impacts, with the exception of December 21st at noon and December 21st at 9:00 a.m. These overall conditions would occur from November to January. Shadows would also cover this area on March 21st and September 21st at 9 a.m. These morning conditions would occur from about February to April and from late August to October. The shadow effects on this area would not be expected to substantially limit the use of these open spaces since the shadow effects would be limited and would occur in the morning and in late December when the area is less likely to be utilized. The net new shading of street and sidewalks which would result from the project would be limited, and would not increase the total amount of shading above levels which are common and generally accepted in urban areas.

In summary, the proposed project would not block or change scenic views, nor have an adverse effect on a scenic vista. The project would not affect the visual character of a state scenic highway or historic district, nor would the project create shadow effects that would impair the function of historic, open space or solar resources in the area. The project would alter the visual character of the area, but would not degrade the existing visual character of the site or the surrounding area.

Source: Project description and plans
Field survey

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comment: The proposed project would be anticipated to include some fixed exterior lighting. However, the proposed project would be located within a built-out urban area with numerous land uses which produce light and glare during evening hours. Consistent with City practices, the applicant shall be required to submit a detailed lighting plan to the City prior to the issuance of building permits. The City will review the plans to ensure that lighting is directed downward to avoid offsite glare to the maximum extent feasible. Thus, the proposed project would not result in significant new light or glare impacts.

Source: Project description and plans
Field survey

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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II. AGRICULTURAL RESOURCES -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | <u>Potentially
Significant
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Significant
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Mitigation
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Impact</u> |
|--|---|---|---|-------------------------------------|
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Questions IIa-IIc: The project is within an urbanized area that contains a mixture of commercial and industrial uses. Agriculture or farmland uses do not exist on or adjacent to the project site. The project would not have any impacts on agricultural resources.

Source: Oakland *General Plan*, Land Use and Transportation Element, March 24, 1998
 Oakland *General Plan*, Open Space, Conservation and Recreation Element, October 1995
 Field Survey
 Project Description and Plans

- | | <u>Potentially
Significant
Impact</u> | <u>Potentially
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Mitigation
Incorporated</u> | <u>Less Than
Significant
Impact</u> | <u>No
Impact</u> |
|--|---|---|---|--------------------------|
| III. AIR QUALITY -- Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments to Questions IIIa-IIIe: The proposed project would replace a parking lot and an existing industrial building currently used as an office, with a mixed-use residential/commercial development and new parking structure. Mobile and stationary source emissions of reactive organic gases, nitrogen oxides, particulate matter, and carbon monoxide were estimated using the California Air Resources Board (CARB)'s URBEMIS7G computer model assuming that project build-out would be complete by 2006. Mobile source emissions estimates rely on vehicle trip generation rates derived from factors published by the Institute of Transportation Engineers (ITE) and project-specific vehicle turning movements from the transportation study conducted by *CHS Consulting Group*. The model calculated that upon build-out of the proposed project, emissions associated with the project would not exceed any adopted regulatory air quality thresholds: 80 lb/day for reactive organic gases (ROG); nitrogen oxides (NO_x); regulated inhalable particulate matter less than ten microns in diameter (PM₁₀); or 550 lb/day of

carbon monoxide (CO). Given the proposed residential and commercial uses on the project sites, it would not be anticipated that the proposed project would result in the creation of significant long-term or cumulative air quality impacts, on either a local or regional level, from their construction or operation.

The primary air pollutant of concern related to parking structure operation would be CO, since it is directly emitted from motor vehicles. Results of the URBEMIS7G model showed that emissions associated with the proposed project (including the parking garage) would not exceed State of Federal Standards for CO. The localized CO emissions in the parking structure would be similar to those of the existing parking areas and roadways in the project area. The emission of CO from this structure would not adversely affect residents, since the localized concentrations of CO near the roadways in the study area would not exceed adopted standards, and there would be much fewer vehicles operating within the parking facility than on the roadways.

In addition, the parking structure would be constructed to allow cross ventilation through the different parking levels. The structure would include solid rails up to four feet tall with four feet of open air in between each level. Each level would also include plantings along the rail. The closest residential units would be located approximately 50 to 60 feet away from the garage, facing the back door of each unit, not the primary entrance. Since CO emissions from the parking structure would not exceed localized carbon monoxide concentration standards established by the BAAQMD Guidelines and the garage would be ventilated which would allow dispersal of CO emissions, CO concentrations emitted from the garage would not be considered a significant air quality impact.

However, the proposed project could result in temporary air quality impacts during construction for which the following mitigation measures are identified.

The project applicant shall implement a construction dust abatement program including the following measures:

- a. Water all active construction areas at least twice daily; and
- b. Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind; and
- c. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; and
- d. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; and
- e. Sweep daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets; and
- f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas; and
- g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); and
- h. Limit traffic speeds on unpaved roads to 15 miles per hour; and
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- j. Replant vegetation in disturbed areas as quickly as possible.

As identified in the Bay Area Air Quality Management District CEQA Guidelines (April 1996), implementation of the above measures would reduce the emission of particulate matter to less-than-significant levels.

The proposed project is also located directly across Fifth Street from the Lesaffre Yeast Company, formerly Red Star Yeast Company. However, the yeast facility is no longer in operation and is expected to remain closed and would not have any associated operational emissions.

Source: Project description and plans

Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, April 1996

Field survey

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Questions IVa-IVf: The proposed project site is located in an area where urban uses have replaced former biotic habitat and natural vegetation. The site does not contain any wetlands, trees, or

other vegetation. The landscape plan would add new trees. The project would not conflict with, nor affect implementation of any adopted Habitat Conservation Plan, or other local, regional, or state conservation plan. Therefore, the project would not result in any significant impacts on biological resources.

Source: City of Oakland Code Title 12, Streets, Sidewalks and Public Spaces, Chapter 12.36, Protected Trees
Oakland *General Plan*, Open Space, Conservation and Recreation Element, October 1995

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

Comments to Question Va: There are no existing historic structures on the Alliance for West Oakland Project site.² The project is located approximately five blocks away from the Oakland Point Historic District, but not within that district. The Oakland Point Historic District occupies about 47 city blocks including 845 properties, of which 616 contribute to the district's character. The district is one of Oakland's largest and most intact Victorian neighborhoods. The district was determined eligible for the National Register of Historic Places and is on Oakland's Local Register. However, there are no historic properties in the immediate vicinity of the project site, which could potentially be affected by the proposed project.

Criteria of Evaluation

An historical resource under the California Environmental Quality Act (CEQA) is a resource that meets any of the following criteria: (1) is listed in, or determined eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources; (2) is included in a local register of historical resources; (3) is identified as significant (e.g., rated 5 "Locally significant") in a Department of Parks & Recreation (DPR) Form 523 historical resource survey; (4) meets the criteria for listing in the California Register of Historical Resources; or (5) is determined by the lead agency to be historically or culturally significant (under Public Resources Code Sections 5020.1(j) or 5024.1) even though it does not meet the other four criteria listed here (Public Resources Code § 21084.1; CEQA Guidelines § 15064.5).

Thresholds of Significance - Historic Resource Impacts

Under CEQA, a project that results in a "substantial adverse change" in the significance of an "historical resource" is a project that may have a significant adverse effect on the environment (Public Resources Code § 21084.1). The evaluation criteria for an "historical resource" are described in the previous section. Under these criteria, the Oakland Point Historic District is an historical resource.

The Public Resources Code defines "substantial adverse change" as "demolition, destruction, relocation or alteration," activities that would impair the significance of an historical resource (Public Resources Code § 5020.1(q)).

² Preliminary Environmental Assessment, Fifth Street and Mandela Parkway, Oakland, California, November 16, 1999

Additionally, Policy 3.8 of the *General Plan* Historic Preservation Element states, "Complete demolition of a Historical Resource will normally be considered a significant effect that cannot be mitigated to a level less than significant and will, in most cases, require preparation of an Environmental Impact Report.

"A proposed addition or alteration to a Historical Resource that has the potential to disqualify a property from Landmark or Preservation District eligibility or may have substantial adverse effects on the property's Character-Defining Elements will normally, unless adequately mitigated, be considered to have a significant effect. Possible mitigation measures are suggested in Action 3.8.1."

Therefore, a cultural resources impact is considered significant if the project would result in a substantial adverse change in the significance of an historic resource.

Project Impacts to Historic Resources

The proposed project would be constructed on an infill area that is currently developed for an industrial building and a parking lot for approximately 450 vehicles. There are no historic resources on the Alliance for West Oakland project site. The proposed project would not demolish any historic resources. Nor would demolition and new construction have a direct physical effect on character-defining features of, or result in a substantial adverse change to, the adjacent contributing structures to the Oakland Point Historic District located near by. As such, the proposed project would not have an impact on historic resources.

Source: Oakland Cultural Heritage Survey

Oakland *General Plan*, Historic Preservation Element, July 21, 1998

Project description and plans

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments to Questions Vb - Vd: There are no unique geologic features on the project site. According to the Northwest Information Center at Sonoma State University, the central repository for archaeological records for the project area, a study of the Mandela Gateway project site (located approximately 600 feet to the north of the proposed project site) did not reveal any records of prehistoric or historic archaeological resources within the project area. However, primary prehistoric cultural deposits containing human remains and other subsurface prehistoric cultural materials were found within one mile of the Mandela Gateway project area.

A Phase II Investigation conducted by OGSIO Environmental and documented in a report dated November 8, 1999 includes soil borings that indicate that the AWOD project site consists of fill

material to a depth of approximately 3-5 feet. The project does not propose deep excavation for construction of the buildings or the installation of utilities. It is estimated that the maximum depth of excavation for the placement of structural foundation elements for the project would be approximately nine feet along Fifth Street; this proposed foundation system would leave the soil beneath nine feet below grade undisturbed.

Construction of the proposed project would essentially cap the project site and would be designed to avoid any potentially significant archaeological resources that may exist more than nine feet below grade on the site. However, archaeological resources have been found on adjacent properties at Seventh Street and Mandela Parkway. Therefore, potential impacts to historic or prehistoric resources between depths of three to nine feet on the project site could potentially occur. To mitigate potential impacts to historic or prehistoric resources that might be encountered during grading or construction, the applicant shall be required to implement the following measures:

- a) *Pre-construction Testing.* Following demolition of the existing building, place a series of mechanical exploratory borings or trenches at selected locations within the project site, under the supervision of a qualified archaeologist retained by the project applicant and approved by the City. Observe and record the precise location of any cultural materials found, and retain these cultural materials recovered from the test locations for further study. Conduct laboratory analyses and evaluations of any materials recovered, as appropriate, and prepare a brief report for the City recommending whether further investigations would be necessary to mitigate adverse impacts to important archaeological artifacts likely to be encountered during site excavation.
- b) *Formulate and Implement Archaeological Monitoring Plan.* As part of the submittal for grading and/or building permits for the project, the applicant shall formulate and implement a general archaeological monitoring plan during construction. This plan shall require that a qualified archaeologist, retained by the project applicant, monitor construction activities that may cause an adverse change to significant subsurface historical resources, as defined by Public Resources Code § 5020.1(j). The plan shall be reviewed and approved by the City prior to the issuance of a building or grading permit for the proposed project.
- c) *Require Mitigation for Discovery of Cultural Resources during Excavation or Construction.* If archaeological or prehistoric materials are encountered during pre-construction testing, project excavation, or construction, the following actions shall be taken:
 - Construction or excavation activity in the immediate vicinity of the resource shall be immediately diverted until the City and a qualified archaeologist or cultural consultant have evaluated the potential material. Project personnel shall not alter any of the uncovered materials or their context.
 - If human burial or disassociated human bone is encountered, current state law requires that the County Coroner be called immediately. All work must be halted in the vicinity of the discovery until the Coroner's approval to continue work has been received.
 - If archaeological or cultural materials are discovered and the City and consulting archaeologist make a determination that the materials are unique based on the definition provided in Public Resources Code § 21083.2(g), the City and the project applicant, in consultation with the cultural resources expert, shall make a reasonable effort to avoid damaging effects, as contained in Public Resources Code § 21083.2(B).

- If the City determines that the avoidance, the creation of an easement, or capping are not feasible, a qualified cultural resource expert shall prepare a plan for mitigation in accordance with the provisions of Public Resources Code § 21083.2(c) which shall be submitted to the City for review and approval. Its implementation shall be a condition of approval.

Through the implementation of these measures, the potential impacts to archaeological resources will be reduced to a less-than-significant level.

Source: Oakland Cultural Heritage Survey
 Oakland *General Plan*, Historic Preservation Element, July 21, 1998
 Mandela Gateway Mixed-Use Project Initial Study and Environmental Assessment, May 24, 2002.
 Project description and plans
 Field survey

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Questions VI a(i), a(ii), a(iii), and a(iv): The project site is generally level with an elevation of about nine feet mean sea level. According to the City of Oakland Open Space and Conservation Element of the *General Plan*, the proposed project site is located in an area that is least susceptible to landslide potential.

The site is located approximately five miles from the Hayward Fault, the closest major active fault to the site, and 15 miles from the San Andreas Fault. Similar to the rest of the Bay Area, the site is located within Seismic Zone 4 and will likely be subject to strong seismic ground shaking during its design life.

The major State regulations regarding geo-seismic hazards, other than surface faulting, are contained in the 1998 California Building Code (CBC), Title 24, California Code of Regulations. The CBC applies to all public buildings and a large percentage of private buildings in the State according to their use or character of occupancy. The CBC is based on the current (1997) Uniform Building Code used in about half the United States, but contains Additions, Amendments and Repeals that are specific to building conditions and structural requirements in the State of California. Local codes are permitted

to be more restrictive than Title 24, but are required to be no less restrictive. Chapter 16 of the CBC deals with General Design Requirements, including (but not limited to) regulations governing seismically resistant construction. Chapters 18 and A33 deal with foundations, retaining walls, excavation and grading, including (but not limited to) requirements for seismically resistant design, foundation investigations, stable cut and fill slopes, and drainage and erosion control. The proposed project is in CBC Seismic Zone 4. Therefore, the site designs are required to meet the most stringent CBC construction standards.

As stated in Chapter 18 of the CBC, a geotechnical/foundation investigation is required during the project-planning phase. The detailed geotechnical and foundation investigations include site preparation and earthwork, grading, slab-on-grade construction, drainage, pavements, foundation types, retaining walls, seismic design, slope protection, ongoing engineering and foundation investigation, and review during the design, grading, and construction phases of the proposed project. The investigations must be performed by California-licensed geotechnical professional (geologists and engineers) as part of the design phase of each project and the report is required prior to the time of building permit issuance. At a minimum, the investigations must provide information and recommendations for the following items:

- Characteristics of the soil materials below the construction site;
- Most appropriate type of foundation for the proposed structure;
- Static and dynamic design criteria for the recommended foundation type;
- Estimated foundation settlement rate;
- Necessary subgrade preparation for the foundation;
- Lateral pressures for retaining walls;
- Design slopes for cut and fill sections; and
- Suitability of on-site soils for use as backfill.

The recommendations of the foundation investigations, along with the structural reports prepared for the construction of the project, or equivalent measures, normally would be incorporated in the final design of each structure. Earthquake-resistant design and materials must meet or exceed the current seismic engineering standards of the CBC Seismic Zone 4 requirements.

In addition, the applicant will be required to submit a project-specific engineering analysis report, as well as detailed engineering drawings and relevant materials to the City Building Services Division for review and approval prior to commencing grading or construction activities on the project site. Through this process, the applicant would ensure that the buildings are designed and constructed in conformance with the requirements of all applicable building code regulations and the project would not result in a significant geology and soils impact.

Source: Oakland General Plan, Environmental Hazards Element, September 1974
Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995
California Building Code (CBC), Title 24, California Code of Regulations, 1998

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comment: The proposed project site currently contains a warehouse and a parking lot. The project site is relatively flat. The project site is located on a developed urban lot where the majority of the site is covered with impervious surfaces. There are no known streams or rivers on the project site. Therefore, the amount of impervious surface area on the site would essentially stay the same as a result of the project.

To minimize wind or water erosion on the site during construction, the applicant shall be required to submit a construction period erosion control plan to the Building Services division for approval prior to the issuance of grading and building permits, consistent with standard City practices. The plan shall be in effect for a period of time sufficient to stabilize the construction site throughout all phases of the project. Long-term erosion potential shall be addressed through installation of project landscaping and storm drainage facilities, both of which shall be designed to meet applicable regulations. These standard measures typically include the following:

- a) Construction operations, especially excavation and grading operations, shall be confined as much as possible to the dry season, in order to avoid erosion of disturbed soils; and
- b) Final project landscaping plans shall be submitted to the Planning Director for review and approval.

Thus, the proposed project would not result in significant impacts with respect to erosion.

Source: Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995
 Project description and plans
 Field survey

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Questions VIc-VId: According to the U.S.D.A. Soil Conservation Service soils classification, the soils in the project area are characterized as Xeropsamments-Urban Land-Baywood complex. The project site is not located on land identified as fill material below depths of 3-5 feet, which would be subject to liquefaction hazards. In conformance with current codes and regulations, the applicant shall be required to submit detailed engineering drawings to the Building Services division prior to excavation, grading, or construction on the sites to ensure that the buildings are designed and built in conformance with the requirements of the City of Oakland Building Code. These plans and other required information would be submitted prior to the issuance of a building or grading permit for the proposed project, and would be reviewed and approved by the City. Therefore, the proposed project would not result in substantial risks to life or property.

Source: Oakland General Plan, Environmental Hazards Element, September 1974
 Oakland Environmental Factors Analysis, Technical Report #6, October 1995
 Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Comment: Sanitary sewer service for Oakland is provided by the East Bay Municipal Utility District (EBMUD). The project site is located in a built-out, urban area that is accessible to Oakland's sewer system, which provides wastewater collection service for the City of Oakland. Thus, soils would not be affected from the use of septic tanks or alternative wastewater disposal systems.

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments to Questions VIIa-VIIId: A Phase II Investigation was conducted at the site by OGSIO Environmental and documented in a report dated November 8, 1999. The investigation was conducted to assess shallow soil and groundwater conditions based on a 1996 Phase I Environmental Site Assessment and a subsequent Phase II investigation conducted in 1998. Specifically, the 1999 Phase II sampled for volatile organic compounds (specifically vinyl chloride in the groundwater due to previous contamination in groundwater on a nearby site), California Title 22 metals, and semivolatile organic compounds in the soil. The Title 22 metals and semivolatile organic compounds were not tested during the 1998 Phase II investigation. The investigation determined that no volatile organic compounds were detected in groundwater and no semivolatile organics were detected in the soil at the site. In addition, metals detected in the soil samples collected did not indicate any concentrations above the Resource Conservation and Recovery Act (RCRA) limits.

A Preliminary Environmental Assessment, conducted by Environmental Science Institute (ESI) and documented in a report dated November 16, 1999, indicated a number of potential environmental concerns at the site. Portions of the site were previously used as a garbage dump and evidence of illegal dumping on and adjacent to the site was observed during their site visit. In addition, a potential fill-pit for an undocumented underground storage tank (UST) and an existing groundwater monitoring

well were observed at the site. Based on the findings of this report, ESI recommended that a soil and groundwater sampling workplan be developed for the site to ensure that excavation and/or other site preparation activities (i.e., site grading) would not encounter any potential contaminated soil or groundwater. In addition, the potential UST should be verified and along with the groundwater monitoring well located at the site; each should be properly abandoned in accordance with the Alameda County Health Care Service Agency (ACHCSA) guidelines.

The California Environmental Protection Agency (Cal-EPA) and the Department of Toxic Substances Control (DTSC) regulate the generation, transportation, treatment, storage, and disposal of hazardous waste. In Alameda County, remediation of contaminated sites is performed under the oversight of Cal-EPA and with the cooperation ACHCSA and the Regional Water Quality Control Board (RWQCB). The following measures would mitigate any impacts if contaminated soil and/or groundwater were encountered at the project site:

- a) At sites where contamination is suspected or known to occur, the applicant shall perform a site investigation to assess the extent of soil and/or groundwater contamination and implement a remediation plan, if necessary. Site remediation shall be completed either before or during the construction phase of the project and completed prior to occupancy of the project.
- b) Should remediation be necessary, a Corrective Action Plan (CAP) acceptable to the City shall be developed and implemented by the applicant under the guidance of the lead regulatory agency. The CAP would ensure that any contaminated soil or groundwater would not pose a health hazard to the public (including project tenants) and environment.
- c) The applicant shall remove, remediate and/or transport any contaminated soil from the site in accordance with ACHCSA, RWQCB, DTSC, California Highway Patrol and/or Department of Transportation guidelines prior to the issuance of a site-grading permit.

In addition, asbestos may be encountered during demolition activities. Asbestos, a naturally-occurring fibrous material, was used as a fireproofing and insulating agent in building construction before such uses were banned by EPA in the 1970s. Asbestos can cause lung diseases in persons exposed to its airborne fibers. Because it was widely used prior to the discovery of its health effects, asbestos may be found in a variety of building materials and components including walls, ceilings, floors (tile), fireproofing, and pipe insulation.

Federal and state laws and regulations also pertain to building materials containing asbestos. Inhalation of airborne fibers is the primary mode of asbestos entry into the body, making friable (easily crumbled) materials the greatest health threat. For this reason, it is regulated both as a hazardous air pollutant under the Clean Air Act and as a potential worker safety hazard under the authority of Fed/OSHA. These regulations prohibit emissions of asbestos from asbestos-related manufacturing, demolition, or construction activities; require medical examinations and monitoring of employees engaged in activities that could disturb asbestos; specify precautions and safe work practices that must be followed to minimize the potential for release of asbestos fibers; and require notice to federal and local governmental agencies prior to beginning renovation or demolition that could disturb asbestos. In the San Francisco Bay Area, the agencies with primary responsibility for asbestos safety are the Bay Area Air Quality Management District and Cal/OSHA. Some state asbestos regulations on asbestos are more stringent than federal regulations. For example, California requires licensing of contractors who conduct abatement activities. Implementation of the following measure would mitigate the potential impact of encountering asbestos containing materials at the project site during demolition:

- d) Prior to demolition, a certified asbestos assessor or abatement contractor shall inspect the structures for asbestos-containing materials. Proper removal and disposal of any such materials shall be completed before demolition of the structures is commenced.

A child development center and an elementary school are located 1/2 mile northwest of the project site. The proposed project would be used for residential and commercial uses, and would not introduce new industrial uses to the project area that include the manufacturing and above and/or under ground storage of hazardous materials.

Some hazardous substances may be used during construction, however, and could expose workers to potential health hazards. The applicant would be required to comply with all applicable OSHA regulations regarding worker safety, consistent with standard City practices. Thus, the proposed project would not create a significant hazard to the public or the environment.

In addition, prior to the issuance of a building permit for the project site, written verification shall be submitted to the Planning and Building Division that all required clearances have been granted and all applicable conditions have been met for any soil or groundwater contamination at the site from appropriate State, Regional or County regulatory agencies. This verification shall include all recommendations included in the ESI report dated November 16, 1999, and verification that heavy petroleum compounds (i.e., motor oil, asphalt, or diesel) detected in previous soil samples during the OSISO Phase II Investigation are below regulatory limits.

Source: Preliminary Environmental Assessment, Fifth Street and Mandela Parkway, Oakland, California, November 16, 1999.

*Results Phase II Investigation, 5th Street and Mandela Parkway, Oakland, California, OGISO Environmental, November 8, 1999
Project Description and Plans*

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Questions VIIe-VIIIf: The project site is located approximately nine miles from Oakland International Airport and there are no private airstrips in the vicinity; therefore the project would not result in any significant safety hazards for people residing or working in the project area.

*Source: Project Description and Plans
Oakland General Plan, Land Use and Transportation Element, March 1998*

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The City of Oakland Fire Services Agency (Fire Department) is responsible for first response in an emergency. Standard notification procedures required by the City are designed to ensure that the Fire Department is notified if construction traffic would block any city streets. Specifically, the job site supervisor shall call the Fire Department's dispatch center any day construction vehicles would partially or completely block a city street during the construction process.

Therefore, assuming compliance with the City's notification requirements, project construction would not significantly interfere with emergency response plans or evacuation plans, nor adversely affect the City's response and operational procedures in the event of a large-scale disaster or result in substantial congestion that would interfere with the City's emergency response plan or emergency evacuation plan.

Source: Project Description and Plans.

Oakland *General Plan*, Land Use and Transportation Element, March 1998

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project site is located in an urban area within West Oakland and is not adjacent to or near wildlands. Therefore, the proposed project would not expose people or structures to significant risks associated with wildland fires.

Source: Project description and plans

Oakland *General Plan*, Land Use and Transportation Element, March 1998

<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of

pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Comments to Questions VIIIa-VIIIb: The project would not result in significant impact on water quality or on groundwater supplies. The proposed project would not violate any water quality standards or waste discharge requirements. The City's water source is the East Bay Municipal Utilities District (EBMUD) from sources outside the City limits; no groundwater under the City is used as potable water. The project would not result in direct additions or withdrawals to groundwater quality. Some watering may be required on-site as part of dust control for construction, but it would not substantially or permanently affect the local groundwater level. The relatively minor excavation that would be required for the project would not involve cuts or excavations to depths that might intercept an aquifer; therefore, no dewatering activities are required during construction of the proposed project. Consistent with current City regulations, the applicant would be required to submit on-site grading and drainage plans to the Building Division for review prior to commencement of construction or grading activities to ensure that surface run-off during construction and operation of the project is adequately controlled. Thus, the project would not result in significant impacts on water quality or on groundwater supplies.

Source: Project description and plans

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments to Questions VIIIc-VIIIf: The project site is located on a previously developed urban site where the majority of the site is covered with impervious surfaces. There are no known streams or rivers on the project site. The project would include landscaped areas around the buildings, on the roof of the parking structure, and around the perimeter of the site, and the amount of impervious surface area on the site would decrease as a result of the project. Therefore, the amount of runoff to the City's stormwater drainage system would not increase and would not significantly impact existing drainage capacity (see *Section XVI. Utilities and Service Systems* regarding existing stormwater drainage capacity).

The project would not create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, nor would the project otherwise substantially degrade water quality. To minimize potential water quality

impacts to surface runoff during construction, the proposed project would require standard erosion control measures as part of the project prior to issuance of grading or building permits. The applicant will be required to prepare a construction period erosion control plan and submit the plan to the building Services Division for approval prior to issuance of a grading or building permit. The plan will be in effect for a period of time sufficient to stabilize the construction site for all phases of the project. These standard measures will address construction period erosion on the site by wind or water. Long-term erosion potential will be addressed through installation of project landscaping and storm drainage facilities, both of which will be designed to meet applicable regulations. To minimize any construction-related or long-term impacts on surface water quality or quantity, the applicant shall be required to meet applicable site drainage and stormwater run-off standards and regulations. These standard measures include the following:

- a. The applicant shall incorporate physical improvements related to any system upgrades required to accommodate increased stormwater runoff from the proposed project in the final improvement plans for the project, as confirmed by the City's Public Works Department. At the request of the applicant and with the approval of the Public Works Agency, the applicant may fund these improvements for the City to implement.
- b. The applicant shall be required to grade unpaved areas to control surface drainage and redirect surface water away from areas of activity during excavation and construction.
- c. The applicant shall comply with applicable provisions of the Clean Water Act with regard to preparing a storm water discharge plan. Because the project involves the grading of an area that is greater than five acres, it is subject to the conditions of the General Construction Activity National Pollution Discharge Elimination System (NPDES) permit from the RWQCB. This permit requires that the applicant or their contractor develop a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall identify the sources of sediment and other pollutants on-site, and to ensure the reduction of sediment and other pollutants in the stormwater discharged from the site. A monitoring program shall aid the implementation of, and assure compliance with, the SWPPP.
- d. Construction operations, especially grading operations, shall be confined as much as possible to the dry season in order to avoid erosion of disturbed soils.
- e. Final project landscaping plan shall be submitted to the Planning Department for review and approval.

Thus, the proposed project would not result in significant impacts with respect to erosion, flooding, stormwater drainage system capacity, surface water quality or quantity.

*Source: Oakland General Plan, Open Space, Conservation, and Recreation Element, Technical Report 5: Water Resources, 1993
Oakland Community Services Analysis, Technical Report #5, October 1995
Project description and plans*

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Result in inundation by seiche, tsunami, or mudflow?

Comments to Questions VIIIg-VIIj: According to the Flood Insurance Rate Map (FIRM) Floodplain Map, the project site is not located in a 100-year nor a 500-year floodplain. The project site is not located near a levee or dam; nor is it subject to inundation by seiche, tsunami, or mudflow. Thus, the proposed project would not expose people, structures, or property to significant risk or impede or redirect flood flows.

Source: Oakland *General Plan*, Environmental Hazards Element, September 1974
 Oakland Environmental Factors Analysis, Technical Report #6, October 1995
 Flood Insurance Rate Map (FIRM) Floodplain Map, Federal Emergency Management Administration (FEMA)

- | | <u>Potentially Significant Impact</u> | <u>Potentially Significant Unless Mitigation Incorporated</u> | <u>Less Than Significant Impact</u> | <u>No Impact</u> |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| IX. LAND USE AND PLANNING -- Would the project: | | | | |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Questions IXa-IXc: The proposed housing project site is located in West Oakland directly across Fifth Street from the West Oakland BART station. The proposed project would be on previously developed in-fill sites, north of the I-880 freeway. The site encompasses a large parcel (totaling 3.5 acres) located on the west side of Mandela Parkway between Fifth Street and the I-880 freeway. The project will not physically divide the subject neighborhood because the project will be part of a cluster of activities that support the West Oakland BART Station, the dominant feature of the neighborhood. The Mandela Gateway project, a 187 unit affordable housing project developed by Bridge Housing Corporation and the Oakland Housing Authority, was approved by the Oakland Planning Commission in June, 2002 and is now under construction. It is located north of the BART Station. Like the subject site, the Mandela Gateway Project supports transit use by locating high density residential development near the BART Station. Several parking lots are also in the neighborhood to serve the BART Station, including for fee parking lots on 7th Street between Kirkham and Mandela Parkway, a lot on 7th Street between Chester and Center Streets, and the BART Station parking lot. The proposed parking structure

extends this already established land use. This type of project was fully contemplated in the West Oakland Transit Village Report, a joint effort by BART, the Oakland Housing Authority and the City to encourage and foster the transit village planning model around the West Oakland BART station.

Existing Land Use Context

The area surrounding the project sites contain a diverse mixture of land uses, including industrial uses, parking lots, and the West Oakland BART station with its surface parking lots. These uses specifically include industrial uses and the West Oakland BART station along with associated parking to the north; industrial uses to the west including warehouse and storage facilities; and a vacant parking lot and freeway entrance to the east. The Mandela Gateway residential project is also under construction in this area. Most of the industrial structures in the area are one story, ranging in height from 12 feet to 15 feet. Based on the diversity of land uses in the area, the associated diverse building sizes and styles of such uses, and the location of the project site outside the Oakland Point Historic District, the proposed project would not physically divide an established community. Additionally, the proposed project site is located in an urbanized area that is not governed by any habitat conservation plan or natural community conservation plan.

General Plan Land Use Designations, Policies and Objectives

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

Requirement for a General Plan Amendment

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

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

The proposed change in the General Plan land use designation from Business Mix to Community Commercial is appropriate for the site because it allows the mix of commercial and residential activities called for in the Land Use and Transportation Element of the General Plan (LUTE). Objective T2 of the LUTE is to "Provide mixed use, transit oriented development that encourages public transit use and increases pedestrian and bicycle trips at major transportation nodes". The objective mentions "mixed use" indicates that a General Plan designation that allows a mix of uses, including residential, is appropriate adjacent to the BART station. Objective N8 states that the City should "direct urban density and mixed use housing development to locate near transit or commercial corridors".

The amendment is also consistent with Objective N5 of the General Plan that states the City should "minimize conflicts between residential and non-residential activities while providing opportunities for

residents to live and work at the same location". The General Plan Amendment will allow residential activities adjacent to three potentially incompatible non-residential facilities: the Red Star Yeast production facility, the BART tracks, and the freeway. However, the Red Star Yeast facility has closed production and the mitigations listed in the Noise and Air Quality sections of the attached initial study would reduce the environmental impact of the BART tracks and the freeway on the residents of the proposal to less than significant.

Further, the Guidelines state that General Manufacturing activities "clearly conform" to the Business Mix General Plan designation and is "unclear or silent" on whether Heavy Manufacturing activities are appropriate in areas with a Business Mix designation. On the other hand, the General Plan states that Heavy and General Manufacturing Activities "clearly (do) not conform" to the Community Commercial designation. Therefore, changing the designation to Community Commercial would remove the possible conflicts between the noise, odor, and other impacts inherent with the Heavy and General Manufacturing activities permitted by the Business Mix designation and the residential activities encouraged by the General Plan around the BART station. As noted elsewhere in this Initial Study, this proposed land use change would not result in any significant physical impacts associated with introducing a new population in an area that has historically had activities incompatible with residential use. All impacts that are identified in this Initial Study can be reduced to a less than significant level through the implementation of identified mitigation measures.

Policies in support of changing the General Plan designation to Community Commercial to allow the mix of uses called for by changing the designation from Business Mix to Community Commercial are as follows (note: the policies are in normal font and the amendment's consistency with the policies are in ***bold and italicized***):

Policy N8.1 Developing Transit Villages. "Transit Village" areas should consist of attached multi-story development on properties near or adjacent to BART stations or other well-used or high volume transfer facilities, such as light rail, train, ferry stations, or multiple-bus transfer locations. While residential units should be encouraged as part of any transit village, other uses may be included where they will not negatively affect the residential living environment.

According to the Guidelines, changing the General Plan designation to Community Commercial would allow the residential activities called for by this policy. Business Mix, the current General Plan designation, does not allow residential activities.

Policy T2.1 Encouraging Transit Oriented Development. Transit-oriented development should be encouraged at existing or proposed transit nodes, defined by the convergence of two or more modes of public transit such as BART, bus, shuttle service, light rail or electric trolley, ferry, and inter-city or commuter rail.)

The General Plan defines Transit Oriented Districts as "Areas designed to take advantage of the opportunities presented by Oakland's eight BART stations and Eastmont Town Center. Easy pedestrian and transit access to mixed-use housing and commercial development should characterize these areas, as well as a strong identity created through careful urban design and mix of activities". The site proposed for this General Plan Amendment is at the convergence of the West Oakland BART Station and numerous AC Transit Lines, thus making it an appropriate area to develop as Transit Oriented Development. Further, page 55 of the LUTE specifically mentions the West Oakland BART Station area as a potential site for "transit oriented development."

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The Amendment is consistent with the subject policy because according to the Guidelines and Zoning Ordinance, the current “Business Mix” designation does not allow residential activities and an amendment changing the General Plan designation to Community Commercial would allow the residential activities and mix of commercial activities called for in the General Plan’s definition of a transit oriented district.

Policy T2.2 Guiding Transit Oriented Development. Transit oriented developments should be pedestrian oriented, encourage night and day time use, provide the neighborhood with needed goods and services, contain a mix of land uses, and be designed to be compatible with the character of surrounding neighborhoods.

According to the Guidelines and the Zoning Ordinance, changing the General Plan designation to Community Commercial would allow a wide variety of activities, goods, and services, including residential, retail, entertainment, general food sales (restaurants and markets), offices, and several others.

Policy T2.3 Promoting Neighborhood Services. Promote neighborhood-servicing commercial development within one-quarter to one-half mile of established transit routes and nodes.

According to the Guidelines and the Zoning Ordinance, the Community Commercial designation would allow neighborhood servicing commercial development across an intersection from a BART Station.

Policy T2.5 Linking Transportation and Activities. Link transportation facilities and infrastructure improvements to recreational uses, job centers, commercial nodes, and social services (i.e. hospitals, parks, or community centers).

According to the Guidelines, the Community Commercial Designation would allow each of these activities to be linked to the BART transportation facility. Note that the current Business Mix designation would not allow a hospital or a community center while these activities “clearly conform” to the Community Commercial designation.

Project Consistency with General Plan Objectives and Policies

The project itself is consistent with several of the objectives and policies of the General Plan. The commercial and residential components of the project is consistent with Objectives T2 and N8 of the LUTE (see above) by providing a mixed use, high density development near a BART station. The parking structure is consistent with the objectives by shifting parking for BART passengers from surface parking to more efficient parking structure scheme, freeing up land at the site for the proposed high density, mixed use aspects of the development. Further, as previously noted, the site was designated by the “West Oakland Transit Village Study” as a site for a large parking structure. Although the overall purpose of the study was to promote transit oriented development in the entire area, the site was designated for parking to accommodate “the inevitable need for parking with increased development and pedestrian character that constitute the key attributes of a transit village”. Further, page 59 of the study states that development of a parking structure at the site would not, in the long term, constitute net additional parking in the station area but instead provide replacement parking for spaces removed due to transit oriented development at other sites. In short, allowing auto fee parking at the site as proposed by the project applicants is just one component of a planning strategy that, on the whole, promotes transit oriented development for a station area. Therefore, the proposed parking structure implements a study that is consistent with the General Plan’s vision of transit oriented development.

The project is consistent with Policy N8.1 by providing an attached, multi-story residential development near a BART station.

The project is consistent with Policy T2.1 by locating a project and implementing a study consistent with the policies and objectives defining Transit Oriented development near the BART station.

The proposed design is consistent with Policy T2.2 in the following regards:

- The proposed ground floor commercial space would be canopied by the bay windows and have approximately 9'-0" high windows. These elements create a scale comfortable for pedestrian activity. Further, the design has a clear pedestrian path from the BART Station to the development that leads through a plaza. The plaza would have pedestrian oriented commercial uses such as café's and small retail shops.
- The approximately 35,000 square feet of commercial space provides an opportunity for evening uses such as restaurants and retail stores. Further, the parking structure will be predominately for day use, allowing parking opportunities for evening visitors.
- The project proposes a mix of residential, retail, office, and fee parking activities.
- The development would be compatible with surrounding neighborhoods. The height is compatible with the surrounding neighborhoods because it would allow the development to mitigate noise and visual impacts of the freeway and the BART tracks. The proportions of the development's towers and the shapes created by the bay windows would relate to the turn of the century homes in the neighborhood and throughout West Oakland. Industrial activities are immediately adjacent to the site, thus there would be limited shadow impacts on the nearest residential neighborhoods.

The project is consistent with Policy T2.3 by providing approximately 35,000 square feet of proposed commercial space at the site, providing opportunities for neighborhood servicing commercial development.

The ground floor commercial and the pedestrian plaza components of the proposal would also be consistent with Policy T2.5 by creating an activity node kitty corner from the BART Station.

Zoning Text Amendment Consistency with the General Plan

The project requires a Zoning Text Amendment because the City's Zoning Ordinance does not allow auto fee parking, a major component of the project, in the S-15, Transit Oriented Development Zone. Auto fee parking is not a permitted activity in the S-15, Transit Oriented Zone because it tends to encourage auto use instead of the transit uses that the policies and objectives of the General Plan repeatedly emphasize. However, the proposed text amendment would implement the policies and objectives of the General Plan by placing four criteria on any approval of a conditional use permit for a new auto fee parking proposal in the S-15 Zone: 1) Auto fee parking shall be part of a larger development that contains a significant amount of commercial and/or residential facilities; 2) Auto fee parking may only be contained in a structured parking facility that replaces an existing at grade parking facility; 3) Auto fee parking at the site shall be specifically designated by a plan or study adopted sponsored by the City of Oakland designed to promote transit oriented development as defined by the General Plan; and 4) The project shall be consistent with the General Plan's goals, objectives, and policies that promote transit oriented development and districts.

With these conditions, conditionally permitting auto fee parking would implement LUTE's policies and objectives listed above that promote transit oriented districts. The first and second conditions assure the concentration of auto fee parking at a current ground level parking site to accommodate the compact, mixed use development encouraged by the General Plan near transit centers. The third condition assures that the structured parking would be only one element of an overall plan or study that promotes transit oriented development. The final criteria gives final assurance that the development would promote the transit oriented development vision of the General Plan.

Project Conformance with Zoning Standards

Since the project site is zoned S-15, Transit Oriented Development Zone, the height of the residential buildings (a maximum of 75-80 feet) would require approval of a variance, since the S-15 zone only allows a maximum of 55 feet.

Regarding loading, two loading berths and required for commercial uses (Section 17.116.140) and two loading berths are required for residential uses (Section 17.116.120), for a total of four loading spaces. All loading berths are required to be located off-street and are required to be 33 feet long, 12 feet wide and 14 feet high. At the present time, the proposed project plans do not include any designated off-street loading spaces. However, sufficient space exists within the ground floor commercial parking area to provide off-street loading spaces. If the final design of this parking area including loading spaces results in a decrease in commercial parking spaces, the excess parking demand would likely be met by nearby street parking or in the proposed project's paid section of the parking lot. If the final design of the proposed project does not include the required off-street loading spaces, the approval of a variance would be required to designate on-street spaces for loading purposes.

Conclusion

In summary, the proposed project includes both General Plan amendments and zoning code amendments that would result in the project being consistent with the goals, policies and objectives of the General Plan LUTE. The inconsistencies identified in this section, in and of themselves, will not result in any physical impacts on the environment and the Planning Commission and City Council actions to amend the General Plan and the zoning code will resolve these inconsistencies and result in a land use planning and policy framework that furthers the transit village objectives and policies the City has previously adopted for the areas around BART stations, as previously identified in this section.

Source: Project Description and Plans

- Oakland General Plan, Land Use and Transportation Element, March 1998
- Oakland General Plan, Open Space, Conservation, and Recreation Element, 1996
- Oakland Zoning Ordinance/Oakland Planning Code, 1997
- Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations, adopted May 6, 1998, as amended August 8, 2001 and December 5, 2001
- City of Oakland Bicycle Master Plan, July 1999

	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
	<u>Impact</u>	<u>Incorporated</u>	<u>Impact</u>	<u>Impact</u>

X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local *General Plan*, specific plan, or other land use plan?

Comments to Questions Xa-Xb: The proposed project would be located on previously developed sites north of the existing I-880 freeway. The project would not require quarrying, mining, dredging, or extraction of locally important mineral resources on site, nor would they deplete any nonrenewable natural resource.

Source: Oakland *General Plan*, Open Space, Conservation, and Recreation Element, October 1995
Oakland Environmental Factors Analysis, Technical Report #6, October 1995
Project description and plans

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XI. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local <i>General Plan</i> or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments to Questions XIa-XId: Ambient noise levels in the project vicinity were measured by EIP Associates in May 2002 for the Mandela Gateway project, located approximately 600 feet from the Alliance for West Oakland Development Project. The project site is located in an urbanized area of West Oakland that contains predominantly industrial uses. Noise exposure at the project site is dominated mainly by traffic along adjacent roadway segments.

The City's Noise Ordinance (Title 8 – Health and Safety, Chapter 18 – Nuisances, parts 010 through 030 and Title 17 – Planning, Chapter 120 – Performance Standards, part 050; Oakland Municipal Code) contains noise level standards, which apply to different aspects of the project.

Construction noise is addressed in Section 17.120.050 of the Ordinance. There are different standards for short-term construction operations and long-term construction operations. The limits for construction noise received on residential uses are shown in Table 1.

Noise from residential air-conditioning and refrigeration systems are regulated in Section 17.120.050 I. This type of equipment must not generate an exterior noise level greater than 50 dBA. This is applied at the nearest residential property line.

Normal activities associated with the operation of this project such as loading dock and parking lot noises are addressed in Section 17.120.050 A. The noise limits for residential and commercial land use are shown in Table 2.

A noise measurement survey was conducted during the AM peak traffic hour along Seventh Street, Eighth Street and along Mandela Parkway. The survey indicated that the existing ambient noise levels ranged from 63 to 72 dBA L_{eq} the project vicinity. The project would replace an existing parking lot and warehouse with a mixed-use commercial and residential project. Based on the traffic noise analysis for this project, the highest noise level in the project vicinity under existing plus project and future cumulative conditions would be 50dBA L_{eq} at 100 feet from the centerline of Fifth Street at Kirkham (under cumulative conditions) and would, therefore, not expose future users to exterior noise levels above 65 dB(A) CNEL, the maximum acceptable noise level for residential uses. Therefore, the project would not result in the creation of new significant project-related or cumulative operational noise impacts.

Table 1
Maximum Allowable Receiving
Construction Noise Level Standards (dBA)

	Daily	Weekends
	7:00 AM to 7:00 PM	9:00 AM to 8:00 PM
<u>Short-Term Operation (less than 10 days):</u>		
Residential	80	65
Commercial, Industrial	85	70
<u>Long-Term Operation (10 days or more):</u>		
Residential	65	55
Commercial, Industrial	70	60

Source: Oakland Municipal Code, Section 17.120.050 H

Table 2
Maximum Allowable Receiving
Noise Level Standards (dBA), Residential and Civic (Commercial)

Cumulative Number of Minutes in Either the Daytime or Nighttime One-Hour Period	Daytime	Nighttime
	7:00 AM to 10:00 PM	7:00 AM to 10:00 PM
20	60 (65)	45 (65)
10	65 (70)	50 (70)
5	70 (75)	55 (75)
1	75 (80)	60 (80)
0	80 (85)	65 (85)

Source: Oakland Municipal Code, Section 17.120.050 A and B

The garage would also be a potential noise source. However, noise in the proposed garage would be comparable to noise levels in nearby surface parking lots. Garage noise from cars would occur for limited intervals based on the frequency of vehicle entry and exit and would tend to be isolated to events such as car doors slamming or tires squeaking. The nearest residences would be located 50 to 60 feet away from the garage. Two of the three residential buildings and a small portion of the third building

would be located across from the garage. The front of the residential buildings would face towards the street, rather than the garage. Each level of the garage would include plantings and a four foot wall, which would help attenuate some of the garage noise. In addition, the 50- to 60-foot distance between the garage and the residential buildings would further reduce noise to a less than significant level.

The garage would also include open space on the roof of the structure for use by apartment residents. The open space area would contain a running track, tennis courts, basketball courts, volleyball courts, a swimming pool, and a Jacuzzi. The roof facilities would be located approximately 35 feet from the I-880 freeway on-ramp and approximately 40 feet from the I-880 freeway, which would be a substantial source of noise. Typical sound levels at 100 feet from a freeway are measured at 70 dBA³ and would be likely to average 76 dBA at 40 feet from the freeway. The open space facilities on the roof would be located approximately 10 to 25 feet above the freeway, which would reduce noise levels by 5-10 dBA Leq. However, noise levels in the open space area on the roof could still potentially exceed 65 dB(A) CNEL .

BART passby train noise was analyzed by EIP Associates for the El Cerrito *Plaza Shopping Center Redevelopment Project Draft Environmental Impact Report*.⁴ At 65 feet from the centerline of the BART tracks, the train passby noise level ranged from 84 to 86 dBA and the Ldn was 72 dBA. At 220 feet from the tracks, passby noise levels were 75 to 78 dBA and the Ldn was 66 dBA. These noise data are generally consistent with data from previous noise measurements regarding BART trains. Based on the location of the project site at approximately 175 feet from the nearest BART tracks, the noise generated from BART would range from 79.5 dBA to 81.5 dBA since sound generated by a line source typically attenuates at a rate of 3.0 dB(A) per doubling of distance from the source to the receptor.⁵ Therefore, the noise generated from the BART tracks could exceed the City's maximum allowable noise standards, resulting in significant impacts on the project.

Implementation of the following measures would be required to reduce disturbances adjacent, nearby, and on-site sensitive receptors to a less-than-significant level.

- a. The City requires the Project Sponsor to retain a qualified acoustician to perform site-specific noise measurements and a detailed acoustical analysis of the interior noise levels for the project's residential units. The acoustical analysis will take into account the specific character of BART train noise and any other local noise sources (e.g., the parking garage, mechanical equipment, and delivery trucks) when the exterior ambient noise level exceeds 65 dBA. Per Title 24 of the CAC, interior noise levels in the residential units must not exceed a community noise equivalent level (CNEL) or day-night noise level (Ldn) of 45 dB in any habitable room. Measures that may be necessary, all or in part, to reduce noise levels to a less than significant level include, but are not limited to:

Double glazed, acoustically tested windows shall be required in conjunction with a properly insulated exterior wall sufficient to reduce BART train noise. As per Title 24 of the CAC, a mechanical ventilation system will need to be provided for all units that must have their windows closed in order to meet the 65 dBA maximum.

³ Typical Sound Levels Measured in the Environment and Industry, Peterson & Gross, 1963.

⁴ EIP Associates, *El Cerrito Plaza Shopping Center Redevelopment Project Draft Environmental Impact Report*, May 16, 1997, City of El Cerrito Community Development Department and Redevelopment Agency, SCH# 97042012.

⁵ *Highway Noise Fundamentals*, p. 97.

Where feasible, buildings shall be oriented so that windows do not directly face BART tracks. Some or all windows not facing BART may still need to be acoustically rated, to provide more noise reduction than would be available with standard construction.

- b. A qualified acoustician shall perform site-specific noise measurements and a detailed acoustical analysis of the exterior noise levels for the open space located on the roof of the parking garage to ensure that the exterior ambient noise levels do not exceed 65 dBA. Measures that may be necessary, all or in part, to reduce noise levels to a less than significant level include, but are not limited to:

The project applicant shall construct a sound wall tall enough to break the line of sight between cars traveling along the roadway and existing single-family homes along the freeway. An effective sound wall would reduce noise levels by an additional 5 to 10 dBA.

The project may also result in significant short-term noise impacts during construction. Therefore the contractor shall be required to implement the following measures throughout the duration of construction activity:

- c. Equipment and trucks used for project construction would utilize the best available noise control techniques (e.g., improved exhaust mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds) in order to minimize construction noise impacts.
- d. Equipment used for project construction would be hydraulically or electrically powered impact tools (e.g., jack hammers and pavement breakers) wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers would be used on other equipment. Other quieter procedures would be used such as drilling rather than impact equipment whenever feasible.
- e. The construction activity would be kept to the hours of 7:00 AM to 7:00 PM, Monday through Friday. Saturday hours (8:00 AM to 5:00 PM) are permitted upon the discretion of City approval based on input from nearby residents and businesses. Saturday and Sunday construction (8:00 AM to 5:00 PM) would be allowed once the buildings are fully enclosed.
- f. Stationary noise sources would be located as far from sensitive receptors as possible. If they must be located near existing receptors, they would be adequately muffled and/or enclosed within temporary sheds.
- g. Plywood barriers would be erected along project boundaries to shield pedestrians and adjacent sensitive receptors from construction-related noise.
- h. Machinery, including motors, would be turned off when not in use for more than 10 minutes.
- i. Mobile equipment shall not be allowed to run idle near existing residences.
- j. Residential property owners within 200 feet of planned construction areas shall be notified of the construction schedule in writing, prior to construction; the project sponsor shall designate a "disturbance coordinator" who shall be responsible for responding to any local complaints regarding construction noise; the coordinator (who may be an employee of the developer or general contractor) shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented; a telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site.

Implementation of these measures would reduce noise from construction equipment to less-than-significant levels (below the 65 dBA criterion).

Source: Oakland *General Plan*. Noise Element, September 1974

Oakland Noise Ordinance, Titles 8 and 17

EIP Associates, El Cerrito Plaza Shopping Center Redevelopment Project Draft Environmental Impact Report, May 16, 1997, City of El Cerrito Community Development Department and Redevelopment Agency, SCH# 97042012

Project description and plans

- | | <u>Potentially
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|---|---|---|---|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Questions XIe-XIf: The proposed project site is not located within two miles of a public airport, or in the vicinity of a private airstrip; thus, the project would not result in significant noise impacts on people residing or working in the project area.

Source: Oakland *General Plan*, Land Use and Transportation Element, March 1998
 Project description and plans
 Field survey

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| XII. POPULATION AND HOUSING -- Would the project: | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Questions XIIa-XIIc: The proposed project would replace a 152,800-square foot lot that accommodates 450 cars as well as a 9,200 sf warehouse. The project would consist of three seven-story apartment buildings that would include a total of 110 affordable housing units. The population accommodated by the project would be approximately 286 residents.⁶ In addition to housing, the project proposes a 1,013-space parking structure; 35,800 sf of commercial space; a 2,800 square foot commercial kiosk at the northeast corner of the site; and a 2,800 space for public assembly and community meetings. Currently, there are approximately 19 employees at the project site. This includes approximately two employees at the parking lot and 17 employees at the warehouse. The

⁶ The amount of residents generated by the project was determined using the Association of Bay Area Governments *Projections 2002*. Oakland had 2.60 persons per household in 2000; therefore, 2.60 x 110 = 286 persons.

retail component of the project, together with property management staff for the residential development, is expected to create approximately 100 jobs. This would include 86 employees for the retail uses and 15 employees for the parking structure and residential use (including maintenance, security, and management).⁷ Therefore, the proposed project would generate approximately 89 net new jobs at the site.

The proposed project would not displace housing. The project is consistent with many policies of the *General Plan* Land Use and Transportation Element, particularly in reference to encouraging affordable housing. The amount of population increase expected is consistent with both the *General Plan* land use projections and the Association of Bay Area Governments' projections. The increase in population at the site, a total of about 375 people, including 286 residents and 89 employees, would not be significant related to the amount of residents and employees within the project vicinity; nor would it be significant with regard to expected increases in population and employment in Oakland.

Source: Oakland *General Plan*, Land Use and Transportation Element, March 1998
 Oakland *General Plan*, Land Use and Transportation Element, Final Addendum to the Draft EIR, February 1998
 Association of Bay Area Governments, *Projections 2002*
 Project description and plans

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XIII. PUBLIC SERVICES -- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments to Questions XIIIa-XIIIe: The proposed project site is located in an urban area already served by fire, police schools and other public services. The Community Services Analysis prepared for the Land Use and Transportation Element of the *General Plan* stated that future in-fill development through the *General Plan* horizon year of 2015 would not be likely to impose a burden on existing public services. In accordance with standard City practices, the Fire Services division will review the project plans at the time of building permit issuance to ensure that adequate fire and life safety

⁷ The average number of square feet per retail employee is an average estimate, based on review of employment projections from retail developers, *General Plans* for communities in the Bay Area, and EIRs involving retail components in the project description.

measures are designed into the project. In addition, prior to issuance of building permits, the applicant shall contribute the required amount of school impact fees to offset any impacts to school facilities from the proposed project. Therefore, the proposed project is not anticipated to result in significant impacts on public services.

Source: Oakland General Plan, Land Use and Transportation Element, Final Addendum to the Draft EIR, February 1998
Oakland Community Services Analysis, Technical Report #5, October 1995

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XIV. RECREATION -- Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments to Questions XIVA-XIVb: As required by the S-15 of the Zoning Ordinance, the project would be required to contain 150 sf of group open space for each residential unit, for which private open space can be substituted in a ratio of 2 to 1. The proposed project would provide the required amount of on-site open space for the 110 units via private balconies, community and open space areas, and a shared outdoor common area on the roof of the parking facility. Facilities located on the parking garage roof would include approximately 40,000 sf of shared open space. An additional 11,000 sf of private decks and patios and approximately 2,800 sf of ground level recreation space are proposed as part of the project. In addition, the project site is within five to ten blocks from Lowell Park, Wade Johnson Park, Willow Mini Park, and deFremery Park. Schools in the project vicinity also provide outdoor recreation facilities, such as basketball courts. These include Prescott Elementary at 920 Campbell Street, King-Cole Elementary and Junior High at 1011 Union, and Lowell Junior High at 991 14th Street. The neighborhood is also served by three recreation facilities: deFremery at 1651 Adeline Street, Lincoln Square at 250 10th Street, and Poplar Recreation Center at 3131 Union Street.

The project is proposed in an urban area already served by existing parks and urban open space areas. Thus, the proposed project will not increase the use of the existing parks or recreational facilities such that substantial deterioration would occur or be accelerated, nor would it require the expansion of any recreational facilities.

Source: Oakland General Plan, Open Space, Conservation, and Recreation Element, October 1995
City of Oakland Planning Code, 1997
Project description and plans
Field Survey

XV. TRANSPORTATION/TRAFFIC -- Would the project:

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments to Questions XVa-XVg: A transportation study was prepared for the proposed project by CHS Consulting Group in January 2003 and is incorporated herein by reference. The report was based on plans developed as of October 31, 2002, which analyzed 110 rental housing units, about 38,600 gs of retail, and 1,013 on-site parking spaces. Subsequent changes in the proposed project may occur; however, the CHS report discusses the maximum level of potential development of the site. The study analyzed any potential traffic, parking, transit, pedestrian, bicycle, loading, construction and circulation impacts of the proposed project.

Thresholds of Significance – Traffic Impacts

According to CEQA Guidelines, a project would normally have a significant effect on the environment if it would “cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections).” Specifically, the City of Oakland’s standard criteria were used to determine if the project would result in a significant traffic impact. A project-generated increase in traffic is considered to be significant if it meets any of the following criteria:

- at a study intersection *that is located within the Downtown area*, the project would cause the existing or future baseline level of service (LOS)³ to degrade to worse than LOS E.

- at a study intersection *that is located outside the Downtown area*, the project would cause the existing or future baseline level of service (LOS) to degrade to worse than LOS D.
- at a study intersection *outside the Downtown area* where the existing or future baseline level of service is LOS E, the project would cause the service level to degrade to LOS F, or would cause the average vehicle delay to increase by four or more seconds.
- at a study intersection *for all areas* where the existing or future baseline level of service is LOS E, the project would cause the service level to degrade to LOS F, or would cause the average delay for any of the critical movements to increase by six or more seconds.
- at a study intersection *for all areas* where the baseline level of service is LOS F, the project would cause (a) the total average vehicle delay to increase by two or more seconds, (b) an increase in the average delay for any of the critical movements of four or more seconds; or (c) an increase in volume-to-capacity (v/c) ratio of more than three percent (if delay values cannot be measured accurately).

A significant project-related traffic impact also would occur if the project:

- would substantially increase traffic hazards to motor vehicles, bicyclists, or pedestrians due to a design feature (e.g. sharp curves or dangerous intersections), incompatible uses (e.g. farm equipment), or increases in volumes of motor vehicles, bicyclists, or pedestrians.
- would result in inadequate emergency access for the project site.
- would result in a parking demand (both project-generated and project-displaced) that would not be met by the project's proposed parking supply or by the existing parking supply within a reasonable walking distance of the project site.
- would generate added transit ridership that would increase the peak-hour load factor higher than 1.25 passengers per seat for AC Transit buses, and 1.35 passengers per seat for BART, and the additional transit trips would contribute more than two percent to the peak-hour transit ridership for transit lines serving the project site.

Project Traffic Impacts

Eight intersections in the site vicinity were modeled and project trips were assigned to the roadway network using the "TRAFFIX" computer software. The model predicts the roadway intersection's level of service (LOS). LOS is a qualitative measure describing operational traffic conditions and their perception by motorists. An LOS definition generally describes these conditions in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, and delay. There are six LOS describing these conditions, ranging from A to F, which have been standardized by the Transportation Research Board. LOS A represents a free-flowing traffic condition under which motorists are affected very little by other motorists, and the level of comfort and convenience to the motorist is excellent. LOS F is characterized by congested conditions under which motorists have little if any freedom to choose speeds or lanes of travel, and experience inconvenience and long delays. In an urban environment, LOS D is generally considered to be the worst acceptable operating condition for signalized intersections. The City of Oakland maintains a level of service standard for all intersections

of LOS D or better, except for intersections in the downtown area, where LOS E is the minimum acceptable level of service.

Table 3 presents a comparison of Existing, Existing Plus Project, Existing Plus Project without Garage, and Future Cumulative conditions for the study intersections.

Based on the analysis, the eight intersections would continue to operate as LOS D or better in the Existing Plus Project without Garage scenario, the Existing Plus Project scenario, and the Future Cumulative (including the project) scenario. Analysis of project conditions accounts for existing activities and uses at the site plus net new activities and uses.

As shown in Table 3 below, the proposed project would not create any significant adverse traffic impacts and no mitigation measures would be required.

Table 3
Intersection Level of Service: Existing, Existing Plus Project,
Existing Plus Project without Garage, and Future (Year 2020)
Cumulative (Including the Project) PM Peak Hour Conditions

Intersection	Existing		Existing Plus Project		Existing Plus Project without Garage		Future Cumulative	
	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
Mandela Parkway / Seventh Street	23.3	C	22.3	C	20.8	C	19.3	B
Mandela Parkway / Fifth Street	3.1 / 11.6	A/B	5.2 / 13.7	A/B	3.6 / 12.0	A/B	5.2 / 15.1	A/C
Kirkham Street / Seventh Street	1.5 / 28.4	A/D	1.7 / 31.1	A/D	1.5 / 27.9	A/D	0.5 / 14.1	A/B
Kirkham Street / Fifth Street ^a	2.3 / 10.10	A/A	3.6 / 13.0	A/B	3.2 / 11.8	A/B	3.5 / 13.7	B
Union Street / Seventh Street	14.4	B	14.6	B	14.4	B	11.5	B
Union Street / Fifth Street (I-880 access) ^a	21.5	C	21.8	C	21.6	C	26.6	C
Adeline Street / Fifth Street ^a	29.3	C	29.5	C	29.4	C	32.9	C
Adeline Street / Third Street ^a	10.2	B	10.4	B	10.3	B	12.1	B

Source: CHS Consulting Group

Notes: The lane geometry and signal timing for the future cumulative condition are directly from the Oakland Army Base EIR TRAFFIX reports as prepared by Dowling and Associates. As such, they may differ from the geometry and timing for the Existing and Existing Plus Project scenarios.

Parking Impacts

Parking impacts were assessed by comparing the number of off-street parking spaces provided by the proposed project to the Planning Code requirements, as well as to the estimated parking demand generated by the proposed project. The City of Oakland Planning Code Section 17.116.060 requires one-half space for each dwelling unit for multi-family dwellings and one-family dwellings in the S-15 district. No parking spaces are required for commercial activities including general retail sales in the S-15 District. The proposed project would provide sufficient off-street parking to meet the code requirement.

Parking Supply versus Project Parking Demand

Off-Street Parking

In general, the off-street parking facilities in the study area serve the demand for the West Oakland BART station. Both the free parking lot at the BART station itself as well as several paid off-street parking lots in the vicinity of the station fill early on weekday mornings (including the 450 paid spaces on the project site itself). As stated in the *West Oakland Transit Village Study* report, "According to a 1998 BART survey, the West Oakland BART Station's 350 parking spaces are filled by 6:00 AM, Monday through Friday."⁸ In addition, BART has recently established a monthly subscription program for reserved parking, and approximately 85 spaces have been reserved at \$63 a month, and a waiting list has begun. As a result, there are several private commercial parking operations nearby, as well as numerous smaller "ad hoc" parking areas that have been created by local entrepreneurs and property owners which provide approximately 1,150 additional parking spaces, including the Caltrans lot at Seventh Street and Mandela Parkway.⁹ Due to proposed development at that location, approximately 241 parking spaces may be reduced at the Caltrans lot. However, the Caltrans lot would be relocated to Fifth and Market Streets, about seven blocks from the West Oakland BART Station.

The *West Oakland Transit Village* study concluded that the off-street parking lots "are usually full and most or all of the on-street parking is in use during the daytime. Resident parking permits are required for use of on-street spaces and violators are routinely ticketed. The feasibility analysis for a potential parking structure ... illustrates that parking demand continues to exceed the supply."¹⁰

It is important to note that the daily patronage levels for the West Oakland station have increased from 3,100 in 1998 to 4,700 in 2000, a 52 percent change. Even with consideration of the recent economic downturn, unless there has been a major shift in mode split, it is highly likely that the current BART patron parking demand has increased substantially since the 1998 BART survey.

On-Street Parking

A survey of on-street parking supply and demand was conducted on Tuesday, April 9, 2002 during the mid-afternoon for the *Mandela Gateway Mixed-Use Project Transportation Study*. The Mandela Gateway Mixed-Use Project is generally located along Seventh Street, about two blocks north of the proposed project site. The on-street parking survey found that on-street parking occupancy rates in the

⁸ *West Oakland Transit Village Study*

⁹ *West Oakland Transit Village Study*

¹⁰ *West Oakland Transit Village Study*, p. 36.

COMMUNITY & ECONOMIC
DEVELOPMENT CMTE
OCT 28 2002

vicinity of the proposed project are generally high in the weekday mid-day, with an overall average of 91 percent occupied. Streets with two-hour limitations except for vehicles with residential permits generally have more available parking spaces than unrestricted parking areas. The average occupancy rate for streets with residential permit restrictions is approximately 76 percent, whereas the average occupancy rate for unrestricted on-street parking spaces is approximately 101 percent. The occupancy rate higher than 100 percent reflects the presence of illegal parking and/or parking in spaces shorter than the industry standard of 20 feet. Parking occupancy rates are higher closer to the BART station, particularly for the unrestricted spaces. Table 4 summarizes these results.

Table 4
Summary of On-Street Parking Occupancy Data

Parking Restrictions	Parking Capacity	Weekday Midday Parking Demand ^a	Occupancy Rates	
			Weekday Midday ^a	Weekend AM ^b
2-Hour Limit without Residential Permit	229	175	76%	~ 50 - 75 %
Unrestricted	337	341	101%	~ 10%
Total	566	516	91%	~ 33%

Source: CHS Consulting Group

Notes: a: Weekday midday demand and occupancy rates based on survey data.

b: Weekend morning occupancy rates based on windshield survey.

Field Observations of Existing On- and Off-Street Parking

The field observations show that the conclusions of the *West Oakland Transit Village* study regarding the influence of BART patron parking demand continue to be valid. During the weekday midday, off-street parking lots appeared to be full, and on-street parking occupancy rates were high. In contrast, a weekend morning windshield survey revealed that the BART parking lot was approximately one-third full, other off-street paid parking lots in the area were virtually empty, and unrestricted on-street parking was marginally occupied (approximately 10 percent occupied). On the other hand, on-street residential parking areas were occupied at substantially higher rates, ranging from approximately 50 to 75 percent, depending on the number of spaces and density of residential housing on each street. This imbalance between weekday midday and weekend morning parking occupancy rates could reasonably be explained by the high levels of weekday BART commuters in the area.

The proposed project would not result in significant impacts related to parking. With a supply of 142 spaces within the parking garage for tenant parking, the supply would exceed the demand of about 114 spaces. Overall, the proposed project would provide sufficient residential parking spaces for the calculated demand.

The parking demand generated by the facility management office (about 11 spaces) could be accommodated within the residential basement parking area. Office staff would require access to the gated parking area.

The proposed project would not provide sufficient off-street parking for the weekday demand generated by proposed retail uses. With a supply of 94 spaces within the parking garage for retail uses, the un-met demand would be two spaces. These visitors would likely park on the street, raising the overall on-street parking occupancy for the mid-day period by approximately less than one percent. Because the demand for unrestricted on-street parking spaces exceeds the supply, it is likely that visitors to the retail

uses would park in residential permit parking areas with two-hour time limits. Given the high on-street parking occupancy rates, drivers could find it necessary to circle the area in search of parking. However, as midday occupancy of restricted on-street parking is about 76%, there would be sufficient turnover to accommodate this retail parking demand nearby.

In general, weekend parking demand is higher than the weekday parking demand for retail and residential uses. If the proposed project demand exceeds its off-street supply, based on the results of the windshield survey, sufficient on-street parking capacity exists to meet excess demand.

The City of Oakland currently plans to install Class II bike lanes on Center Street. To do so, one lane of parking would be removed or about 10 two-hour parking spaces on Center Street near the project site. This reduction in the on-street parking supply would marginally increase the on-street parking occupancy rates for the study area. This would not result in significant effects.

Parking Operations/Vehicles Queuing

The proposed project would replace the existing 450 on-site parking spaces with 777 total new spaces for public use (a net increase of 327 parking spaces). The proposed project's residential parking areas would be accessed via secure, keyed entrance and exit gates. The entrances to the public paid parking garage would be gated in order to collect the pre-paid daily parking fees.

Vehicle queue lengths for the multiple driveways on the site were estimated based on the number of project-generated vehicle trips in the AM and PM peak hours, the estimated peak vehicle flow rates, the distribution of arrivals, the estimated capacity of parking control equipment, and the number of lanes at the parking garage entrances and exits.

Since the preparation of the transportation study completed in January 2003, the configuration of the proposed project's driveways has revised. The driveway which had provided access to Mandela Parkway has been moved to Third Street. Due to the somewhat less convenient location of this driveway, the original trip distribution pattern has been changed for the queuing analysis. Rather than the original 50-50 split of trips to and from the paid parking garage between the Fifth Street and Mandela Parkway driveways. This analysis routes 75 percent of the paid parking garage trips to and from the Fifth Street driveway, and 25 percent to and from the Third Street driveway.

The proposed project would provide two reversible-direction lanes for the two driveways. The traffic flow direction would be changed to accommodate the peak flow of traffic. In the morning, two lanes would enter the site at the Fifth Street and Third Street entrances. In the afternoon, one lane would exit the site at both the Fifth Street and Third Street entrances. A push-button ticket dispenser would be located at the garage entrances. Patrons would pay parking fees at a central pay booth prior to returning to their vehicles. Table 5 provides the estimated peak vehicle queue lengths for each project driveway for the AM and PM peak hours.

With the on-site queuing space created by the layout of the apartment building and parking facilities, it is unlikely that vehicle queues would extend into the streets. In the AM peak hour, the longer of the two estimated queue lengths would be three vehicles at the Fifth Street entrance. As the paid garage is located in the interior of the project site, the distance of approximately 45 feet between the Fifth Street driveway entrance and the garage entrance would accommodate more than two vehicle lengths in each inbound lane, for a total queuing area sufficient for approximately four vehicles. In the PM peak hour, the longer of the two estimated queue lengths would be thirteen vehicles. As these vehicles would be exiting the proposed project, the queue would occur on-site. The garage design should include a reservoir of thirteen vehicle lengths to accommodate the estimated queue at the Fifth Street location.

This long queue could be reduced if two exiting gates and lanes were provided. With this configuration, the queue would be reduced to approximately two vehicle lengths. This large reduction is based on the exponential growth of vehicle queues as the demand nears the capacity of the garage's exit configuration.

Table 5
Entering and Exiting Queue Lengths

Driveway and Peak Hour Flow Direction	Number of Garage Gates	Estimated Peak Hour Vehicle Trips	Estimated Peak Queue Length
Third Street, Inbound AM Peak Hour	2	59	< 1 vehicle
Third Street, Outbound PM Peak Hour	1	47	1 vehicle
Fifth Street, Inbound AM Peak Hour	2	269	3 vehicles
Fifth Street, Outbound PM Peak Hour	1	189	13 vehicles

Source: CHS Consulting Group

Retail Parking Lot

With the high demand and occupancy rates for both on- and off-street parking in the vicinity of the West Oakland BART station, some commuters may try to park in the off-street parking lot designated for the proposed project's retail visitors. The tenant manager should implement an enforcement program to ensure adequate parking availability for retail patrons and that commuters do not use this lot. For example, institution of a time limit for this parking lot area is one strategy.

Because the parking shortage relative to demand from the proposed project is not considered a significant impact, no long-term parking mitigation measure is required.

Pedestrian Impacts

The sidewalks and crosswalks in the study area have generally low pedestrian volumes. The proposed project would increase pedestrian volumes in the area by adding residents to the neighborhood and increasing shopping and other commercial opportunities for both BART riders and neighborhood residents. It is anticipated that the additional pedestrian trips would not result in any significant impacts on pedestrian circulation in the area.

The City of Oakland streetscape improvement plans designate Center Street as a pedestrian connection street. As a primary pedestrian corridor to the BART station, the streetscape plans focus on pedestrian safety and amenities. The proposed streetscape plan for Mandela Parkway includes bulb-outs at the northwest and northeast corners of the intersection of Mandela and 7th Street. These bulbs will extend into Mandela, thereby shortening the curb-to-curb walking distance across Mandela Parkway. In addition, the bulbs will provide a larger pedestrian queuing area at the intersection.

No pedestrian mitigation measure is required, since the addition of pedestrian traffic generated by the proposed project would not result in any significant impacts to adjacent sidewalks or crosswalks.

Bicycle Impacts

As one component of streetscape changes in the West Oakland neighborhood, the City of Oakland currently plans to install Class II bike lanes on Center Street and Mandela Parkway adjacent to the proposed project. On Eighth Street, Class II bike lanes would be implemented east of the intersection of Eighth and Mandela. To the west of the intersection, a Class III system of bike route signs would be implemented. This route system would improve bicycle access through the West Oakland neighborhood and to the West Oakland BART station.

It is not anticipated that the proposed project would generate significant bicycle impacts. Cars coming in and out of the project driveways are not likely to affect bicycle operations, as bicycle volumes are generally low.

Transit Impacts

The proposed project would likely generate additional ridership for the West Oakland BART station area; however, these project-generated changes in transit ridership would not be great enough to exceed the City of Oakland's transit impact Thresholds of Significance for BART or AC Transit. For example, San Francisco-bound BART capacity in the AM peak is approximately 16,000 passengers. If BART ridership were currently at this level, approximately 480 additional project trips would have to be added to exceed the City of Oakland's three percent threshold. With a population of approximately 500 residents, it is unlikely that the proposed project would generate this level of new BART ridership to San Francisco in the AM peak hour. Further, if BART were not currently operating at maximum capacity in the AM peak hour, the proposed project would have to generate more than the example of 480 AM peak hour San Francisco-bound trips to exceed the threshold.

The bus routes serving the study area have excess capacity during the peak thirty-minute period. With the marginal project-generated increases in AC Transit ridership spread over multiple bus stops throughout the study area, the additional ridership would not exceed the City's Threshold of Significance.

Loading Impacts

Loading impacts were assessed by comparing the proposed loading space supply to the Planning Code requirements, as well as to the estimated loading demand during an average loading hour and the peak hour. In addition, truck access to the proposed project is also discussed. The City of Oakland Planning Code Article III, Chapter 17.116 requires the proposed project to provide two off-street loading facility for the retail uses and two for the residential uses. All of the loading spaces are required to meet minimum dimensions: 33 feet long, 12 feet wide, and 14 feet high.

At the time the transportation report was prepared, the proposed project plans did not include any designated off-street loading spaces. The project architect has noted that sufficient space exists within the ground floor commercial parking area to provide off-street loading spaces. If the final designs of this parking area including loading spaces results in a decrease in commercial parking spaces, the excess parking demand would likely find spaces on nearby streets or in the proposed project's paid parking garage. If the final design of the proposed project does not include the required off-street loading spaces, the approval of a variance would be required to designate on-street spaces for loading purposes.

Trash from residential and neighborhood retail uses would be stored within each of the commercial/apartment buildings, adjacent to the ground floor commercial parking area. Trash would be picked up directly from this site.

Impacts associated with loading are considered potentially significant. To reduce loading impacts to a less-than-significant level, the following mitigation measure would be implemented.

- a. The final plans for the Proposed Project should include two off-street loading spaces for residential uses and two for commercial uses. If the spaces do not meet the minimum dimensions specified in the City of Oakland Planning Code (thirty-three feet long, twelve feet wide, and fourteen feet high), the project sponsor must apply for a conditional use permit.

CONSTRUCTION IMPACTS

Potential short-term construction impacts generated by the proposed project are addressed. Construction impacts are discussed with respect to the following:

- Traffic due to possible lane closures and truck routing
- Parking demand for construction vehicles and workers
- Pedestrian pathways due to sidewalk closures
- AC Transit bus operations due to lane closures

Construction data provided are preliminary and are subject to refinement. The total duration for the construction work is anticipated to be approximately 18 months, with generally up to 25 construction trucks trips per day and up to 50 trucks per day during demolition and excavation.

Construction trucks would primarily access the site from Fifth Street and Mandela Parkway via Seventh Street, a truck route. The project sponsor has been offered by Amtrak five acres of land south of the project site at Third Street and Mandela Parkway for construction staging.

The construction work would occupy partial areas of the sidewalks and the parking lane adjacent to the project site on Fifth Street and Mandela Parkway throughout the first fifteen months of construction for staging and temporary storage of materials. Areas designated as temporary sidewalks with protective barriers would be provided to minimize the impact to pedestrians.

During the laying of the foundation, there would be up to 25 concrete trucks coming to the site on a given day. These trucks would have to come in one or two at a time, pull into the project site, discharge their concrete, then pull out for the next truck to come into the site. The curb space in front of the Proposed Project should be sufficient for several trucks. The waiting trucks would need to park at off-site locations to be determined by the city as part of the Construction Management Plan. Any closure of the parking spaces would need to be coordinated with the City of Oakland.

During the construction of the Proposed Project, there would be a peak construction worker parking demand for up to 100 parking spaces. Worker vehicles would have to be accommodated in adjacent off-street and curb side parking spaces unless the staging of the construction would enable workers to park their vehicles in the on-site parking areas or the project sponsor arranges for off-street parking nearby. This could include the five-acre Amtrak site. Given the high occupancy rates for both on- and off-street parking in the vicinity of the proposed project, the parking demand for workers' vehicles could cause parking impacts.

Impacts associated with construction activities are considered potentially significant. To reduce construction impacts to a less-than-significant level, the following mitigation measures would be implemented.

- a. The project applicant should prepare a Traffic Control Plan (TCP) to reduce to the maximum feasible extent the impacts of vehicles on regional and local roadways. The TCP would address items including but not limited to: scheduling of major truck trips and deliveries to avoid peak hours; construction truck routes; street and/or lane closures; signs, cones, and other warning devices for drivers; pedestrian detours and safety measures; parking for construction workers and staff; access to the project site; and lane or sidewalk closures or parking restrictions that may require coordination with and/or approval by the City of Oakland. The TCP should include all of the concurrent construction projects in the area, including changes to the roadways, the Proposed Project, and the Mandela Gateway Mixed-Use Project.
- b. The TCP would be submitted to the City Traffic Engineering and Planning divisions for review and approval prior to the issuance of any building, demolition, or grading permits.
- c. As determined by City staff, the project applicant would be responsible for repairing any damage to the pavement that is caused by construction vehicles and for restoring the pavement to preconstruction conditions. Street sweeping provisions would be included in the construction management plan to remove construction-related debris on public streets.
- d. The construction management plan would include the schedule and locations of construction staging. The plan for street and sidewalk closures would minimize traffic and pedestrian interference. The adjacent property owners, Police and Fire departments, AC Transit, and BART would be notified (within 48 hours) when major delivery, concrete pours, detours, lane closures, or other major activity is proposed.
- e. Construction traffic would be restricted to designated truck routes within the City. The TCP would include a signage program for all truck routes serving the site during construction. A signage program is a plan that details the location and types of truck routes signs that would be installed during construction to direct trucks to and from the site.
- f. Construction-related vehicle trips would be restricted to daytime hours, and, to the extent feasible, will be minimized during the AM and PM peak hours. Any construction traffic occurring between the hours of 7:00 AM and 9:00 AM or between 4:00 PM and 6:00 PM would coincide with peak hour traffic and could impede traffic flow. The impact of lane closures and construction traffic would be lessening the capacity of the streets, slowing the movement of traffic (including AC Transit buses). To the extent possible, truck movements should be limited to the hours between 9:00 AM and 4:00 PM to minimize disruption of the general traffic flow on adjacent streets.
- g. As part of the TCP to be provided prior to the issuance of any building, demolition, or grading permits, the contractor and applicant would identify the locations of the off-site parking spaces to be used during the construction of the project, as necessary. The project sponsor should provide off-street parking for construction workers and staff throughout all phases of construction.
- h. The Project Sponsor and construction contractor(s) would meet with the appropriate City of Oakland departments to determine appropriate traffic control plans to reduce traffic congestion and pedestrian circulation impacts during construction of the project and to ensure that construction activities do not impact AC Transit bus stops or routes in the vicinity.

Several construction projects in the area may coincide with the proposed project. These include the proposed changes to the roadways, the Mandela Gateway Mixed-Use Project, and the proposed project. The Traffic Control Plan should be coordinated for all concurrent construction in the area.

Source: Alliance for West Oakland Development Project Transportation Study, CHS Consulting Group, January 2003
 City of Oakland, Public Works Agency, Traffic Engineering Division
 Project description and plans

	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments to Questions XVIa-XVIg: The proposed project site is in an urban area already served by utilities and service systems. The Community Services Analysis prepared for the Land Use and Transportation Element of the *General Plan* stated that future in-fill development through the *General Plan* horizon year of 2015 would not be likely to impose a burden on existing utilities and service systems. East Bay Municipal Utility District (EBMUD) determined that ample potable water service is available for both domestic use and fire protection from existing facilities. Service would be granted to the project subject to compliance with EBMUD's Regulations governing water service and Schedule of Rates and Charges.¹¹ In addition, according to the City of Oakland's Public Works Agency, the project

¹¹ East Bay Municipal Utility District (EBMUD), Will-Serve letter for Mandela Transit Village Mixed Use Project, January 27, 2003.

is within the anticipated growth allowance for its sewer sub-basin (#52-030-10) and the applicant would not be required to fund any cost for the relief sanitary sewers scheduled to be constructed in this basin. However, the applicant would be responsible for any upgrading or improvement of the existing sewer lines from the proposed sites to the interceptor. Furthermore, the applicant would be required to pay required installation and hookup fees to the affected service providers to ensure provision of adequate service, prior to service connection. Thus, the proposed project would not result in significant impacts related to the utilization of water supplies, wastewater treatment facilities, or storm water drainage facilities.

Assembly Bill 939 requires that all cities divert 50 percent of their solid waste from landfills by December 31, 2000. The current waste diversion rate in the City of Oakland is only 40 percent. Therefore, in order to avoid an adverse effect on achievement of the City's waste diversion goal the proposed project shall implement the following measures:

- a) Prior to issuance of building permits, the project sponsor shall submit a plan to divert 50 percent of the construction waste generated by the project from landfill disposal for review and approval by the Public Works Agency; and
- b) Prior to issuance of building permits, the project sponsor shall submit a plan to divert 50 percent of the solid waste generated by operation of the project for review and approval by the Public Works Agency.

The above measures would reduce both the potential short-term and long-term impacts of the proposed project on solid waste disposal to a less-than-significant level.

Sources: Oakland *General Plan*, Land Use and Transportation Element, Final Addendum to the Draft EIR, February 1998
 Oakland Community Services Analysis, Technical Report #5, October 1995
 East Bay Municipal Utility District (EBMUD), Will-Serve letter for Mandela Transit Village Mixed Use Project, January 27, 2003

	Potentially Significant	Less Than Significant	No
Potentially Significant Impact	Unless Mitigation Incorporated	Impact	Impact

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the

effects of other current projects, and the effects of probable future projects.)

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Comment: As identified above, the project would potentially affect the environment. However, these effects can be mitigated to a less-than-significant level with incorporation of the recommended mitigation measures. Further, the project does not present significant, unmitigated cumulative impacts, nor does the project present significant environmental effects adverse to human beings.

APPENDIX A
**Summary of Mitigation Measures Incorporated into the Alliance for West Oakland
Development Project**

Air Quality (IIIb and IIIc)

The project applicant shall implement a construction dust abatement program including the following measures:

- a. Water all active construction areas at least twice daily; and
- b. Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind; and
- c. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; and
- d. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; and
- e. Sweep daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets; and
- f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas; and
- g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); and
- h. Limit traffic speeds on unpaved roads to 15 miles per hour; and
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- j. Replant vegetation in disturbed areas as quickly as possible.

Cultural Resources (Vb-Vd)

Construction of the proposed project would essentially cap the project site and would be designed to avoid any potentially significant archaeological resources that may exist more than nine feet below grade on the site. However, archaeological resources have been found on adjacent properties at Seventh Street and Mandela Parkway. Therefore, potential impacts to historic or prehistoric resources between depths of three to nine feet on the project site could potentially occur. To mitigate potential impacts to historic or prehistoric resources that might be encountered during grading or construction, the applicant shall be required to implement the following measures:

- a) *Pre-construction Testing.* Following demolition of the existing building, place a series of mechanical exploratory borings or trenches at selected locations within the project site, under the supervision of a qualified archaeologist retained by the project applicant and approved by the City. Observe and record the precise location of any cultural materials found, and retain these cultural materials recovered from the test locations for further study. Conduct laboratory

analyses and evaluations of any materials recovered, as appropriate, and prepare a brief report for the City recommending whether further investigations would be necessary to mitigate adverse impacts to important archaeological artifacts likely to be encountered during site excavation.

- b) *Formulate and Implement Archaeological Monitoring Plan.* As part of the submittal for grading and/or building permits for the project, the applicant shall formulate and implement a general archaeological monitoring plan during construction. This plan shall require that a qualified archaeologist, retained by the project applicant, monitor construction activities that may cause an adverse change to significant subsurface historical resources, as defined by Public Resources Code § 5020.1(j). The plan shall be reviewed and approved by the City prior to the issuance of a building or grading permit for the proposed project.
- c) *Require Mitigation for Discovery of Cultural Resources during Excavation or Construction.* If archaeological or prehistoric materials are encountered during pre-construction testing, project excavation, or construction, the following actions shall be taken:
 - Construction or excavation activity in the immediate vicinity of the resource shall be immediately diverted until the City and a qualified archaeologist or cultural consultant have evaluated the potential material. Project personnel shall not alter any of the uncovered materials or their context.
 - If human burial or disassociated human bone is encountered, current state law requires that the County Coroner be called immediately. All work must be halted in the vicinity of the discovery until the Coroner's approval to continue work has been received.
 - If archaeological or cultural materials are discovered and the City and consulting archaeologist make a determination that the materials are unique based on the definition provided in Public Resources Code § 21083.2(g), the City and the project applicant, in consultation with the cultural resources expert, shall make a reasonable effort to avoid damaging effects, as contained in Public Resources Code § 21083.2(B).
 - If the City determines that the avoidance, the creation of an easement, or capping are not feasible, a qualified cultural resource expert shall prepare a plan for mitigation in accordance with the provisions of Public Resources Code § 21083.2(c) which shall be submitted to the City for review and approval. Its implementation shall be a condition of approval.

Geology and Soils (VIb)

To minimize wind or water erosion on the site during construction, the applicant shall be required to submit a construction period erosion control plan to the Building Services division for approval prior to the issuance of grading and building permits, consistent with standard City practices. The plan shall be in effect for a period of time sufficient to stabilize the construction site throughout all phases of the project. Long-term erosion potential shall be addressed through installation of project landscaping and storm drainage facilities, both of which shall be designed to meet applicable regulations. These standard measures typically include the following:

- a) Construction operations, especially excavation and grading operations, shall be confined as much as possible to the dry season, in order to avoid erosion of disturbed soils; and
- b) Final project landscaping plans shall be submitted to the Planning Director for review and approval.

Hazards and Hazardous Materials (VIIa-VIIId)

The following measures would mitigate any impacts if contaminated soil and/or groundwater were encountered at the project site:

- a) At sites where contamination is suspected or known to occur, the applicant shall perform a site investigation to assess the extent of soil and/or groundwater contamination and implement a remediation plan, if necessary. Site remediation shall be completed either before or during the construction phase of the project and completed prior to occupancy of the project.
- b) Should remediation be necessary, a Corrective Action Plan (CAP) acceptable to the City would be developed and implemented by the applicant under the guidance of the lead regulatory agency. The CAP would ensure that any contaminated soil or groundwater would not pose a health hazard to the public (including project tenants) and environment.
- c) The applicant shall remove, remediate and/or transport any contaminated soil from the site in accordance with ACHCSA, RWQCB, DTSC, California Highway Patrol and/or Department of Transportation guidelines prior to the issuance of a site-grading permit.

Implementation of the follow measure would mitigate the potential impact of encountering asbestos containing materials at the project site during demolition:

- d) Prior to demolition, a certified asbestos assessor or abatement contractor would be required to inspect the structures for asbestos-containing materials. Proper removal and disposal of any such materials shall be completed before demolition of the structures is commenced.

Hydrology and Water Quality (VIIIc-VIII f)

To minimize any construction-related or long-term impacts on surface water quality or quantity, the applicant shall be required to meet applicable site drainage and stormwater run-off standards and regulations. These standard measures include the following:

- a. The applicant shall incorporate physical improvements related to any system upgrades required to accommodate increased stormwater runoff from the proposed project in the final improvement plans for the project, as confirmed by the City's Public Works Department. At the request of the applicant and with the approval of the Public Works Agency, the applicant may fund these improvements for the City to implement.
- b. The applicant shall be required to grade unpaved areas to control surface drainage and redirect surface water away from areas of activity during excavation and construction.
- c. The applicant shall comply with applicable provisions of the Clean Water Act with regard to preparing a storm water discharge plan. Because the project involves the grading of an area that is greater than five acres, it is subject to the conditions of the General Construction Activity National Pollution Discharge Elimination System (NPDES) permit from the RWQCB. This permit requires that the applicant or their contractor develop a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall identify the sources of sediment and other pollutants on-site, and to ensure the reduction of sediment and other pollutants in the stormwater discharged from the site. A monitoring program shall aid the implementation of, and assure compliance with, the SWPPP.

- d. Construction operations, especially grading operations, shall be confined as much as possible to the dry season in order to avoid erosion of disturbed soils.
- e. Final project landscaping plan shall be submitted to the Planning Department for review and approval.

Noise (XIa-XIc)

The project may result in BART noise impacts to on-site residents. Implementation of the following measures would be required to reduce disturbances adjacent, nearby, and on-site sensitive receptors to a less-than-significant level:

- a. The City requires the Project Sponsor to retain a qualified acoustician to perform site-specific noise measurements and a detailed acoustical analysis of the interior noise levels for the project's residential units. The acoustical analysis will take into account the specific character of BART train noise and any other local noise sources (e.g., the parking garage, mechanical equipment, and delivery trucks) when the exterior ambient noise level exceeds 65 dBA. Per Title 24 of the CAC, interior noise levels in the residential units must not exceed a community noise equivalent level (CNEL) or day-night noise level (Ldn) of 45 dB in any habitable room. Measures that may be necessary, all or in part, to reduce noise levels to a less than significant level include, but are not limited to:

Double glazed, acoustically tested windows shall be required in conjunction with a properly insulated exterior wall sufficient to reduce BART train noise. As per Title 24 of the CAC, a mechanical ventilation system will need to be provided for all units that must have their windows closed in order to meet the 65 dBA maximum.

Where feasible, buildings shall be oriented so that windows do not directly face BART tracks. Some or all windows not facing BART may still need to be acoustically rated, to provide more noise reduction than would be available with standard construction.

- b. A qualified acoustician shall perform site-specific noise measurements and a detailed acoustical analysis of the exterior noise levels for the open space located on the roof of the parking garage to ensure that the exterior ambient noise levels do not exceed 65 dBA. Measures that may be necessary, all or in part, to reduce noise levels to a less than significant level include, but are not limited to:

The project applicant shall construct a sound wall tall enough to break the line of sight between cars traveling along the roadway and existing single-family homes along the freeway. An effective sound wall would reduce noise levels by an additional 5 to 10 dBA.

The project may result in significant short-term noise impacts during construction. Therefore the contractor shall be required to implement the following measures throughout the duration of construction activity:

- a. Equipment and trucks used for project construction would utilize the best available noise control techniques (e.g., improved exhaust mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds) in order to minimize construction noise impacts.

- b. Equipment used for project construction would be hydraulically or electrically powered impact tools (e.g., jack hammers and pavement breakers) wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers would be used on other equipment. Other quieter procedures would be used such as drilling rather than impact equipment whenever feasible.
- c. The construction activity would be kept to the hours of 7:00 AM to 7:00 PM, Monday through Friday. Saturday hours (8:00 AM to 5:00 PM) are permitted upon the discretion of City approval based on input from nearby residents and businesses. Saturday and Sunday construction (7:00 AM to 5:00 PM) would be allowed once the buildings are fully enclosed.
- d. Stationary noise sources would be located as far from sensitive receptors as possible. If they must be located near existing receptors, they would be adequately muffled and/or enclosed within temporary sheds.
- e. Plywood barriers would be erected along project boundaries to shield pedestrians and adjacent sensitive receptors from construction-related noise.
- f. Machinery, including motors, would be turned off when not in use for more than 10 minutes.
- g. Mobile equipment shall not be allowed to run idle near existing residences.
- h. Residential property owners within 200 feet of planned construction areas shall be notified of the construction schedule in writing, prior to construction; the project sponsor shall designate a "disturbance coordinator" who shall be responsible for responding to any local complaints regarding construction noise; the coordinator (who may be an employee of the developer or general contractor) shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented; a telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site.

Transportation/Traffic (XVf-XVg)

To reduce loading impacts to a less-than-significant level, the following mitigation measure would be implemented.

- a. The final plans for the Proposed Project should include two off-street loading spaces for residential uses and two for commercial uses. If the spaces do not meet the minimum dimensions specified in the City of Oakland Planning Code (thirty-three feet long, twelve feet wide, and fourteen feet high), the project sponsor must apply for a conditional use permit.

To minimize construction impacts to a less-than-significant level, the following mitigation measures would be implemented.

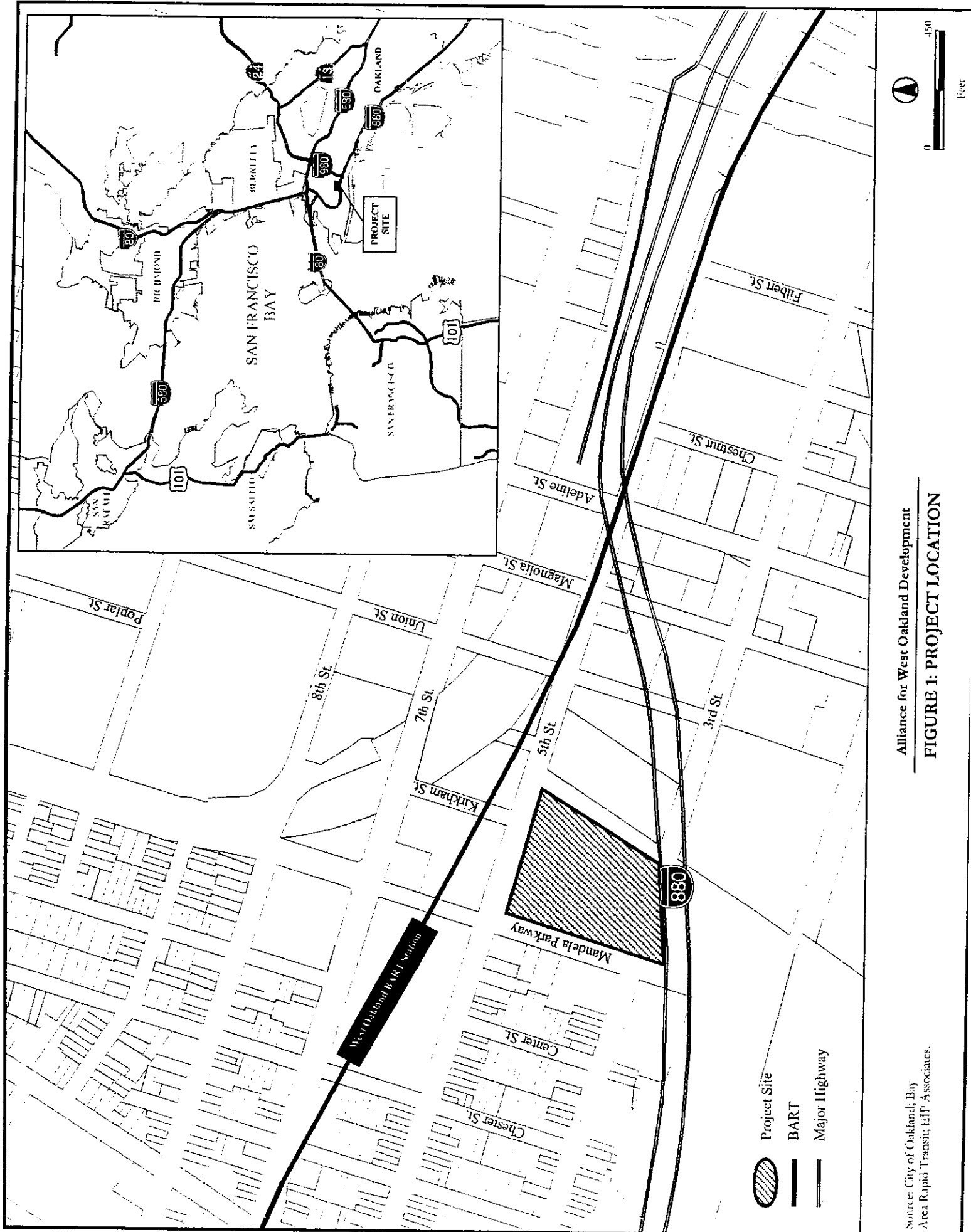
- a. The project applicant should prepare a Traffic Control Plan (TCP) to reduce to the maximum feasible extent the impacts of vehicles on regional and local roadways. The TCP would address items including but not limited to: scheduling of major truck trips and deliveries to avoid peak hours; construction truck routes; street and/or lane closures; signs, cones, and other warning devices for drivers; pedestrian detours and safety measures; parking for construction workers and staff; access to the project site; and lane or sidewalk closures or parking restrictions that may require coordination with and/or approval by the City of Oakland. The TCP should include all of the concurrent construction projects in the area, including changes to the roadways, the Proposed Project, and the Mandela Gateway Mixed-Use Project.

- b. The TCP would be submitted to the City Traffic Engineering and Planning divisions for review and approval prior to the issuance of any building, demolition, or grading permits.
- c. As determined by City staff, the project applicant would be responsible for repairing any damage to the pavement that is caused by construction vehicles and for restoring the pavement to preconstruction conditions. Street sweeping provisions would be included in the construction management plan to remove construction-related debris on public streets.
- d. The construction management plan would include the schedule and locations of construction staging. The plan for street and sidewalk closures would minimize traffic and pedestrian interference. The adjacent property owners, Police and Fire departments, AC Transit, and BART would be notified (within 48 hours) when major delivery, concrete pours, detours, lane closures, or other major activity is proposed.
- e. Construction traffic would be restricted to designated truck routes within the City. The TCP would include a signage program for all truck routes serving the site during construction. A signage program is a plan that details the location and types of truck routes signs that would be installed during construction to direct trucks to and from the site.
- f. Construction-related vehicle trips would be restricted to daytime hours, and, to the extent feasible, will be minimized during the AM and PM peak hours. Any construction traffic occurring between the hours of 7:00 AM and 9:00 AM or between 4:00 PM and 6:00 PM would coincide with peak hour traffic and could impede traffic flow. The impact of lane closures and construction traffic would be lessening the capacity of the streets, slowing the movement of traffic (including AC Transit buses). To the extent possible, truck movements should be limited to the hours between 9:00 AM and 4:00 PM to minimize disruption of the general traffic flow on adjacent streets.
- g. As part of the TCP to be provided prior to the issuance of any building, demolition, or grading permits, the contractor and applicant would identify the locations of the off-site parking spaces to be used during the construction of the project, as necessary. The project sponsor should provide off-street parking for construction workers and staff throughout all phases of construction.
- h. The Project Sponsor and construction contractor(s) would meet with the appropriate City of Oakland departments to determine appropriate traffic control plans to reduce traffic congestion and pedestrian circulation impacts during construction of the project and to ensure that construction activities do not impact AC Transit bus stops or routes in the vicinity.

**COMMUNITY & ECONOMIC
DEVELOPMENT CMTE**

OCT 2 2003

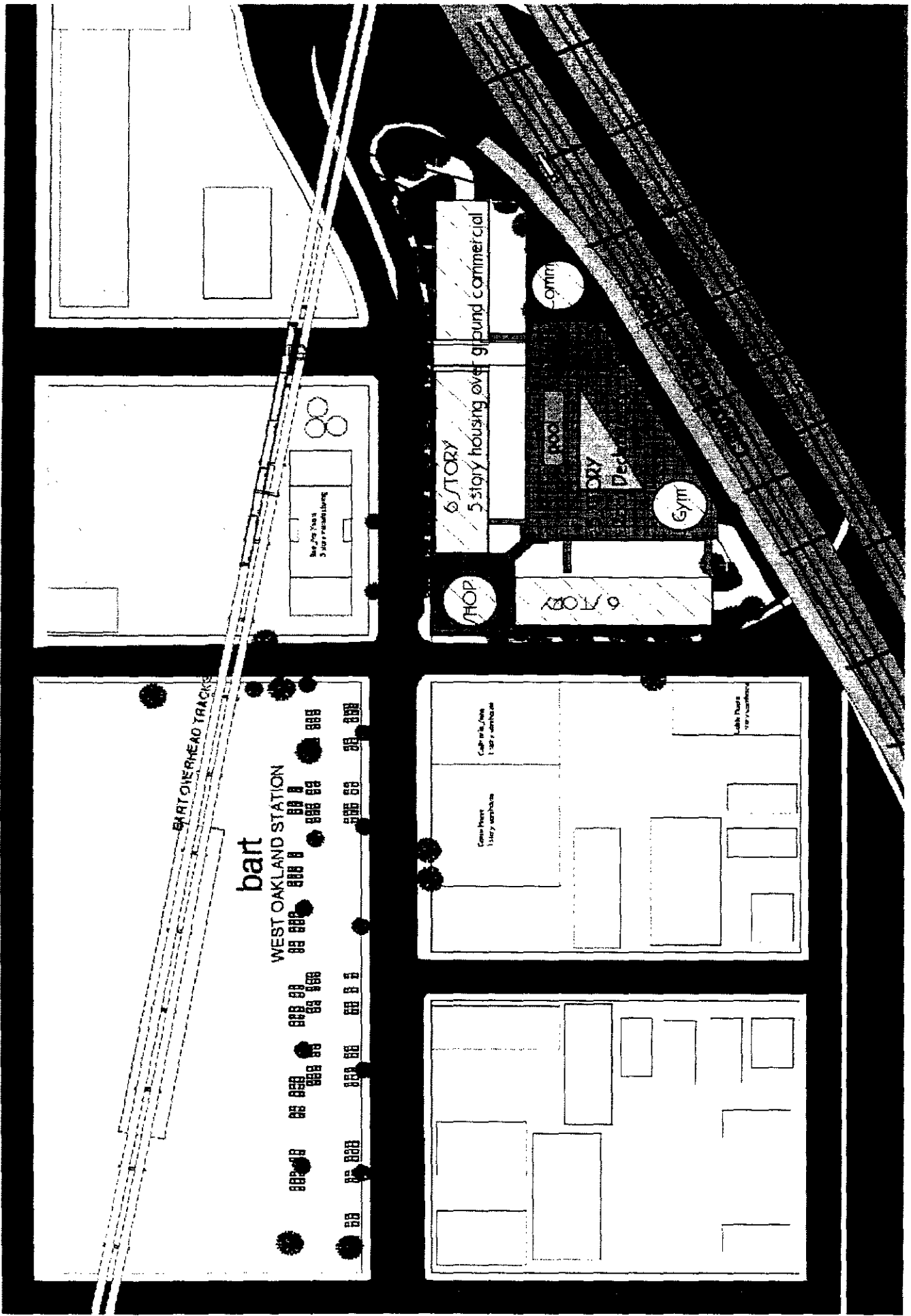
APPENDIX B
Alliance for West Oakland Development Project
Site Plans, Sections, and Schematic Elevations



Alliance for West Oakland Development

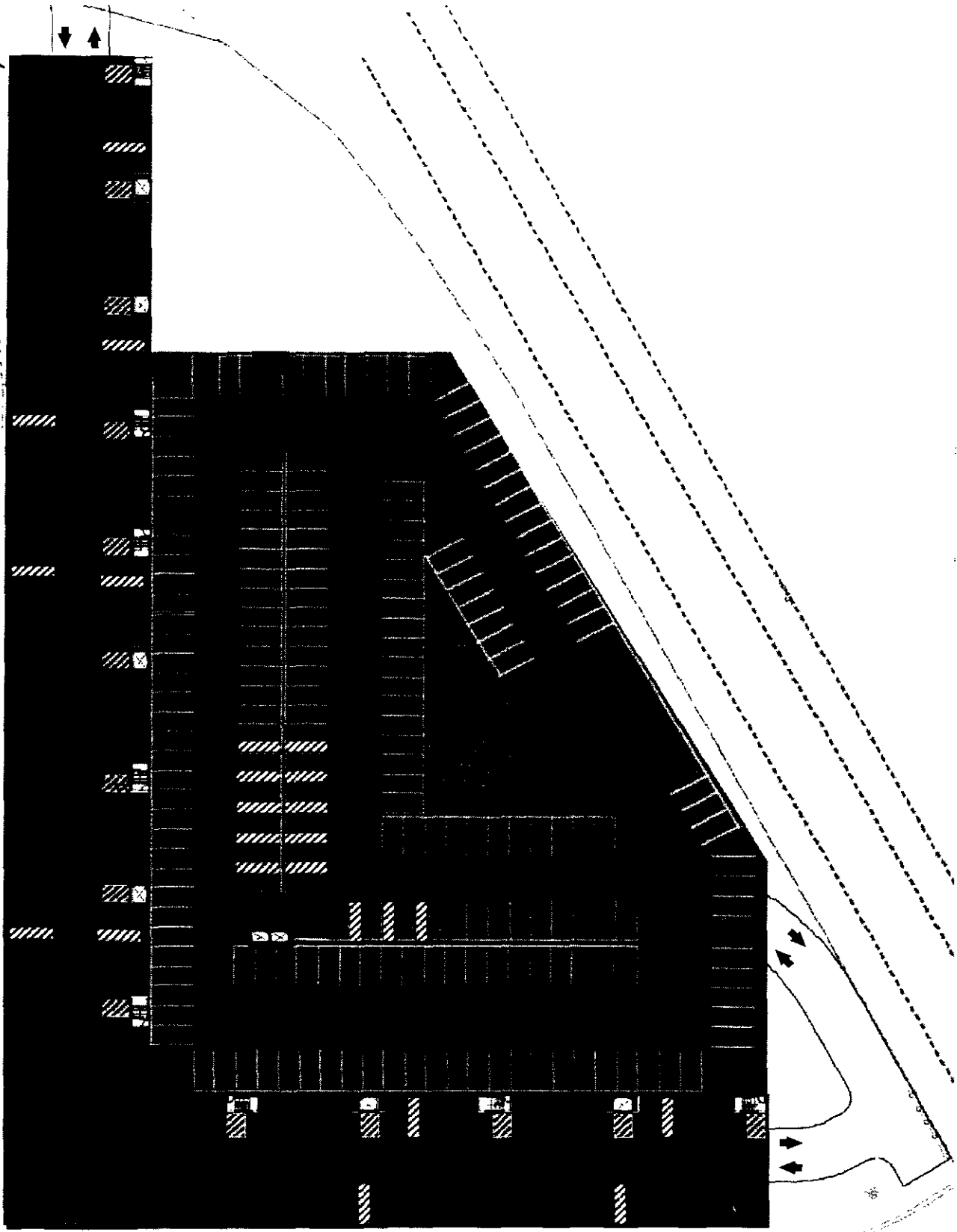
FIGURE 1: PROJECT LOCATION

Source: City of Oakland; Bay Area Rapid Transit; IEP Associates.



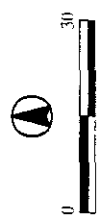
Alliance for West Oakland Development

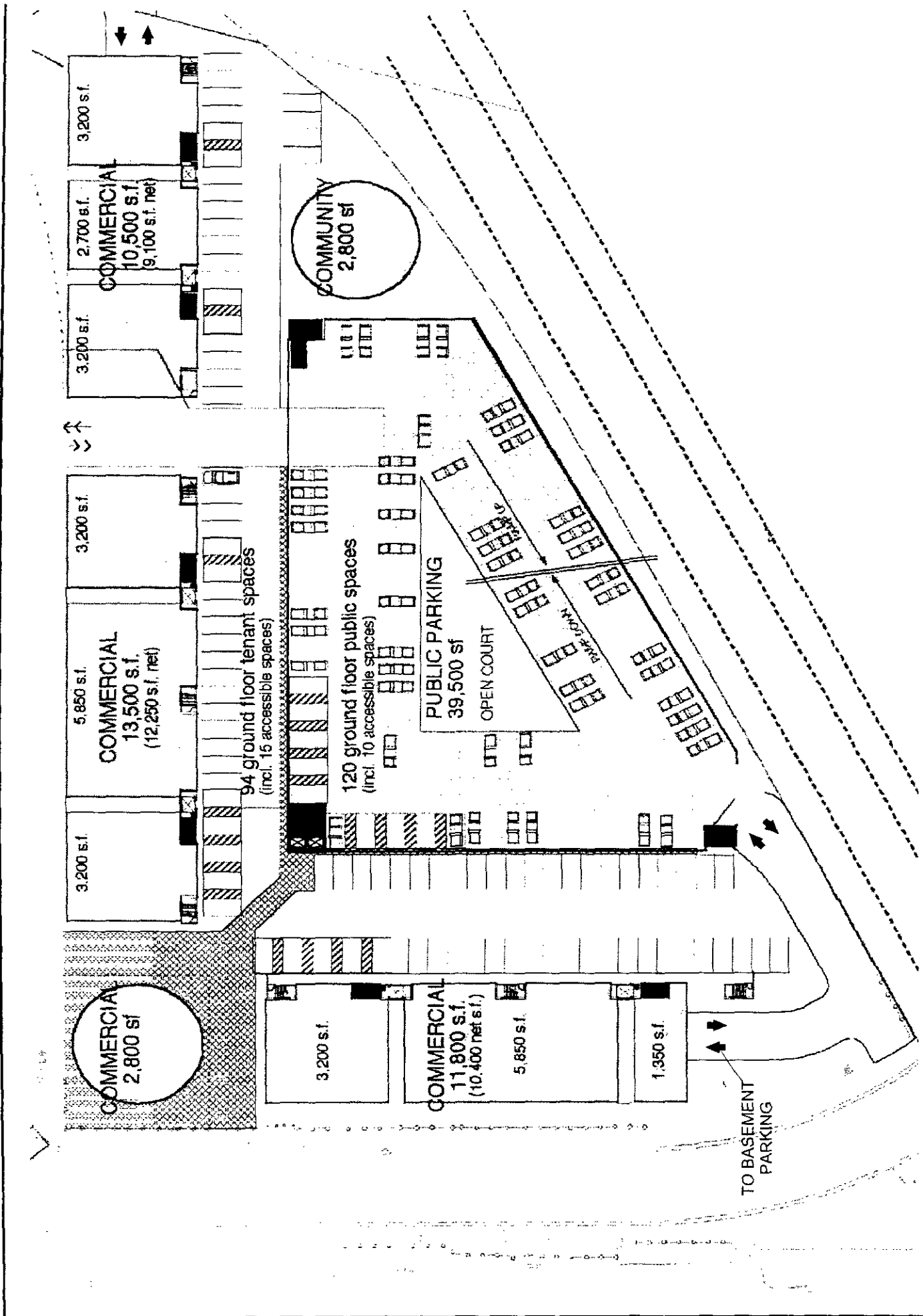
FIGURE 2: SITE PLAN



Alliance for West Oakland Development

FIGURE 3: BASEMENT

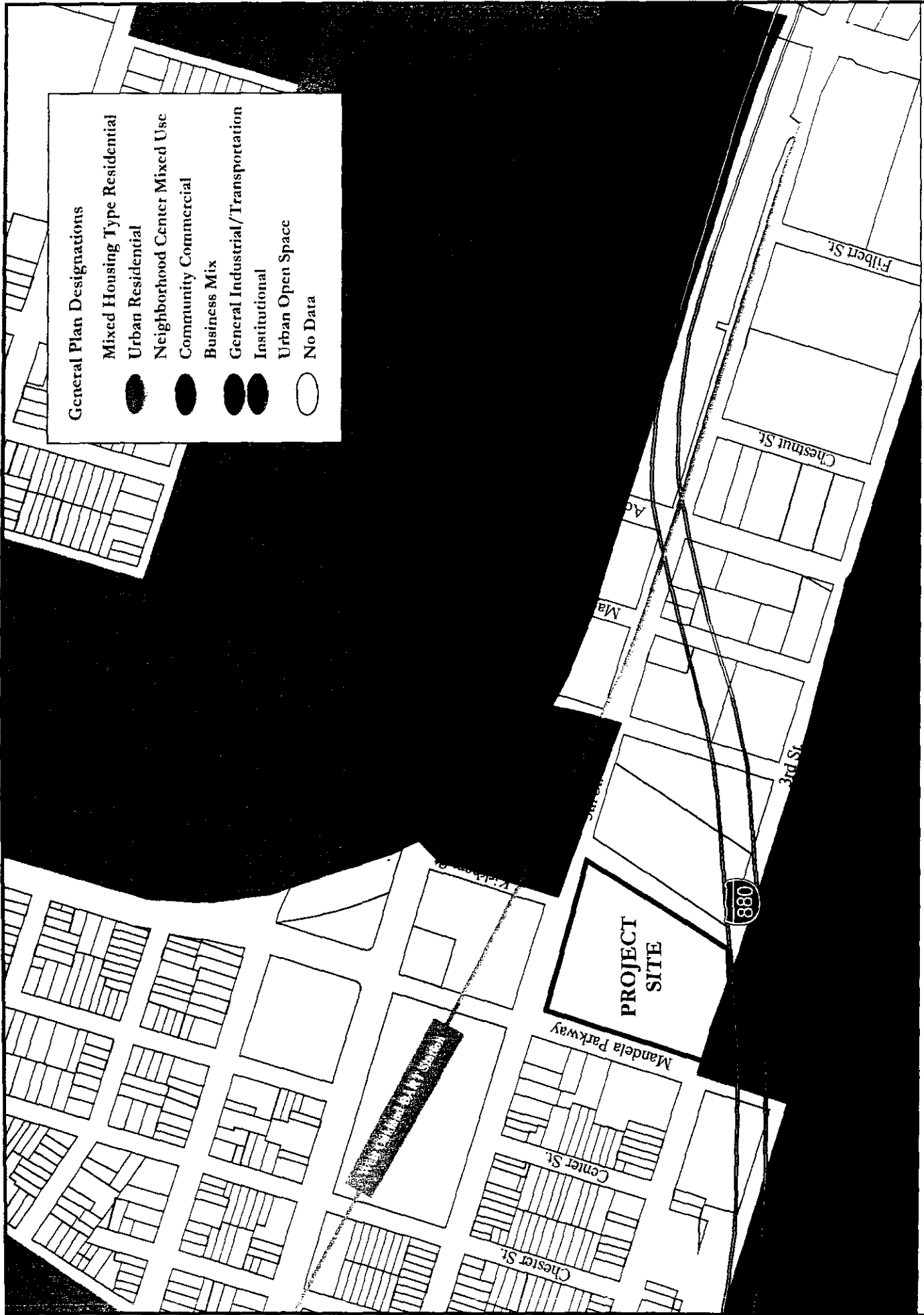




Alliance for West Oakland Development

FIGURE 4: GROUND FLOOR

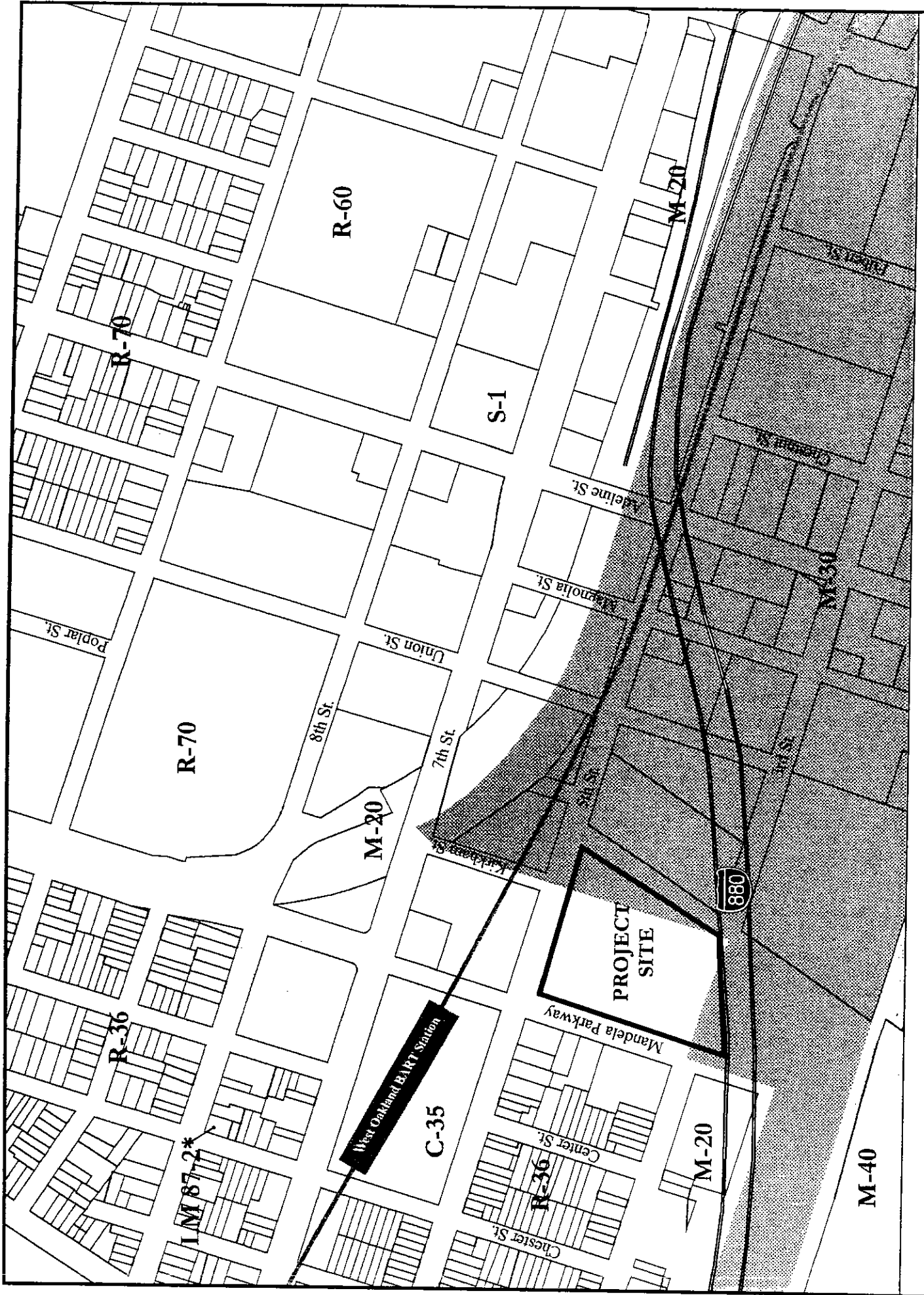
Source: Jong & Jong, EIP Associates.



Alliance for West Oakland Development

FIGURE 6: GENERAL PLAN DESIGNATIONS

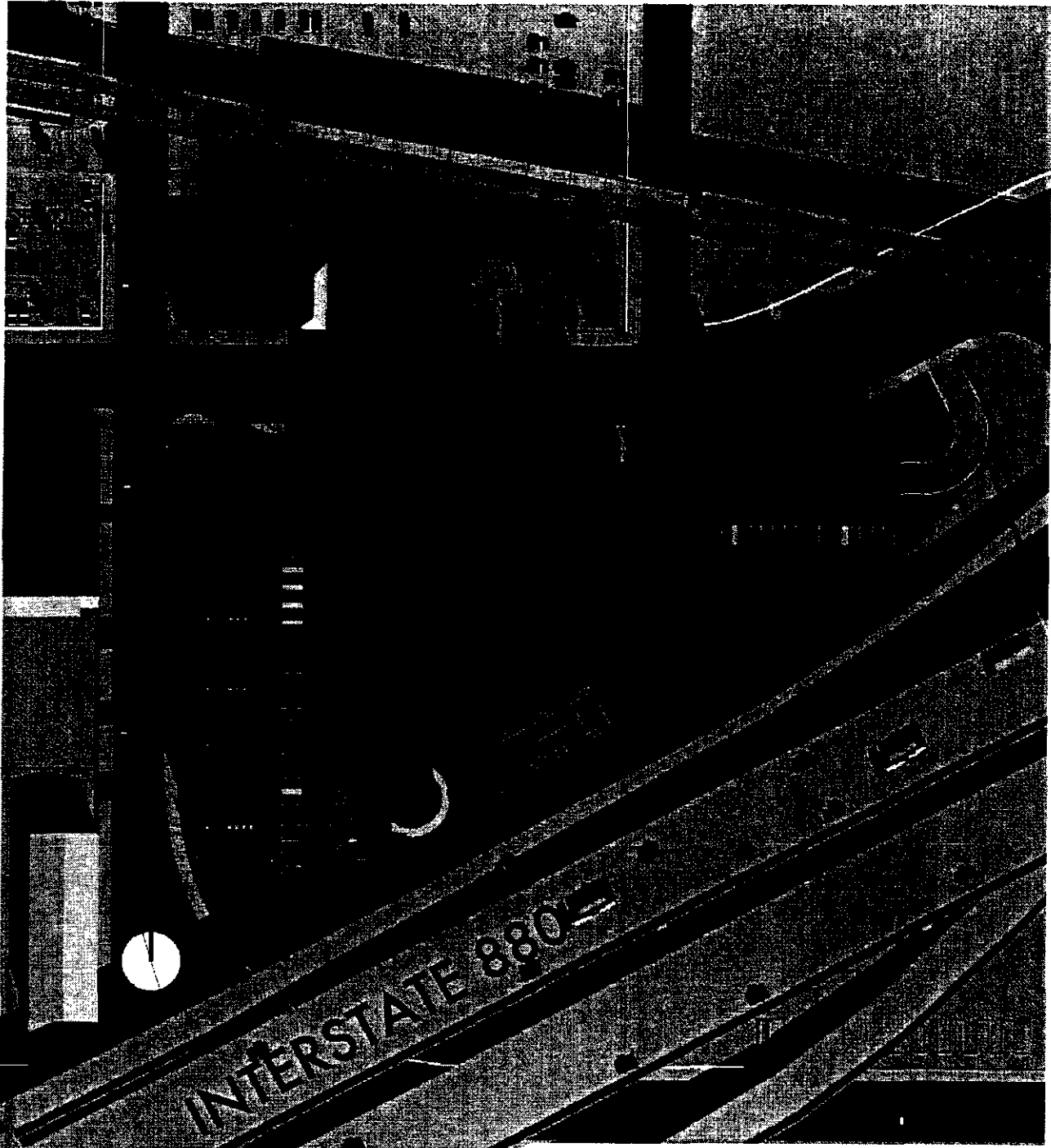
Source: City of Oakland; Bay Area Rapid Transit; EIP Associates.



Alliance for West Oakland Development

FIGURE 7: ZONING

Source: City of Oakland, Bay Area Rapid Transit, EIP Associates.



Source: Jong & Jong, EIP Associates.

14.1
ORA/COUNCIL
NOV 18 2003



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Alliance for West Oakland Development

FIGURE 10: SHADOW STUDY DECEMBER 21 at NOON

ATTACHMENT B

Change in General Plan Land Use Map

14.1
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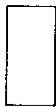


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Mandela Transit Village



Legend

-  Parcels
-  General Plan Land Use
-  Mandela Transit Village

City of Oakland
July 2003

