CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Manager
ATTN: Deborah Edgerley
FROM: Community and Economic Development Agency
DATE: November 18,2003

RE: Public hearing (and resolution) on the appeal of the Planning Commission approval of a Conditional Use Permit, Variance, and Design Review application for Affordable Housing Associates to build an eight story building to contain ground floor commercial space, a "service enriched" housing facility, and 76 affordable housing units at 1601 14th Street.

SUMMARY

On September 3, 2003, the Planning Commission approved a major conditional use permit, design review, and a variance permit to construct a building containing 2,666 square feet of ground floor commercial space, 76 residential units, and 53 ground level parking spaces at the northwest comer of 14th and Madison Streets. On September 10, 2003, the Islamic Cultural Center, the owner of the neighboring building, appealed the Planning Commission's approval of the project and environmental determination. The basis of the appeal pertains to the impacts to neighborhood parking. The impacts of the new project on the historic significance of the adjacent Madison Temple building and that the variances were inappropriately granted.

Staff recommends that the City Council deny the appeal and uphold the Planning Commission decision for the reasons listed below.

FISCAL IMPACT

The project will not have a direct fiscal impact. However, 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. These impacts are considered to be beneficial. **Also,** the new commercial space may generate additional sales tax for the City.

BACKGROUND

The Project

The proposed eight story building would consist of 2,666 square feet of ground floor commercial space, 76 residential units, and 53 ground level parking spaces. The building would be approximately 85'- 0" to top of a parapet, not including two 11'-0" tall rooftop mechanical

rooms. The building is proposed by Affordable Housing Associates (AHA), a non-profit developer of affordable housing. The residential units would be available for households eaming up to 60 percent of the County's median income; 18 of the units would be reserved for special needs persons that are at-risk of homelessness. According to the applicant, the units would range in size from 450 to 1,097 square feet and are designed for working artists and people with home businesses. Part of the second floor would also function as a community and social service center providing cultural, educational, and counseling services to the residents of the building and the surrounding community.

A structured parking area would be located behind the commercial space on the ground floor and utilize a lift system for stacking three levels of cars. A City CarShare service parking space is proposed to be located on the curb outside the building.

Please refer to a more a more detailed description of the project is contained in Attachment A, the project plans and Attachment C, the September 3, 2003 staff report to the Planning Commission.

Required permits

The project requires a major conditional use permit for the social services functions and minor variances for required parking (74 required, 51 provided), rear setback (15'-0" required, 0'-0" proposed), front setback (5'-0" required; 0'-0" proposed) and parking dimension (8'-6" width required; 8'-4" proposed to accommodate a parking lift),

Adjoining property and neighborhood

The site immediately to the north is considered a designated historic property (DHP) with a survey rating of "A" from the City's Cultural Heritage Survey office. According to the Historic Preservation Element (HPE) of the General Plan, "A" ratings are the survey's highest rating and given to "properties of exceptional historical or architectural value which are clearly eligible individually for the National Register of Historic Places". This neighboring site has historic significance because it contains the Madison Street Temple, a building constructed in 1909 that is considered an excellent example of Mission Revival architecture. Also, the building is the original headquarters of Oakland's Scottish Rite, one of the City's leading fraternal organizations. The proposed project would be separated from the Temple between approximately 43 to 73 feet at the ground floor and 67 to 97 feet above the ground floor by a parking lot and pedestrian path. Stained glass windows would face the proposed building, The headquarters of the Islamic Cultural Center of Northern California is currently located in the building.

The Temple is within the Lakeside Apartment District, a historic neighborhood that occupies portions of five blocks bounded by 14th Street, Harrison Street, and Lakeside Drive. The District is characterized by medium to large wood-frame or brick two to six story apartment buildings, built in close proximity to one another. It is considered one of Oakland's best

concentrations of medium scale early 20th century apartments and institutional buildings and reflects important aspects of Oakland's rapid development between 1906 and the 1930's. The neighborhood is considered an "Area of Primary Importance" (API) by the City's Office of Cultural Heritage Survey. According to the HPE, an API is a cohesive area that usually contain a high proportion of individual properties with rating of "C" (properties of secondary historic importance) or greater and appear eligible for the National Register of Historic Places as a district or a historically related complex.

The site is just outside the Lakeside District and on the edge of an area of Downtown containing several surface parking lots, government buildings, and a mix of modem and turn of the century commercial and residential buildings.

KEY ISSUES AND IMPACTS

The appeal is based on the following grounds:

- The proposed variances for setback and parking are inconsistent with the zoning code and, therefore, the project does not meet the criteria for an exemption under CEQA;
- Staff and the Planning Commission have not sufficiently addressed the project's impact on neighborhood parking;
- The project's design, scale, mass, and lack of setback may cause a substantial adverse change in the immediate surroundings of the Lakeside Apartment District and the Madison Street Temple, and the City, therefore, cannot exempt the project from CEQA and must require the developer to prepare an Environmental Impact Report;
- The decision **of** the Planning Commission depended on an inaccurate and inadequate analysis of the impact of the proposal on the historic significance on the District and the Madison Street Temple; and
- The Planning Commission abused its discretion by not sufficiently making the findings for the variances and conditional use permits.

This section will review each of these issues and provide the reasons why the Planning Commission acted appropriately in its decision **to** approve the project.

Variances consistency with Zoning Code and CEOA Exemption

The CEQA Guidelines lists projects that qualify as exemptions from environmental review. The Planning Commission found that the project falls under the exemptions listed in Sections 15332 and 15280 of the State CEQA Guidelines. Section 15332 of the Guidelines states that projects characterized as in-fill development meeting certain conditions are exempt from environmental review, One of the criteria for exemption under Section 15332 is that "the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations". Similarly one of the exemptions under Section 15280 is that a project "...is consistent with the local zoning **as** it existed on the date the project application was deemed complete, unless the zoning is inconsistent with the general plan

because the city, county, or city and county has not rezoned the property to bring it into consistency with the general plan."

The appellant is arguing that the required variances for parking, parking dimension and setback make the project inconsistent with the Zoning Ordinance, and, therefore, are not eligible for an exemption from the CEQA process. However, a variance does not imply inconsistency because the Zoning Ordinance contains language that allows **a** variance if a project meets certain findings. The Planning Commission decided that the project met these findings and is, therefore, consistent with the Zoning Ordinance. Attachment C, the September 3, 2003 Planning Commission Staff Report, contains a detailed rationale behind approval of each variance and how the project meets all the findings required to approve the project.

Parking

The appeal states that:

> "The project proponents must work within the environmental constraints existing in the neighborhood they have chosen for this project. While perhaps they 'cannot be held responsible for existing parking shortfalls in the neighborhood, if any...' (staff report at 10-ll), they also must address rather than ignore the realities of the cumulative area parking, and the categorical exemption cannot rely on mitigation measures."

However, the courts have decided that unmet parking demand, in and of itself, is not considered to be an environmental impact under CEQA. A recent Court of Appeal decision held that parking is not part of the permanent physical environment and parking conditions change over time as people change their travel patterns. Therefore, the court decided that unmet parking demand created by a project need not be considered a significant environmental effect under CEQA unless it would cause significant secondary effects. Therefore, a lack of parking is not a significant impact on the environment and the categorical exemption does not rely on mitigation measures.

Even if parking were considered an environmental impact under CEQA, the proposed parking supply will meet the project's parking demand. The proposed conditions of approval require:

- Contracting with the City CarShare program to provide at least one CarShare vehicle on a curb outside the development;
- A City CarShare orientation for all new residents to assist them in joining the program.
- Implementing a tenant selection plan that gives preference to applicants who do not own cars;
- Daytime space sharing. This plan would designate spaces that would be available during the day due to residents with cars commuting to work and make them available to employees at the site;

- Providing an on-site transit kiosk that would provide transit maps and schedules, information on how to use AC Transit's online trip planner, and announcements for ride-sharing and car pooling; and

With these conditions, staff believes the project's parking demand and supply will be balance because:

- The proposal is approximately a third and .425 of a mile from the Lake Memtt and the City Center BART Stations, respectively. This is within the half a mile area considered an ''Easy Walk" to a BART Station by the recently adopted BART Transit Oriented Development Guidelines (June 2003);
- The proposal is next to several AC Transit Lines;
- Tenants eligible for living at the development would be less likely to own cars due to their limited income;
- Twenty-two of the units are studios, reducing the possible number of tenants at the development and thereby the number of cars.

Further, a parking study determined that the proposed parking supply will meet the proposal's projected parking demand. The study, prepared by DKS Associates (see Attachment C), determined the probable parking demand of the proposal by analyzing the parking demand at three affordable housing sites in Oakland: The Frank G. Mar Building at 1220 Harrison Street, Hisman Hin Nu Terrace at 2555 International Boulevard, and Kenneth Henry Court at 6455 Foothill Boulevard. The study found that these developments demanded .71 spaces per unit compared to the project's .67 spaces per unit. The study also stated that it is reasonable to expect that parking space demand for the subject project would be further reduced to approximately .65 per unit due to the project's service enriched component, its proximity to BART and AC Transit lines, access to City Car Share, and the owner's parking management plan.

The proposal's location on an existing surface parking is not a relevant factor in impacting the area's cumulative parking supply because the lot in question is privately owned and operated and not in control of the City. These parking spaces, therefore, are not considered part of the area's permanent parking supply because they can be removed from the site at any time. These spaces also do not provide any required parking through long term leases or other permit conditions. Further, Policy D6.1 of the General Plan (Developing Vacant Lots) encourages development on surface parking lots in downtown. Therefore, the parking spaces on the private lot cannot be considered part of the permanent parking supply because the General Plan anticipates—and encourages—their removal.

Finally, site constraints preclude more parking than that proposed. Locating additional parking on the second floor or below ground is an impractical solution on this small site because providing the necessary ramps would remove a substantial amount of floor area from these levels, leaving little area for any additional parking spaces. Additional parking on the ground floor would require reducing the commercial space. However, reducing the commercial space would contradict General Plan policies to place pedestrian scale commercial activities on the ground floor of

buildings in Downtown to activate the street and provide for commercial activities where people live and work (see the "General Plan Analysis" section of the attached September 3, 2003 Staff Report to the Planning Commission).

Approval of this project is one of many decisions the City of Oakland has made during the past five years to manage parking in the Central Business District and promote the City's "Transit First" policy. These efforts have been furthered through encouraging the use of mass transit, bicycling, and pedestrian transportation; creating commercial services close to residential neighborhoods; implementing parking space sharing plans; utilizing the services of City CarShare; and other methods. These policies do not imply that new development should be allowed to create an undue burden on surrounding neighborhoods, only that City policies should control the demand of parking and parking spaces should be used more efficiently.

Setbacks

As mentioned, neither the front nor the rear setbacks conform to the requirements of the Zoning Ordinance. The ground floor level covers nearly the entire lot because this is the space required to contain both parking and commercial space. Staff and the Planning Commission made the findings allowing the proposed setback variances for the following reasons:

- Above the first story, the proposal steps from the property line 22'-8" on the northern, 5'-0" on the Southern, and ***6'-6"*** western, and 6'-0" on the eastern sides of the building.
- The commercial space should not be reduced because it is an important policy of the General Plan to place pedestrian scale commercial activities on the ground floor of buildings in Downtown to activate the street;
- The impact on the neighborhood of further reducing parking would outweigh the benefit of increased setbacks;
- Full lot coverage is consistent with Downtown's historic development pattern; and
- The setback variance does not include the side of the property facing the Madison Street Temple. Regardless, the second story of the project sets back 22'-8" from the northern property line, providing a significant buffer for the Madison Street Temple.
- The rear yard variance would be adjacent to an office building and a dry cleaners; the construction of the building to the property lines will have minimal effect on the commercial activities taking place at these sites.
- The purpose of the front yard setback requirement is to provide an area in front of the property for buffering from the street and landscaping. This is achieved through the widening and provision of grass strips and street trees on the sidewalk at the front of the property.

Impact on the Madison Street Temule

The appellant states that there is substantial evidence that the project's design, scale, mass and lack of setback may cause a substantial adverse change in the immediate surroundings of the Lakeside Apartment District and the Madison Street Temple. Under state law, a project that

creates substantial adverse change in the significance of an historical resource cannot be exempt from CEQA. Section 15064.5 states that substantial adverse change "means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired". According to this same section, "The significance of an historical resource is materially impaired when a project …Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance *and* that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources."

A cultural resources consultant hired by the applicant has assessed the project in *two* analyses contained in letters dated August 8,2003 and October 15,2003, respectively (see Attachments D and E). These analyses determined that the project will not demolish or materially alter in an adverse manner those physical characteristics that convey its historic significance because:

- The proposal would not visually overwhelm the Temple because of the separation between the buildings (see "Background" section of this report);
- The proposed construction to the property lines is appropriate given the urban setting of the site;
- The proposed 22'-8" upper story setback from the property line facing the Temple reduces view impacts on the Temple to a less than significant level;
- The most significant shadow impact on the Temple would be in the late afternoon (around 3:00 PM depending on the time of year) until sunset, when shadows would be cast across the parking lot and onto the Temple. The consultant states that the proposed project would cast shadows onto the three large, arched stained glass windows depicting Scottish Rite symbols on the faqade of the Temple facing the proposal, partially blocking sunlight from entering this area of the building in late afternoon until sunset. These arched windows, identical windows on the opposite faqade, and eight suspended ceiling lamps illuminate the interior "Red Room," a large two-story Gothic-styled **rooms.** The consultant states that this is not a significant impact on the Temple because these late afternoon shadows would not substantially preclude the overall use and enjoyment of the facility and would not block sunlight from penetrating the facility during other portions of the day, or on other sides of the building, including identical windows on the opposite elevation, or three circular windows on the elevation facing Madison Street.
- The contrast of the proposal's modem design would allow the Temple's Mission Revival design to remain distinct.
- The consultant also states that if the following methods are utilized in the construction of the proposal, the structural integrity of the Temple would not be affected:

    1) Utilize drilled piers for foundation construction efforts. This method, combined with the distance from the resource, would have no discernable vibration impact.

2) If drilled piers are infeasible, pile driving methods can be utilized if the following conditions are met: a) a historic preservation architect would prepare an existing conditions report of the Islamic Cultural Center to determine baseline conditions prior to construction, and determine an acceptable vibration threshold; b) attach vibration monitoring equipment to the Center during foundation construction efforts. c) periodically monitor vibrations and inspect the historic resource. Construction should cease if vibration levels are detected above the established threshold, or if damage is found when compared to baseline conditions.

3) Route heavy construction equipment including large trucks away **from** Madison Street.

The Planning Commission included these construction methods as conditions of approval. The consultant further found that:

1) The physical characteristics of the building and its historical association with the Scottish Rite are what makes it eligible for the register; and
2) Because of the reasons stated above, the project neither demolishes nor materially alters in an adverse manner those physical characteristics **of** the Temple that convey its historical significance; and
3) The project does not impact the building's historic association with the Scottish Rite.

Due to these three reasons, the consultant found that the proposal would not affect the Temple's eligibility for the Register.

The Planning Commission and staff, in consultation with the City's Cultural Heritage Survey, concurs with the findings of the consultant. Note also that though shadows would be cast on the Temple and views of the Temple would be affected by the proposal, any substantial construction on the empty lot would have these impacts. In fact, future development could have had a greater impact because the proposed construction above the ground level is significantly farther away **from** the interior side lot line than is required by the Zoning Ordinance.

Impact on the Lakeside Apartment District

As mentioned, the Lakeside Apartment District is an historic neighborhood adjacent to the site. Staff agrees with the consultant that the proposed project would not demolish or materially alter in an adverse manner those physical characteristics of the District that convey its historical significance for the following reasons:

- The relatively small size of the project compared to the size of the District minimizes its impact;
- The project would only be visible from about 5 out of **27** buildings that contribute to the historic significance of the neighborhood;

- The lack of setback onto the sidewalk and the residential nature of the project are consistent with buildings in the District; and
- The contrast of the project's modem design would highlight the older style buildings in the neighborhood and give the District a distinct boundary.

Staff further agrees with the analysis contained in the October 15, 2003 addendum analysis (see Attachment E) that:

> "After completion of the Madison Lofts project, the district would continue to convey its historic significance as 'one of Oakland's best concentrations of medium-scale early 20" century apartment buildings' (City of Oakland, 1983). As such, the proposed project would not have a substantial effect on the district's setting such that it would no longer be eligible for listing in ***the National Register, California Register*** or as a local landmark, and would not constitute a significant impact under CEQA."

Accuracy and adequacy of analysis

The September 10, 2003 appeal incorporates a letter from Susan Brandt-Hawley that, in turn, references a September 2, 2003 from Anna Naruta to Neil Gray (see Attachment F) that identifies alleged inaccuracies and inadequacies in the City's analysis of potential impacts to the Lakeside Apartment District and the Temple. This section reviews the items identified in the September 2, 2003 letter and addresses their merit and relevancy. Note that although Ms. Naruta, a Ph.D. candidate at the University of California at Berkeley Department of Anthropology, wrote the letter under the letterhead of that Department, she and her Department have made clear that the opinions stated in the letter are her own, not those of either the Department or the University.

The September 2nd letter cites several instances where Ms. Naruta disagreed with the identification of various directions in the August 8, 2003 historic resources analysis written by Brad Brewster of Carey & Company (see Attachment D). For instance, the report states that uses across Madison Street are to the south of the project site while Ms. Naruta states that the activities are to the east. The October 15, 2003 letter from Brad Brewster to Mark Garrell states that the differences in directions are a result of normalization of directions for clarification and ease of reading. Attachment E contains a more detailed explanation of this issue. Regardless, the context of the analysis makes clear what locations are being identified. For example, in the instance above, the reader does not need to depend on the direction because consultant states that the location is "across Madison Street".

The September 2nd letter also cites that the August 8th letter misidentifies the construction date of the Oakland Public Library and the height of the Madison Street Temple. The letter contained in Attachment E concedes that error but states that this has no bearing on the conclusions of his report. Staff concurs with the consultant and would add that this error is immaterial because the

appellants have never argued that the Library is impacted by the proposal and the library is outside the Lakeside Apartment District.

The Naruta letter also disagreed with the August 8 letter's characterization of the Temple's height and mass and the front yard setback pattern of the surrounding neighborhood. Please see Attachment E (the October 15,2003 letter from the historic resources consultant) for the rebuttal of these items.

In short, the historic analysis used as the basis for concluding that the project will result in a less than significant impact on historic resources is adequate and immaterial inaccuracies have been corrected for the record.

Abuse of discretion

The final basis of the appeal is that the Planning Commission abused its discretion by not sufficiently making the findings required for approval of the variances and conditional use permits. Staff believes that the Planning Commission made sufficient finding to approve the project. These findings are contained in Attachment C, the September 3, 2003 staff report presented to the Commission.

SUSTAINABLE OPPORTUNITIES

Providing housing within walking distance to two BART Stations will increase transit use, thus easing region wide car congestion, and improving air quality. Also, as conditioned, the design, location and maintenance of recycling collection and storage areas will 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 will be provided for each dwelling unit and for each 1,000 square feet of commercial space.

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.

RECOMMENDED CITY COUNCIL ACTION

To adopt a resolution rejecting the appeal of the Islamic Cultural Center against the decision of the City Planning Commission in approving the application of Affordable Housing Associates to build an eight story building to contain ground floor commercial space, a "service enriched" housing facility, and 76 affordable housing units at 1601 14^{th} Street.

ALTERNATIVE CITY COUNCIL ACTION

The City Council may consider at least three other options for action on this appeal:

1. To affirm the Planning Commission decision with additional conditions of approval;
2. Reverse the Planning Commission's approval, deny the conditional use permit, variance, and design review applications, and refer the project back to the Planning Commission for a new application demonstrating that the concerns of the appellants have been addressed; or
3. Continue action on the appeal pending further information or refer the project back to the Planning Commission.

Respectfully submitted,

Claudia Cappio, Development Director

Prepared by:
Neil Gray, Planner III
Planning & Zoning

APPROVED AND FORWARDED TO THE
CITY COUNCIL:

OFFICE OF THE CITY MANAGER

Attachments:

A. Project Plans
B. Appeal, including letter to Planning Commission from Susan Brandt Hawley incorporated into the appeal.
C. September 3,2003 staff report to the Planning Commission,
D. August 8,2003 letter from Brad Brewster **of** Carey & Co., Inc. to Mark Garrell containing an analysis of the proposal's impact on historic resources.
E. October 15,2003 letter from Brad Brewster of Carey & Co., Inc. to Mark Garrell containing an addendum analysis of the proposal's impact on historic resources.

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F. September 2,2003 letter from Anna Naruta to Neil Gray regarding the project (on U.C. Berkeley Letterhead).
G. Response from Anna Naruta regarding use of U.C. Letterhead.
H. Other Letters

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ **C.M.S.**

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION DENYING THE APPEAL OF THE PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT, VARIANCE, AND DESIGN REVIEW APPLICATION FOR AFFORDABLE HOUSING ASSOCIATES TO BUILD AN EIGHT STORY BUILDING TO CONTAIN GROUND FLOOR COMMERCIAL SPACE, A "SERVICE ENRICHED' HOUSING FACILITY, AND 76 AFFORDABLE HOUSING UNITS AT 160 14TH STREET.

WHEREAS, on or about May 22, 2003, Affordable Housing Associates ("Applicant") filed an application for a major conditional use permit, variance permits, and design review to build an eight story building to contain ground floor commercial space, a "service enriched" housing facility, and 76 affordable housing units at 160 14" Street; and

WHEREAS, on June 25, 2003 the Design Review Committee of the Planning Commission, after a duly and properly noticed public hearing, reviewed and considered the design of the project; and

WHEREAS, on September 3, 2003 the Planning Commission, after a duly and properly noticed public hearing, independently reviewed and considered staffs proposed environmental determination, and the proposed Design Review, Variance Permits, and Major Conditional Use Permit Applications for the project. At the conclusion of the public hearing held for the matter, the Commission (1) determined that the project was exempt from CEQA pursuant to CEQA Guidelines § 1.5332 (Infill Development) and § 15280 (Lower-Income Housing Projects); (2) determined that none of the exceptions to any such exemption applied and that the project would not have significant environmental effects; (3) reviewed and considered the proposed project, made certain findings, and based thereon, voted to approve the project by a vote of 7-0; and

WHEREAS, on or about September 12, 2003 an appeal of the project's approval by the Planning Commission ("Appeal") was lodged with the City by the Islamic Cultural Center ("Appellant"); and

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

WHEREAS, the public hearing on the Appeal was closed by the City Council on November 18,2003; and

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WHEREAS, the City Council independently reviewed the proposed environmental determination for the project and determined that the project was exempt from CEQA pursuant to CEQA Guidelines § 15332 (Infill Development) and § 15280 (Lower-Income Housing Projects), that none of the exceptions to any such exemption applied and that the project would not have significant environmental effects; and

WHEREAS, the City Council has reviewed and considered the findings and conclusions of the Planning Commission in connection with its approval of the project and hereby adopts such findings as set forth fully herein;

Now, Therefore, Be It :

RESOLVED: The requirements of the California Environmental Quality Act (CEQA) of 1970, the CEQA Guidelines and the City of Oakland's environmental review requirements, have been satisfied, and, in accordance the adoption of this resolution and City actions approving this project are exempt from CEQA under Section 15332 (Infill Development) and Section 15280 (Lower-Income Housing Projects) of the State CEQA Guidelines;

FURTHER RESOLVED: That, the City Council, having heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the application, the City Planning Commission's decision, and the Appeal, finds that the Appellant has **not** shown, by reliance on evidence in the record before the City Planning Commission (or evidence otherwise contained in the record)that the City Planning Commission's decision was made in error, that there was an abuse of discretion by the Commission or that the Commission's decision was made in error, that supported by substantial evidence in the record based on the September 3, 2003 staff report to the City Planning Commission and the November 18, 2003 Agenda Report hereby incorporated by reference as if fully set forth herein. Accordingly, the Appeal is denied, the Planning Commission's CEQA findings and decision are upheld and the Project is approved, subject to the findings and conditions of approval attached to the Agenda Report for this item prepared for the City Council meeting of November 18,2003.

FURTHER RESOLVED: That, in support of the City Council's decision to approve the Project, the City Council affirms and adopts the September 3, 2003 Staff Report to the Planning Commission (including the findings contained therein) as well as the November 18, 2003 City Council Agenda Report except where otherwise expressly stated in this Resolution.

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

1. the application, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. the notice of appeal and all accompanying statements and materials;
4. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation and all

related/supporting final materials, and all final notices relating to the application and attendant hearings;

5. all oral and written evidence received by the City Planning Commission and City Council during the public hearings on the application and appeal; and all written evidence received by relevant City Staff before and during the public hearings on the application and appeal;
6. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, Oakland Fire Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

FURTHER RESOLVED: That, the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, 2nd floor, Oakland CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA.

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

In Council, Oakland, California, November 18, 2003

PASSED BY THE FOLLOWING VOTE:

AYES-

NOES

ABSENT-

ABSTENTION-

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

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ORA/COUNCIL

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PROJECT DATA

FLOOR LEVEL	NUMBER OF RESIDENTIAL UNITS	PARKING STALLS	RETAIL AREA	SOCIAL SERVICE/ COMMERCIAL AREAS	RESIDENTIAL COMMUNITY AREA	RESIDENTIAL AREA	OPEN SPACE AREA (CODE COMPLIANT)	GROSS AREA
1 (GROUND FLOOR)	9	51 OFF-STREET + 1 CAR SHARE	2,659 NSF (RETAIL)					13,578 GSF INT 672 GSF EXT
2 (PODIUM LEVEL)	5			2,908 NSF	927 NSF	2,250 NSF	2,940 NSF GROUP 2,118 NSF PRIVATE	8,725 GSF INT. 5,427 GSF EXT
3-7	12 PER FLOOR= 60 TOTAL				192 NSF/FLR x 5 FLRS = 960 NSF	7,367 NSF/FLR x 5 FLRS = 36,835 NSF		9,805 GSF INT 110 GSF EXT.
8	11				172 SF	7,089 NSF	276 NSF GROUP	9,425 GSF INT. 490 GSF EXT.
TOTAL	76	51 OFF-STREET + 1 CAR SHARE	2,659 NSF	2,908 NSF	2,059 NSF	46,264 NSF	5,333 NSF TOTAL (5,125 NSF REQUIRED)	80,754 GSF INT. + 7,139 GSF EXT. 87,893 GSF TOTAL

ADDRESS: 190 14th STREET @ MADISON

APN: 006-0626-005-01

LOT AREA: 150' X 95' = 14,250 SF

GROSS BUILDING AREA: (Per 17.09.040)
67,803 GSF Total
-7,775 NSF Parking
-5,486 NSF Open Space
74,863 GSF

F.A.R. PROVISIONS:

F.A.R. PROPOSED: 74,863 / 14,250 = 6.34
(Per 17.09.040)

F.A.R. ALLOWABLE: 7 + 10% ON CORNER LOT
(Per 17.32.150)

RESIDENTIAL DENSITY PROVISIONS:

RESIDENTIAL DENSITY PROPOSED: 76 Units

RESIDENTIAL DENSITY ALLOWED:
(Per 17.32.140):
1 Residential Unit per 150 sf of Lot Area + 10% for corner lot.
14,250 sf / 150 sf = 95 Units Allowed + 9.5 units = 104.5 units

OPEN SPACE PROVISIONS:

OPEN SPACE PROVIDED: (Per 17.09.050)
3,218 sf allowable Group Open Space
2,115 sf allowable Private Open Space
5,333 sf total Open Space Provided

OPEN SPACE REQUIRED: (Per 17.09.050)
54 Units x 75sf / Unit = 4,050
22 Studio Units x 50sf / Unit = 1,100
5,150 SF Required

CAR PARKING PROVISIONS:

RESIDENTIAL PARKING REQUIRED:
54 Units x 1 Car /Unit = 59 Off-Street Spaces Required
16 Service Enriched Units & 2/3/unit/unit = 12 spaces
3 Service Enriched Staff = 1 space

RETAIL PARKING REQUIRED:
2,659sf Retail x 1car/500sf = 3 spaces

COMMERCIAL PARKING REQUIRED:
Not required for Commercial Area less than 10,000sf

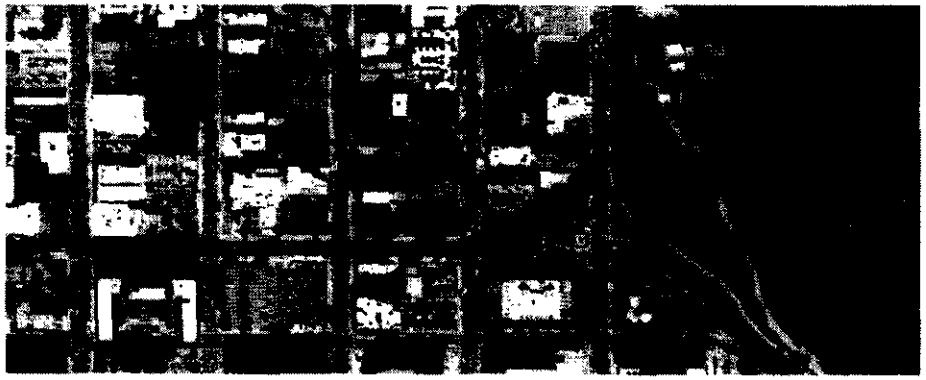
PARKING PROVIDED:
51 Off-Street Space Provided + 1 Proposed On-Street Car Share Space

LOADING BERTH PROVISIONS:

RESIDENTIAL LOADING REQUIRED:
1 Berth Required for 50,000sf - 149,999sf.

COMMERCIAL LOADING REQUIRED:
Not Required Less than 10,000sf

MADISON STREET



14TH STREET

PROJECT SITE

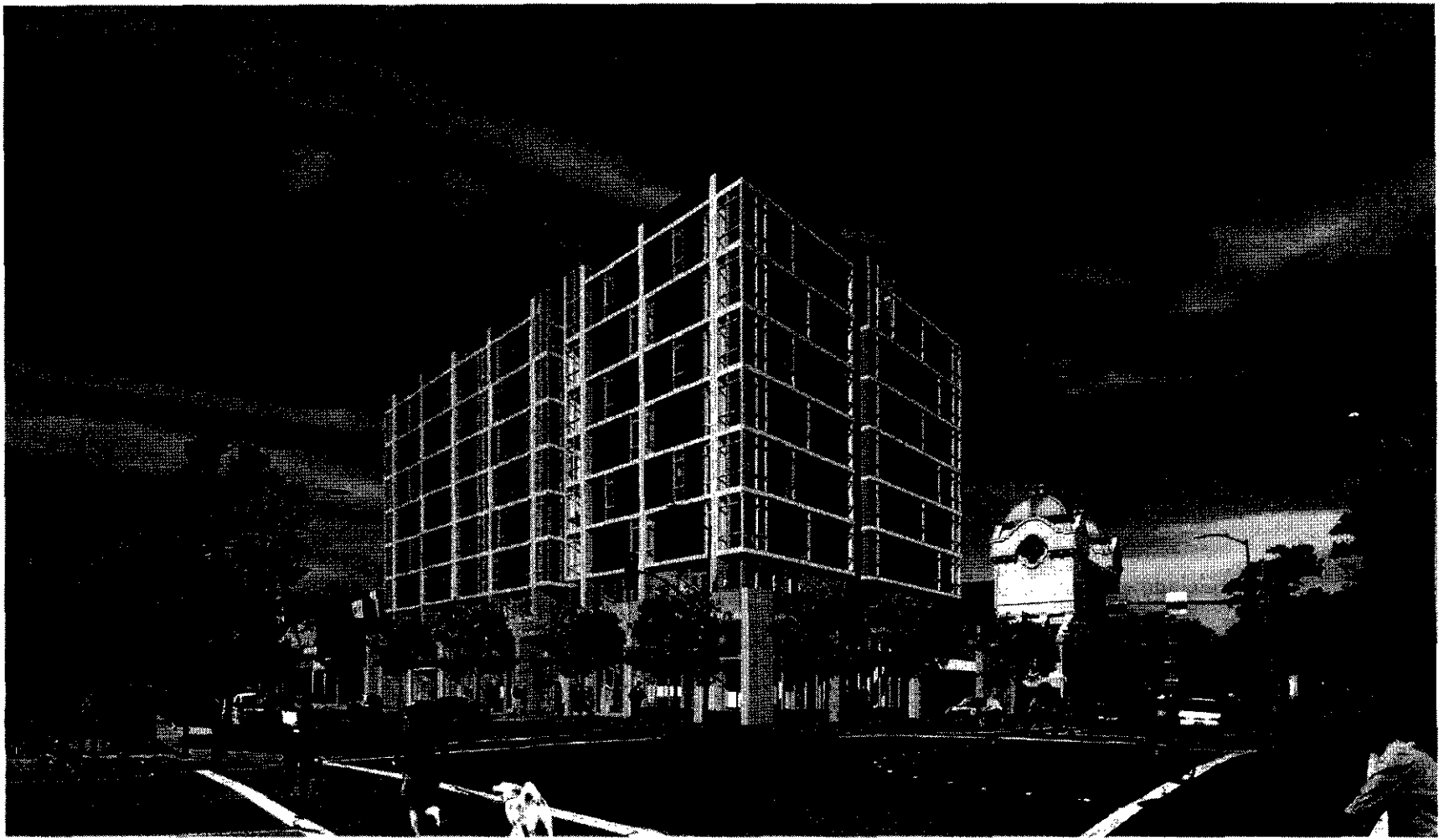
ORA/COUNCIL
NOV 18 2003
14.4

LEDDY MAYTUM STACY ARCHITECTS
877 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

AIA

MADISON & 14TH ST.

PLANNING SUBMISSION - 09.03.03

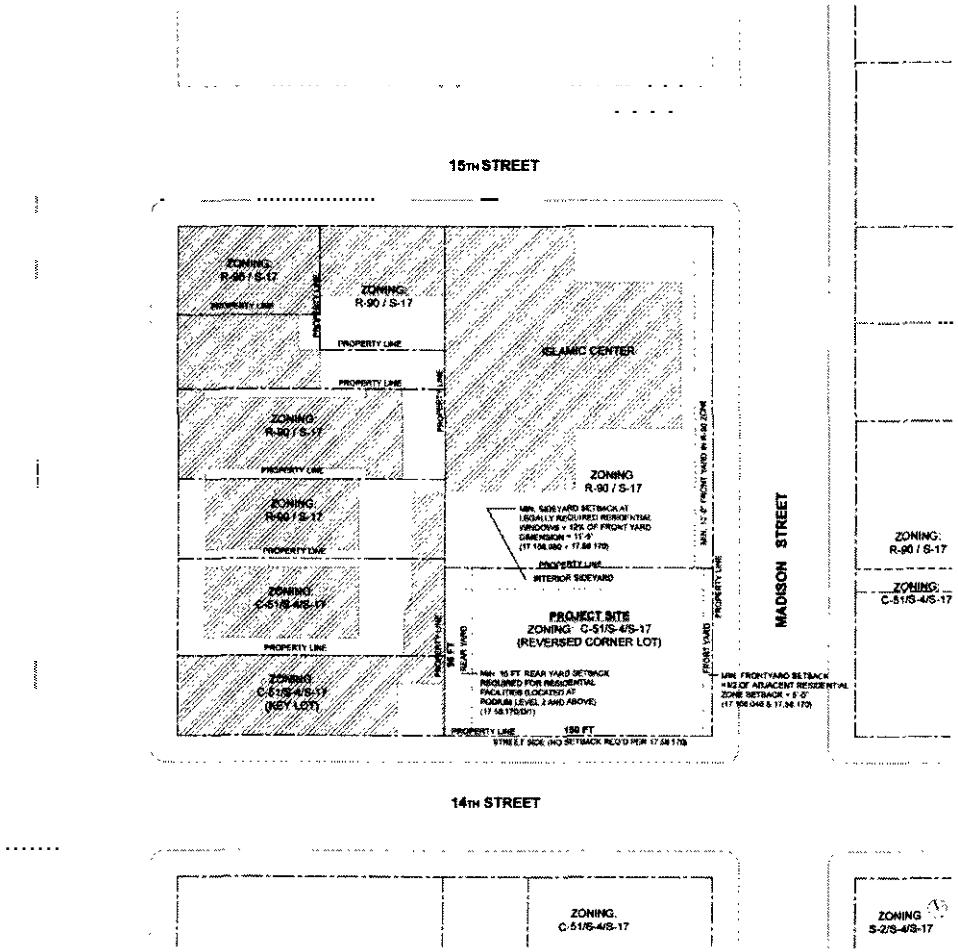


PERSPECTIVE : 14TH ST. & MADISON

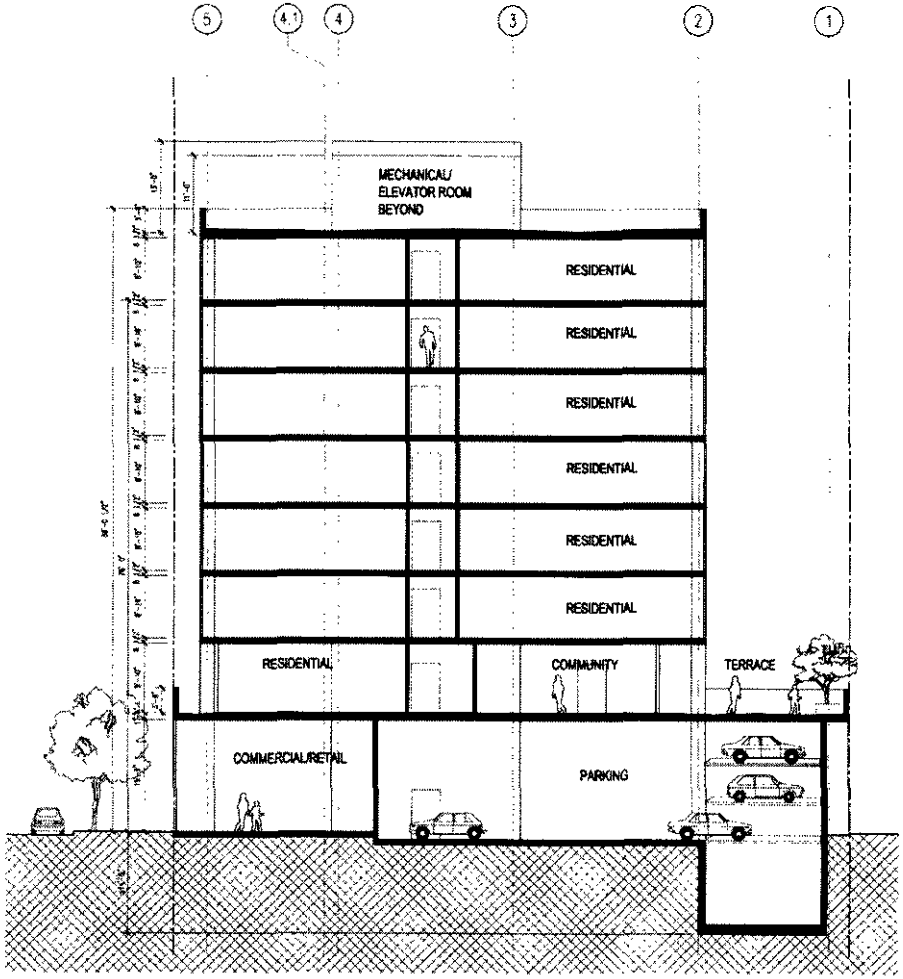
LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

MADISON & 14TH ST.

09.03.03



SITE &ZONING PLAN



NORTH -SOUTH BUILDING SECTION

8' 0 8' 16'

LEDDY MAYTUM STACY ARCHITECTS
877 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

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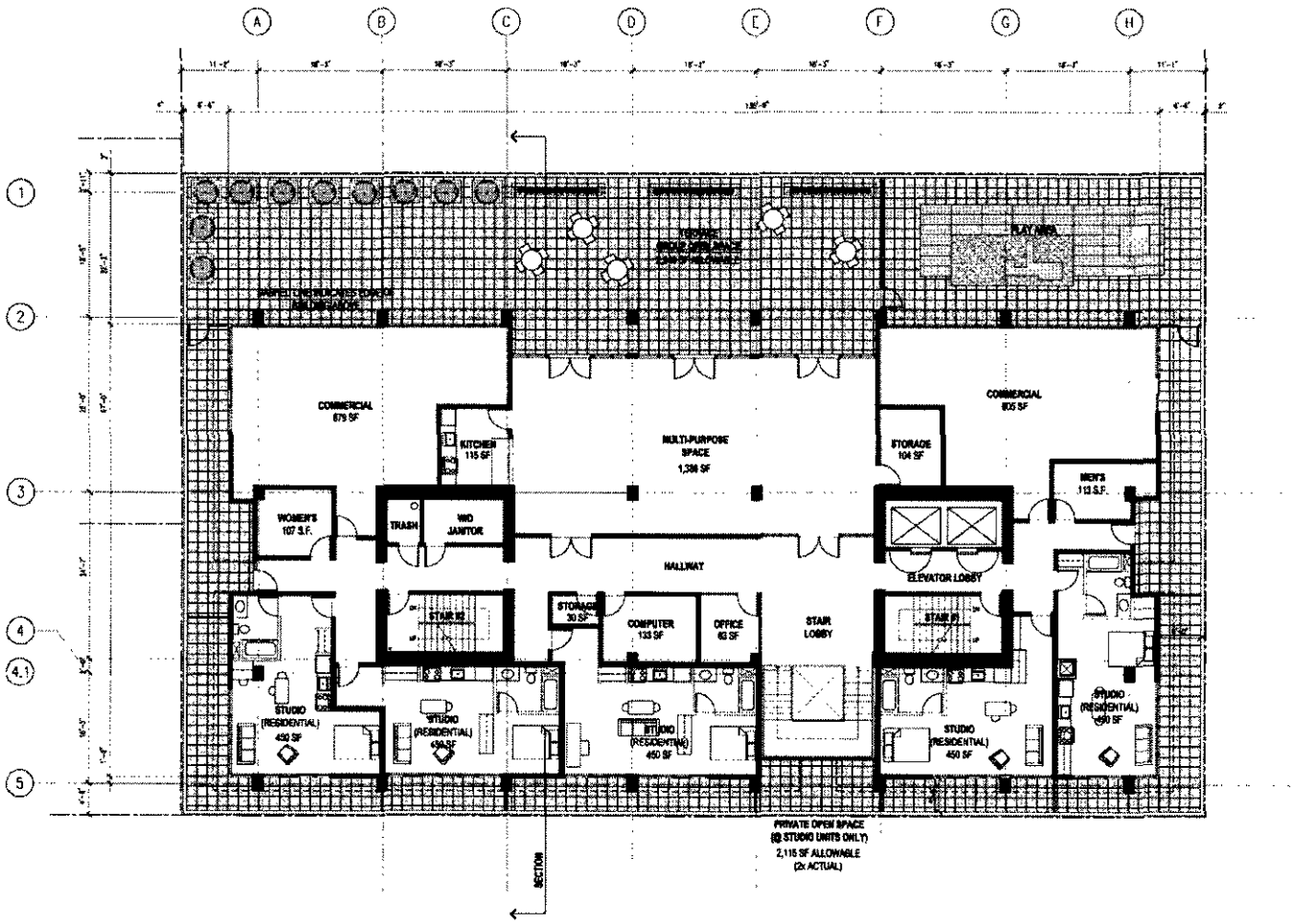
MADISON & 14TH ST.

09.03.03 SCALE : AS NOTED



PODIUM FLOOR PLAN

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
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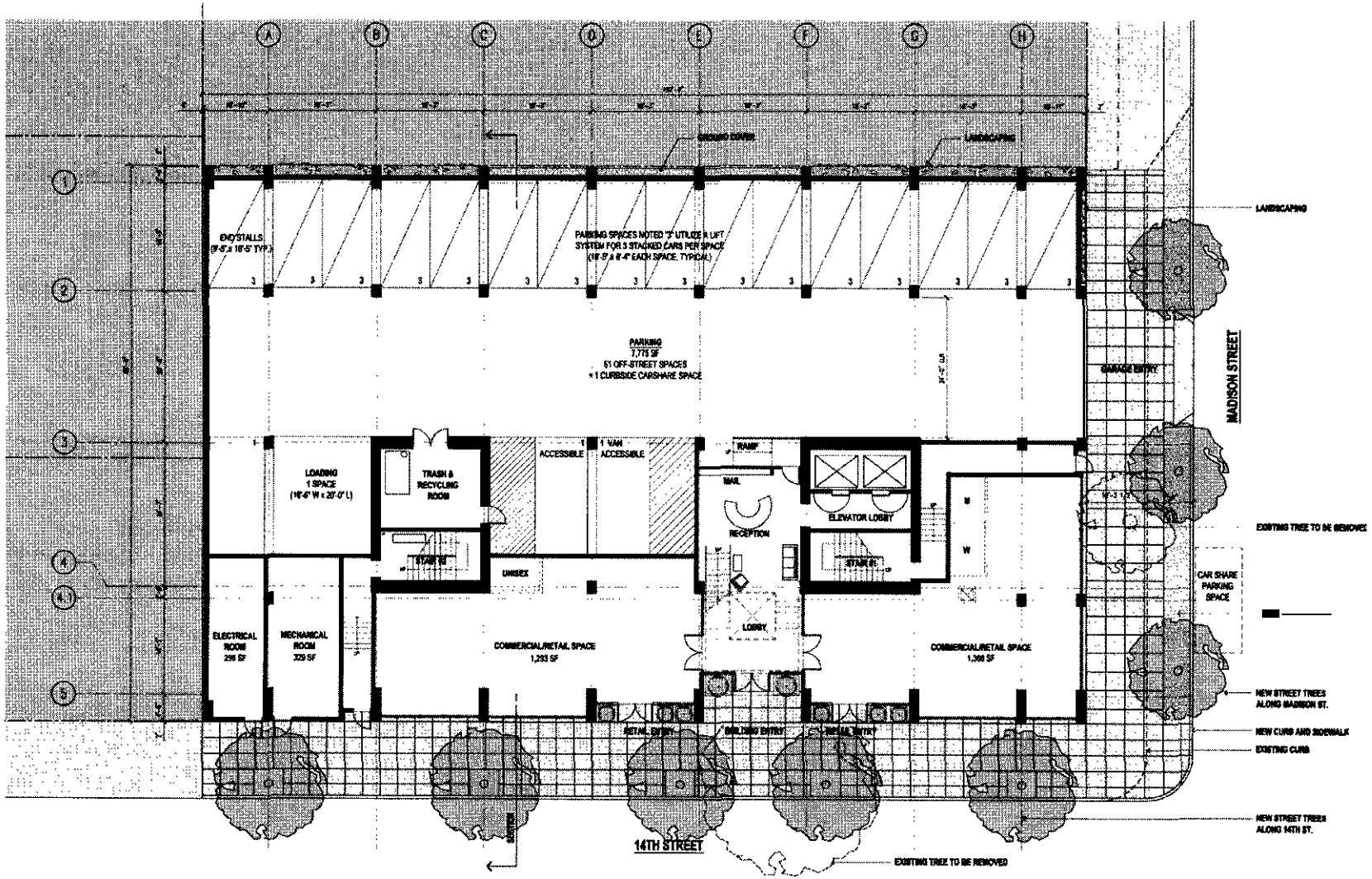
MADISON & 14TH ST

09.03.03



GROUND FLOOR PLAN (1ST LEVEL)

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

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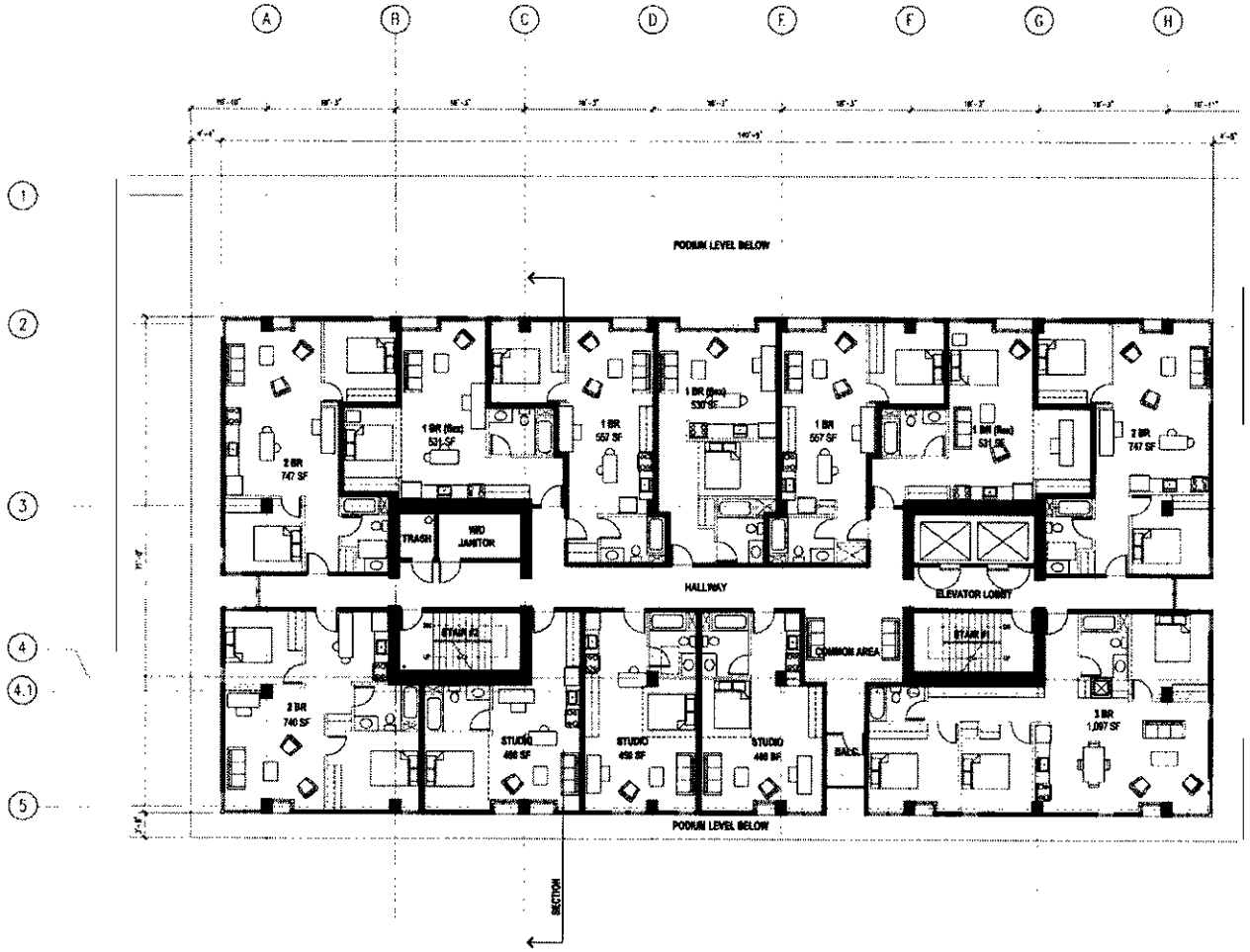
N PUN

MADISON & 14TH ST.

09.03.03

8' 0 8' 16'



TYPICAL FLOOR PLAN (LEVELS 3-7)

LEDDY MAYTUM STACY
677 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

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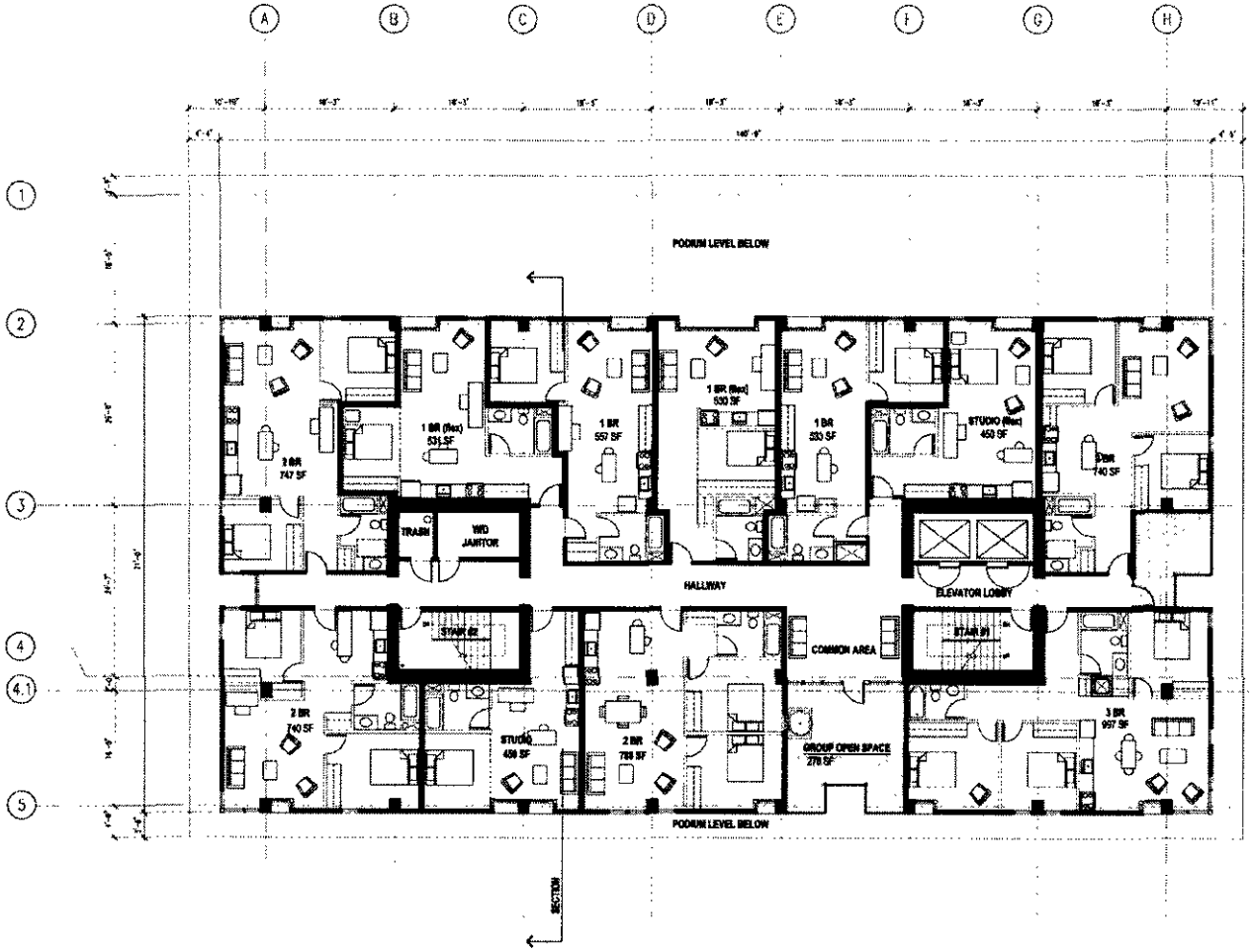
N PLAN

MADISON & 14TH ST.

09.03.03

8' 0 8' 16'



TOP FLOOR PLAN (8TH LEVEL)

LEDDY MAYTUM STACY
677 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

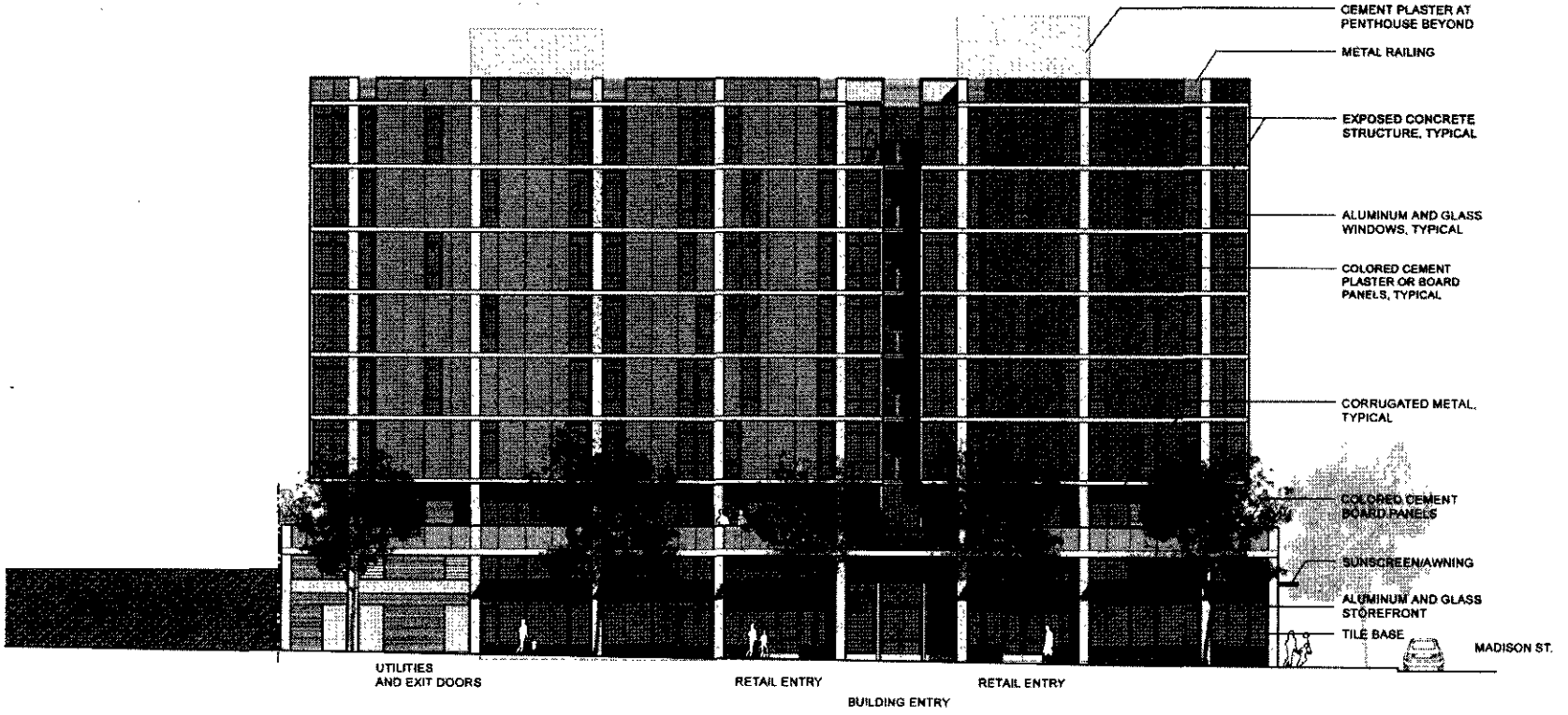
AIA

N PLAN

MADISON & 14TH ST.

09.03.03

4' 0 8' 12'



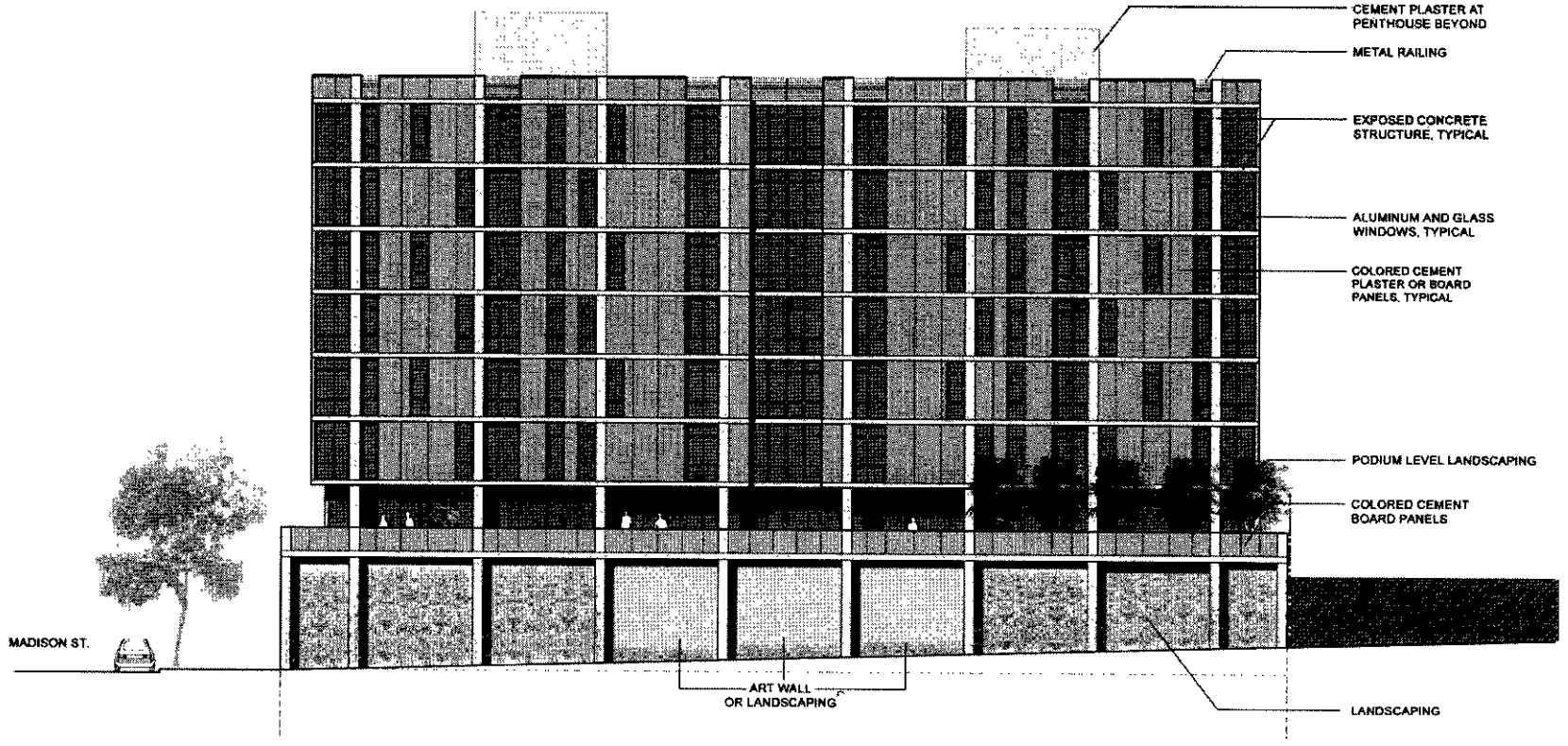
14TH STREET FACADE:
BUILDING ENTRY

MADISON & 14TH ST.

09.03.03

8' 0 8' 16'

LEDDY
677 HARRISON S
SAN FRANCISCO
T 415 495 1700
F 415 495 1717



N.E. PROPERTY LINE FACADE

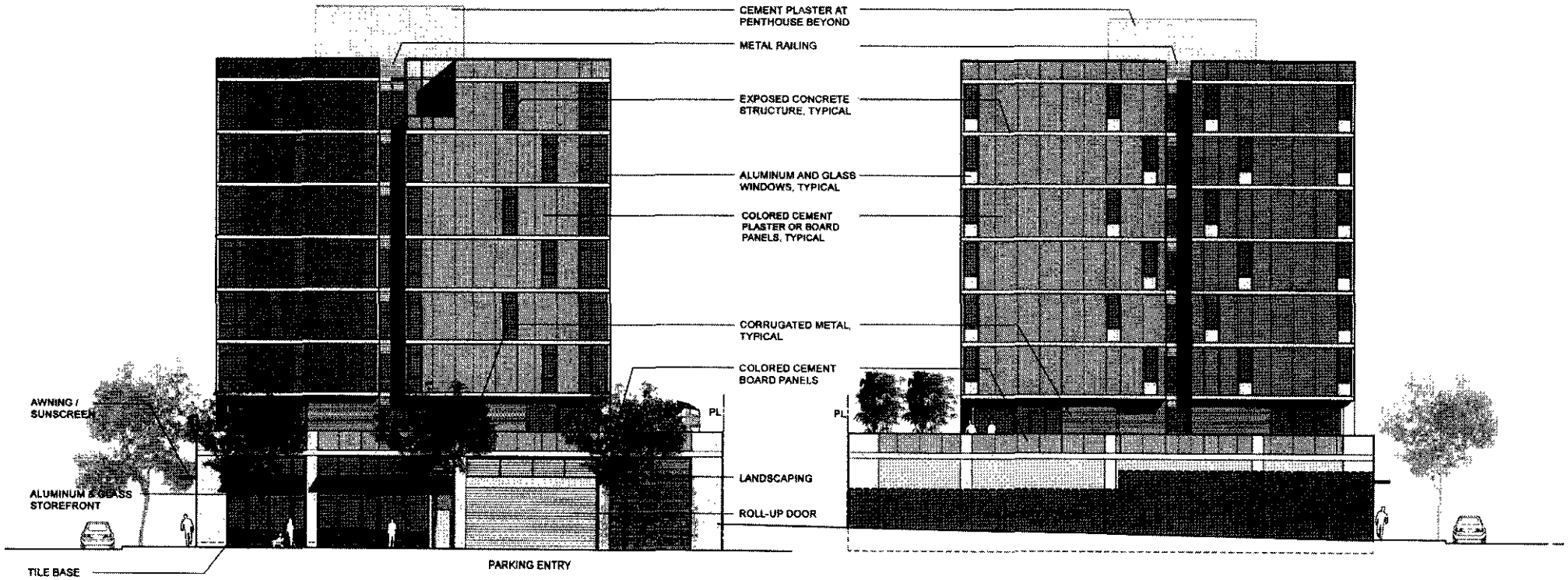
LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1717

AIA

MADISON & 14TH ST.

09.03.03

8' 0 8' 16



MADISON STREET FACADE

N.W. PROPERTY LINE FACADE

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

MADISON & 14TH ST.

09.03.03

8' 0 8' 16

MADISON STREET FACADE

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
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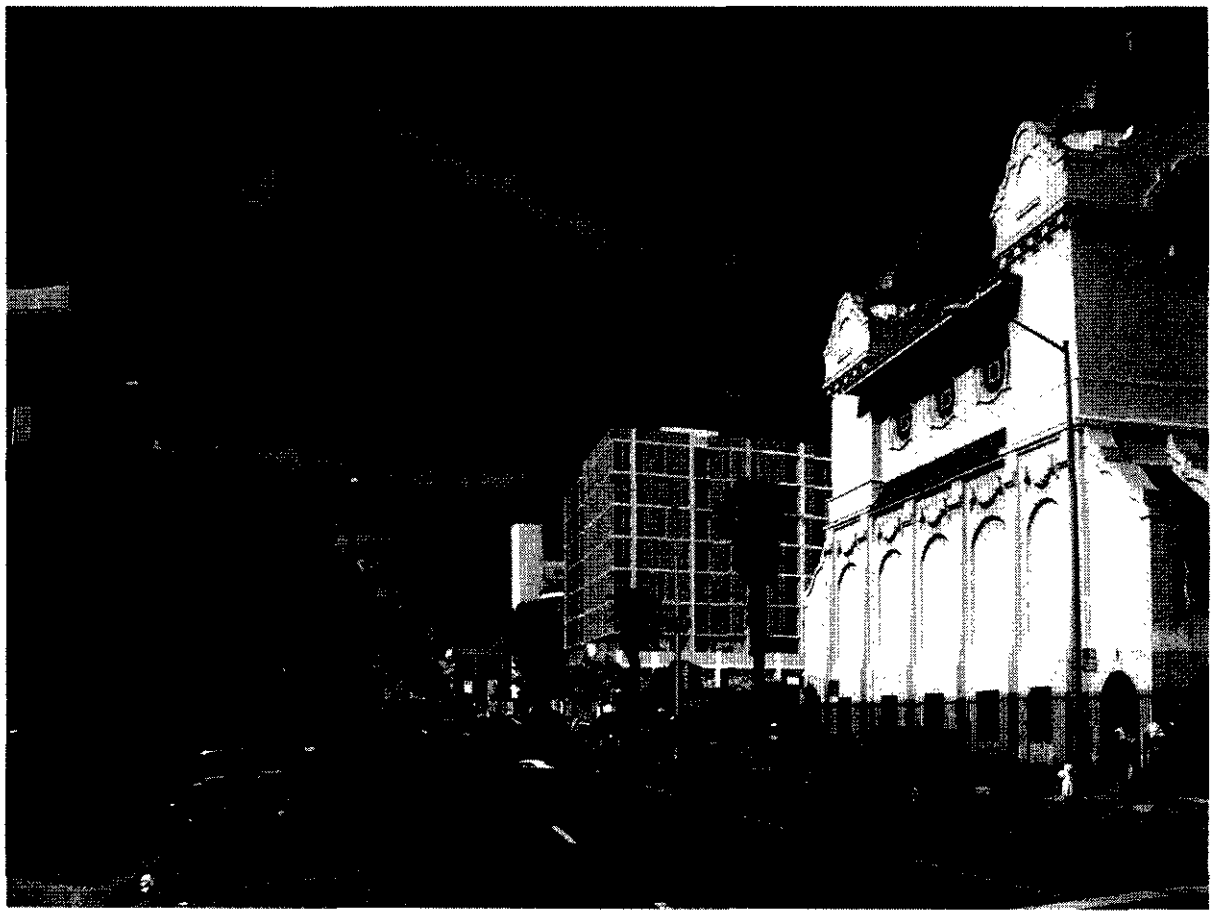
MADISON & 14TH ST.

09.03.03

8' 0 8' 16'

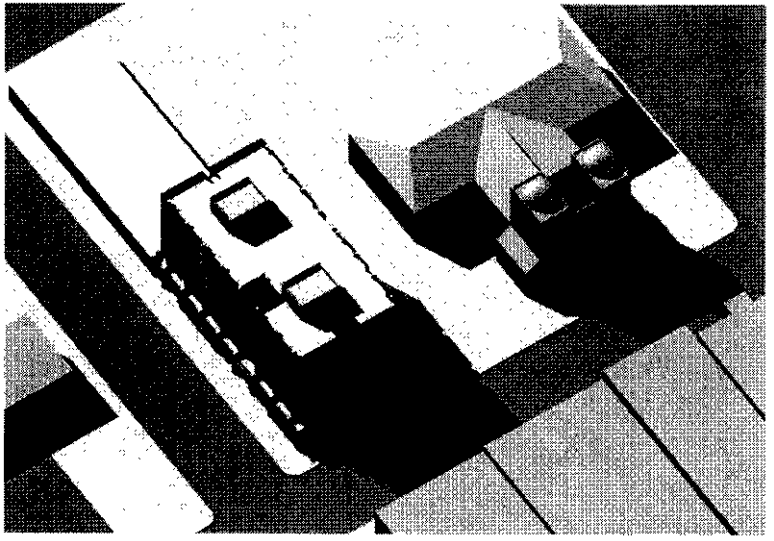


PERSPECTIVE : VIEW FROM MADISON ST.

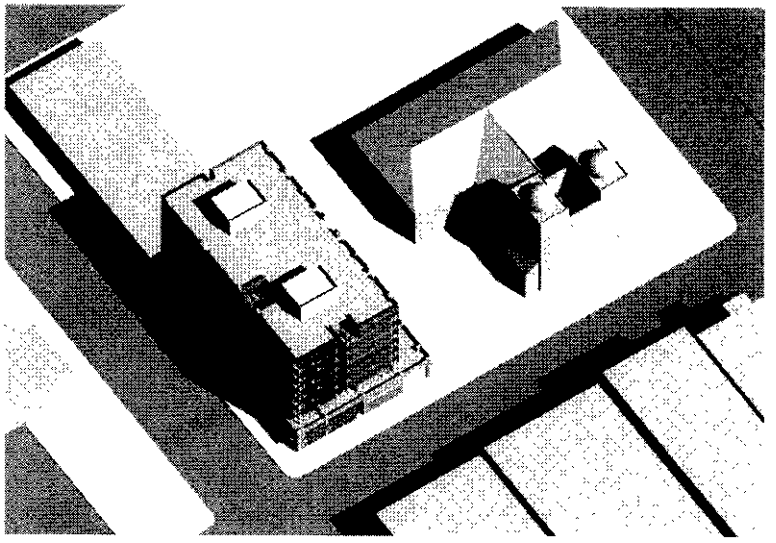
LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

MADISON & 14TH ST.

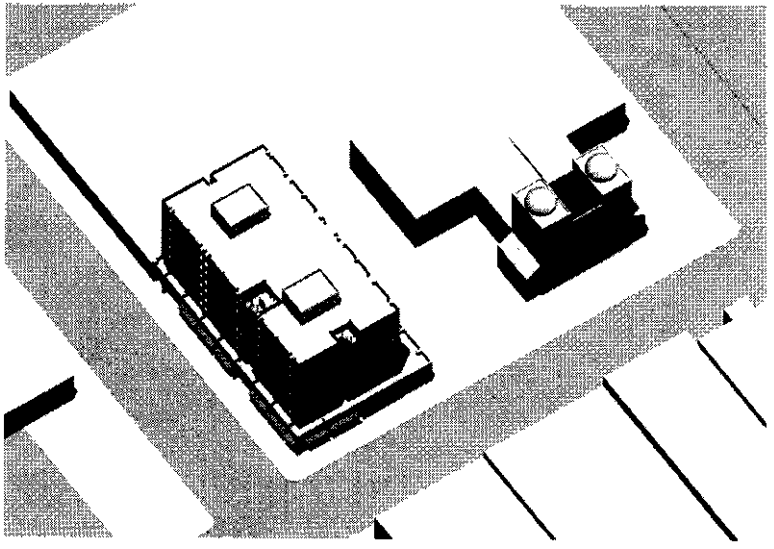
09.03.03



JUNE - 4 PM



JUNE - 9 AM



JUNE - NOON

SHADOW STUDY
JUNE

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO, CA 94107
T 415 495 1700
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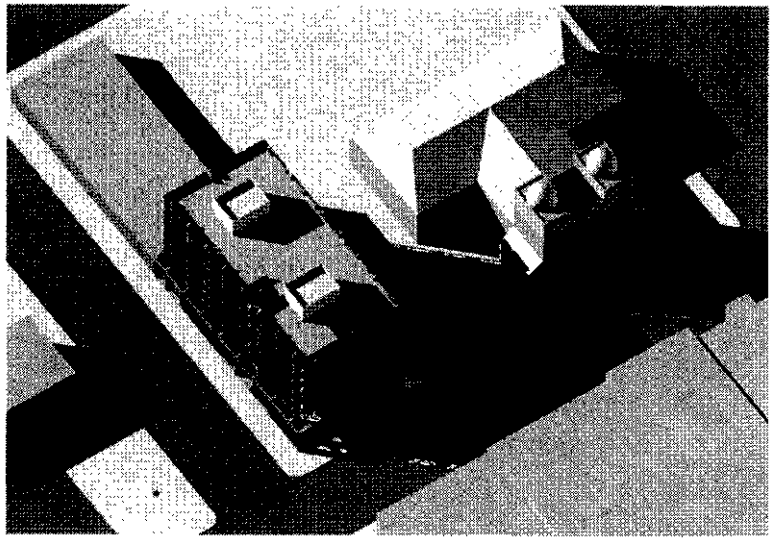
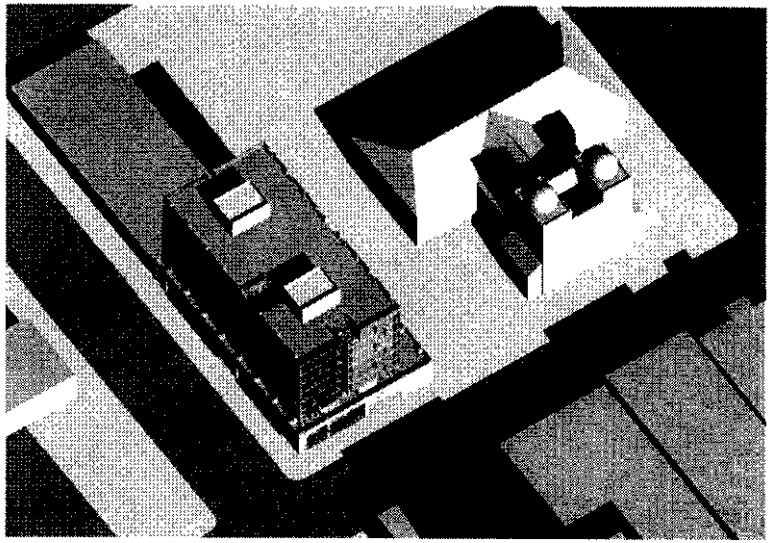
MADISON & 14TH ST.

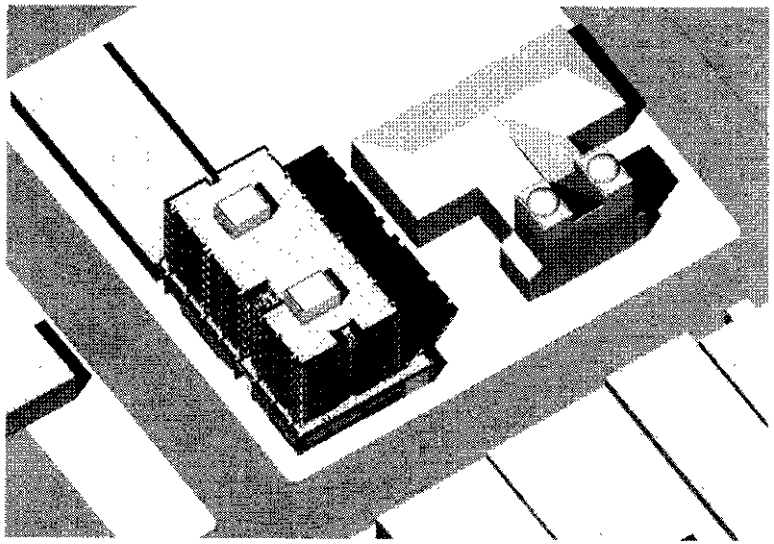
09.03.03



SEPTEMBER / MARCH - 4 PM



SEPTEMBER / MARCH - 9 AM



SEPTEMBER / MARCH - NOON

SHADOW STUDY
SEPTEMBER / MARCH

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
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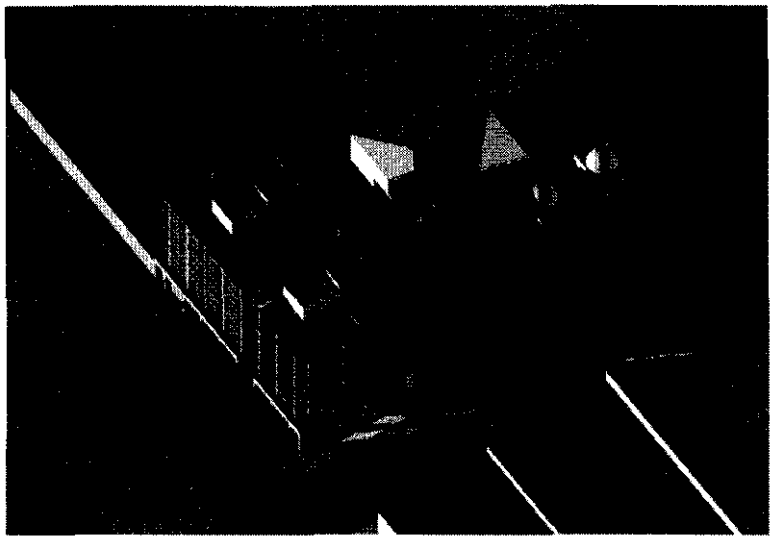
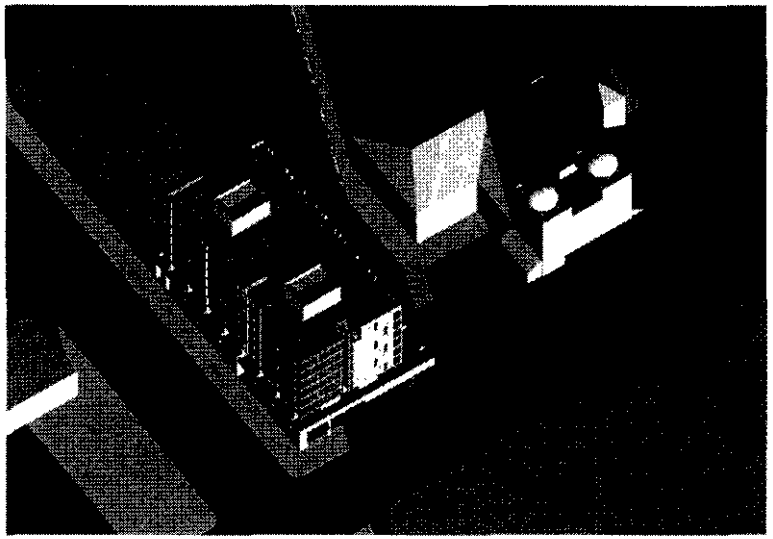
MADISON & 14TH ST.

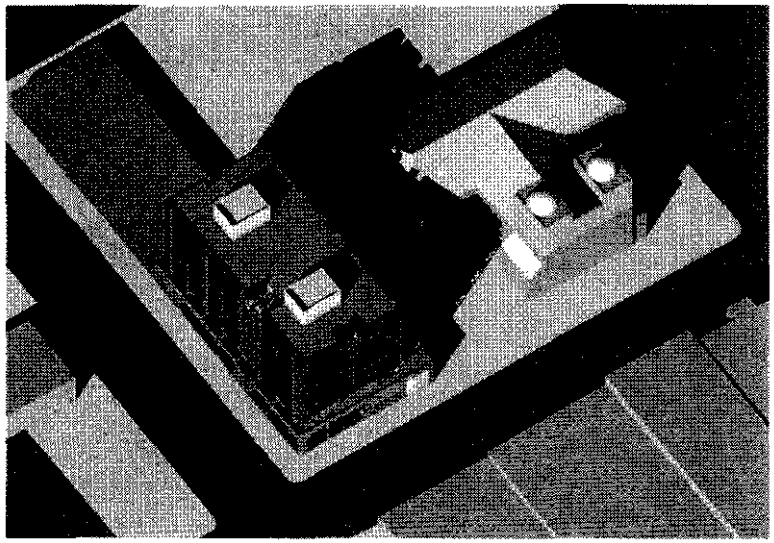
09.03.03



DECEMBER - 4 PM



DECEMBER - 9 AM



DECEMBER - NOON

SHADOW STUDY
DECEMBER

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

AIA

MADISON & 14TH ST.

09.03.03

Attachment B

Appeal with letter to Planning Commission from Susan Brandt Hawley incorporated into the appeal.

Community and Economic Development Agency

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

(REVISED 8/14/02)

PROJECT INFORMATION

Case No. of Appealed Project: CMDV03-230

Project Address of Appealed Project: 160 14th St.

APPELLANT INFORMATION

Printed Name: Islamic Cultural Center Phone Number: (707) 544-7277 - contact #

Mailing Address: 1433 Madison St. Alternate Contact Number:

City/Zip Code Oakland, CA 94612 Representing: Self

President of ICCNC is Mr. Jabbari Kazem - he is at above contact number

An appeal is hereby submitted on:

☐ *AN* **ADMINISTRATIVE DECISION (TO THE CITY PLANNING COMMISSION)**

YOU MUST INDICATE ALL THAT APPLY:

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

Pursuant to the Oakland Municipal and Planning Codes listed below:

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

☐ **A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL)** ☐ Granting an application to: **OR** ☐ Denying an application to:

Grant Major and Minor CUPS; Minor Variances and adopt CEQA exemptions.

Further, the Planning Commission rejected the request for an EIR.

(continued on reverse)

(Continued)

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

YOU MUST INDICATE ALL THAT APPLY

Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☐ Major Conditional Use Permit (OPC Sec. 17.134.070)
- ☐ Major Variance (OPC Sec. 17.148.070)
- ☐ Design Review (OPC Sec. 17.136.090)
- ☐ Tentative Map (OMC Sec. 16.32.090)
- ☐ Planned Unit Development (OPC Sec. 17.140.070)
- ☐ Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- ☐ Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- ☐ Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- ☐ Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- ☒ Other (please specify) Improper use of CEQA exemptions and failure to obtain an EIR despite substantial evidence supporting "fair argument."

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

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

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

See Attached. Also, see attached letter dated Sevtember 3, 2003 from the law firm, Brandt-Hawley Law Group.

☐ **Supporting Evidence or Documents Attached.** *(The appellant must submit all supporting evidence along with this Appeal Form.)* Appellants are relying upon the documents currently currently in the record and all documents admissible Under CEQA and presented to the City Council

Greg Kaltenbaugh ICCNC President — 09-10-03

Signature of Appellant or Representative of Appealing Organization — **Date**

Below For Staff Use Only

Date/Time Received Stamp Below: — **Cashier's Receipt Stamp Below:**

8/14/02

1. None of the findings by the City supporting granting of the application were supported under the Oakland Zoning Code or under CEQA. Specifically, the Planning Commission abused its discretion by finding:

   a. That the project's location, size, design and operating characteristics will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;

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

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

   d. That the proposed project conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070; and

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

2. The Planning Commission abused its discretion with respect to granting the variances. Specifically,

   a. Strict compliance with the specified regulations would not result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographical circumstances or conditions of design;

   b. Strict compliance with the specified regulations would not preclude an effect design solution improving livability, or operations efficiency, or appearance;

   c. Strict compliance with the regulations would not deprive the applicant of privileges enjoyed by owners of similarly zoned property;

   d. Strict compliance with the regulations would not preclude an effective design solution fulfilling the basic intent of the applicable regulation;

   e. The variance, if granted will adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area and will be detrimental to the public welfare or contrary to adopted plans or development policy.

3. The Planning Commission abused its discretion regarding its CEQA findings I the following specific ways:

    a. The Planning Commission should have required the City to obtain an EIR;

    b. The Planning Commission should not have approved the use of excemptions;

    c. The Planning Commission's decisions were not supported by the record.

4. Appellant incorporates the attached letter from Susan Brandt-Hawley.

BRANDT-HAWLEY LAW GROUP
Enviroomment/Preservation

Susan Brandt-Hawley
Anne Cottrell

Chauvet House PO Box 1659
Glen Ellen, California 95442

Legal Assistants
Sara Hews
Shannen Jones

Law Clerk
Rachel Howlett

September 3, 2003

Chairman Clinton Killian and Commissioners
Oakland Planning Commission
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612

Re: Case File Number CMDV03-230
Agenda Item 7
160 14* Street

Dear Chairman Killian and Members of the Planning Commission:

On behalf of a group of Oakland residents, I am writing to request *that* the Commission require the preparation of an Environmental Impact Report (EIR) prior to its consideration of approval of the above-referenced project. By way of introduction, om law practice focuses on historic preservation cases throughout California. Among the cases we have handled under the California Environmental Quality Act (CEQA) are ***Friends of*** *Sierra* ***Madre*** *v. City* ***of Sierra Madre (2001)*** *25* Cal.4th 165; ***League for Protection of Oakland's Historic etc. Resources v. City of Oakland*** (1997) 52 Cal.App.4th 896; ***Stanislaus Natural Heritage Project*** *v.* ***County*** *of Stanislaus* (1996) 48 Cal.App.4th 182; ***Galante Vineyards v. Monterey Peninsula County Water Management*** *District* (1997) 60 Cal.App.4th 1109; and ***Sierra Club v. County of*** *Sonoma* (1992) 6 Cal.App.4th 1307.

The proposed CEQA exemptions for this project under Guideline sections 15280 and 15332 for infill and lower-income housing projects are not appropriate for a few different reasons. First, the project is significantly inconsistent with setback and parking requirements of the zoning code as it existed on the date the project application was complete. Approving variances to the setback requirements does not fairly meet the exemption criterion, nor is there any allowance in the City's zoning ordinance for approval of this project with a 23-parking space shortfall in an area already impacted by inadequate parking.

(Guideline § 15280(b)(2).) The project proponents must work within the environmental constraints existing in the neighborhood they have chosen for this project. While perhaps they "cannot be held responsible for existing parking shortfalls in the neighborhood, if any. .." (staff report at 10-11), they also must address rather than ignore the realities of the cumulative area parking, and the categorical exemption cannot rely on mitigation measures.

The administrative record also includes substantial evidence that the project's design, scale, mass, and lack of setback may cause a substantial adverse change in the immediate surroundings of the Lakeside Apartments District and the Madison Street Islamic Temple, an historic resource rating an "A" on the Cultural Heritage Survey. (Staff Report at 9.) As explained in a letter to the City from Anna Naruta, an expert in historic urban built environments who has carefully reviewed the project in the context of its historic setting, the City's environmental analysis of potential impacts to the District and the Temple is inadequate and inaccurate. Ms. Naruta offers a well-researched opinion to the effect that the historic significance of City resources may be materially impaired by the proposed project. Under CEQA Guideline sections 15280(b)(7) and 15300.2(f), which this Commission must consider under the "fair argument" standard of review deferential to those advocating preparation of an EIR, the proposed exemptions are thus unlawful. *(Dunn-Edwards Corporation v. Bay Area Air Quality Management District* (1992) 9 Cal.App.4th 644.) A dispute among experts triggers EIR preparation. (Guideline § 15064*(g).)*

Preparation of an EIR will simply give this Commission the objective information it needs regarding project impacts and feasible mitigation measures and alternatives, so that it will be well-equipped to avoid jeopardizing the integrity of the Madison Street Islamic Temple and the Lakeside Apartments District.

Thank you very much for your consideration.

Sincerely,

Susan Brandt-Hawley

cc: Planner Neil Gray

Attachment C

September 3,2003 staff report to the Planning Commission

Case File Number: CMDV03-230 **September 3,2003**

Location:	1601 14th St. (APN 008-0628-005-01)
Proposal:	To construct an eight story building to contain ground floor commercial space, a "service enriched" housing facility, and 76 affordable housing units.
Owner/Applicant:	Affordable Housing Associates
Planning Permits **Required:**	Major Conditional Use Permit for a service enriched housing facility; Minor Conditional Use Permit for reduction of loading berth dimension (45'-0" long; 20'-0" long proposed); Minor Variance for number of parking spaces (68 required; 51 proposed); Minor Variance for front setback (5'-0" required; 0'-0" proposed); Minor Variance for rear setback (15'-0" required; 0'-0" proposed); Minor Variance for parking dimension (8'-6" width required; 8'-4" proposed) and Design Review for the construction of more than three units on a lot in the C-51 Zone and a new structure in the S-4 Zone.
General Plan:	Central Business District
zoning:	C-51, Central Business District Zone; S-4, Design Review Combining Zone; and S-17, Downtown Residential Open Space Combining Zone.
Environmental Determination:	Exempt, Section 15332, In-Fill Development and 15280, Lower-Income Housing Projects, State CEQA Guidelines.
Historic status:	Not a Potentially Designated Historic Property (PDHP); survey rating: NA. Adjacent to a Designated Historic Property (the site of the Islamic Cultural Center).
Service Delivery District:	I – central District
City Council District:	2
For further information:	Contact case planner Neil Gray at (510)238-3878.

SUMMARY

The proposed eight story building would be located at the corner of 14th and Madison Street in Downtown Oakland. 76 residential units would be located above a bottom level containing retail space, a lobby, and parking. The second level of the building would contain a multi-purpose mom and offices for community and social service workers. The residential units would be available for households earning up to 60 percent of the County's median income; 18 of the units would be reserved for persons at-risk of homelessness.

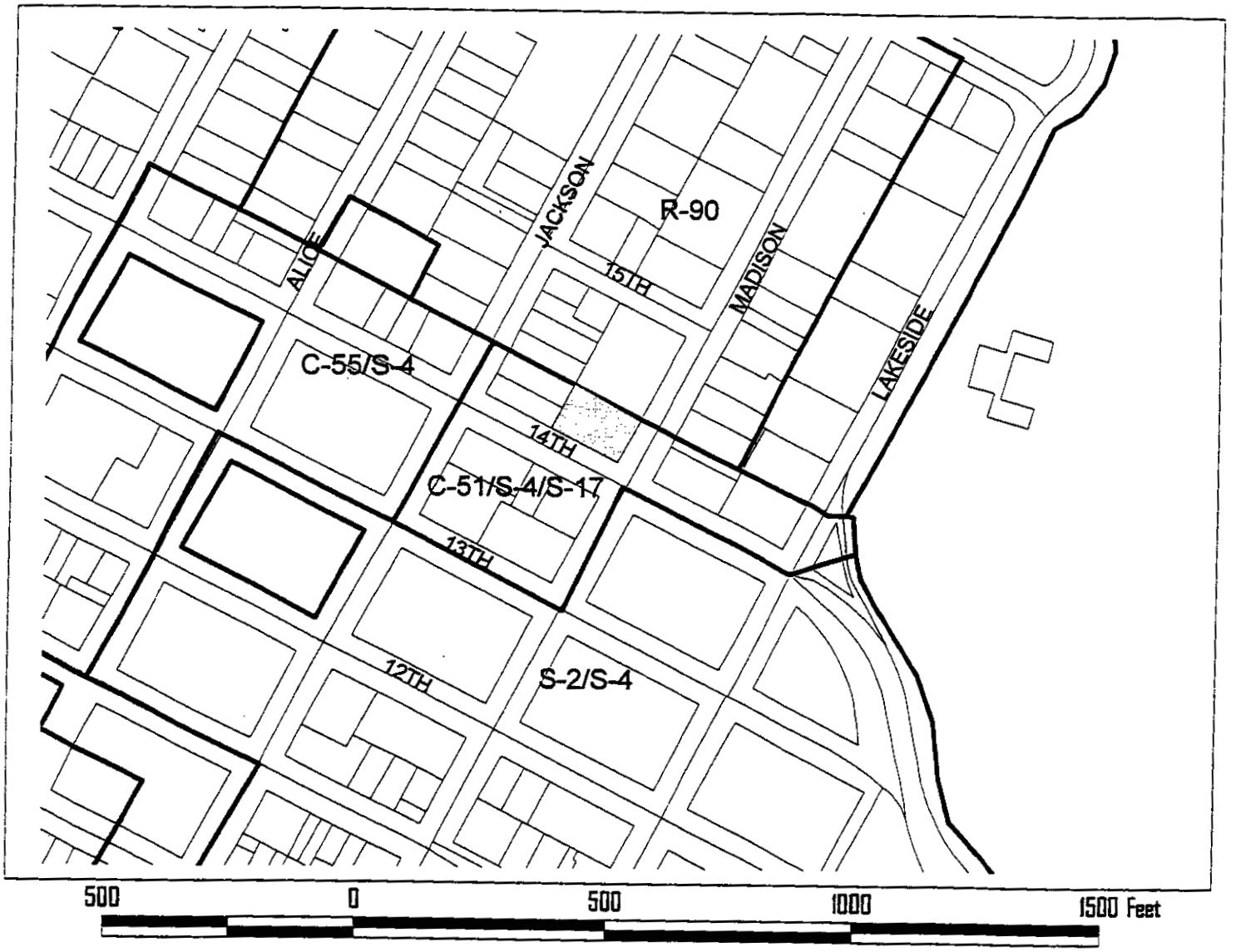
Like other buildings with a modern architectural design, the building would have an efficient, box shape design with consistent floor plates. As conditioned, the architect successfully reduces the mass created by this shape and produces visual interest by separating the building into smaller design elements through the use of a variety of window recesses, sizes, and placement; contrasting colors; colored panels; and exposed structural elements criss-crossing the façade.

Other than design, the Design Review Committee, Community members, and staff identified following key issues and impacts:

- Thesizeofunits;
- Sufficiency of the parking supply;
- Appropriateness of the proposed setbacks;
- The proposal's impact on the Madison Street Temple;
- Condition of the soil and groundwater site; and
- The proposed management plan.

As conditioned, the applicant has addressed each of these issues. Therefore, staff recommends approval of the proposal.

CITY OF OAKLAND PLANNING COMMISSION



Case File: **CMDV03-230**
Applicant: **Affordable Housing Associates**
Address: **60 14th Street**
Zone: **C-51 / S-4 / S-17**

PROJECT DESCRIPTION

The proposed eight story building would consist of 2,666 square feet of ground floor retail space, 76 residential units, and 51 ground level parking spaces. The building would be approximately 88'-0" to top of a parapet, not including two 11'-0" tall rooftop mechanical rooms. The residential units would be available for households earning up to 60 percent of the County's median income; 18 of the units would be reserved for special needs persons that are at-risk of homelessness. The units are designed for working artists and people with home businesses.

The second floor of the facility contains five 450 square foot residential units, *two* commercial spaces, an office space for a full time social service coordinator for the special needs residents, other office spaces, and a 1,386 square foot multi-purpose room. This floor would function as a community and social service center providing cultural, educational, and counseling services to the residents of the building and the surrounding community. The second story steps back from the first story approximately 22'-8" on the northern, 5'-0" on the southern, and 6'-6" western, and 6'-0" on the eastern sides of the building. This step back creates a group terrace area on the northern side and private open spaces on the other sides of the second floor.

Floors three through seven each contain 12 residential units; the top floor contains 11 units and 278 square feet of group open space. The units range in size from 450 to 1,097 square feet. Twenty-two of the units are considered "efficiency units" by the Zoning Ordinance because they have an area of less *than* 500 square feet.

A structured parking area would be located behind the retail space on the ground floor and utilize a lift system for stacking three levels of cars. A City CarShare service parking space is proposed to be located on the curb outside the building.

The building's rectangular shape, flat surfaces, consistent floor plates, and functional design give the building a modern style. The building would have aluminum and glass windows that reach from the ceiling to the floor of each story. Alternating window locations on each floor are proposed to bring visual interest and variety to the façade. The surface of the building between the windows would either be colored cement board panels with exposed fasteners or cement plaster. Exposed concrete structural components would criss-cross the building. The ground floor storefront would have a tile base and 12'-0" tall aluminum and glass windows under an aluminum canopy.

NEIGHBORHOOD AND PROPERTY DESCRIPTION

The 14,250 square foot site, currently a parking lot, is located at the northwestern comer of 14th and Madison Streets, a heavily trafficked downtown intersection approximately six blocks east of City Hall. The site to the north is considered a designated historic property (DHP) with a survey rating of "A" from the City's Cultural Heritage Survey office. According to the Historic Preservation Element of the *General* Plan, "A" ratings are the *survey's* highest rating and given to "properties of exceptional historical or architectural value which are clearly eligible individually for the National Register of Historic Places". This neighboring site has historic significance because it contains the Madison Street Temple, a building constructed in 1909 that is considered an excellent example of Mission Revival architecture. Also, the building is the original headquarters of Oakland's Scottish Rite, one of the City's leading fraternal organizations. The proposed project would be separated from the Temple between approximately 43 to 73 feet at the ground floor and 67 to 97 feet above the ground floor by a parking lot and pedestrian path. Stained glass windows would face the proposed building. The headquarters of the Islamic Cultural Center of Northern California is currently located in the in the building.

The Temple is considered a "primary contributor" to the Lakeside Apartment District, an area occupying portions of five blocks bounded by 14" Street, Harrison Street, 17" Street, and Lakeside Drive that contains one of Oakland's best concentrations of medium scale early 20" Century apartment and institutional buildings. The site is just outside the District and on the edge of an area of Downtown containing several surface parking lots, government buildings, and a mix of modem and turn of the century commercial and residential buildings.

The City's main library, another historically designated property, is located across the intersection from the site. A one story stucco building containing a dry cleaning service an office building are located to the west of the site. A nursery school is located across 14" Street and a two story, mixed use building is located across Madison Street. The site is within the Mayor's 10K project area.

COMMUNITY INVOLVEMENT AND INPUT

An open house was held by the applicant on May 10,2003 and the applicant attended a meeting held at the Islamic Cultural Center on March 8,2003. At these meetings, concerns were raised regarding the adequacy of off-street parking spaces for the project and the resulting impact on the neighborhood, the affect the proposal may have on the Madison Street Temple's historic setting, and other issues. The applicant, members of the Islamic Cultural Center, and Vice Mayor Nadel also met to discuss issues related to the development.

A community meeting, mediated by the Community Liaison from the office of Vice Mayor Nancy Nadel, was held on July 31st at the Main Library. Flyers advertising the meeting were sent to property owners within 600 feet of the proposed site. Strong concerns were raised at that meeting regarding the following issues:

Parking. Many attendees raised concerns that the project would result in the removal of a parking lot in a neighborhood already short on parking. Members of the Islamic Center expressed concerns about the availability of parking for special events at the Temple. Further concerns were expressed that the proposed amount of parking provided at the site would not be sufficient for the residential and commercial activities proposed for the site.

Soil and Groundwater Contamination. Several attendees also expressed concerns regarding the sufficiency of the Phase I and Phase II environmental reports submitted to the City, particularly in terms of the prior use of an underground storage tank at the site.

Building Design and relationship to Madison Street Temple. Members of the audience also expressed concerns that the building's modem design was unattractive, particularly in relation to the neighboring Temple. There was a strong concern expressed that the proposal would block views and diminish the historic significance of the Temple.

Pedestrian Safety. A concern was expressed that the width of the sidewalk and the location of the garage door at the property line would be dangerous for pedestrians, particularly for children at the Temple and the nearby nursery school.

Manaeement of the facility. Concerns were expressed that the proposed social service activities would create security issues in the neighborhood and that the developer, Affordable Housing Associates (AHA), would not properly manage the building.

Financial issues. Members of the audience expressed concerns that the building would not be of high quality because of insufficient finances.

Several attendees also spoke in favor of the project. Those speaking in favor commented that that project's proposed parking was consistent with "smart growth" planning policies and that a grocery store, a much needed facility in the neighborhood, could occupy the proposed retail space. A speaker also noted that there was a shortage of affordable housing in the City and the neighborhood.

A sign in sheet at the meeting indicated that approximately a quarter of the attendees were against the proposal, a quarter were either interested in renting a unit or were in favor of the proposal, and the remainder stated no position. Ten of the 17 people who opposed the proposal were not residents of Oakland.

A petition against the proposal containing 107 signatures was received by the Planning Department on August 26,2003. This petition along with all other correspondences received by the Planning Department is contained in Attachment E.

DESIGN REVIEW COMMITTEE

The proposal was heard in front of the Design Review Committee on June 25,2003. At the meeting, staff requested input from the Design Review Committee on the following issues:

- Size of the proposed units;
- Parking variance;
- Visual interest of the design, including the provision of more windows;
- The relationship of the proposal to the Madison Street Temple; and
- The requested setback variances.

Several speakers expressed support for the project, stating that dense development and l i i t e d parking are appropriate given the site's proximity to BART stations. Speakers in favor also noted that affordable living spaces, particularly for artists, are at a shortage in Oakland.

There were also several members of the public who spoke against the project. They expressed concerns regarding whether the modem design of the building is appropriate adjacent to the Madison Street Temple and whether the building would block views of the stained glass windows on the south side of the Temple. Several speakers also expressed environmental concerns relating to the prior use of underground storage tanks related to a service station formerly at the site. A representative of the Temple stated that he was in favor of affordable housing but had concerns that the property would not be properly managed. He also said that the Temple had not been noticed of the meeting and that many more members of the Temple would have been in attendance had proper notice been provided.

GENERAL PLAN ANALYSIS

The project is within the Central Business District General Plan classification, a designation "intended to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California".

The project is consistent with the following General Plan Policies regarding Downtown development: (note, policies are in normal print; project consistency with these policies are in **bold).**

Policy D3.1 Promoting Pedestrians. Pedestrian Friendly commercial areas should be promoted. The proposed ground floor commercial space has a significant amount of window display area, a tile base, and a canopy approximately 12'-0" from the ground. These features are the main elements of a successful pedestrian oriented, ground floor commercial space.

Policy D6.1. Developing Vacant Lots. Construction on vacant land or to replace surface parking lots should be encouraged throughout downtown, wherever possible. The proposal would be on a site that is currently a surface parking lot.

Policy D9.1, Concentrating Commercial Develoument. Concentrate retail on serving or destination commercial development in the corridor around Broadway between 12th and 21" Streets, in Chinatown, and along the Jack London Waterfront. Ground floor locations for commercial uses that encourage a pedestrian-friendly environment should be encouraged throughout the downtown. As mentioned, the ground floor commercial space has the elements of a successful pedestrian environment.

Policy D10.1, Encouraeine Housing. Housing in the downtown should be encouraged as a vital component of a 24-hour community presence. The project provides 76 units within the Downtown Central Business District.

Policy D10.2. Locating Housing. Housing in the downtown should be encouraged in definable districts, within walking distance of the 12th Street, 19th Street, City Center, and Lake Merritt BART stations to encourage transit use, and in other locations where compatible with surrounding uses. The project is within walking distance of the 12th Street and Lake Merritt BART stations.

Policy D10.4 Providing Housing for a Ranee of Needs. Housing in the downtown should not be geared toward any one housing market, but rather should be promoted for a range of incomes, ownership options, household types, household sizes, and needs. The project provides affordable housing opportunities, expanding the range of housing options downtown.

Policy D11.1 Promoting Mixed-Use Development. Mixed use developments should be encouraged in the downtown for such purposes as to promote its diverse character, provide for needed goods and services, support local art and culture, and give incentive to reuse existing vacant or underutilized structures. The proposal is a mixed use project and the units have an open floor plan to accommodate artists and home offices.

Policy D11.2 Locating Mixed Use Develoument. Mixed use development should be allowed in commercial areas, where the residential component is compatible with the desired commercial function of the area. The proposal is a mixed use development in a commercial area.

Further, the project fulfills the "transit oriented development" objectives of the General Plan by providing a mixed use, dense proposal within a half a mile of both the Lake Merritt and Downtown City Center BART stations.

The General Plan Land Use designation allows a floor area ratio (FAR) of 20 for the subject site (FAR is defined as the ratio of building square footage to lot square footage) At 5.24, the proposal falls well within this maximum General Plan FAR. The General Plan permits a maximum of 161 units on the subject site; at 76, the project also falls well within this requirement.

ZONING ANALYSIS

The project is within the C-51, Central Business District Zone; S-4, Design Review Combining Zone; and S-17, Downtown Residential *Open* Space Combining Zone. The following section analyzes the project in terms of these zoning designations.

Design Renew

Any new construction within the S-4 Zone requires Design Review approval from the City. Section 17.58.020 also requires Design Review approval for any residential project with more than two units on a lot in the C-51 Zone.

Maior Conditional Use Permit

The services provided to the special needs population requires a conditional use permit because it falls within the definition of the "Service Enriched Housing" classification, a classification conditionally permitted in the C-51 Zone. Section 17.134.020 states that a Conditional Use Permit involving Service Enriched Housing is considered Major and requires a hearing in front of the Planning Commission.

Density

The C-51 Zone allows one regular dwelling unit per 150 square feet of lot area and one "efficiency unit" per 100 square feet of lot area (an efficiency unit is defined as a dwelling unit containing only a single habitable room other *than* a kitchen, or containing a total of less than 500 square feet of floor area). Given the proposed commercial square footage, 91 regular dwelling units are allowed on the lot. At 54 dwelling units and 22 efficiency units, the proposal falls within this requirement.

Floor Area Ratio

The Zoning Ordinance allows an *(FAR)* of 7.7 for the subject site *(FAR* is defined as the ratio of building square footage to lot square footage) At 5.24, the proposal falls within this maximum FAR.

The Zoning Ordinance contains no restrictions for height at the subject site.

Minimum Yards and Courts

The following table lists the setback requirements for the site and the project's proposed setbacks:

Front (east side along Madison Street)	5-0"	0'-0"	No
14th Street side	0'-0"	3'-0"	Yes
North side (facing the Madison Street	0'-0"	0'-0"	Yes
Rear (west)	15'-0"	0'-0"	No

Note that the project is not in conformance with the Zoning Ordinance standards for rear and front yard setbacks. This issue is discussed in the Key Issues and Impacts Section of this report. *Also,* an 11'-5" setback is required opposite legally required windows on the side of the building facing the Temple. This setback is only required for ten feet in both directions from the centerline of the legally required window.

Minimum Usable Open Suace

The S-17, Downtown Residential Open Space Combining Zone requires 75 square feet of usable open space per regular unit and 50 square feet per efficiency unit. This requirement can be fulfilled using any combination of private, group, ground floor plaza, sidewalk, rooftop, or courtyard open space. According to this schedule, the project requires 5,150 square feet of open space. The following table shows that the project meets this requirement by providing 5,388 square feet of open space:

Location	Type of Open Space	Square Feet
Second floor terrace	Courtyard	2,940
Private terrace on southern, eastern, and western sides of second floor	Private Usable	2,170
8th Floor on southern side of building	Courtyard	278
Total		5,388

Infill exemution criteria

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. As demonstrated in the "General Plan Analysis Section" of this report, the application is consistent with all applicable General Plan Policies and the General Plan Designation. The "Zoning Analysis" and the "Required Findings" sections of this report demonstrate that, with variances, the project is consistent with the regulations of the Zoning Ordinance.

2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project covers less than a third of an acre of laud. The site is located in Oakland's downtown and is surrounded by urban uses.

3. The project site has no value as habitat for endangered, rare, or threatened species. The project is located in a highly urbanized area that contains no known endangered, rare, or threatened species.

4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The proposed structure would result in an insignificant traffic increase in a downtown urban area that has adequate road capacity. Further, the project would generate far fewer than the 2,000 vehicle trips per day that the Bay Area Air Quality Management District (BAAQMD) considers the normal minimum traffic volume that should require a detailed air quality analysis. The project would result in short-term localized impacts to air quality due to emissions from excavation and construction equipment and grading and construction activities. No significant decrease in air quality beyond that anticipated for the area under the Open Space, Conservation, and Recreation (OSCAR) Element of the Oakland General Plan is expected as a direct result of the proposal. Regardless, the applicant would be required to comply with all applicable City regulations and operating procedures prior to issuance of building or grading permits, including implementation of standard dust control measures.

5. The site can be adequately served by all required utilities and public services. The site is located in an urbanized area that is well served by utilities and public services.

Lower income housing exemution criteria

(a) CEQA does not apply to any development project which consists of the construction, conversion, or use of residential housing consisting of not more than 100 units in an urbanized area, provided that it is either:

(1) Affordable to lower-income households, as defined in Section 50079.5 of the Health and Safety Code, and the developer provides sufficient legal commitments to the appropriate local agency to ensure that the housing units will continue to be available to lower income households for a period of at least 15 years; or

(2) Affordable to low and moderate-income households, as defined in paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code, at monthly housing costs determined pursuant to paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code.

The proposal would contain 76 housing units. As conditioned, the project sponsor, Affordable Housing Associates, shall enter into a regulatory agreement with the City of Oakland, secured by a

deed of trust, in which the sponsor pledges to rent the housing units to qualified low-income households for a period no less than 30 years.

(b) The development must also meet all the following criteria:

(1) It is consistent with the local jurisdiction's general plan as it existed on the date the project application was deemed complete. As demonstrated in the "General Plan Analysis Section" of this report, tbe application is consistent with all General Plan Policies and the General Plan Designation.

(2) It is consistent with the local zoning as it existed on the date the project application was deemed complete, unless the zoning is inconsistent with the general plan because the city, county, or city and county has not rezoned the property to bring it into consistency with the general plan. The "Zoning Analysis" and the "Required Findings" sections of this report demonstrate that, with variances, the project is consistent with the regulations of the Zoning Ordinance.

(3) Its site has been previously developed or is currently developed with urban uses, or the immediately contiguous properties surrounding the site are or have been previously developed with urban uses. The site is currently a parking lot. The property is in Downtown Oakland and the immediately contiguous sites are developed with urban uses, including a dry cleaner, an office building, and a large cultnral center.

(4) Its site is not more than two acres in area. The site is less than one-third of an acre of land.

(5) Its site is, or can be, adequately served by utilities. The site is located in a highly urbanized area that is well served by utilities and public services.

(6) Its site has no value as wildlife habitat. The project is located in a highly urbanized downtown area that contains no significant habitat.

(7) It will not involve the demolition of, or any substantial adverse change in, any district, landmark object, building, structure, site, area, or place that is listed, or determined to be eligible for listing in the California Register of Historical Resources. The project will not involve the demolition of any structure. The site to the north is considered a designated historic property (DHP) with a survey rating of "A" from the City's Cultural Heritage Survey office. According to the City's rating system, the building appears to be eligible for listing in the National Register of Historic Places.

Per CEQA Section 15064.5 (b)(1) a project may cause a substantial adverse change in the significance of an historical resource if it would, among other effects, alter the immediate surroundings such that the significance of the resource would be materially impaired. Materially impairment results when a project materially alters in an adverse manner those physical characteristics that convey the historical resource's historical significance that justify its inclusion in the National Register of Historic Places, California Register of Historical Resources, or local register.

According to a Historic Impact Stndy prepared for the City, the subject project would not constitute a significant impact to the historic Madison Street Temple if the developer follows the construction methods contained in Condition of Approval 19 of this report. Other than the possible construction impacts, the study states that the project would not have a significant impact on the Temple because:

- The distance between the proposed project and the Temple is relatively large considering the site's urban setting;

- Late afternoon shadows would not substantially preclude the overall use and enjoyment of the facility and would not block sunlight from penetrating the facility during portions of the day not affected by shadows or on sides of the building not affected by shadows. Regardless, shadows cast by the proposal are typical in an nrban setting and the encroachment of shadows on to private properties is not considered a significant adverse impact on the environment.
- The proposed project would change the visual setting of, but not visually overwhelm, the Temple primarily because of the proposed setback and the project's modern architectural style would appear visually and architecturally distinct from the Temple.

The full text of the study is contained in Attachment B of this report.

(8) Its site is not included on any list of hazardous waste or other facilities and sites compiled pursuant to Section 65962.5 of the Government Code, and the site has been subject to an assessment by a California registered environmental assessor to determine both the presence of hazardous contaminants, if any, and the potential for exposure of site occupants to significant health hazards from nearby properties and activities. The site is not included on any list of hazardous waste or other facilities and sites compiled pursuant to Section 65962.5 of the Government Code and the site has been subject to an assessment by a California registered environmental assessor to determine both the presence of hazardous contaminants, if any, and the potential for exposure of site occupants to significant health hazards from nearby properties and activities.

KEY ISSUES AND IMPACTS

The following section reviews the Key Issues and Impacts of the proposal. The section both reviews issues brought in front of the Design Review Committee and others issues that have been identified through the community and staff level review.

Size of Units

The plans reviewed by the Design Review Committee contained 17 studios that were less than 450 square feet and contained three units less than 400 square feet. Staff expressed concern to the Design Review Committee that the size of the units would have limited functionality, especially for artists or people with home offices. The Design Review Committee agreed with staffs concerns and recommended that no unit be less than 450 square feet. The most recent plans submitted by the applicant propose that no unit be smaller than 450 square feet. Staff is, therefore, satisfied that the current floor plans are large enough to provide quality living spaces for residents.

Parking

As mentioned, at 51 spaces the project falls 23 short of the spaces required by the Zoning Ordinance. The community has had serious concerns regarding this variance because, according to neighbors and members of the Islamic Cultural Center, the parking is difficult in the neighborhood due to a lack of parking provided by the older residential apartment buildings and special events at the Islamic Cultural Center and the nearby Scottish Rite Temple. Members of the Cultural Center have also complained that the surface parking lot that would be removed by the proposal has been used for special events at their facility.

Staff believes that developers of the site cannot be held responsible for existing parking shortfalls in the neighborhood, if any, and that the removal of surface parking lots to accommodate development is consistent with the General Plan and is critical to the appropriate development of Downtown. There are

several surface parking lots in the vicinity of the site; development of these underutilized sites is critical to achieving the City's goals for Downtown development.

Staff believes the 23 space shortfall can be justified, based on a number of measures the applicant has proposed and agreed to, including:

- Contracting with the **City** CarShare program to provide at least one CarShare vehicle on a curb outside the development;
- Implementing a tenant selection plan that gives preference to applicants who do not own cars;
- Daytime space sharing. This plan would designate spaces that would be available during the **day** due to residents with cars commuting to work and make them available to employees at the site;
- Providing an on-site transit kiosk that would provide transit maps and schedules, information on how to use AC Transit's online trip planner, and announcements for ride-sharing and car pooling; and
- A City CarShare orientation for all new residents to assist them in joining the program.

Staff is satisfied that, with the conditions of approval outlined above, the proposed parking will meet the demands of the proposal for the following reasons:

- The proposal is approximately a third and .425 of a mile from the Lake Merritt and the City Center BART Stations, respectively. **This** is within the half a mile area considered an "Easy Walk" to a BART **Station** by the recently adopted BART Transit Oriented Development Guidelines (June 2003);
- The proposal is next to several AC Transit Lines;
- Tenants eligible for living at the development would be less likely to own cars due to their limited income and the condition of approval requiring the developer to give preference applicants who **do** not own cars;
- **Twenty-two** of the units are studios, reducing the possible number of tenants at the development.
- **A** parking study prepared **by** DKS Associates *(see* Attachment C) determined the probable parking demand of the proposal by analyzing the parking demand at three affordable housing sites in Oakland The Frank G. Mar Building at 1220 Harrison Street, Hisman **Hin** Nu Terrace at 2555 International Boulevard, and Kenneth **Henry** Court at 6455 Foothill Boulevard. The study found that these developments demanded .71 spaces per unit compared to the project's .67 spaces **per** unit. The **study** also stated that it is reasonable to expect that parking space demand for the subject project would be further reduced to approximately .65 per unit due to the project's service enriched component, its proximity to BART and AC Transit lines, access to City Car **Share,** and the owner's parking management plan.

Furthermore, locating additional parking **on** the second floor *or* below ground is an impractical solution on **this** small a site because providing the necessary *ramps* would remove a substantial amount of **floor area** from these levels, leaving little **area** for the desired additional parking spaces.

Setbacks

As mentioned, neither the front nor the rear setbacks conform to the requirements of the Zoning Ordinance. The ground floor level covers nearly the entire lot because **this** is the space required to contain both parking and commercial space. **Staff** believes that fmdings can be made to grant the proposed setback variance for the following reasons:

- The commercial retail space should not be reduced because it is an important policy of the General Plan to place **pedestrian** scale commercial activities on the ground floor of buildings in Downtown to activate the street:

- The impact on the neighborhood of further reducing parking would outweigh the benefit of increased setbacks;
- Full lot coverage is consistent with Downtown's historic development pattern; and
- The setback variance does not include the side of the property facing the Madison Street Temple. Regardless, the second story of the project sets back 22'-8" from the northern property line, providing a significant buffer for the Madison Street Temple.
- The rear yard variance would be adjacent to an office building and a dry cleaners; the construction of the building to the property lines will have minimal affect on the commercial activities taking place at these sites.
- The purpose of the front yard setback requirement is to provide an area in front of the property for buffering from the street and landscaping. This is achieved through the widening and provision of grass strips and street trees on the sidewalk at the front of the property.

Design

Like many modern style buildings, the proposal has a simple box shape on top of a ground floor pedestal. Due to this basic shape, it is critical that the details of the building create visual interest and reduce the perceived mass of the building. The applicant proposes to reduce the mass and create visual interest by separating the upper part of the building into smaller design elements through the use of a variety of window recesses, sizes, and placement; contrasting colors; colored panels; and exposed structural elements criss-crossing the façade.

In general, the elements that the architect has chosen to create visual interest and massing above the pedestal are successful. The windows, contrasting colors, recesses, panels, and exposed structural elements combine on the north and south elevations (the elevations facing 14th Street and the Madison Street Temple) to create significant visual interest and reduce the mass of the building. Staff remains concerned, however, that the Madison Street elevation does not contain enough of these elements, particularly windows, to successfully achieve the desired visual interest and massing. Staff is especially concerned about this elevation because it will be highly visible facing a heavily trafficked intersection. To address this concern, conditions of approval have been recommended requiring windows or other features that create significant visual interest on the Madison Street elevation and a prominent element at the corner of the building nearest the intersection of 14th and Madison Streets spanning from the second floor to the roofline. The latter of these conditions would not only provide increased visual interest for pedestrians and motorists traveling through the intersection but also serve to anchor the building at the corner.

The Design Review Committee agreed with staff that the cement board panels with exposed fasteners would give the project stronger relief and rhythm but otherwise felt that the proposal had sufficient visual interest and was satisfied with the amount and pattern of windows. In response, the applicant has stated to staff that cement board panels are an unproven product and may not be a practical material for this type of building. Therefore, staff recommends a condition of approval requiring the applicant to submit plans for review and approval of the Planning Director that show exterior materials with detailing and quality that provide significant visual interest.

Finally staff also believes that conditions of approval requiring a stronger element at the roof line to give the building a more defined top. Staff believes that this element would give the building appropriate visual interest by architecturally terminating the building at the roof.

The applicant has agreed to each of these design conditions.

Madison Street Temple

As mentioned, the project neighbors the Madison Street Temple, a designated historic property with a survey rating of "A". A cultural resources consultant hired by the applicant has assessed the potential impact of the proposal on the Temple in terms of distance, shadows, views, and construction methods. His findings are as follows:

- The proposal would not visually overwhelm the Temple because of the separation between the buildings;
- The proposed construction to the property lines is appropriate given the urban setting of the site;
- The proposed upper story setback significantly mitigates view impacts on the Temple;
- The most significant shadow impact on the Temple would be in the late afternoon (around 3:00 PM depending on the time of year) until sunset, when shadows would be cast across the parking lot and onto the Temple. The consultant states that the proposed project would cast shadows onto the three large, arched stained glass windows depicting Scottish Rite symbols on the façade of the Temple facing the proposal, partially blocking sunlight from entering this area of the building in late afternoon until sunset. These arched windows, identical windows on the opposite façade, and eight suspended ceiling lamps illuminate the interior "Red Room," a large two-story Gothic-styled rooms. The consultant states that this is not a significant impact on the Temple because these late afternoon shadows would not substantially preclude the overall use and enjoyment of the facility and would not block sunlight from penetrating the facility during other portions of the day, or on other sides of the building, including identical windows on the opposite elevation, or three circular windows on the elevation facing Madison Street.
- The contrast of the proposal's modern design would allow the Temple's Mission Revival design to remain distinct.
- Finally, the consultant provided recommendation for construction methods including:

1) Utilize drilled piers for foundation construction efforts. This method, combined with the distance from the resource, would have no discernable vibration impact.
2) If drilled piers are infeasible, pile driving methods can be utilized if the following conditions are met: a) a historic preservation architect would prepare an existing conditions report of the Islamic Cultural Center to determine baseline conditions prior to construction, and determine an acceptable vibration threshold; b) attach vibration monitoring equipment to the Center during foundation construction efforts. c) periodically monitor vibrations and inspect the historic resource. Construction should cease if vibration levels are detected above the established threshold, or if damage is found when compared to baseline conditions.
3) Route heavy construction equipment including large trucks away from Madison Street.

The full text of the letter is contained in Attachment B.

Staff, in consultation with the City's Cultural Heritage Survey, concurs with the findings of the consultant. Staff would also add that though shadows would be cast on the Temple and views of the Temple would be affected by the proposal, any substantial construction on the empty lot would have these impacts. In fact, future development could have a greater impact because the proposed construction above the ground level is significantly farther away from the interior side lot line than is required by the Zoning Ordinance.

Therefore, staff recommends that the above construction methods be included as conditions of approval to mitigate possible impacts on the Temple of construction related vibration. With these conditions, staff believes that the proposal's design and proposed setback preserve the historic significance of the Temple.

Height

The height of the building is appropriate because the site is just outside the Lakeside Apartment District, an area characterized by two- to six-story apartment buildings, and on the edge of a downtown area containing a mix of surface parking lots, civic buildings, and mixed use buildings. This area contains significant potential to fulfill the policies in the General Plan for Downtown development and the Mayor's 10K Plan because of its adjacency to the most developed parts of Downtown and its high number of underutilized lots. Therefore, the proposed height appropriately signifies the end to the Lakeside District and the beginning of the densely developed Downtown envisioned by the General Plan and the Mayor's 10K plan.

The proposed height is also appropriate because of the site's corner location. Urban design principals encourage anchoring blocks with prominent structures on corner parcels.

Condition of Soil and Groundwater

Phase I and limited Phase II reports were prepared for the site by ACC Environmental Consultants and found that one 10,000 gallon underground storage tank (UST), and one 550-gallon waste oil UST were removed from the subject property in May 1986 during the dismantling of a service station at the site. However, no regulatory case closure was pursued at that time. Therefore, AHA performed a "limited" Phase II report in order to gain regulatory closure at the site. The Phase II testing found that the petroleum hydrocarbon concentrations in the soil are low, appear to be between 8 and 12 feet below ground, and do not warrant remediation or additional site investigation. Based on this report, the City's Fire Department/Hazardous Materials Management Program staff released a closure letter stating that no further action related to the site is required by the City.

Due to the concerns raised by the public regarding the disturbing of the soil and exposure of groundwater during construction, staff referred the Phase I and II reports to Mark Gomez, the City's acting Environmental Program Supervisor. In response, Mr. Gomez stated in an email sent to staff on August 7, 2003 that there is a small possibility that groundwater at the site is more contaminated than the very limited data suggest; however, given the depth to groundwater, natural degradation of contaminants over time, evidence of minimal tank leakage from the soil data, commercial and parking uses on the ground floor, and capping of the site, even significantly higher groundwater concentrations are unlikely to pose a risk to human health or environmental resources. Nevertheless, he recommended that if any dewatering is necessitated by foundation work or any pumping or displacement of groundwater is required for installation or operation of the car lift, a groundwater management plan should be submitted. He also stated that the soil has been sufficiently tested and recommended that a soil management plan should be submitted as part of construction plans and adhered to during development activities at the site. Therefore, staff has included recommended conditions of approval requiring a soil and groundwater management plan be submitted to the Planning Department prior to issuance of a building or grading permit. With these conditions, staff is not concerned about risks related to contaminated soil or groundwater at the site.

Attachment D is the full text of the email sent by Mr. Gomez.

Management Plan

At the June 25, 2003 Design Review Committee meeting, a representative from the Temple expressed concerns about whether the facility will be appropriately managed and not create security, noise, or other impacts on the Islamic Cultural Center. In response, staff asked representatives of the Temple to express their concerns and suggest mitigations in a letter for staff evaluation. A July 2, 2003 letter from Kazem

Jabbari, the Chair of the Islamic Cultural Center, expressed concerns regarding the following management issues: noise control, maintenance and upkeep of the building, parking area and surrounding premises, building security, and tenant qualification. A full text of the letter is contained in Attachment E of this report.

In terms of noise, the letter expresses concerns that noise from the development would disturb cultural and religious programs during the days and evening. In response, the applicant has presented their standard management plan to staff that states that musical instruments (radios, phonographs, tape recorders, and television sets) must be played at volumes that will not annoy or discomfort other residents and that from 10:00 PM to 8:00 AM, no loud noises will be allowed. The plan also states that none of the common grounds can be used as a party area without permission of management. Staff is satisfied that these rules will mitigate the noise concerns. Further, the development will be required to follow the noise standards for residential facilities contained in Chapter 17.120 of the Zoning Ordinance.

As mentioned, the letter expressed concerns that the building and surrounding premises should be properly maintained at all times. AHA's management plan states that they proactively maintain the building and promptly respond to tenant's maintenance requests. In addition, staff recommends a condition of approval requiring appropriate maintenance of the building and landscaping and that the owners take responsibility for any trash or debris originating from activities at the site.

The Temple also expressed concerns regarding security and unlawful activity at the building and requested that a security guard be at the site at all times. Staff is satisfied that language in AHA's standard lease agreement prohibiting all criminal activities on the site and the management plan appropriately addresses potential security concerns by including a provision that any person who has used, possesses, or sold illegal drugs, convicted of sex crime, convicted of using or possessing a weapon during a crime, or convicted of a violent act on another person will not be allowed to live in the building. Staff does not believe that the City should require a security guard on-site because the City has no evidence that unlawful or disturbing activities have been an issue for affordable housing projects or projects managed and owned by AHA in Oakland.

Finally, Mr. Jabbari requested that the Islamic Center be involved in defining the conditions of a qualified tenant, unless such rules are predetermined at the State or Federal level. The rules for who qualifies as a resident in terms of income are, in fact, defined and determined by the project's government funding sources.

Conclusion

Staff believes that the proposed development is appropriate for the site and will be an asset to the neighborhood. The proposal will place a well designed building on an underutilized parcel and provide quality housing for lower income residents and people with special needs. The ground level retail space will activate the street and provide services for the neighborhood. As conditioned, the development will have limited parking impacts on the neighborhood and will encourage the use of transit. The distance of the proposal from the Madison Street Temple will mitigate view and shadow impacts. The building's modern design will allow the design of the Temple to remain distinct. As conditioned, in the opinion of the Fire Prevention Bureau, an expert in the City's Environmental Services Division, and a California registered environmental assessor, soil and groundwater contamination is not a concern at the site.

Therefore, as conditioned, staff recommends approval of the development.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.

2. Approve the Conditional Use Permit, Design Review, and Variance subject to the attached findings and conditions.

Respectfully submitted:

Claudia Cappio
Development Director

Prepared by:

Neil Gray
Planner III

Attachments:
A. Project plans
B. Cultural Resources Study
C. Parking Study
D. August 7, 2003 email from Mark Gomez, Acting Environmental Services Supervisor, to Neil Gray, Planner III.
E. Correspondences regarding the project.

FINDINGS FOR APPROVAL:

This proposal meets the required findings under Sections 17.134.050 (General Use Permit Criteria), 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.**

   The proposal will not adversely affect the appropriate development and will be compatible with abutting properties and the neighborhood. The Madison Street Temple, a designated historic property (DHP) with a survey rating of "A" from the City's Cultural Heritage Survey office, is to the north of the site and home to the Islamic Cultural Center. The proposed project's impacts on the Temple would be mitigated by the following factors:

   - The proposed building would be separated from the Temple by an approximately 43 to 73 foot separation at the ground floor and 67 to 97 feet above the ground floor by a parking lot and pedestrian path.
   - Shadows would only impact the stained glass windows on the southern side of the temple during the late afternoon in the winter and the other sides of the building would preserve their solar access.
   - The contrast of the proposal's modern design would allow the Temple's Mission Revival design to remain distinct.
   - Approval of the application is conditioned upon the developer adhering to construction methods that will not impact the Temple.

   Other adjacent properties contain a dry cleaners and an office building. The construction of the building to the property lines will have minimal impact on the commercial activities taking place at these sites. The full lot coverage is consistent with other buildings in the neighborhood and downtown. The height of the building allows the density encouraged by the General Plan and is consistent with the Zoning Ordinance and other developments in the Downtown area. Further, increased height is appropriate because of the site's corner location. Urban design principals encourage anchoring blocks with prominent structures on corner parcels.

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.**

   The parking of the development is easily accessed on the western side of the building and the wide sidewalk on that side of the property provides safety for pedestrians walking adjacent to the garage. The proposed lift system will effectively store the parking in a compact area. The proposed commercial space will have high visibility and accessibility from 14th Street and its design will provide ample storefront windows. Canopies will give the space a successful pedestrian orientation.

The most significant open space would be conveniently located on a 22'-2" terrace located on the second floor of the building. Its location adjacent to a community multi-purpose room will emphasize the group ownership of the open space. Terrace furniture, landscaping, and a play area will increase the usability of the space. Each of the units will have ample solar access through floor to ceiling windows. Floor plans provided by the applicant demonstrate that tenants will have a successful and efficient living space. The smallest units will be 450 square feet, enough space to provide a functional living area.

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 is located in the City's Downtown, an area whose basic community function is to provide a high density, mixed use urban center and be a regional center for business, transportation, and cultural activities. The proposal's commercial activities and high density housing enhance these functions.

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 proposal is located in the Central Business District (CDB) General Plan land use designation. The classification is intended to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California. One of the desired activities for the Central Business District listed in the General Plan is "urban (high rise) residential", consistent with the proposed development.

The proposal is consistent with the following General Plan policies:

Policy D3.1 Promoting Pedestrians. Pedestrian Friendly commercial areas should be promoted.

Policy D6.1, Developing Vacant Lots. Construction on vacant land or to replace surface parking lots should be encouraged throughout downtown, wherever possible.

Policy D9.1, Concentrating Commercial Development. Concentrate region-serving or destination commercial development in the corridor around Broadway between 12th and 21st Streets, in Chinatown, and along the Jack London Waterfront. Ground floor locations for commercial uses that encourage a pedestrian-friendly environment should be encouraged throughout the downtown.

Policy D10.1, Encouraging Housing. Housing in the downtown should be encouraged as a vital component of a 24-hour community presence.

Policy D10.2, Locating Housing. Housing in the downtown should be encouraged in in definable districts, within walking distance of the 12th Street, 19th Street, City Center, and Lake Merritt BART stations to encourage transit use, and in other locations where compatible with surrounding uses.

Policy D10.4 Providing Housing for a Range of Needs. Housing in the downtown should not be geared toward any one housing market, but rather should be promoted for a range of incomes, ownership options, household types, household sizes, and needs.

Policy D11.1 Promoting Mixed-Use Development. Mixed use developments should be encouraged in the downtown for such purposes as to promote its diverse character, provide for needed goods and services, support local art and culture, and give incentive to reuse existing vacant or underutilized structures.

Policy D11.2 Locating Mixed Use Development. Mixed use development should be allowed in commercial areas, where the residential component is compatible with the desired commercial function of the area.

Further, the project fulfills the "transit oriented development" objectives of the General Plan by providing a mixed use, dense proposal within six blocks of the Lake Merritt and Downtown City Center BART stations.

The General Plan Land Use designation allows a floor area ratio (FAR) of 20 for the subject site (FAR is defined as the ratio of building square footage to lot square footage) At 5.24, the proposal falls well within this maximum General Plan FAR. The General Plan permits a maximum of 161 units on the subject site; at 76, the project falls well within this requirement.

Section 17.148.070 (Variance Criteria):

6. **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 proposal requires variances for number of parking spaces (68 required; 51 proposed); front setback (5'-0" required; 0'-0" proposed); rear setback (15'-0" required; 0'-0" proposed); and parking dimension (8'-6" width required; 8'-4" proposed).

Strict compliance with the parking regulation would preclude an effective design solution and result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations. Expanding the bottom floor parking area would reduce the ground floor commercial space, contradicting General Plan policies that encourage downtown ground floor commercial space to activate the street. Furthermore, locating additional parking on the second floor or below ground is an impractical solution on a lot of this limited size because providing the necessary ramps would remove a substantial amount of floor area from these levels, leaving little area for the desired additional parking spaces. As conditioned, the development's proposed number of parking spaces will satisfy the demand of its tenants because of the site's proximity to transit, the limited income of the tenants, and the number of studios proposed for the development. Conditions of approval requiring a City CarShare space at the curb outside the

development, a tenant selection process favoring applicants who do not own cars, space sharing plan, and an on-site transit information kiosk further assure that the number of parking spaces will meet the parking demand of the development.

Strict compliance with the setback variances would preclude an effective design solution because it would require either reducing the commercial retail space or the parking area. The commercial retail space should not be reduced because it is an important policy of the General Plan to place pedestrian scale commercial activities on the ground floor of buildings in Downtown to activate the street. The impact on the neighborhood of reducing parking spaces would outweigh the benefit of increased setbacks.

Also, full lot coverage is consistent with Downtown's historic development pattern. The reduced parking space dimension is required to accommodate the width of a parking lift, a mechanism that triples the number of parking spaces available on the ground floor of the building, increasing the operational efficiency of the project.

7. **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.**

Providing additional parking spaces would preclude an effective design solution fulfilling the basic intent of the parking regulation because additional parking spaces would reduce the size of the commercial space, contradicting General Plan policies regarding locating ground floor commercial space Downtown. Further, providing additional parking spaces on the second floor or below ground is impractical given the size of the parcel. Finally, as conditioned, the parking supply will match parking demand generated at the site.

Strict compliance of the setback and parking dimension regulations would preclude an effective design solution by reducing the commercial area and/or the number of parking spaces available in the development (see Finding 8). Further, the only properties adjacent to the rear property line contain an office building and a dry cleaners; the construction of the building to the property lines will have minimal impact on the commercial activities taking place at these sites. The intent of the front yard setback requirement is to provide an area in front of the property for buffering from the street and landscaping. These intents are fulfilled through the widening and provision of grass strips and street trees on the sidewalk at the front of the property. Finally, full coverage of the lot is consistent with the development pattern of downtown.

The basic intent of the parking dimension regulation is to provide enough space for a car and passengers to exit the car. The spaces that require the variance for parking width dimension are on the part of the lift where passengers will not be exiting the vehicle.

8. **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 7.

9. **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.**

Variances have been granted under similar zoning circumstances in the past. In particular, the City has granted parking variances for 341 to 351 Henry Street (CMDV02-568) and 1242-35th Avenue (CMDV03-035) due to their proximity to BART stations and bus line. As mentioned, a reason the City is granting a parking variance for this proposal is due to its proximity to BART and AC Transit.

17.136.070.A (Residential Design Review Criteria):

10. **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 building's rectangular shape, flat surfaces, consistent floor plates, and functional design give the building a modern style, consistent with several of the mid- and high-rise buildings in the City's Central Business District. In particular, the floor to ceiling windows and the rectangular building on a pedestal directly relate to 1330 Broadway, a landmark building approximately six blocks from the site. The rectangular shape of the building also relates to the Main Library, kitty corner from site, and several other government buildings in the neighborhood. The proposal's combination of colored cement finishes and metal windows also relates to the newly constructed Essex building, located approximately one-quarter of a mile northeast of the site.

The modern design of the building respects the neighboring Madison Street Temple by providing an effective contrast to that building's Mission Revival Design. By providing this contrast, the proposal emphasizes the unique historical design of the Temple. This contrast also provides an effective end to the Gold Coast neighborhood, an area containing predominantly early 20th century mid-rise apartment buildings, and beginning to the Central Business District, an area containing a mix of mid- and high-rise buildings constructed between the late 1800's and the present. The scale of the building also respects the Madison Street Temple by stepping back approximately 22'-0" above the bottom floor.

The height of the building is appropriate because the site is just outside the Lakeside Apartment District, an area characterized by two- to six-story apartment buildings, and on the edge of a downtown area containing a mix of surface parking lots, civic buildings, and mixed use buildings. This area contains significant potential to fulfill the policies in the General Plan for Downtown development and the Mayor's 10K Plan because of its adjacency to the most developed parts of Downtown and its high number of underutilized lots. Therefore, the proposed height appropriately signifies the end to the Lakeside District and the beginning of the dense, highly developed and populated Downtown envisioned by the General Plan and the Mayor's 10K plan.

The proposed height is also appropriate because of the site's corner location. Urban design principals encourage anchoring blocks with prominent structures on corner parcels.

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

The proposed ground floor commercial space has a significant amount of window display area, a tile base, and canopy approximately 12'-0" from the ground. These features relate to other ground level commercial space in the neighborhood and are the main elements of a successful pedestrian oriented, ground floor commercial space. The proposed design relates to several buildings in the Downtown

area, including 1330 Broadway, the Essex, several government buildings in the immediate area, and the Main Library.

The proposed design protects historic rating of the neighboring Madison Street Temple because:

- The distance between the proposed project and the Temple is relatively large considering the site's urban setting;
- Late afternoon shadows would not substantially preclude the overall use and enjoyment of the facility and would not block sunlight from penetrating the facility during portions of the day not affected by shadows or on sides of the building not affected by shadows. Regardless, shadows cast by the proposal are typical in an urban setting and the encroachment of shadows on to private properties is not considered a significant adverse impact on the environment.
- The proposed project would change the visual setting of, but not visually overwhelm, the Temple primarily because of the proposed setback and the project's modern architectural style would appear visually and architecturally distinct from the Temple.

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

The site is flat and without significant landscaping.

13. 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.

14. 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.

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 date stamped August 18, 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 September 3, 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 Zoning Administrator may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

3. **Scope of This Approval; Major and Minor Changes**
   a. ***Ongoing.***
   The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes 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 Zoning Administrator; major changes shall be subject to review and approval by the City Planning Commission.

4. **Modification of Conditions or Revocation**
   a. ***Ongoing.***
   The City Planning Commission reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the approved 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 Zoning Administrator. Proof of recordation shall be provided to the Zoning Administrator.

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 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 CONSTRUCTION:

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 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.

DESIGN CONDITIONS:

10. Design Plans

a. Prior to Issuance of Building Permits
A plan shall be submitted for review and approval of the Planning Director showing:

- Windows or other features that create significant visual interest on the Madison Street elevation
- A visually prominent vertical feature on the corner of the building closest to the intersection of 14th and Madison Streets. This feature shall extend for much or all the height of the second floor to the top of the building.
- The colored panels on the façade having material with detailing and quality that provides significant visual interest to the façade of the building.
- A prominent element along the length of the roof line that gives the building a more defined top.

11. 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.

12. 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.

13. **Window Plans.**
   a. ***Prior to issuance of building permit.***
   The applicant shall submit plans for review and approval of the Zoning Administrator that show window details (including cross sections). Details shall show windows with significant recess and variety.

PARKING CONDITIONS:

14. **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 a 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. The current and future owners of the development shall remain a member of CarShare so long as CarShare or its successor or assignee is in fact operating CarShare.
   b. ***Ongoing***
   The applicant shall provide a City CarShare orientation for all new residents to assist them in joining the program.

15. **Shared 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 spaces assigned for both 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 shared parking spaces 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.

16. **Transit Kiosk**
   a. ***Prior to issuance of building permit.***
   The applicant shall provide plans for review and approval of the Planning Director that show the location and design of an on-site transit kiosk that would provide transit maps and schedules, information on how to use AC Transit's online trip planner, and announcements for ride-sharing and car pooling.

17. **Tenant Preference**
   a. ***Prior to issuance of building permit.***

The applicant shall design a tenant selection system that will give significant preference to applicants who do not own a car. This system shall be presented to the Planning Director for review and approval to give assurance that it will result in a significant number of tenants not owning an automobile.

b. Ongoing

Any resident who is selected on the basis of not owning a car shall not own a car throughout their tenancy at the development. This requirement shall be written into the lease of all tenants selected on the basis on not owning a car. The owner of the building shall enforcement this requirement. A tenant who is chosen on the basis of not owning a car may only own a car if 1) a parking space becomes available in the building and 2) there are no other residents of the building who own a car and do not have an assigned parking space.

ENVIRONMENTAL CONDITIONS

18. Soil and Groundwater.

a. Prior to issuance of building permit.

A soil management plan (SMP) shall be submitted for review and approval of the applicable agency with jurisdiction. The SMP shall be written by a California registered environmental assessor. The SMP shall include protocol for: (a) best management practices to control dust, tire-tracking, storm drain runoff, etc.; (b) testing and properly handling any soils that are discovered to be stained or that give off chemical odors; (c) testing and properly disposing of all soils to be exported from the site as part of re-grading or construction; and (d) removal of, and confirmation sampling around, any unknown tanks that might be encountered during subsurface work.

b. During construction activities.

If any dewatering is necessitated by foundation work or any pumping or displacement of groundwater is required for installation or operation of the car lift, a groundwater management plan shall be submitted for review and approval of the Planning Director. The plan shall be written by a California registered environmental assessor. This plan shall, at a minimum, require that all groundwater be disposed of via the sanitary sewer, not the storm drain system.

c. During construction activities.

The groundwater and soil management plans described in parts a) and b) of this condition shall be implemented and followed.

19. Exemption Requirement.

a. Prior to issuance of building permit.

The project sponsor, Affordable Housing Associates, will enter into a regulatory agreement with the City of Oakland, secured by a deed of trust, in which the sponsor pledges to rent the housing units to qualified low-income households for a period no less than 30 years, as defined in Section 50079.5 of the Health and Safety Code.

OTHER CONDITIONS:

20. 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.

21. **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 costs for street and infrastructure improvements required because of the development shall be the responsibility of the developer. All landscaping, including street trees, shall include an automatic system of irrigation.

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
All landscaping, including street trees, shall be maintained in a neat and healthy condition.

22. **Landscaping Plan**

a. Prior to issuance of building a permit.
The applicant shall prepare a detailed on-site landscaping plan for the project and shall submit such plans to the Zoning Administrator for review and approval. The landscaping plan shall include a system for irrigation of plantings. All landscaping shall be permanently maintained in a neat, safe and healthy condition.

23. **Meter shielding.**

a. Prior to issuance of building permit.
The applicant shall submit for review and approval of the Zoning Administrator plans that show any and all utility meters, transformers, and the like screened from view from any public right of way.

24. **Property Maintenance.**

a. Ongoing.
The owner of the site shall maintain the entire property in a neat, functional, and non-blighted condition. Any trash or debris originating from activities at the site shall be cleaned and properly disposed of by the owners of the site.

25. **Construction Methods.**

a. Prior to issuance of building permit.
The applicant shall include language on the construction plans that describe the following construction methods in detail:

- All contractors shall utilize drilled piers for foundation construction efforts, unless drilled piers are infeasible;
- If drilled piers are infeasible, pile driving methods can be utilized if a historic preservation architect prepares an existing conditions report of the Islamic Cultural Center for review and approval of the Planning Director that determines baseline conditions prior to construction, and determines an acceptable vibration threshold. The plan shall include attaching vibration monitoring equipment to the Center during foundation construction efforts. The contractor shall periodically monitor vibrations and inspect the historic resource. Construction shall cease if vibration levels are detected above the established threshold or if damage is found when compared to baseline conditions.
- All heavy construction equipment including large trucks shall be routed away from Madison Street.

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

CONDITIONS OF APPROVAL

PERSPECTIVE : 14TH ST. & MADISON

LEDDY MAYTUM STACY ARCHITECTS
877 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

MADISON & 14TH ST.

09.03.03

ATTACHMENT A

PERSPECTIVE : VIEW FROM MADISON ST.

LEDDY MAYTUM STACY ARCHITECTS
477 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1717

MADISON & 14TH ST.

09.03.03

PROJECT DATA

FLOOR LEVEL	NUMBER OF RESIDENTIAL UNITS	PARKING STALLS	RETAIL AREA	SOCIAL SERVICE/ COMMERCIAL AREAS	RESIDENTIAL COMMUNITY AREA	RESIDENTIAL AREA	OPEN SPACE AREA (CODE COMPLIANT)	GROSS AREA
1 [illegible]	0	[illegible] OFF STREET + 1 CAR SHARE	2,659 NSF (RETAIL)					13,578 GSF INT 672 GSF EXT
2 [illegible]	5			2,608 NSF	627 NSF	2,250 NSF	2,940 NSF GROUP 2,115 NSF PRIVATE	8,726 GSF INT 5,427 GSF EXT
3-7	[illegible] 60 TOTAL				152 NSF/FLR x 5 FLRS = 760 NSF	7,387 NSF/FLR x 5 FLRS = 36,935 NSF		9,805 GSF INT 110 GSF EXT
8	11				172 SF	7,069 NSF	278 NSF GROUP	9,425 GSF INT 450 GSF EXT
TOTAL	76	51 OFF-STREET + 1 CAR SHARE	2,659 NSF	2,608 NSF	2,059 NSF	46,254 NSF	5,333 NSF TOTAL (5,125 NSF REQUIRED)	80,754 GSF INT. + 7,139 GSF EXT. 87,893 GSF TOTAL

ADDRESS: 160 14th STREET @ MADISON

APN: 006 0628 005 C1

LOT AREA: 150 X 95 = 14 250 SF

GROSS BUILDING AREA: 87,893 GSF Total
(Per 17 09 040)
-7,776 NSF Parking
-5,456 NSF Open Space
74 662 GSF

F.A.R. PROVISIONS:

F.A.R. PROPOSED: 74 662 / 14 250 = 5 24
(Per 17 09 040)

F.A.R. ALLOWABLE: 7 + 10% ON CORNER LOT
(Per 17 32 150)

RESIDENTIAL DENSITY PROVISIONS.

RESIDENTIAL DENSITY PROPOSED 76 Units

RESIDENTIAL DENSITY ALLOWED.
(Per 17 32 140)
1 Residential Unit per 150 sf of Lot Area + 10% for corner lot
14,250 sf / 150 sf = 95 Units Allowed + 9.5 units = 104.5 units

OPEN SPACE PROVISIONS:

OPEN SPACE PROVIDED. (Per 17 93 050)
3 216 sf allowable Group Open Space
2 115 sf allowable Private Open Space
5 331 sf total Open Space Provided

OPEN SPACE REQUIRED (Per 17 93 050)
54 Units x 75sf / Unit = 4,050
22 Studio Units x 50sf / Unit = 1 100
5,150 SF Required

CAR PARKING PROVISIONS:

RESIDENTIAL PARKING REQUIRED.
58 Units x 1 Car /Unit = 58 Off Street Spaces Required
18 Service Enriched Units & 2/3car/unit = 12 spaces
3 Service Enriched Staff = 1 space

RETAIL PARKING REQUIRED.
2 659sf Retail x 1car/900sf = 3 spaces

COMMERCIAL PARKING REQUIRED
Not required for Commercial Area less than 10 000sf

PARKING PROVIDED:
51 Off Street Space Provided + 1 Proposed On Street Car Share Space

LOADING BERTH PROVISIONS.

RESIDENTIAL LOADING REQUIRED:
1 Berth Required for 50 000sf - 149 999sf

COMMERCIAL LOADING REQUIRED.
Not Required Less than 10 000sf

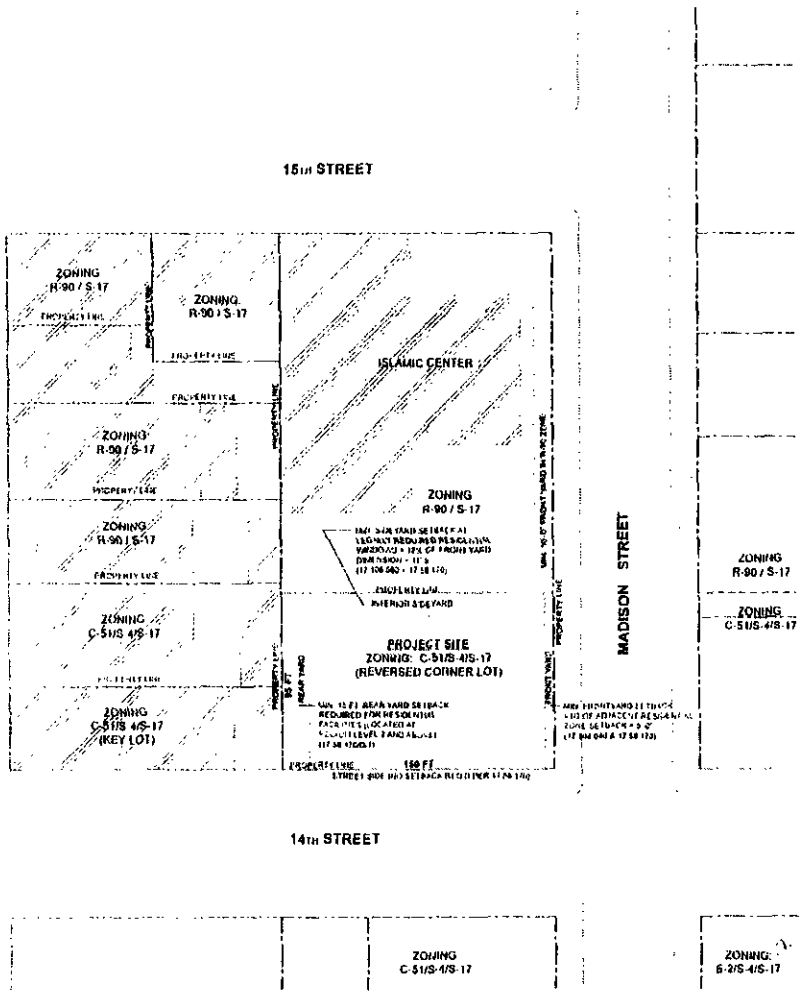
PROJECT SITE

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1717

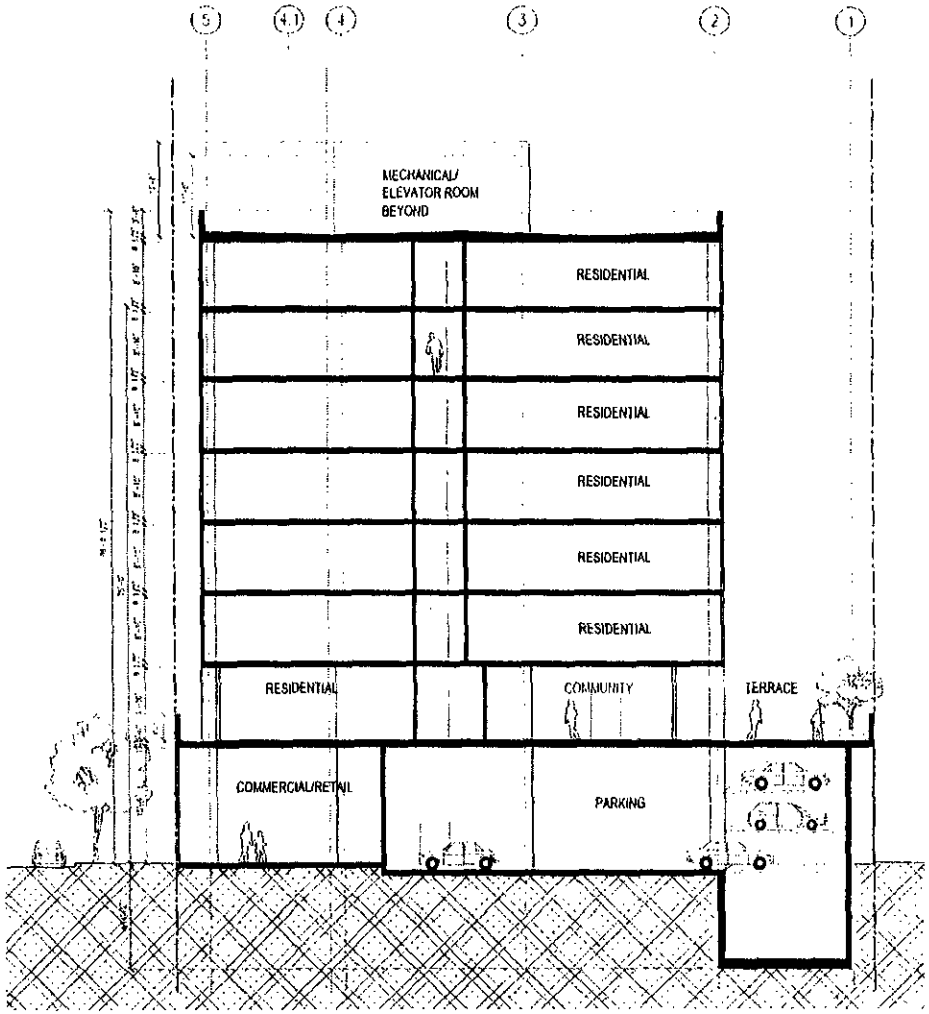
AIA

MADISON & 14TH ST.

PLANNING SUBMISSION - 09.03.03



SITE & ZONING PLAN

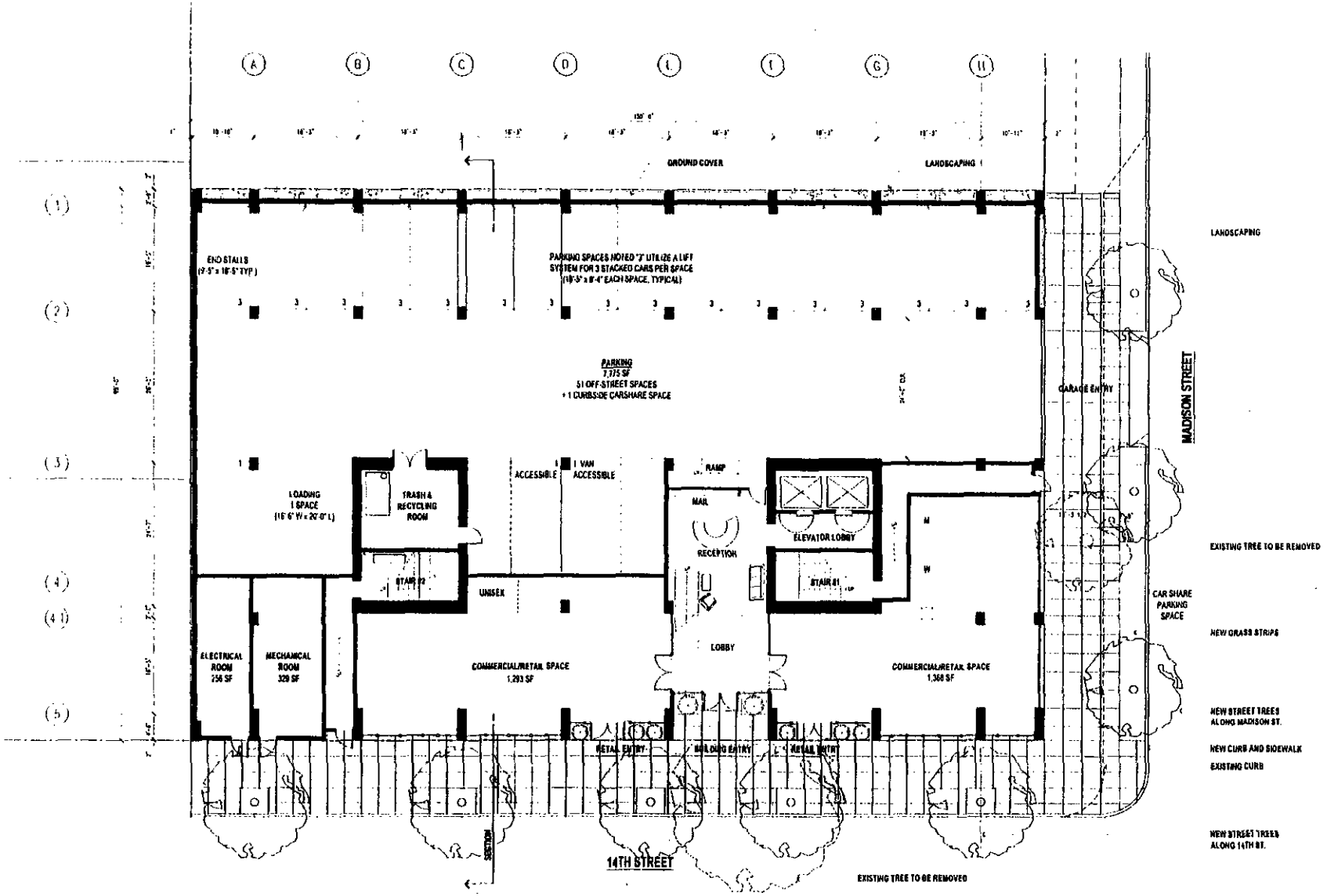


NORTH - SOUTH BUILDING SECTION

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

MADISON & 14TH ST.

09.03.03 SCALE : AS NOTED



GROUND FLOOR PLAN (1ST LEVEL)

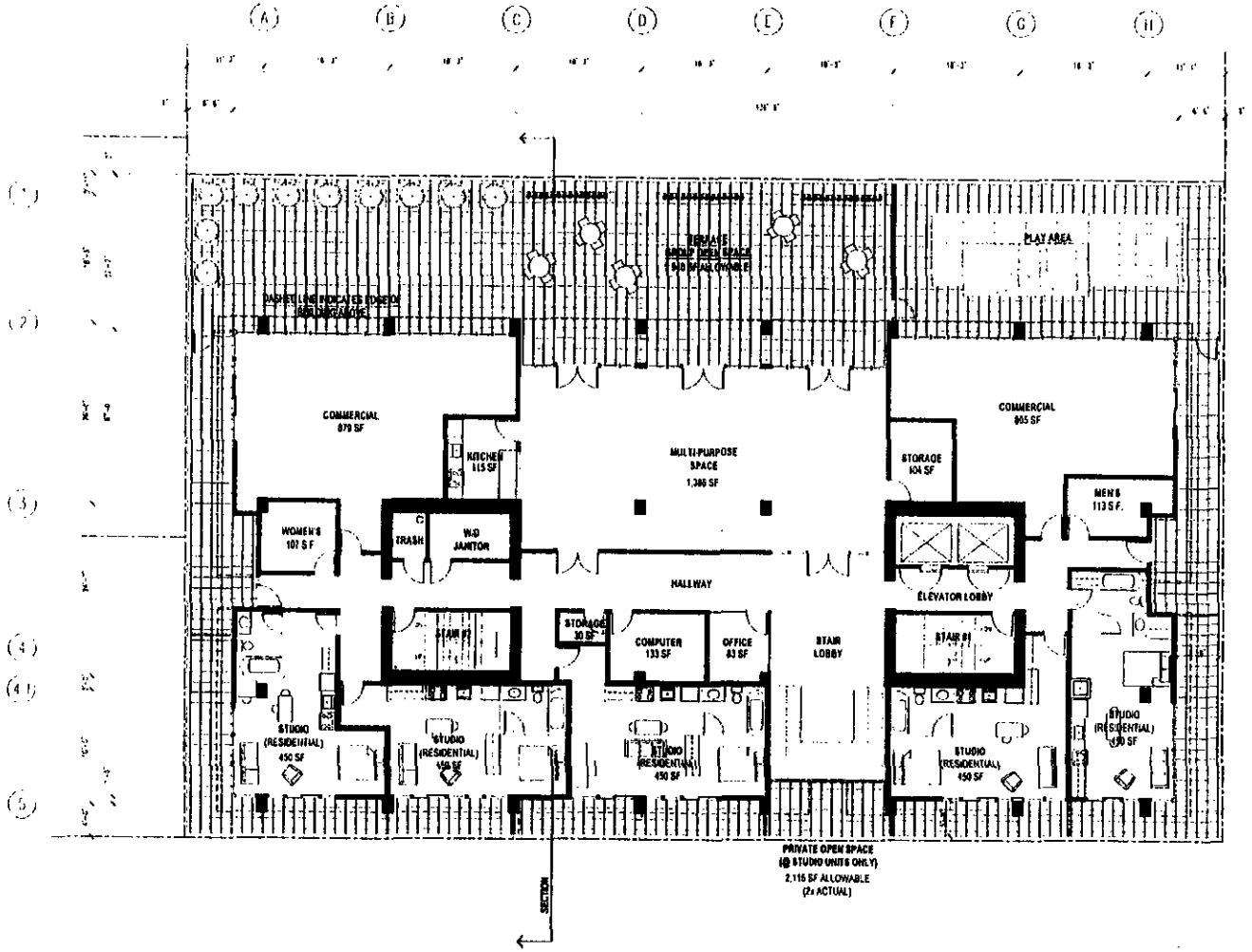
LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

N PLAN

MADISON & 14TH ST.

09.03.03

8' 0 8' 16'



PODIUM FLOOR PLAN

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1717

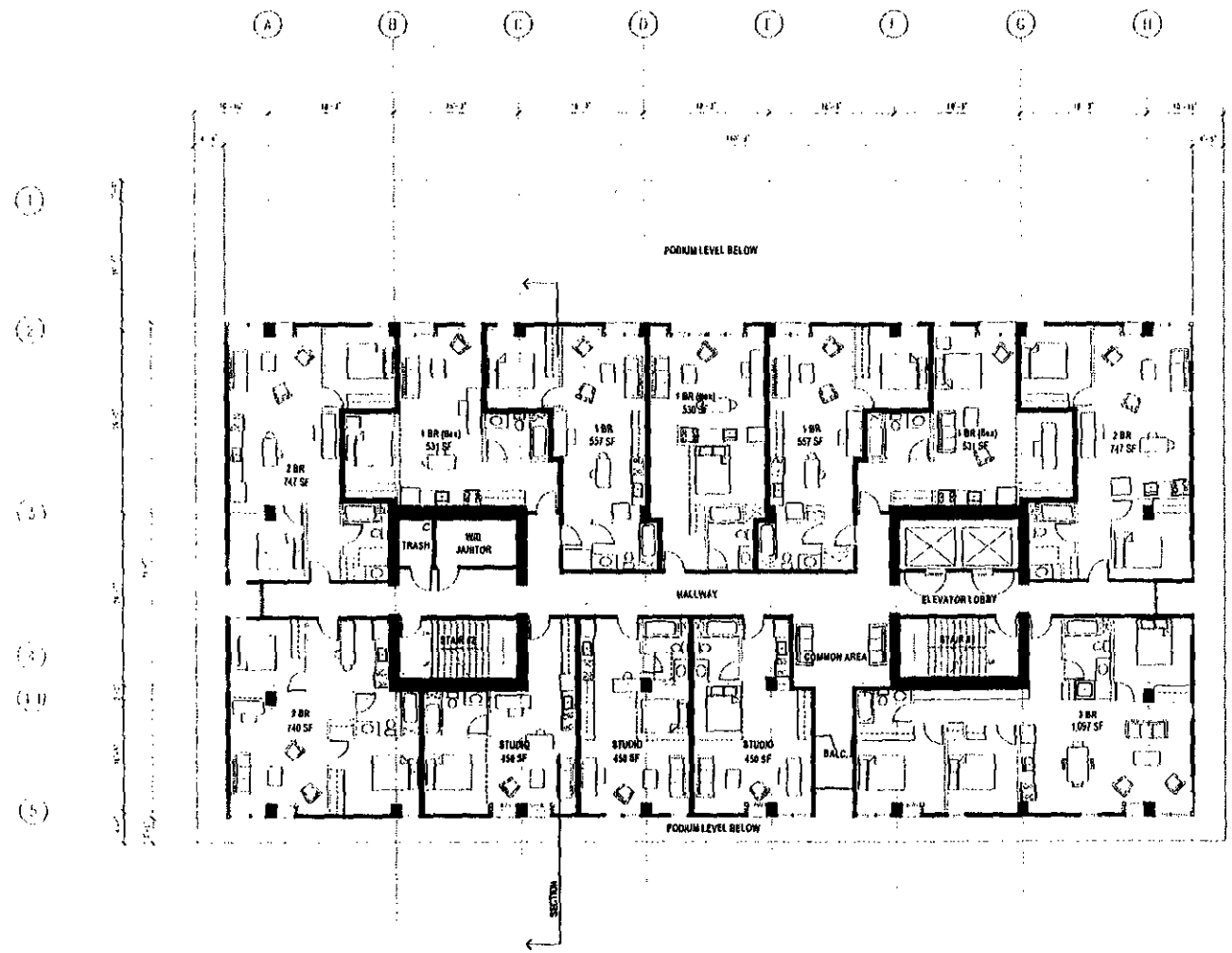
AIA

N PLAN

MADISON & 14TH ST.

09.03.03

8' 0 8' 16'



TYPICAL FLOOR PLAN (LEVELS 3-7)

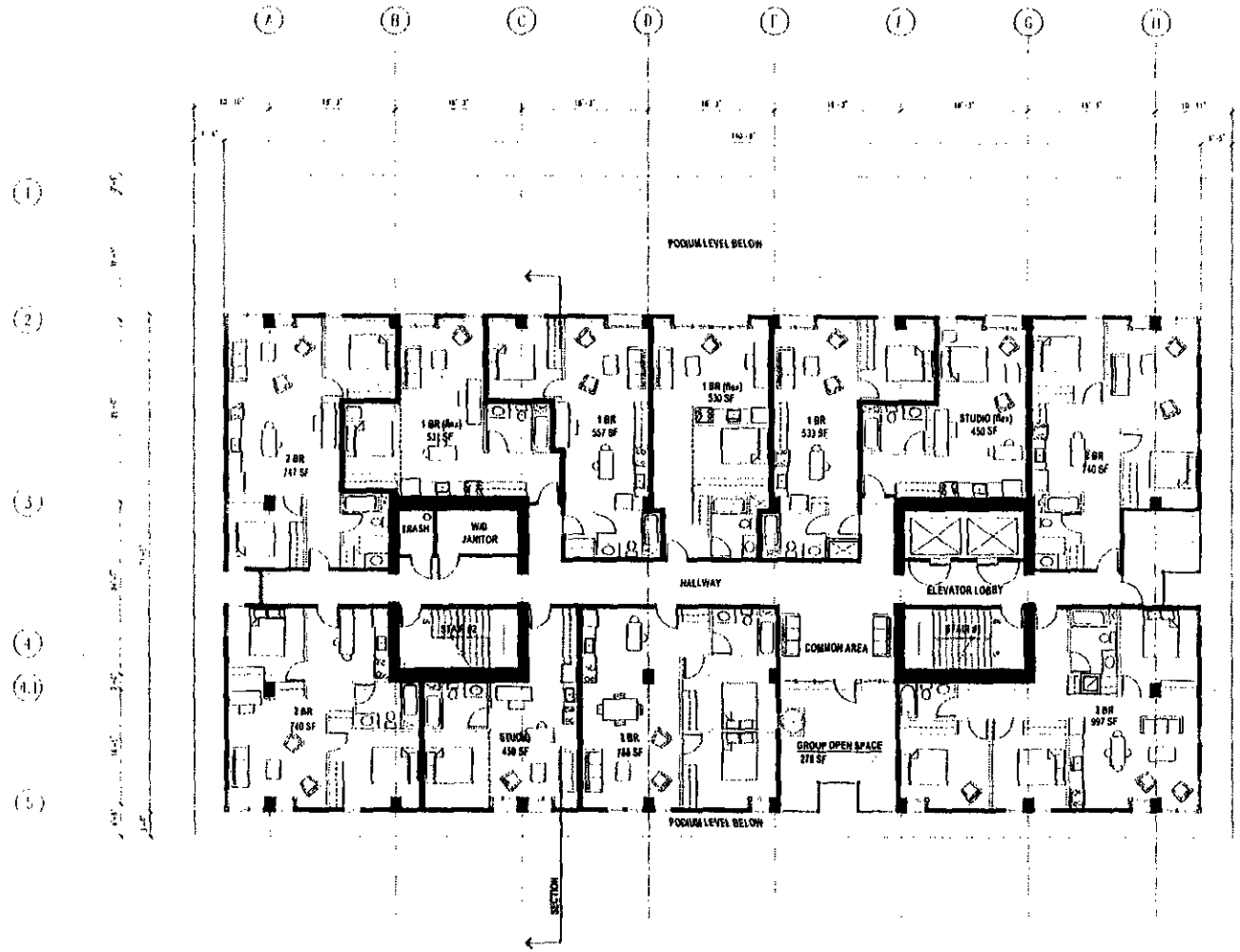
LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1717

N PLAN

MADISON & 14TH ST.

09.03.03

8' 0 8' 16'



TOP FLOOR PLAN (8TH LEVEL)

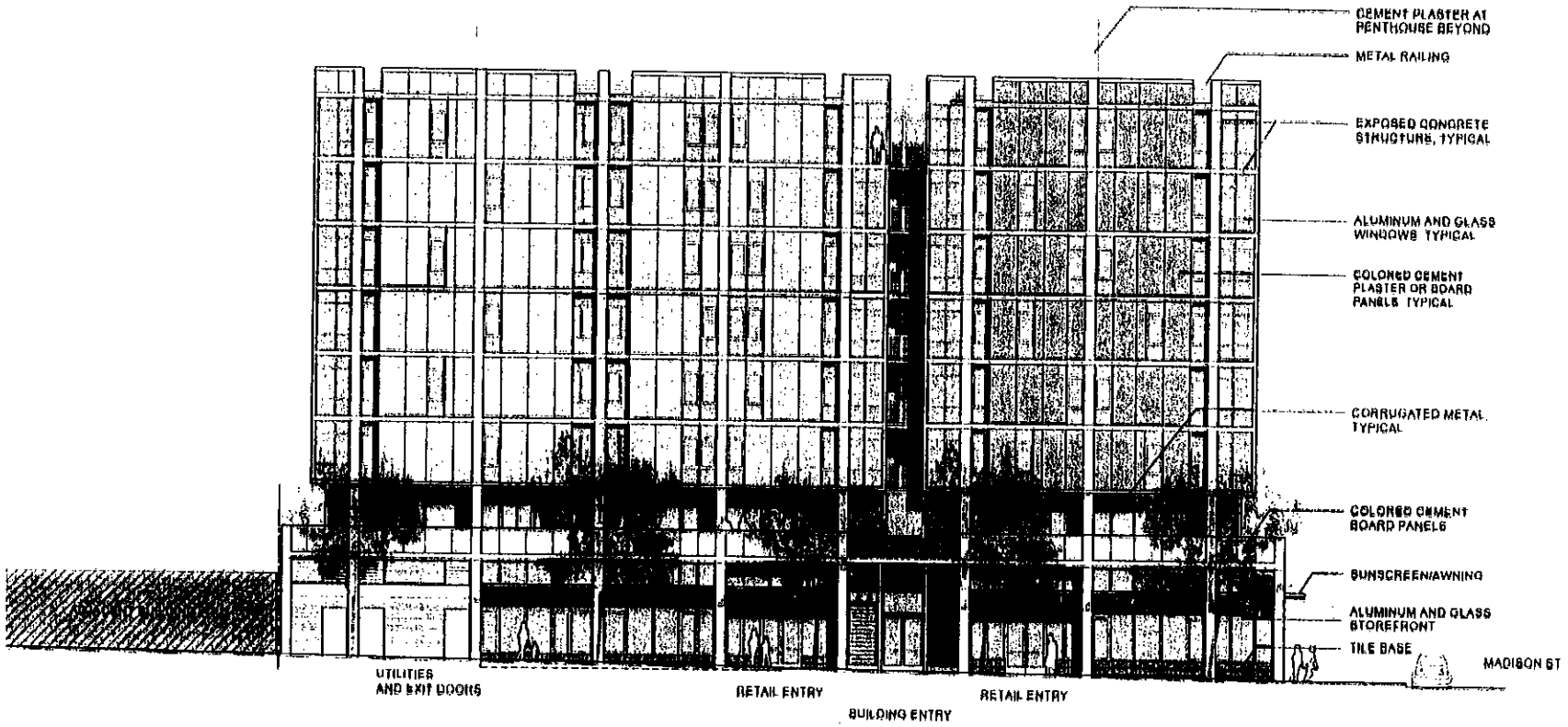
LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1717

N PLAN

MADISON & 14TH ST.

09.03.03

8' 0 8' 16'



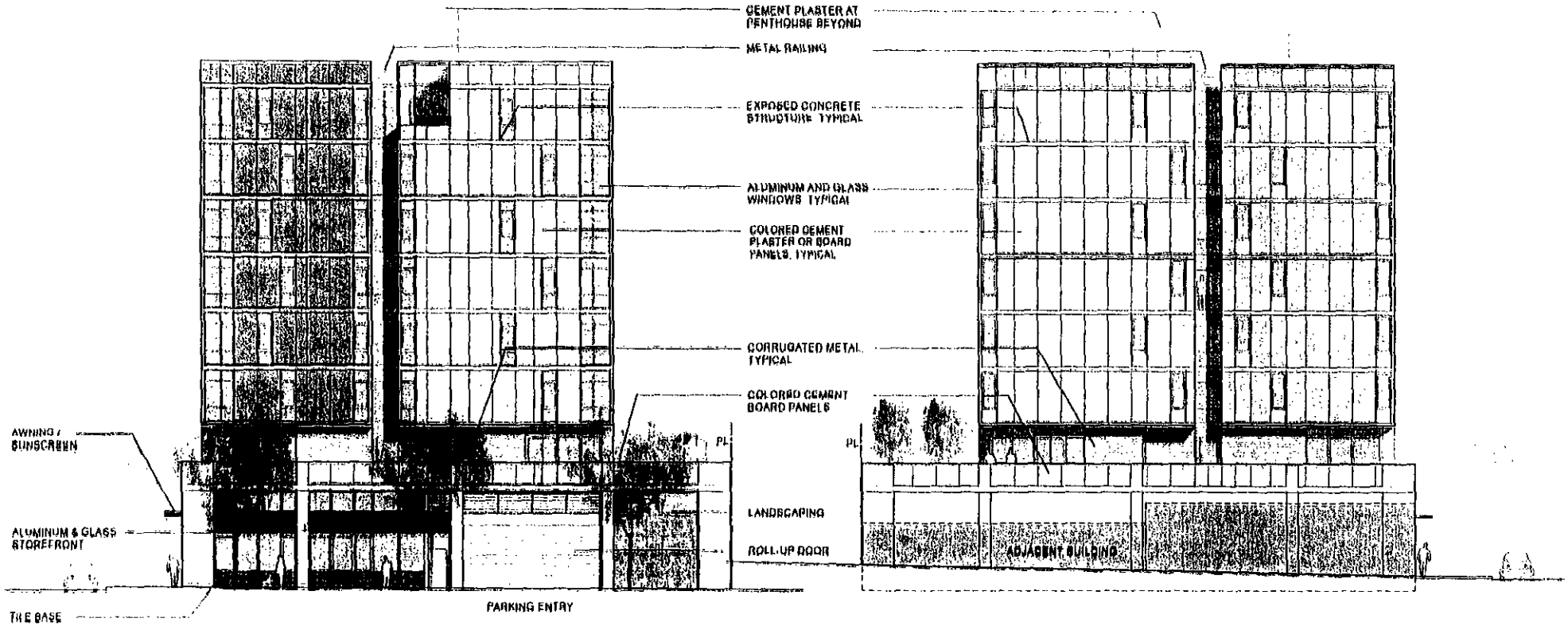
14TH STREET FACADE:
BUILDING ENTRY

LEDDY MAYTUM STACY ARCHITECTS
077 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1717

MADISON & 14TH ST.

09.03.03

8' 0 8' 16'



MADISON STREET FACADE

N.W. PROPERTY LINE FACADE

LEDDY MAYTUM STACY ARCHITECTS
977 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1717

AIA

MADISON & 14TH ST.

09.03.03

8' 0 8' 16'

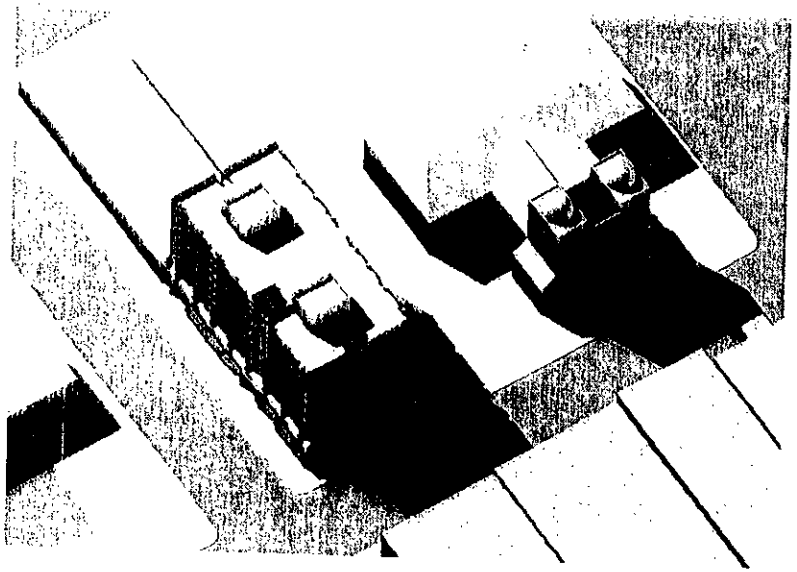
N.E. PROPERTY LINE FACADE

LEDDY MAYTUM STACY ARCHITECTS
877 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1717

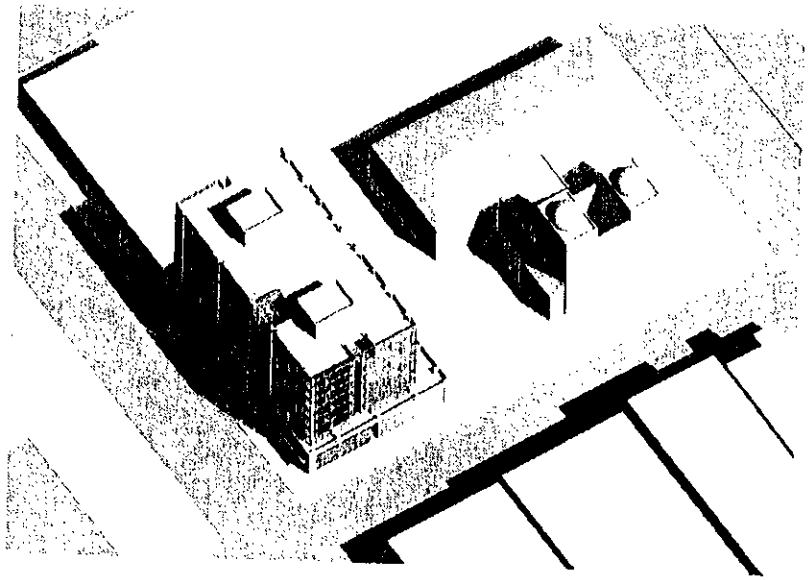
MADISON & 14TH ST.

09.03.03

8' 0 8' 16'



JUNE - 4 PM



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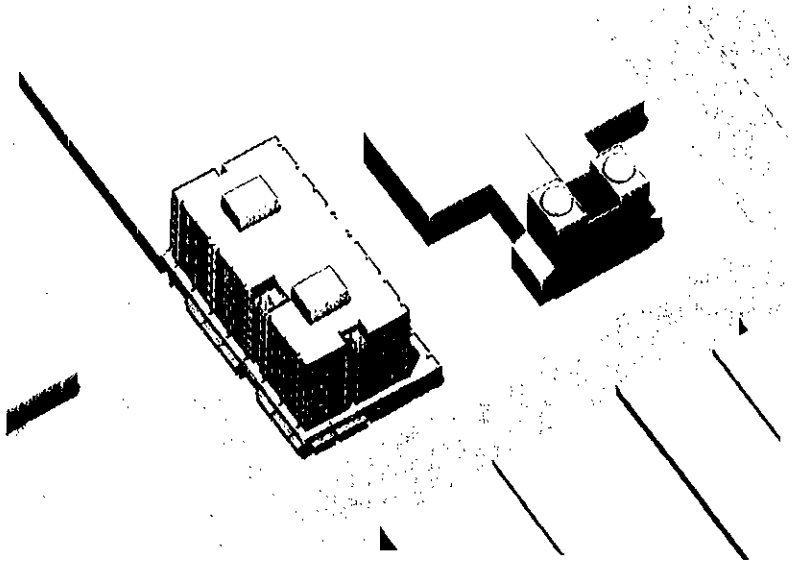


JUNE - NOON

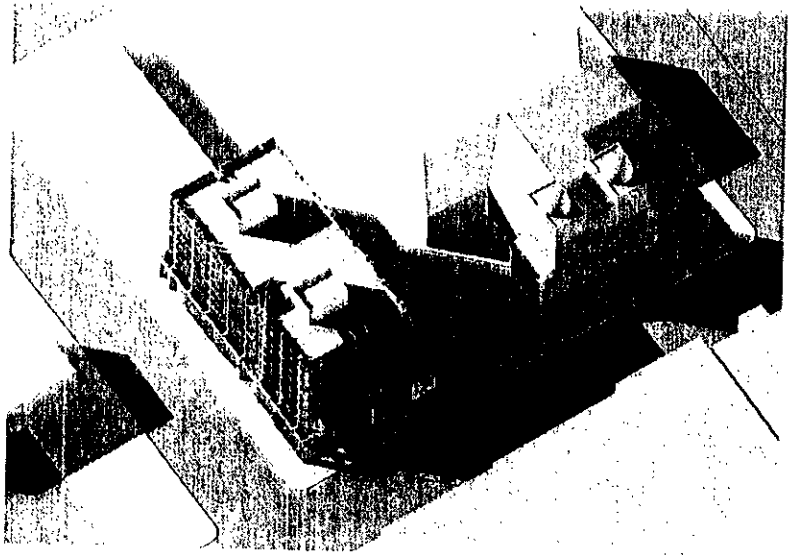
SHADOW STUDY
JUNE

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1717

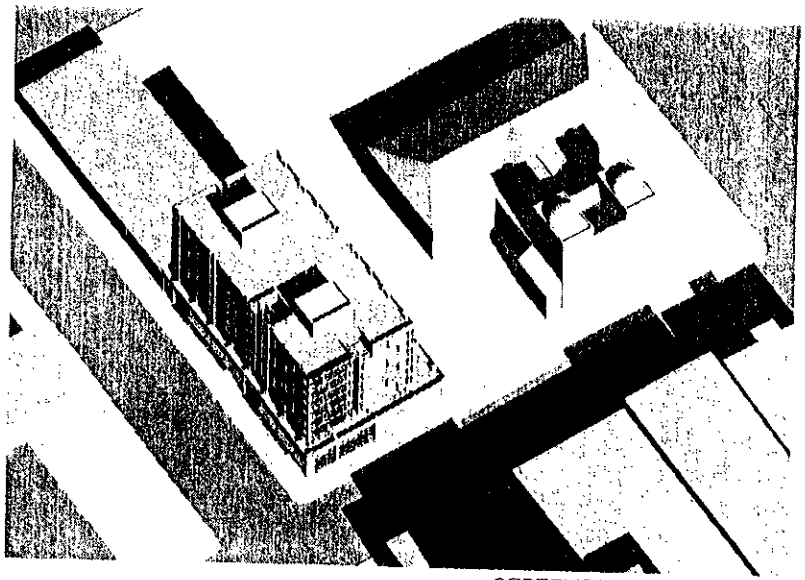
AIA

MADISON & 14TH ST.

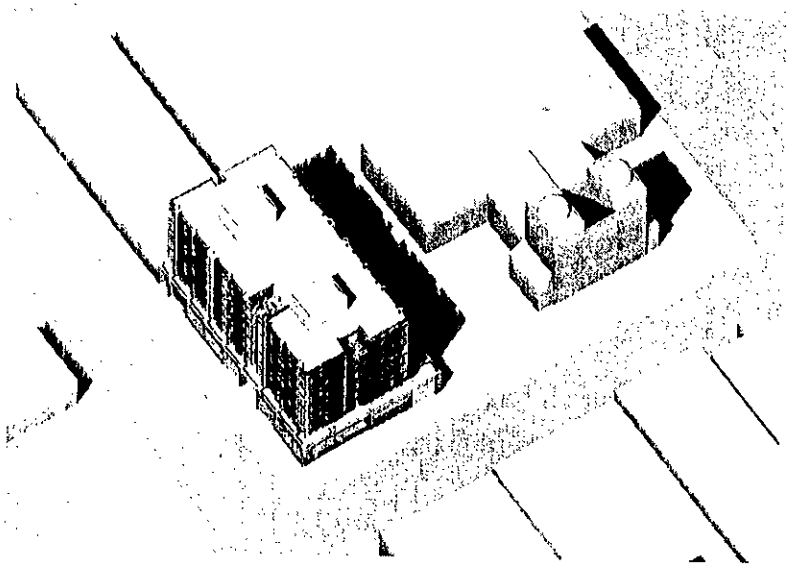
09.03.03



SEPTEMBER / MARCH - 4 PM



SEPTEMBER / MARCH - 9 AM



SEPTEMBER / MARCH - NOON

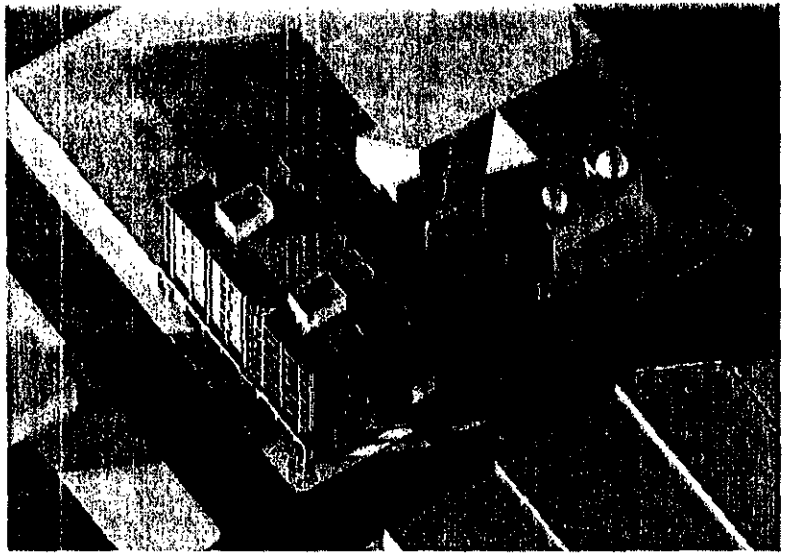
SHADOW STUDY
SEPTEMBER / MARCH

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1717

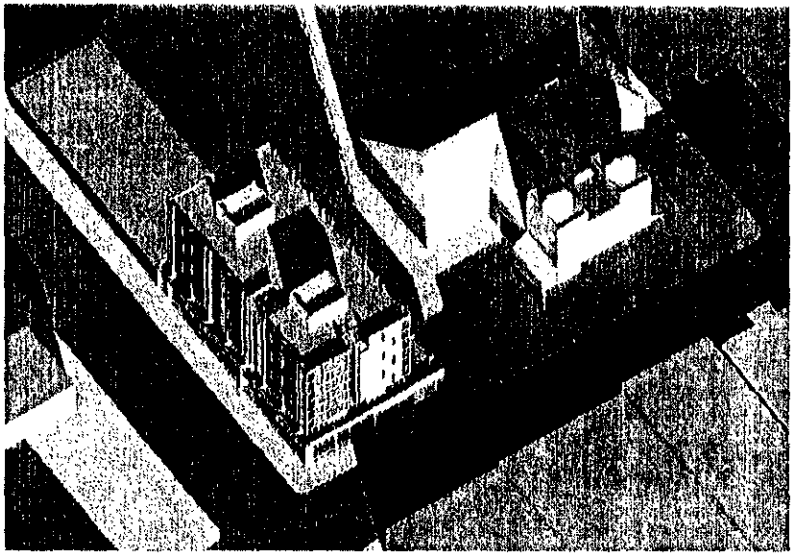
AIA

MADISON & 14TH ST.

09.03.03



DECEMBER - 4 PM



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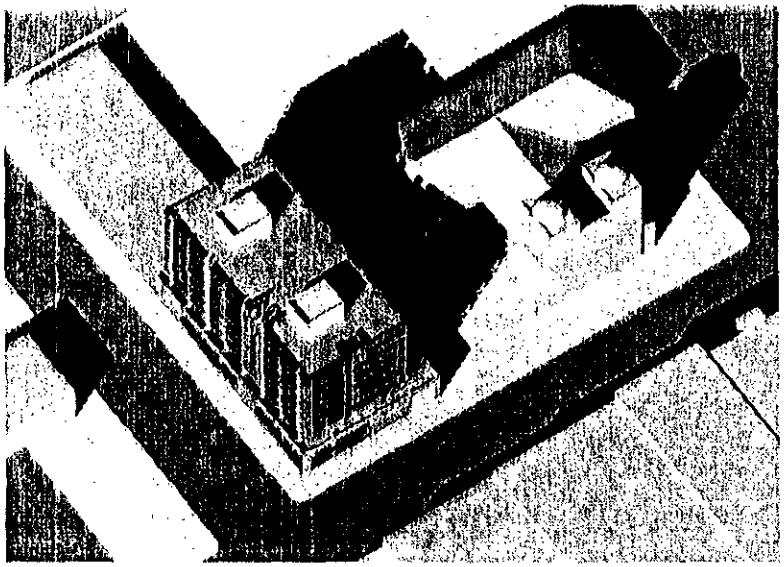

DECEMBER - NOON

SHADOW STUDY
DECEMBER

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO, CA 94107
T 415 495 1700
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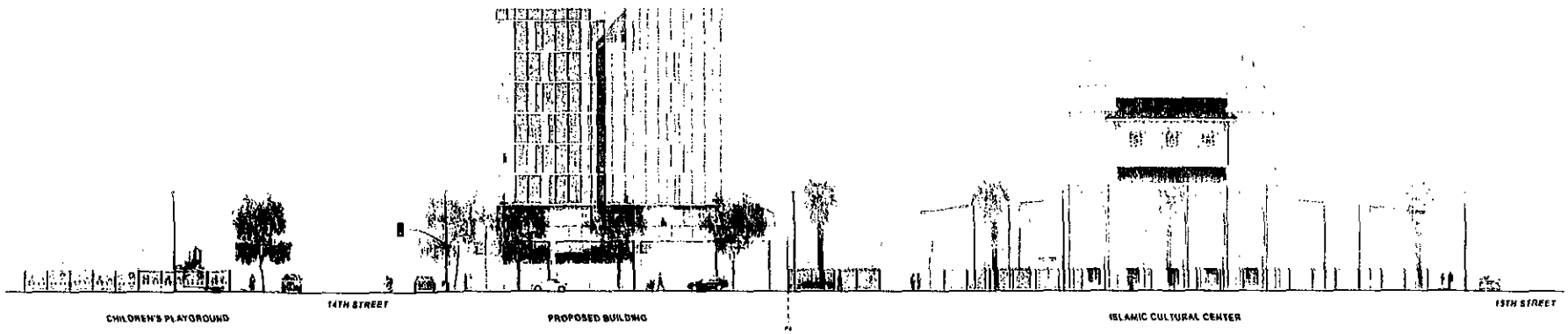
AIA

MADISON & 14TH ST.

09.03.03



MADISON STREET FACADE

LEDDY MAYTUM STACY ARCHITECTS
871 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

MADISON & 14TH ST.

09.03.03

8' 0 8' 16'

CAREY & CO. INC.
ARCHITECTURE

August 8, 2003

Mark Garrell
Affordable Housing Associates
1250 Addison Street, Suite G
Berkeley, CA 94702

Re: Final Historic Impact Study for the 14th & Madison Apartments (Madison Lofts)

Dear Mr. Garrell:

In response to a request from Affordable Housing Associates (AHA), this letter summarizes Carey & Co.'s findings regarding potential impacts of the proposed residential development at 14th & Madison Street on the qualities and characteristics of the historic Islamic Cultural Center (ICC), the former Scottish Rite Temple, built in 1908. The proposed project is located at the corner of 14th & Madison Streets, adjacent to the western boundary of the historic resource. The proposed residential apartment building would be approximately 80,000 gross square feet in size, and eight stories or 85 feet to the roof (LMS Architects, 2003). Please see attached project plans.

This building was surveyed and rated by the City of Oakland in 1982 and given a National Register Status Code of 3 (appears eligible for individual listing in the National Register) and is a City of Oakland Designated Historic Property with an "A" rating. By virtue of its eligibility for listing in the National Register of Historic Places, the former Scottish Rite Temple is also eligible for listing in the California Register of Historical Resources.

Per CEQA Section 15064.5 (b)(1) a project may cause a substantial adverse change in the significance of an historical resource if it would, among other effects, alter the immediate surroundings such that the significance of the resource would be materially impaired. Material impairment results when a project materially alters in an adverse manner those physical characteristics that convey the historical resource's historical significance that justify its inclusion in the National Register of Historic Places, California Register of Historical Resources or local register.

CEQA also provides for projects complying with *the Secretary of the Interior's Standards for the Treatment of Historic Properties* or the *Secretary of the Interior's Standards for Rehabilitation* to be considered as being mitigated to a level of less than a significant impact on the historical resource. *The Secretary of the Interior's Standards* are designed to be applied to historic resource types—buildings, sites, structures, districts, and objects recognized as historic resources, and address four types of treatment: preservation, rehabilitation, restoration, or reconstruction.

ATTACHMENT B

The review of the proposed project's potential effect on an adjacent historic resource was conducted for CEQA purposes. Therefore, any effects to the ICC would have to result in material impairment of those physical characteristics that convey the historical resource's historical significance that justify its inclusion in the National Register of Historic Places, California Register of Historical Resources or local register. Also, in this case, since the proposed project does not include the ICC itself, the Secretary of the Interior's Standards are not applicable.

Carey & Co. has assessed the potential impact of new construction adjacent to this historic resource, in terms of distance, shadows, views, and construction methods.

A. Project Setting, and Historic, Current, and Proposed Uses on the Project Site

The proposed Madison Lofts project would be located on the northwest corner of 14th and Madison Streets in an urbanized portion of downtown Oakland. Uses to the east include the Mission Revival style ICC, the former Scottish Rite Temple built in 1908. This building is set back from its western boundary ranging from 45 feet to 75 feet. Uses to the west across 14th Street includes the Little Stars preschool building, a 2-story 1940s-era former commercial building, and a fenced playground at the corner of 14th & Madison Streets. Uses to the north include a single-story dry cleaners built in the 1950s. Other uses to the north includes a 3-story shingled apartment building at 1410 Jackson Street constructed circa 1900, with a detached garage in the rear of the property converted to a residential apartment, abutting the northern boundary of the project site. Uses to the south, across Madison Street, include a 2-story brick commercial building built circa 1925 at the corner of 14th & Madison Streets, a 4-story stucco-clad apartment building constructed in the 1950s (1428 Madison), and a 5-story stucco-clad apartment building constructed in the 1980s (1448 Madison). Uses to the southwest of the project site include the Oakland Public Library, a 1930s Art Deco building.

According to Sanborn Insurance Company maps from 1912, 1936, 1951, and 1953 (updated to 1970), the project site originally contained two large, two-story Victorian style homes constructed in 1900 and 1906, each with detached outbuildings in the rear of the lots. A similar residence was also located immediately north of this site, in the current location of the dry cleaners. By 1951 the homes on the project site had been converted to rooming houses for multiple occupants. By 1953, the homes were demolished, their lots consolidated, and a gas station was constructed on the project site. The dry cleaners to the north of the project site is also shown on the 1953 map. The gas station operated in this location until about 1973, when it was demolished and became the current surface parking lot. The proposed project would construct a 76-unit apartment building approximately 80,000 gross square feet in size, and eight stories or 85 feet to the roof line, with on-site parking for 53 vehicles and ground floor retail (LMS Architects, 2003). The project would be built to the lot lines at the ground level, with a setback of 20' 6" from the eastern boundary on levels 2 through 8. The proposed project would replace the surface level parking lot on the project site.

B. Distance

The proposed project at 14th & Madison Street would construct a new residential development immediately to the east and adjacent to the ICC, the former Scottish Rite Temple. The Center is set back from 45 to 75 feet from its eastern boundary, with a surface level parking lot between the building and the subject property. Two distances are given due to the irregular "T" shape plan of the Center, whereby the rear half of the property is closer to the adjacent lot than the front half. The ICC is 60 feet tall to the roof and 76 feet tall to the top of the tower cupolas.

The proposed project would be built to the lot lines on the groundfloor, with a set back of approximately 20' 6" on levels 2 through 8. The total distance between the ICC and the proposed project would range from 45 to 75 feet at the groundfloor, and approximately 65 to 95 feet above the ground floor (levels 2 through 8). At 85 feet tall, the proposed project would be 9 feet taller than the ICC, measured to the top of the tower cupolas.

Given the immediate urban setting where buildings are typically constructed to the lot lines and abut one another, the distance between the proposed project and the ICC would be relatively large. While the proposed project would be slightly taller and somewhat larger in volume than the ICC, the setback would allow a development that would not visually overwhelm or otherwise adversely encroach upon the historic property.

C. Shadows

The proposed project would cast shadows on all sides of the property, according to the time of day and the time of the year. Typically, the longest shadows would be cast from sunrise to the early morning, and from the late in the afternoon until sunset. The proposed project would cast shadows in the early morning to the west of the property, across 14th Street and on to the Little Stars Preschool playground and two-story school building. By noon these shadows would be gone. From the late afternoon (around 3PM depending on the time of year) until sunset, shadows would be cast to the east of the building, across the parking lot of the ICC and on to the west-facing wall of the Center (see Photo 1, attached). The proposed project would cast shadows on to the three large, arched stained glass windows depicting Scottish Rite symbols on the eastern façade of the Center, partially blocking sunlight from entering this area of the building in late afternoon until sunset. These arched windows are located on the second floor of the ICC, approximately 15 feet from the ground level, and are about 10 feet tall (see Photos 1 and 2 – center of ICC building). These windows, as well as identical windows on the eastern façade and eight suspended ceiling lamps illuminate the interior "Red Room," a large two-story Gothic-styled room (City of Oakland, 1983). Late afternoon shadows would not substantially preclude the overall use and enjoyment of the facility and would not block sunlight from penetrating the facility during other portions of the day, or on other sides of the building, including identical windows on the eastern elevation, or the three circular windows on the southern elevation.

Shadows cast by structures are typical in the urban setting and the encroachment of shadows on to private properties are not considered a significant adverse impact on the environment. As a result, the proposed project would not have a substantial adverse effect on the historic property in terms of shadows.

D. Views

The primary views of the ICC looking the north across Madison Street and looking west across 15th Street would remain unobstructed by the project (see attached photos 1 and 2). Views through the project site to the ICC beyond, when traveling north on 14th Street, would be replaced with views of the proposed development. From this vantage point, the west-facing façade of the ICC would be partially obscured from view by the proposed building (see photos 3 - 5). This view is already partially obscured by a large tree on the corner of Madison and 14th Streets. The other facades of the ICC, such as the south- and east-facing facades shown in Photos 1 and 2, would remain visible to the travelers along Madison Street and 15th Street. Views from the ICC, facing west, would change from a surface-level parking lot to views of the 8-story apartment building, approximately 45 to 75 feet away at ground level,

and about 65 to 95 feet away from levels 2 through 8. Other viewing directions from the ICC would remain unchanged.

The surrounding urban landscape is characterized by buildings which are built to their lot lines, and range from 1 to 5 stories in height. At 8-stories in height, the proposed project would be somewhat taller than the average height of the buildings in the immediate vicinity, and would also be built to the lot lines. The building would fill in a currently underutilized lot, and would appear as a continuation of the urban fabric, or the "streetwall." The proposed project would not adversely affect a scenic vista or substantially damage a scenic resources, as none are currently located on the site. The proposed project would change the visual setting of the ICC, but would not visually overwhelm or otherwise adversely affect the Center, primarily due to the fairly large setback between the buildings. From Madison Street the ICC would continue to read as a distinct building, and would generally appear as it has historically.

The proposed project would appear visually and architecturally distinct from the ICC, given its modern architectural style finished in glass, concrete or cement plaster, and steel materials with a rectangular building form, in contrast with the Mission Revival style of the ICC, characterized by stucco finishes, Spanish tile roofing, and varied building forms. This variety of materials and form is typical in an urban areas, where different buildings from different periods are often constructed adjacent to one another, and is typical in the immediate project vicinity, where there is a variety of building styles and construction dates.

E. Construction Methods

The proposed construction methods are unknown at this point, however, there are some general guidelines when constructing new buildings adjacent to historic resources. In general, drilled piers are preferable to pile driving, as pile driving may create impact vibrations that can be attenuated through the soil, potentially damaging the ICC. Pile driving can crack delicate plasterwork on the exterior or interior of buildings, and in some case, cause more serious structural damage depending on the level of vibration. Finally, heavy construction equipment including truck traffic could damage the ICC.

Recommendations for construction methods of the Madison Lofts would include the following

1) Utilize drilled piers for foundation construction efforts. This method, combined with the distance from the resource, would have no discernable vibration impact.
2) If drilled piers are infeasible, pile driving methods can be utilized if the following conditions are met: a) a historic preservation architect would prepare an existing conditions report of the ICC to determine baseline conditions prior to construction, and determine an acceptable vibration threshold; b) attach vibration monitoring equipment to the Center during foundation construction efforts. c) periodically monitor vibrations and inspect the historic resource. Construction should cease if vibration levels are detected above the established threshold, or if damage is found when compared to baseline conditions.
3) Route heavy construction equipment including large trucks away from Madison Street.

As the project proponents intend to implement the above-listed construction methods, no impact to the ICC from ground vibration is expected to occur.

F. Conclusions

It is our professional opinion that the proposed Madison Lofts at 14th & Madison Streets in downtown Oakland would not constitute a significant impact to the historic ICC (former Scottish Rite Temple) in terms of distance, shadows, views, or construction methods such that it would no longer qualify for listing in the National Register of Historic Places, the California Register of Historic Resources, or as a local historic landmark.

I can be reached at 415.773.0773, if you have any questions or concerns.

Very truly yours,

Brad Brewster
Project Manager, Preservation Planning

cc: Neil Gray, City Planner
attachments

SOURCES

City of Oakland, Historic Resources Inventory Form, *Madison Street (Masonic) Temple*, Prepared by the Oakland Cultural Heritage Survey, 1983.

Leddy Maytum Stacy (LMS) Architects, *Revised Plans and Planning Area Summary*, April 19, 2003.

Sanborn Fire Insurance Company, Maps 1912, 1936, 1951, 1953.

Photo 1. Views of the ICC Looking Northeast from Madison Street

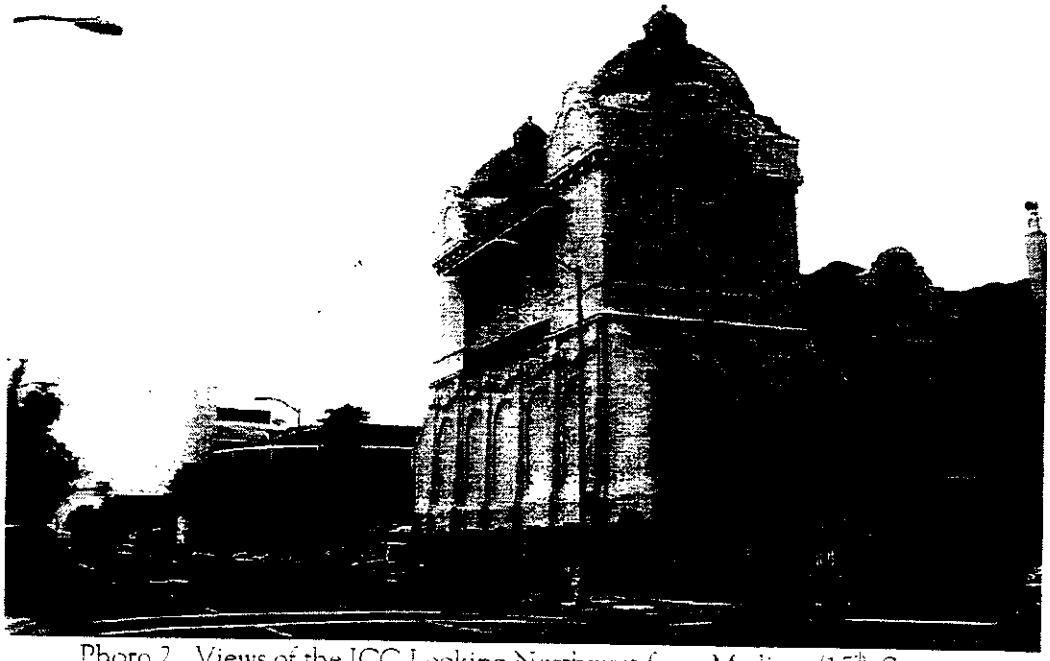
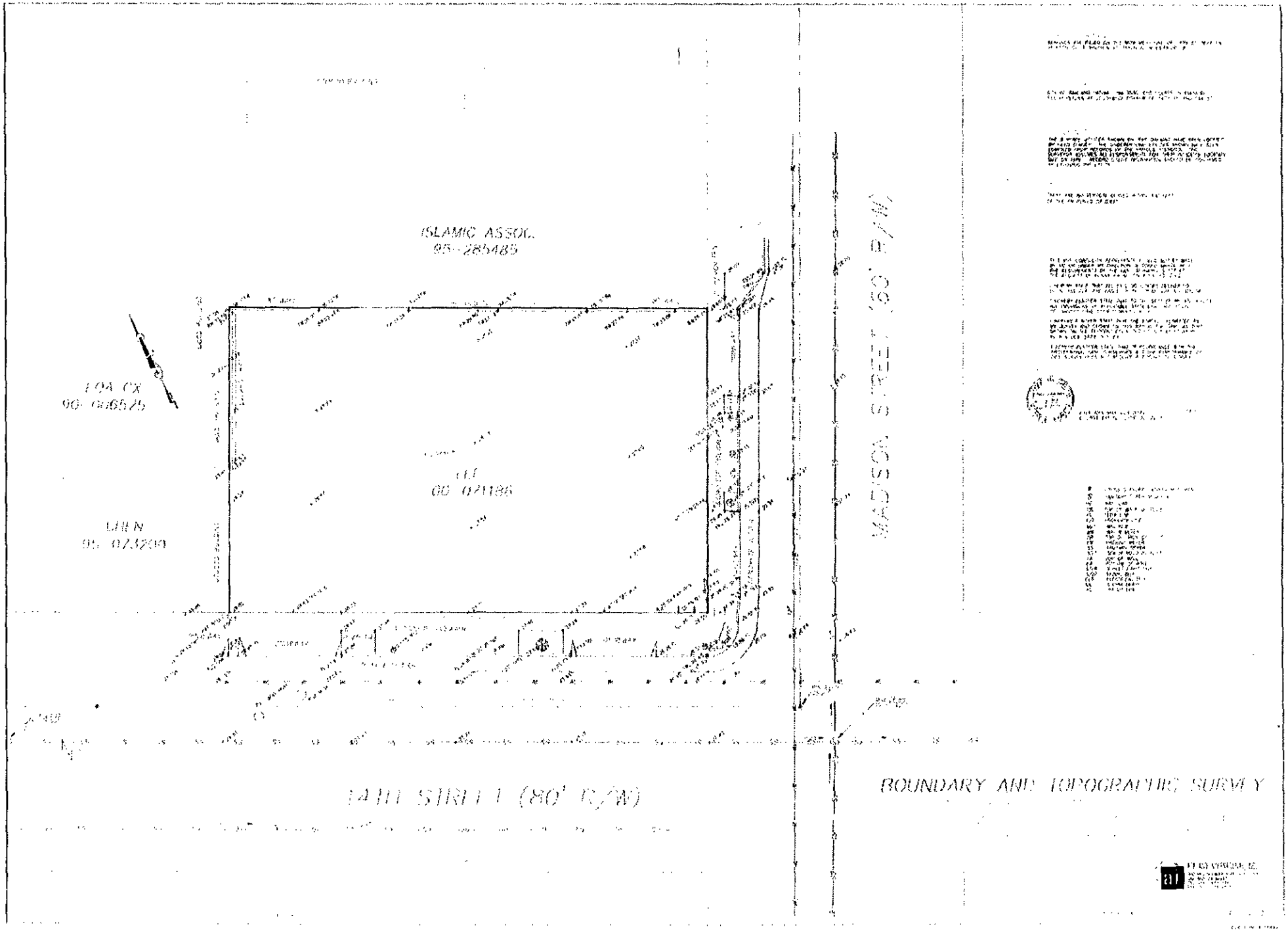


Photo 2. Views of the ICC Looking Northwest from Madison/15th Streets

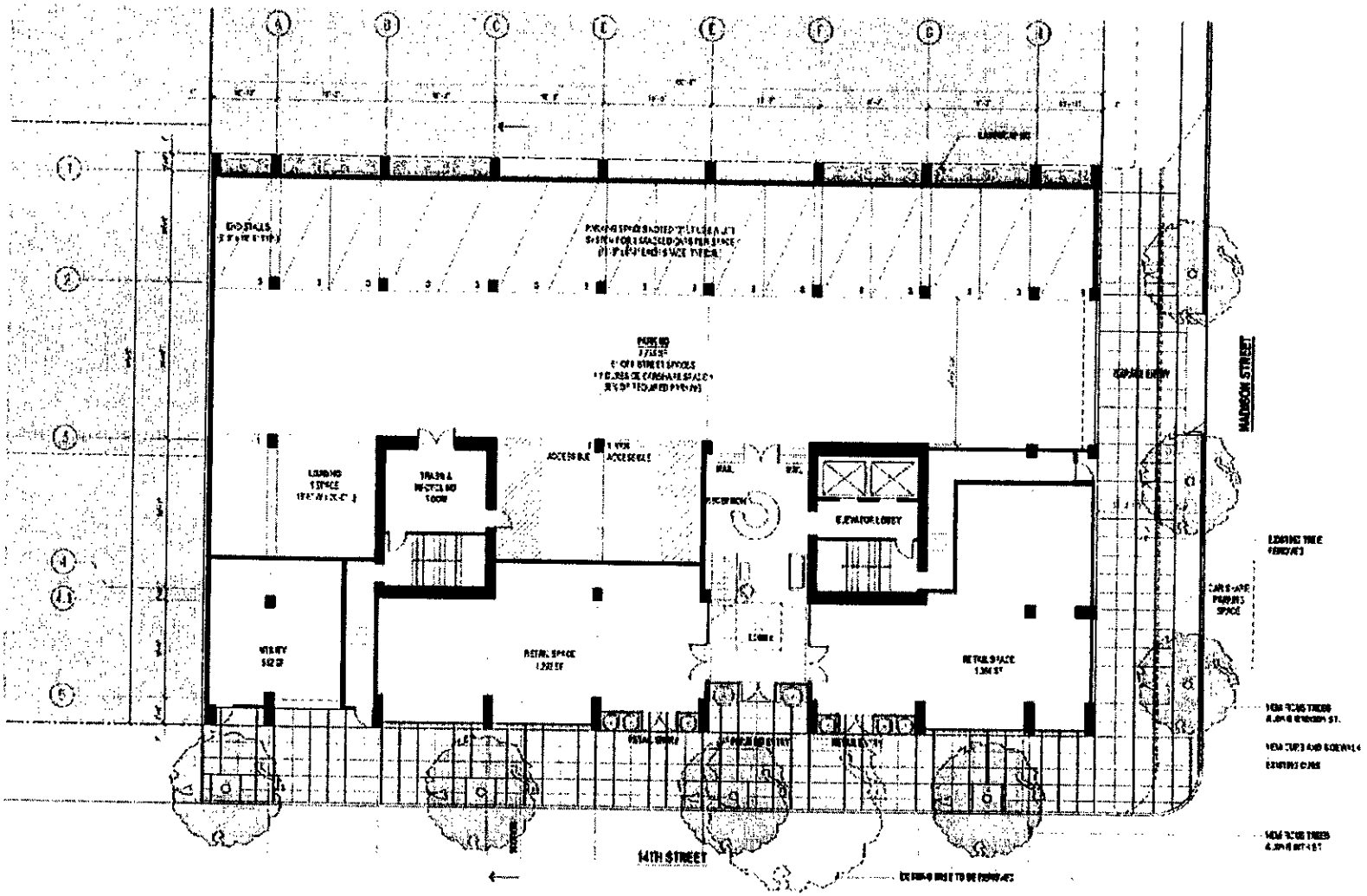
Photo 3. View of the Project Site Looking North

Photo 4. View of the Project Site and the ICC Beyond Looking Northeast from Madison/14th Streets

Photo 5. View of Project Site and ICC Beyond Looking East from 14th Street.



BOUNDARY AND TOPOGRAPHIC SURVEY



GROUND FLOOR PLAN (1ST LEVEL)

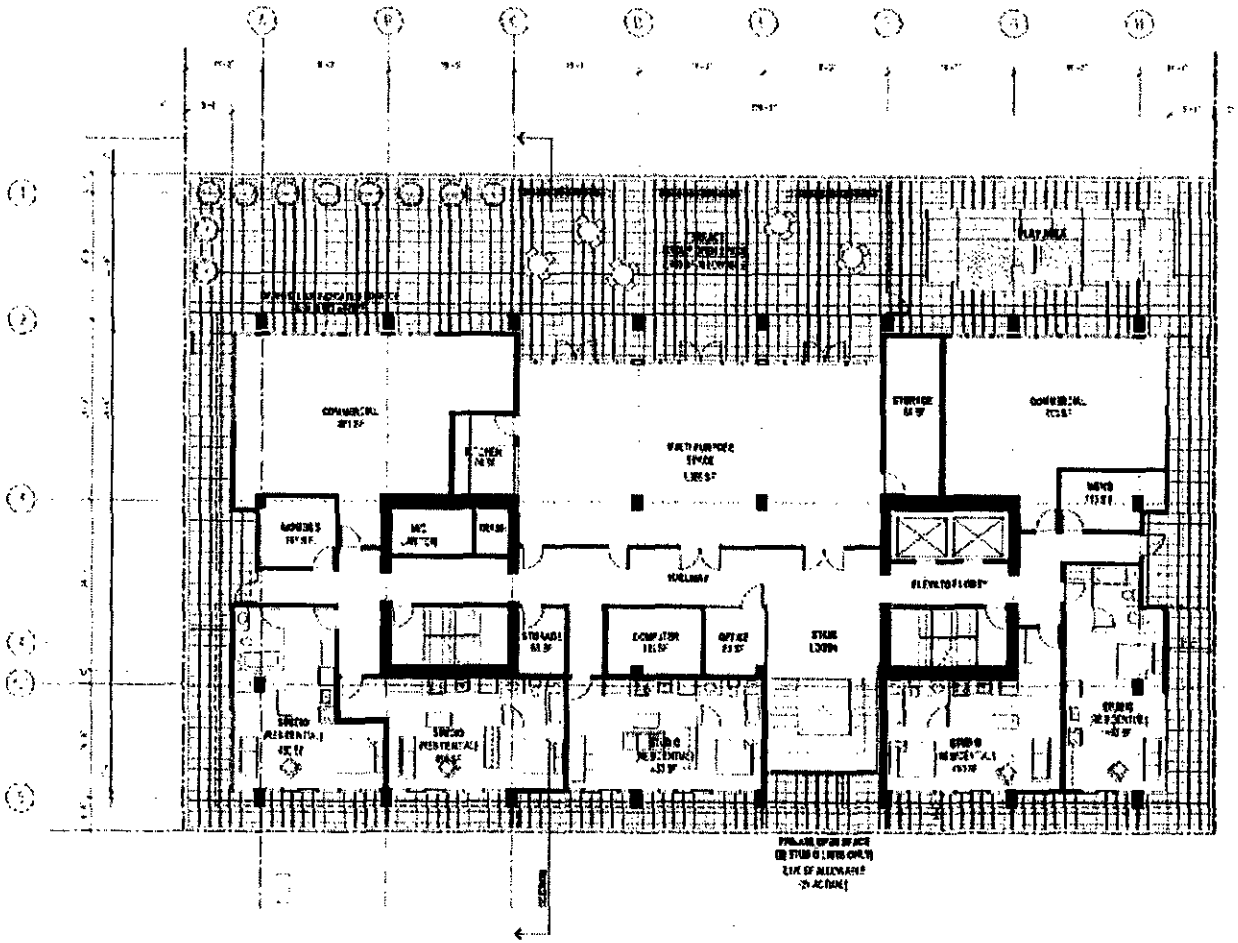
LEDDY MAYTUM STACY ARCHITECTS
[illegible]
SAN FRANCISCO [illegible]
T 415 [illegible]
F 415 [illegible]

AIA

N PLAN

MADISON & 14TH ST.

07.31.03



PODIUM FLOOR PLAN

LEDDY MAYTUM STACY ARCHITECTS
477 HARRISON ST
SAN FRANCISCO CA 94107
T 415 495 1700
F 415 495 1787

AIA

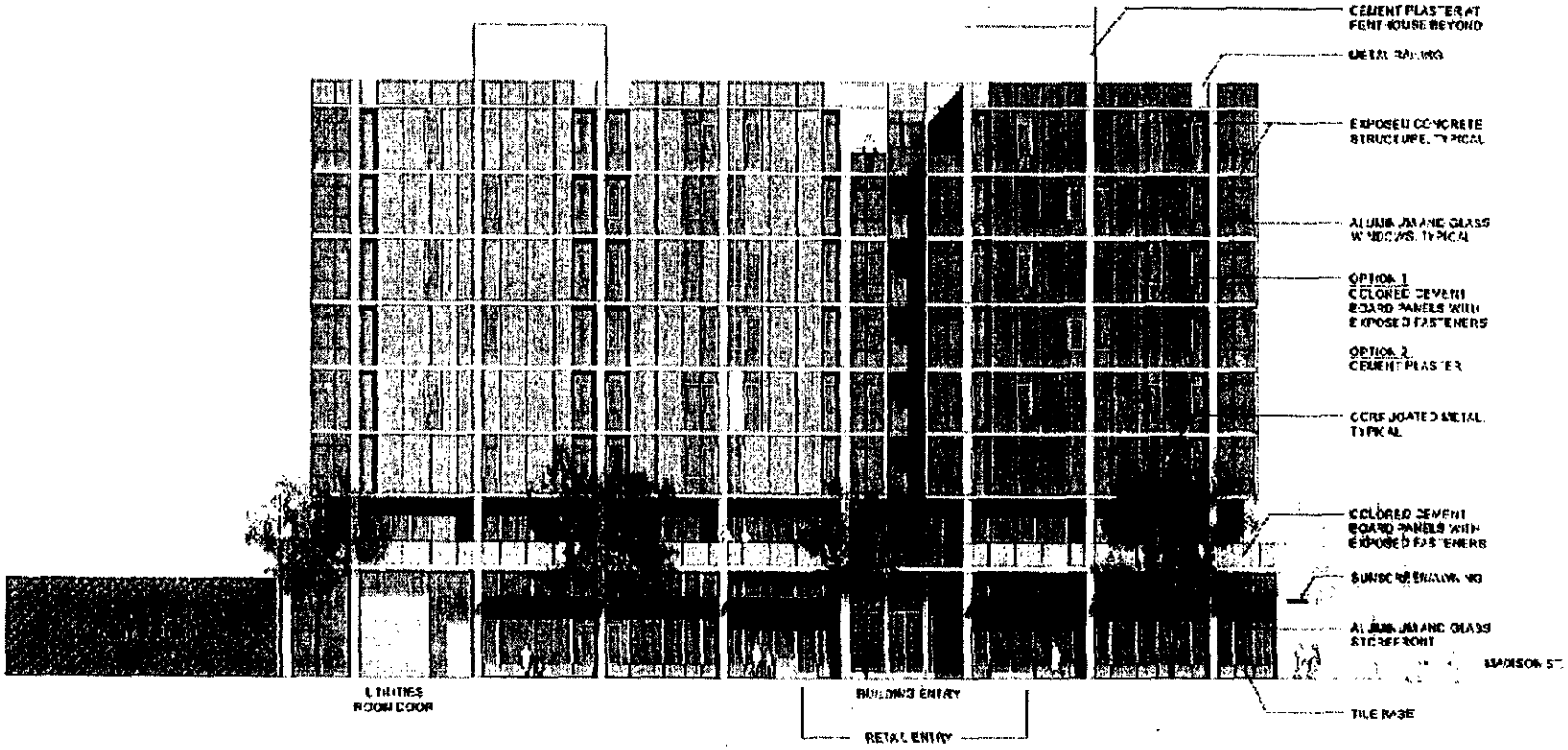
N PLAN

MADISON & 14TH ST.

07.31.03

0 5 10 20

14.4
ORA/COUNCIL
NOV 1 8 2003



14TH STREET FACADE

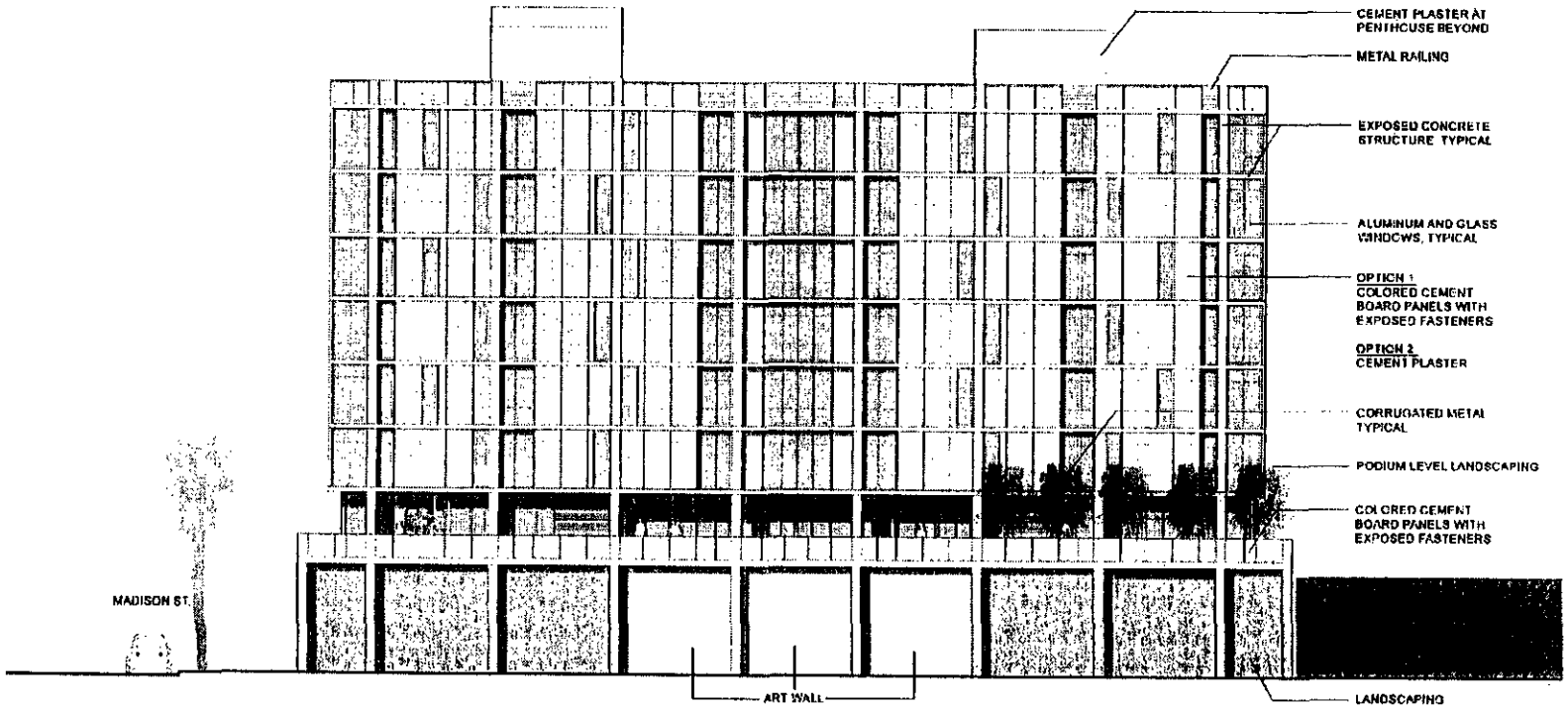
LEDDY MAYTUM STACY ARCHITECTS
877 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1733
F 415 495 1717

AIA

MADISON & 14TH ST.

07.31.03

0' 3' 5' 10'



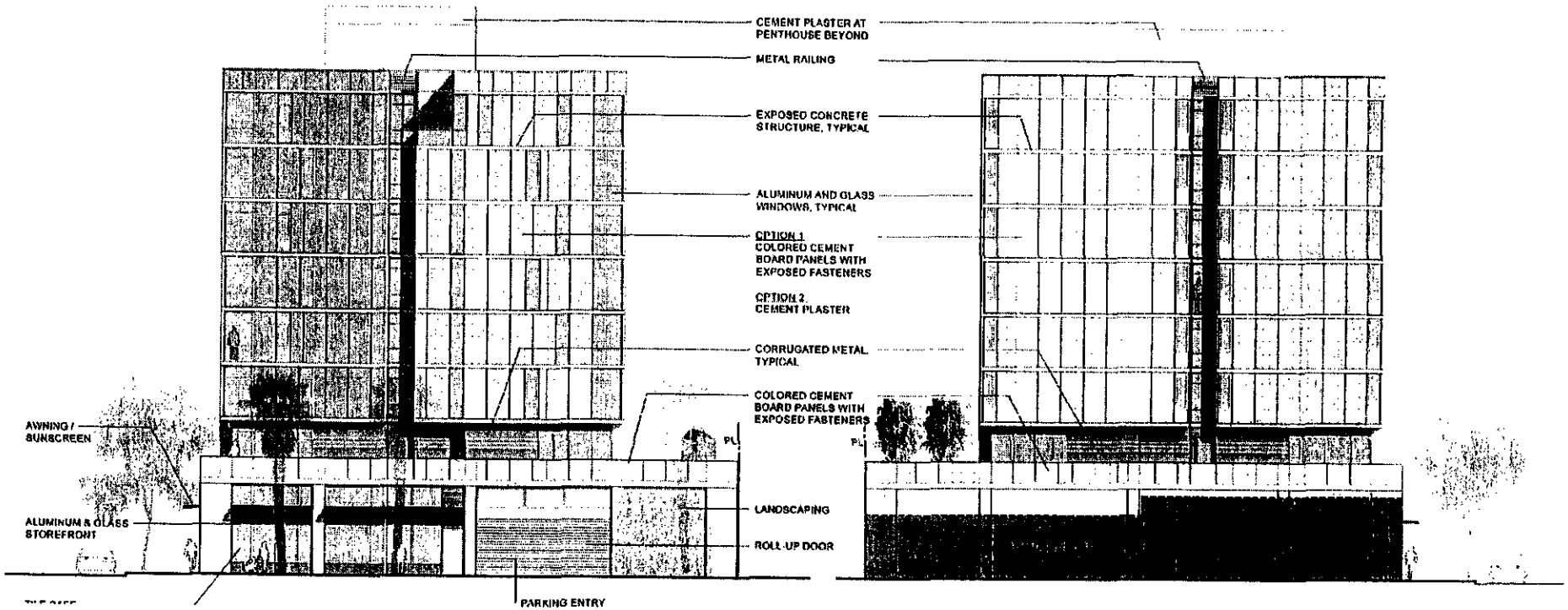
REAR FACADE

MADISON & 14TH ST.

06.13.03

LEDDY MAYTUM STACY ARCHITECTS
577 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

AIA



MADISON STREET FACADE

PROPERTY LINE FACADE

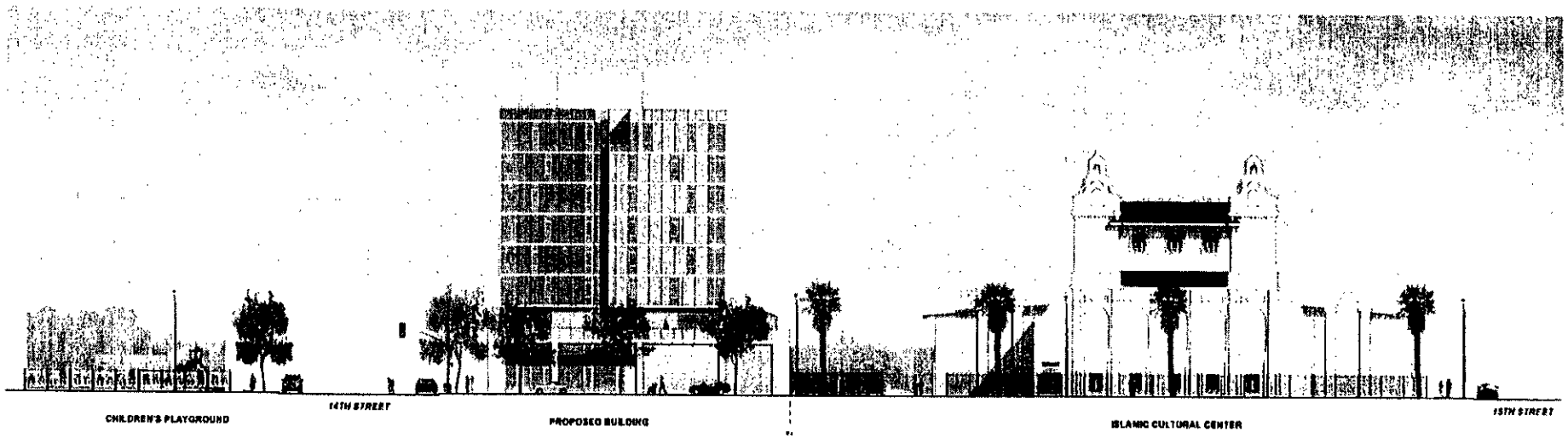
LEDDY MAYTUM STACY ARCHITECTS
477 HARRISON ST.
SAN FRANCISCO, CA 94107
T 415 495 1709
F 415 495 1717

AIA

MADISON & 14TH ST.

06.13.03

0' 0 8' 16'



MADISON STREET FACADE

LEDDY MAYTUM STACY ARCHITECTS
677 HARRISON ST
SAN FRANCISCO, CA 94107
T 415 495 1700
F 415 495 1717

MADISON & 14TH ST.

07.31.03

32' 0 32' 64'

DKS Associates
TRANSPORTATION SOLUTIONS

August 18, 2003

Mr. Mark Garrell
Affordable Housing Associates
1250 Addison Street
Suite 6
Berkeley, CA 94702

Subject: **Final Report – Parking Requirements for Madison Lofts** P/A No. P02304

Dear Mr. Garrell:

DKS Associates is pleased to present this updated version of the Final Report on the Parking Requirements for Madison Lofts. Thank you for the opportunity to assist you with the parking study and we look forward to working with you in the future.

Sincerely,

***DKS** Associates*
A California Corporation

Dustin Luther, P.E.
Project Manager

p:\p\02\02304\docs\letter madison lofts 8_18_03.doc

1956 Webster Street
Suite 300
Oakland, CA 94612

(510) 763-2061
(510) 268-1739 fax
www.dksassociates.com

ATTACHMENT C

Parking Requirements for Madison Lofts

Final Report

Prepared for

Affordable Housing Associates

Prepared By

***DKS** Associates*
1956 Webster Street, Suite 300
Oakland, CA 94612
(510) 763-2061

August 2003

1.0 SUMMARY OF FINDINGS

This report evaluates the appropriate number of on-site parking spaces for the residential aspects of a proposed affordable, mixed-use development in Downtown Oakland. The proposed development is located at 160 14th Street (at the corner of Madison Street). The development would include 58 typical residential units and 18 service-enriched units, for a total of 76 residential units.

DKS examined a variety of sources before recommending a parking supply ratio for this development. Because limited parking demand data specific to affordable housing units are available, DKS worked with the City of Oakland Planning staff to determine three local affordable housing sites to be studied. DKS then surveyed the parking demand at these locations. In addition, the client provided parking demand surveys of sites they currently manage.

Taking into account the available data, DKS recommends using a parking supply ratio of 0.65 parking spaces per unit for the affordable housing units at this location. This results in 50 parking spaces for the 76 residential units (includes the service-enriched units). One space will need to be provided for the three full time service employees bringing the total to 51 parking spaces for the development. The current plans for the development call for 53 parking spaces, two of which will be reserved for handicapped vehicles. Therefore, sufficient parking is provided.

The parking supply ratio recommended by DKS is consistent with other projects that have recently been approved by the City's Planning Commission. One project recommended a parking ratio of 0.60 be used, while another recommended a ratio of 0.50 be approved.

2.0 PROJECT BACKGROUND

This proposed mixed-use development would be located 160 14th Street (at the corner of Madison Street) in Downtown Oakland. The development would include approximately 2,600 square feet of retail space on the ground floor, 3,000 square feet of community and social service space on the podium level, and 76 affordable housing units. Rental rates would be restricted such that approximately 35% of the units would be affordable at 30% of the area median income (AMI), 40% of the units at 50% AMI, and 25% of the units at 60% AMI. Unit types would include 23 studios, 29 one bedrooms, 18 two bedrooms, and 6 three bedrooms. Fifty-eight of the units would by typical affordable housing units, while 18 of the units would be service-enriched units.

This report evaluates the appropriate number of on-site parking spaces for the proposed development based on the development size and location, as well as the expected resident characteristics. This report only analyzes the parking requirements for the residential aspects of the facility. The City has determined that the neighborhood retail space would also require three parking spaces, and the three full-time service employees would require 1 parking space. Although the retail and community service parking demand is not analyzed in this report, it may be able to be accommodated via a shared residential-commercial parking program, in which

residents who commute to work agree to make their parking spaces available to commercial tenants during work hours.

As the demand for parking is heavily influenced by people's ability to have mobility without an automobile, this report first examines the local conditions that influence parking generation. This is followed by a review of the City of Oakland's Parking Generation Requirements and the Institute of Transportation Engineers (ITE) *Parking Generation Manual*. Because affordable housing units are not well represented by either of these options, we also analyzed the potential demand using site-specific parking generation from similar facilities. Finally, based on the research presented in this report, a recommendation is made regarding the number of parking spaces to be provided at the proposed development.

3.0 EXISTING CONDITIONS

For the people living without a personal vehicle, there are three important factors that affect their sense of mobility:

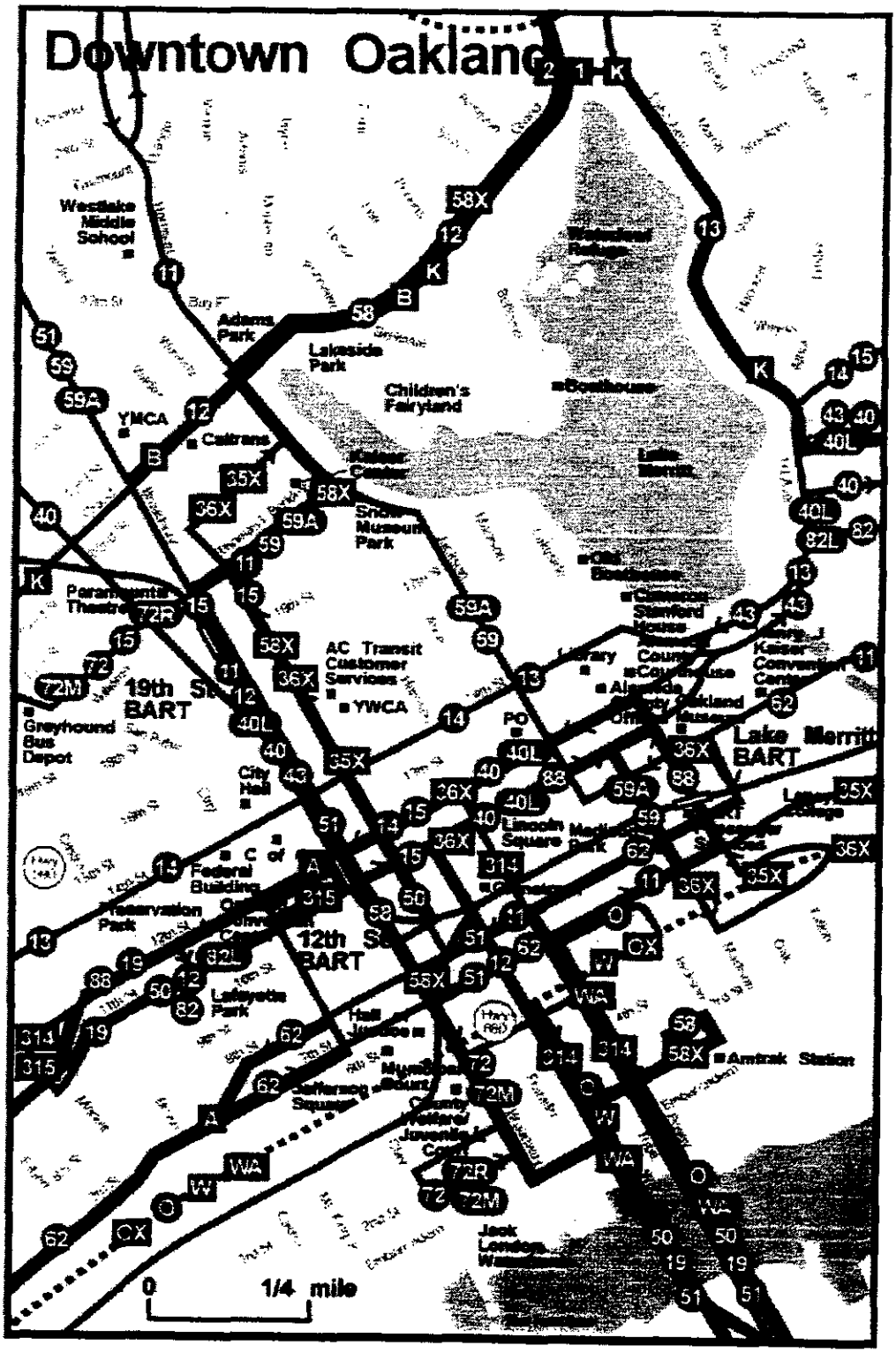
- Available transit service,
- Completeness of the local pedestrian network, and
- Nearby amenities.

The proposed development is well served by transit. Two BART stations, Lake Merritt and 12th Street, are each within a few blocks. Additionally, many AC Transit routes serve the immediate area providing convenient access to much of the East Bay. They include route 13, route 14, route 15, route 40, route 40L, route 59, route 59A, route 36X and route 88. A map of nearby transit services is illustrated in Figure 1.

The pedestrian network is nearly complete near the project site. A site visit confirmed the existence of sidewalks and crosswalks at nearly all nearby intersections.

The proposed development has significant nearby amenities. Located in Downtown Oakland, there are many employment, recreational, and entertainment centers near the project site. These include the main branch of the Oakland Library (located across the street), the Alameda County courthouses, the Oakland Museum, Laney College, and Lake Merritt.

Figure 1– Existing Transit Services



Source: Transitinfo.org, 2003

3.1 Nearby Parking

There are numerous surface street parking lots available to the general public near the study site. All of them are pay parking with no attendant present. In general, they are available twenty-four hours a day. They include:

- Approximately 70 spaces at Madison Street and 17th Street
- Approximately 40 spaces at Madison Street and 15th Street
- Approximately 60 spaces at Madison Street and 14th Street (study site)
- Approximately 70 spaces at Madison Street and 13th Street
- Approximately 300 spaces at Jackson Street and 13th Street

Near the study site, there is on-street parking on the surrounding streets. In general, streets north of 14th Streets are limited to two hour (un-metered) parking during the day, and streets south of 14th (including 14th Street) are metered for a maximum stay of two hours during the day. There are a few metered parking spaces that are directly in front of the study site on Madison Street. There is no residential parking program in the area.

The only other notable parking feature in the area is the "Alcopark" garage located at Jackson Street and 13th Street. This parking garage has approximately 700 spaces open to the public. However, it is currently only open between 7 AM and 7 PM, so it is not available to nearby residents during the evening when their parking needs peak.

4.0 PARKING REQUIREMENTS RESEARCH

In general, parking space requirements are based on an estimate of the number of spaces that would be needed by a particular development. As with most local governments, the City of Oakland has developed parking requirements based on the type of land use. This particular development falls under the category of both a low/mid rise apartment and a service-enriched permanent housing. The low/mid rise units require one parking space per dwelling unit, while the service-enriched units require two spaces for every three units. As the City Code is not specifically tailored to affordable housing developments, other resources were examined to see if a variance to the parking requirement for this development is warranted, including City of Oakland planning policies, programs, and precedents.

4.1 City of Oakland's Parking Generation Requirements

Section 17.116.060 of the Zoning Ordinance requires one parking space per residential unit, and two spaces for every service-enriched unit for a total of 70 spaces. Based on a conversation with staff from the City's Current and Strategic Planning Department, the City of Oakland staff is currently updating and reexamining their parking generation requirements. They have no parking demand rate specific to affordable housing.

The development also falls within the Central Business District Plan classification, a designation "intended to encourage, support, and enhance the downtown area as a high density mixed use

urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California". The project would be consistent with several General Plan Policies regarding Downtown development, including:

- Policy D3.1 Promoting Pedestrians
- Policy D6.1 Developing Vacant Lots
- Policy D9.1 Concentrating Commercial Development
- Policy D10.1 Encouraging Housing
- Policy D10.2 Locating Housing
- Policy D10.4 Providing Housing for a Range of Needs
- Policy D11.1 Promoting Mixed-Use Development
- Policy D11.2 Locating Mixed Use Development

Further, the project fulfills the "transit oriented development" objectives of the General Plan by providing a mixed use, dense proposal within six blocks of the Lake Merritt and Downtown City Center BART stations. These goals and policies are often met by reducing the parking requirements where a lower parking supply can be justified for a development.

The City of Oakland has recently approved two separate projects that required a Minor Variance to the parking requirements. One development, at 1242 35th Street, was approved for a 0.60 parking ratio due to the high level of nearby transit service. Another housing complex, at 341 – 345 Henry Street and 348 – 352 Lewis Street, was approved for a 50 percent reduction in parking requirements due to the ample neighborhood parking, high level of nearby transit service, and the live/work nature of the development.

4.2 Parking Generation Manual Requirements

For this project, the ITE *Parking Generation Manual* did not prove to be a useful resource. The document did not differentiate between urban and suburban or standard and affordable apartments. The closest type of development was a "Low/Mid – Rise Apartment." The average number of apartments surveyed in this category was 222 units for the weekday surveys, and 547 units for the Saturday surveys, both of which are substantially larger than the proposed development.

4.3 Similar Developments

DKS surveyed a variety of affordable housing sites in Oakland to estimate the parking demand at affordable housing sites in Oakland. This information was supplemented by the client with a parking survey that was done at affordable housing sites that they currently manage.

DKS Data Collection

At the recommendation of City of Oakland staff, three local affordable housing sites were analyzed to determine their parking demand. The sites were:

1. Frank G. Mar Building (1220 Harrison St, Oakland)
2. Hisman Hin Nu Terrace (2555 International Blvd, Oakland)

3. Kenneth Henry Court (6455 Foothill Blvd, Oakland)

Data was collected according to standard engineering practice, and the standard data collection sheets that were used are illustrated in the Appendix. Data was collected on a mix of weekday evenings and weekends, when parking is close to its highest demand, and we had access to the various sites. As parking at all of these sites is behind locked gates, surveying was limited to times when property managers were willing to meet with the consultant and give access to the parking locations. The evening time period was chosen because this is typically a peak time period for parking demand at residential developments. A summary of the data collection effort is illustrated in Table 3. The maximum ratio of demand to occupied units was 0.63. The average ratio of demand to occupied units was 0.58.

Table 1 – Parking Demand Collected By DKS Associates

	Number of Parking Spaces	Number of Occupied Units on Property	Peak Number of Vehicle (Demand)	Parking Spaces Per Unit	Demand Per Occupied Unit
Hisman Hin Nu	84	92	58	91%	0.63
Kenneth Henry Court	44	51	29	86%	0.57
Frank G. Mar	99	119	64	83%	0.54
Average	*76*	*87*	*50*	*87%*	*0.58*

Note:
(1) All sites are located in Oakland, CA
(2) A peaking factor was used to estimate the number of vehicles that would be parked during the peak (late night) time period.
(3) The number of occupied units for the Kenneth Henry Court was estimated and is consistent with the occupancy of other two developments.

Source: DKS Associates, 2003

All of the parking data was collected in July 2003. It has been DKS's experience that residential parking patterns are not nearly as affected by summer peaking as other aspects of the transportation system.

DKS has collected data on the parking demand variation by hour of day from previous studies. This allows DKS to estimate the peak parking for data that is collected in the evening, even thought the peak parking would probably occur later in the night. For a low-rise apartment, data collected between 7 PM and 8 PM is 76 percent of the peak, while data collected between 8 PM and 9 PM represents 88 percent of the peak.

Client Provided Data

The client provided a variety of resources to DKS in this analysis. Table 2 provides a summary of a parking demand survey that was recently completed by the client. The survey was based on the number of vehicles that residents own.

Table 2 – Parking Demand Collected by Affordable Housing Associates

Location		# of Parking Spaces	# Dwelling Units	Parking Demand[1]	Parking Spaces Per Unit	Demand Per Unit
Alcatraz Apartments	Berkeley	2	9	9	0.22	1.00
Allston Commons	Berkeley	12	12	12	1.00	1.00
Ashby Apartments	Berkeley	6	12	3	0.50	0.25
Ashby Courts Apartments	Berkeley	16	20	16	0.80	0.80
Hearst Studios	Berkeley	4	8	2	0.50	0.25
Hillegass Apartments	Berkeley	7	19	12	0.37	0.63
Prince Street Apartments	Berkeley	6	6	5	1.00	0.83
Sacramento Garden Apartments	Berkeley	6	7	6	0.86	0.86
Adeline Street Lofts	Oakland	14	38	28	0.37	0.74
	Average	*8*	*15*	*10*	*0.56*	*0.71*

Note:
(1) Parking Demand was estimated based on the number of cars that residents owned.

Source: Affordable Housing Associates, May 2003

Data Collection Summary

The data provided by the client resulted in a higher average estimated demand than the DKS data collection. An average demand of 0.71 spaces per unit was estimated using the client's data, and 0.58 spaces per unit using the DKS data.

4.4 Other Parking Demand Issues

The client has provided DKS with a number of ways in which they plan on managing the demand for parking. Their approach involves developing a detailed Parking Management Plan that would ensure the most efficient use of their parking facilities. In addition, they would provide one or two spaces to City CarShare as a way to provide residents further mobility without the necessity of owning a vehicle. DKS is familiar with the parking mitigation measures described above, and has found them to be effective methods for managing on-site parking demand.

5.0 STUDY RECOMMENDATIONS

Based on the data that was collected for this study, it is reasonable to expect that a development geared toward affordable housing would not need as many parking spaces as a standard residential development. Under these conditions, it would be reasonable for the City of Oakland to approve a Minor Variance for the number of parking spaces at this development.

The average ratio of demand to parking spaces for the sites that were estimated by DKS was 0.58, while the estimate based on the client data was 0.71 spaces per unit. Because the development is a service-enriched project in a transit-oriented location, with access to City CarShare on-site, DKS recommends using an average of these two ratios, which is 0.65. This results in 50 parking spaces for the 76 residential units (includes the service-enriched units). One space will need to be provided for the three full time service employees bringing the total to 51 parking spaces for the development. The current plans for the development call for 53 parking spaces, two of which will be reserved for handicapped vehicles. Therefore, sufficient parking is provided.

It also needs to be noted that the recommendations made in this report are limited to the proposed location. Other locations, while nearby, may not have the same synergistic mix of transit, local amenities, and parking management strategies to warrant a variance in the City of Oakland Parking Code Requirements.

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APPENDIX

Parking Demand Survey Form

Institute of Transportation Engineers

*(fill in all highlighted cells - * are required data)*

		Land Use Code*	222			
		Name of Site	Hismen Hin Nu Terrace – 2555 International Blvd			
		Brief Description of Site				
Transit*	Yes	Affordable Housing				
Area*	CND	**City**	Oakland			
TMP*	Yes	**State**	CA	**Country**	USA	
Parking Price*	$ -	Daily Rate	0	Hourly Rate		

Site Size*	92	**Units***	Units	**Occupancy***	100	**Land Use**
Site Size		**Units**		**Occupancy**		
Site Size		**Units**		**Occupancy**		
Site Size		**Units**		**Occupancy**		

Number of Parking Spaces Provided at Site 84

Highest Observed Parking Demand for the following hours of the day *(hour beginning)**

Date	7/30/2003						
Day	Wed						
12 Mid							
1:00 AM							
2:00 AM							
3:00 AM							
4:00 AM							
5:00 AM							
6:00 AM							
7:00 AM							
8:00 AM							
9:00 AM							
10:00 AM							
11:00 AM							
12 Noon							
1:00 PM							
2:00 PM							
3:00 PM							
4:00 PM							
5:00 PM							
6:00 PM							
7:00 PM	44						
8:00 PM							
9:00 PM							
10:00 PM							
11:00 PM							

Person	Dustin Luther	**Organization**	DKS Associates
Phone	510-763-2061		
Fax	510-268-1739		
Email	dkl@dksassociates.com		
Notes	Affordable Housing		

Enter data on the web at www.ite.org
Comments to: ite_staff@ite.org
IF not entered on web site, please mail to:
or rsm@dksassociates.com
Institute of Transportation Engineers, 1099 14th Street, NW Suite 300 West; Washington, DC 20005-3438

Parking Demand Survey Form

Institute of Transportation Engineers

*(fill in all highlighted cells - * are required data)*

		Land Use Code*	222			
		Name of Site	Frank G. Mar Building -- 1220 Harrison St			
		Brief Description of Site	Affordable Housing			
Transit*	Yes	**City**	Oakland			
Area*	CBD	**State**	CA	**Country**	USA	
TMP*	Yes					
Parking Price*	$ -	Daily Rate	0	Hourly Rate		

Site Size*	119	**Units***	Units	**Occupancy***	100	**Land Use**
Site Size		**Units**		**Occupancy**		
Site Size		**Units**		**Occupancy**		
Site Size		**Units**		**Occupancy**		

Number of Parking Spaces Provided at Site 99

Highest Observed Parking Demand for the following hours of the day *(hour beginning)**

Date	7/30/2003						
Day	Wed						
12 Mid							
1:00 AM							
2:00 AM							
3:00 AM							
4:00 AM							
5:00 AM							
6:00 AM							
7:00 AM							
8:00 AM							
9:00 AM							
10:00 AM							
11:00 AM							
12 Noon							
1:00 PM							
2:00 PM							
3:00 PM							
4:00 PM							
5:00 PM							
6:00 PM							
7:00 PM							
8:00 PM	56						
9:00 PM							
10:00 PM							
11:00 PM							

Person	Dustin Luther	**Organization**	DKS Associates
Phone	510-763-2061		
Fax	510-268-1739		
Email	dkl@dksassociates.com		
Notes	Affordable Housing		

Enter data on the web at www.ite.org — Comments to: ite_staff@ite.org

IF not entered on web site, please mail to: — or rsm@dksassociates.com

Institute of Transportation Engineers, 1099 14th Street, NW Suite 300 West; Washington, DC 20005-3438

Parking Demand Survey Form

Institute of Transportation Engineers

*(fill in all highlighted cells - * are required data)*

			Land Use Code*	221			
			Name of Site	Kenneth Henry Court -- 6455 Foothill Blvd			
			Brief Description of Site				
Transit*	Yes		Affordable Housing				
Area*	CND		**City**	Oakland			
TMP*	Yes		**State**	CA	**Country**	USA	
Parking Price*		$ -	Daily Rate	0	Hourly Rate		

Site Size*	51	**Units***	Units	**Occupancy***	100	**Land Use**	
Site Size		**Units**		**Occupancy**			
Site Size		**Units**		**Occupancy**			
Site Size		**Units**		**Occupancy**			

Number of Parking Spaces Provided at Site 44

Highest Observed Parking Demand for the following hours of the day *(hour beginning)**

Date	7/19/2003	7/30/2003					
Day	Sat	Wed					
12 Mid							
1:00 AM							
2:00 AM							
3:00 AM							
4:00 AM							
5:00 AM							
6:00 AM							
7:00 AM							
8:00 AM							
9:00 AM							
10:00 AM							
11:00 AM							
12 Noon							
1:00 PM							
2:00 PM							
3:00 PM							
4:00 PM							
5:00 PM	18						
6:00 PM							
7:00 PM		22					
8:00 PM							
9:00 PM							
10:00 PM							
11:00 PM							

Person	Dustin Luther	**Organization**	DKS Associates
Phone	510-763-2061		
Fax	510-268-1739		
Email	dkl@dksassociates.com		
Notes	Affordable Housing		

Enter data on the web at www.ite.org — Comments to: ite_staff@ite.org

IF not entered on web site, please mail to: — or rsm@dksassociates.com

Institute of Transportation Engineers, 1099 14th Street, NW Suite 300 West; Washington, DC 20005-3438

Gray, Neil

From: Gomez, Mark
Sent: Thursday, August 07, 2003 12:20 PM
To: Gray, Neil
Cc: Levin, Brooke A.
Subject: 160 14th St.

Neil:

I have reviewed the Phase I and II environmental information and the development plans you provided me for 160 14th Street. As part of my review, I also had a conversation with Dave DeMent of ACC Environmental, the firm that prepared the Phase I and II reports. Following are my findings:

1. The Oakland Fire Department determined in 2001 that sufficient data had been provided to issue a "no further action" letter for the site. The Fire Department has regulatory authority for this property.
2. None of the tank-area soil samples taken by either Blaine Tech Services in 1986 (at the base of the removed tanks) or by ACC in 2001 (adjacent to the former location of the removed tanks) contained significant amounts of petroleum-related products, or any of the other contaminants analyzed for. None of the concentrations encountered pose a risk to human health or environmental resources.
3. Given the known former uses of the site, the soil has been sufficiently characterized. A soil management plan (SMP) should be submitted as part of construction plans and adhered to during development activities at the site. The SMP should include protocol for: (a) best management practices to control dust, tire-tracking, storm drain runoff, etc.; (b) testing and properly handling any soils that are discovered to be stained or that give off chemical odors; (c) testing and properly disposing of all soils to be exported from the site as part of re-grading or construction; and (d) removal of, and confirmation sampling around, any unknown tanks that might be encountered during subsurface work.
4. The groundwater sample taken near the former location of the removed tanks had low levels of benzene and PCE; the groundwater sample taken near the boundary with the dry cleaning facility had low levels of PCE (ACC did not analyze for petroleum products such as benzene because there was no odor indicating their presence). The benzene is likely to be from leaks from the former tanks; the PCE is likely to be from leaks at the dry cleaning facility. None of the concentrations encountered pose a risk to human health or environmental resources.
5. Groundwater has not been well-characterized, and groundwater flow direction has not been determined. There is a small possibility that groundwater at the site is more contaminated than the very limited data suggest; however, given the depth to groundwater, natural degradation of contaminants over time, evidence of minimal tank leakage from the soil data, commercial and parking uses on the ground floor, and capping of the site, even significantly higher groundwater concentrations are unlikely to pose a risk to human health or environmental resources. Nevertheless, if any dewatering is necessitated by foundation work or any pumping or displacement of groundwater is required for installation or operation of the car lift, a groundwater management plan should be submitted. This plan should, at a minimum, require that all groundwater be disposed of via the sanitary sewer, not the storm drain system.

Please contact me at 238-7314 if you require any clarification.

Mark Gomez
Environmental Program Supervisor, Acting

ATTACHMENT D

August 25, 2003

Mr. Neil Gray
Planner, Community & Economic Development
Oakland City Planning & Zoning Department
250 Frank Ogawa Plaza

RE: Community concerns about proposed construction at 160 14th Street, Oakland, CA (Case File Number CMDV03-230) and request for EIR and NEPA review including Section 106 review

Dear Mr. Gray:

As you are aware, the Lakeside Apartment Neighborhood Association in Downtown Oakland has taken a keen interest in AHA's proposed construction project at 160 14th Street, adjacent to the historic Madison Street Temple. We are residents who live, eat, walk, shop, and park in the district and oppose the construction, as proposed.

We are concerned that the current design of the project will have adverse effect on neighborhood safety, infrastructure, and quality of life. We are also concerned that the proposed construction, slated to be adjacent to the Madison Street Temple (Islamic Cultural Center of Northern California), will have adverse impacts both on this 95-year-old landmark unique in California and the historic Lakeside Apartment District to which it is a "primary contributor."

We submit this letter for the September 3, 2003 Planning Commission Agenda Item No. 7 for Case File CMDV03-230.

We question why this agenda item is listed as "Final Decision" despite ongoing community concern communicated repeatedly in public presentations and supported by the attached signatures. We believe that it is premature to take this to Final Decision. The August 25, 2003 publication of the Agenda on the City's website does not provide sufficient notice to allow the public to submit material "at least ten days prior to the meeting" for inclusion as part of the Planning Commission's agenda packet.

Our continuing concerns are explained below and listed here:

1. Safety Risks from Proposed Narrowing of Madison St at 14th
2. Safety Risks from Lack of Setback Appropriate to Neighborhood
3. Environmental Safety Issues
4. Parking
5. Economic Feasibility
6. Out of Scale and Out of Character Building Will Unnecessarily Diminish Landmark Temple
7. Other Deficiencies of AHA's Historic Impact Study
8. Section 106 Review Compliance Issue
9. Community Does Not Feel AHA is Meeting Outreach Requirements in Good Faith

The Lakeside Apartment Neighborhood Association continues to have the following concerns:

Safety Risks from AHA's Proposed Narrowing of Madison Street at 14th

AHA's ground floor plan dated July 31, 2003 and September 3, 2003 (on file in Planning on August 20, 2003), indicate that AHA proposes to extend the sidewalk along Madison Street into the road. Madison Street carries too high a volume of traffic for AHA to narrow it without increasing traffic problems and the danger of accidents as a result. This is especially true for the high-volume intersection of Madison and 14th Street.

Safety Risks from Lack of Setback Appropriate to Neighborhood

According to AHA's ground floor plan dated July 31, 2003 and September 3, 2003 (on file in Planning on August 20, 2003), the proposed building will extend to the property line on the east and south sides and have a parking garage entry set flush with the eastern façade (on Madison Street). This leaves no setback whatsoever with the sidewalk, and introduces a serious danger to pedestrians. In the neighborhood, the only buildings extending to the sidewalk are historic buildings that do not include parking. The only buildings with enclosed parking structures on Madison Street have the parking entrance set back at least 15 feet from the sidewalk and 28 feet

from the road. Keeping consistent with this setback is essential for pedestrian safety in the neighborhood.

At the July 31 Community Meeting AHA said they plan to have a bright light blinking and loud alarm sounding when vehicles are exiting the parking structure. The community members in attendance immediately responded very vocally that this alarm system would be a very intrusive nuisance. Further, it is not clear that this alarm system would resolve the pedestrian safety issue. We do not agree that AHA's proposed mitigation is adequate.

The pedestrian safety issue is doubly urgent considering that a child care center's playground is the next lot to the south of the proposed project, and the Islamic Center's classrooms and playground are on the adjacent lot to the north. Therefore, we request that an independent traffic study be conducted ("independent" defined as professional services not paid by the developer, e.g., this is the independence equivalent of health studies on the impact of smoking not to be funded by the tobacco industry, etc.).

Another concern related to the proposed 100% front setback variance is the attendant plan to remove the two old-growth trees that currently shade the public sidewalk. The proposed plan will create a less walkable neighborhood in the Lakeside district particularly at Madison Street and 14th Street.

Environmental Safety Issues

The proposed project would be constructed on the former site of a gas station. We are concerned about the safety and health of community members, especially as case file documents do not conclusively substantiate removal of the underground storage tanks.

In addition, we are concerned that the property at 160 14th Street does not meet the conditions required under AB 436 to allow a focused EIR in this central business target area.

The waiver of site specific EIRs applies to multiuse structures with fewer than 100 residential units, but only when the district-wide EIR has been completed within each redevelopment area. If no Master Environmental Impact Report was completed for the Central City Redevelopment District

(Central District Urban Renewal Plan, Adopted 6/12/1969, as amended up to 7/24/2001) AB436 cannot be applied with regard to 160 14th Street. Therefore to comply with AB 436, we request that a Master Environmental Impact Report be conducted for the Lakeside Apartment Historic District.

Parking

During the July 31 Community Meeting many neighborhood residents expressed their concerns at losing parking spaces as a result of this project when parking is already scarce. The proposed 34% variance with residential parking requirements (50 spaces for 76 residential units) and no commercial parking, because commercial space is less than 10,000sf, raises concerns that the proposed design will have negative impacts on our quality of life.

With the multitude of new high-density construction in the downtown historic district approved or slated for review by the Planning Commission as part of the City's 10K Initiative, the downtown district will be faced with a cumulative shortage of parking if residential parking requirement variances are granted for new construction projects.

AHA's August 18, 2003 parking study on file does not address this cumulative shortage of parking or the planned elimination of parking areas that the study states are available in the neighborhood. We request an independent parking study to address impact of the cumulative shortage of parking for the combined areas of the Lakeside Apartment Historic District and adjacent District 3.

Economic Feasibility

AHA's proposal to construct new commercial space when numerous existing retail spaces in downtown historic and modern buildings stand empty and existing vendors struggle to survive raises concerns about economic feasibility of the project.

Since most if not all apartment buildings in the neighborhood are actively trying to attract tenants with For Rent signs in the windows, it seems prudent to explore methods for achieving affordable housing that do not require new construction.

In addition, AHA states their proposed project would provide Section 8 housing, but as this is already available in the neighborhood, AHA's project could further contribute to neighborhood Apartment being short on tenants.

Out of Scale and Out of Character Building Will Unnecessarily Diminish Landmark Temple

AHA's proposes their construction project to reach a full height of 96 feet, thereby dwarfing the Madison Street Temple (ICCNC). The Temple is a 1908-1909 Mission Revival building that is singled out for its uniqueness in Oakland and California. It is a Designated Historic Property with an Oakland Cultural Heritage Survey rating of "A", as a "property of exceptional historical or architectural value which are clearly eligible individually for the National Register of Historic Places".

The view of the Temple's southern façade has been preserved for its ninety-five year history, and is the view submitted on landmark forms. We note that AHA has not provided a scale elevation of this view on 14th street showing adjacent buildings (neither drawings dated July 31, 2003 or September 3, 2003 (on file in Planning on August 20, 2003), although provided for Madison Street. The perspective view (dated July 31, 2003 and September 3, 2003 (on file in Planning on August 20, 2003), is not to scale. Therefore it does not address the Design Review Committee's request. It does not enable an independent evaluation of the impact of the mass and scale of the proposed construction on the historic Madison Street Temple from 14th Street or on the historic district itself.

The proposed project should, at the very least, be set further back from the eastern property line to preserve the view of the landmark Temple.

Other Deficiencies of AHA's Historic Impact Study

We are concerned that the current design of the proposed construction will have a demonstrable negative aesthetic effect on the neighborhood and especially the historic Lakeside Apartment District.

AHA's Final Historic Impact Study (dated August 8, 2003) lacks any evaluation of the impacts of the proposed project on the Lakeside

Apartment District. The Oakland Cultural Heritage Survey summarizes the historic significance of this district:

The Lakeside Apartment District is one of Oakland's best concentrations of medium scale early 20th century Apartment and institutional buildings and reflects important aspects of Oakland's rapid development between the 1906 earthquake and the 1930s Depression, when it grew from a 19th century city to a sophisticated urban center. (OCHS Lakeside Apartment District form, 1985, p.2)

The Lakeside Apartment Neighborhood Association is concerned that Case File Number CMDV03-230 has not been forwarded to the City Landmarks Preservation Advisory Board for review. On August 11, 2003, four neighborhood residents presented statements to the City of Oakland's Landmarks Preservation Advisory Board requesting their review of the proposed construction threatening one of the City's designated "A" properties and a "Primary contributor" to the historic Lakeside Apartment District. The text of LANA member Cynthia Shartzer's public presentation is attached for the Case File record. We provide these texts for the case file since they continue to reflect the views of the Lakeside Apartment Neighborhood Association, as confirmed by the member signatures on this letter.

Section 106 Review Compliance Issue

Due to conflicting public statements at the July 31, 2003 Community Meeting it is ambiguous that AHA would not be required by federal law to complete a Section 106 review. The Section 106 review would require assessment of historical and archaeological resources in the project area. We note that the 1889 Sanborn map shows the property at 160 14th Street was part of the houselot for Mayor Samuel Merritt's mansion.

The 1912 Sanborn map shows that subsequently the two parcels now referenced as 160 14th Street were the site of two two-story residences: the corner lot owned by lumberer Henry M. Wilson and the adjacent lot owned by Dr. Samuel Merritt's sister and heiress (and therefore, according to an 1891 Oakland Enquirer article, one of the richest woman in California).

These historical facts and the potential significance of remaining subsurface cultural resources to Oakland's heritage raise questions that require consideration.

Community Does Not Feel AHA is Meeting Outreach Requirements in Good Faith

Follow the Design Review Planning Commission's June 25, 2003 requirement, AHA on July 31 convened a Community Meeting. Nearly 100 community members attended the July 31 meeting. The majority of attendees voiced opposition to the project as a whole or expressed serious concern about the current design of the proposed project. Most of these concerns are reiterated in this letter.

At the outset of the meeting, community members asked about the agenda for the meeting. Nancy Nadel's moderator for the meeting, Joel Tena, replied that it had been set, but no copies made for distribution to the public, and he instead read us an agenda that reserved the first hour for AHA presentations and the second hour for questions from the community. The AHA presentations ran past the first hour, and subsequently only a small fraction of community members who wanted to ask questions were allowed to. Since the meeting could not run overtime, Joel Tena assured the crowd that there would be another community meeting at which the remaining questions could be addressed. There have so far been no further communications from AHA about a follow-up community meeting. Therefore, we believe that it is premature to take this to Final Decision.

The developer did not successfully address community concerns at the July 31, 2003 Community Meeting. The record of that meeting submitted by AHA to the public Case File is not an accurate summary of discussion and concerns raised or the expressed opposition to the proposed construction.

As an example, we note AHA's minutes of the Community Meeting do not mention or address the commercial feasibility for their proposed retail space raised by a businessman in the community, specializing in buying and selling businesses. Given the number of empty retail spaces in the downtown historic neighborhood those of us living in the Lakeside Apartment Historic

District prefer to encourage re-use of numerous existing empty retail space located in historic buildings on 14th Street. We support restorative development. We oppose the proposed construction of new retail on 14th Street unless that retail is single story and developed in conjunction with an underground parking garage. As proposed at the Community Meeting, such a subsurface garage could be capped by an urban park as with the City Center Garage or the Kaiser Center Roof garden to complement the Madison Street Temple and other historic buildings on the corner of 14th and Madison. This would contribute positively to the historic district.

The community has further concerns about AHA's meeting outreach requirements in good faith. For example, during the meeting AHA assured the community that an arborist on-site would monitor the 100-year-old trees during construction. Yet the plans AHA submitted to the Planning Department, which were also dated July 31 but not distributed at the evening community meeting, specified "existing trees removed." Publicly misrepresenting facts makes it seriously questionable whether AHA is fulfilling in good faith its charge to conduct "Community Meetings" and "Community Outreach". It is our understanding that compliance with Community Outreach requirements, such as those detailed in the City of Oakland's Notice of Funding Availability for Rental and Ownership Housing, are intended to be genuine and not simply lip service.

LANA member Cynthia Shartzer delivered a short presentation illustrated with enlarged photographs of the threatened 14th Street views of the Madison Street Temple during the July 31 meeting, and we submit the text of this presentation to the public Case File.

At the July 31 Community Meeting, neighborhood residents proposed two alternative locations for the proposed construction where the developer can transfer development rights obtained through its City-financed site acquisition loan of $1,498,000 (Affordable Housing Developments Underway in Oakland, downloaded 5/31/03). These alternative locations are located in District 2 at the parking lot on the northwest corner of 13th and Madison (next to the Peralta Apartment) or at 370 13th Street, the location of a derelict building. We ask for further consideration of these alternatives.

The proposed design would introduce incompatible visual, atmospheric, and audible elements in the Lakeside Apartment Historic District, that would diminish the integrity of the landmark Madison Street Temple and have adverse affects on its current use for cultural, religious, educational and social activities. The proposed design does not respect the setback or precedent established for Madison Street properties or the scale and architectural heritage of buildings in the neighborhood, and instead introduces concerns of as-yet unevaluated adverse impacts on our environment, safety, and quality of life. We ask for independent evaluation of and remedy for these impacts.

Thank you in advance for your consideration of our community concerns.

Respectfully,

Anna Sasson
Cynthia L. Shartzer

Anna Naruta
ORNA SASSON
CYNTHIA L. SHARTZER

Lakeside Apartment Neighborhood Association
Website: www.oaklandlana.org
Temporary website: home.earthlink.net/~oaklandlana.org

Lakeside Apartment Neighborhood Association
Public Presentations

July 31, 2003 Community Meeting presentation

History is in our hands. That is why I oppose the proposed construction at 160 14th Street.

The City's website on historic properties states that Oakland is a city of neighborhoods and if preservation is to promote "economic vitality and quality of life" throughout the city, more than a few scattered superstar buildings must be protected and enhanced. That is why I am here tonight, to protect my neighborhood and the Madison Street Temple. But I am not alone.

Neighbors in the historic Downtown District have been meeting to discuss our opposition to the proposed development at 14th and Madison adjacent to the landmark Madison Street Temple.

The proposed development at 160 14th St. jeopardizes our quality of life by threatening to forever obstruct the view of the 95-year-old Madison Street Temple. This building is a "unique Mission Revival masterpiece" and for the past fifty years residents and visitors have enjoyed a view of its side elevation from 14th and neighboring streets.

According to the City's evaluation, the Madison Street Temple has primary historic importance. It has the highest importance in our neighborhood. The A1+ rating for the Madison Street Temple is the same rating as the City Hall and the Camron-Stanford House.

I live in the neighborhood and losing the view of this A1 historic building would affect the quality of my life and would be a loss for visitors and residents for generations to come. History is in our hands. Our visual connection with a beautiful, majestic building would be lost forever.

Just last year in December 2002 the Islamic Cultural Center of Northern California received an award from the Oakland Heritage Alliance for

overseeing the restoration of the building and making good use of this important piece of Oakland architecture. The Partners in Preservation award recognizes "projects and people symbolic of Oakland's diversity, history, culture, and character and instill a sense of pride in our city."

If the City approves construction that will dwarf and shadow a historic building that has been lovingly restored it sends a message that DISCOURAGES civic pride.

If the City approves construction that will remove more than 50 parking spaces, provide NO parking for 35% of its residents and NO parking for 100% of its shoppers it sends a loud message that it doesn't care about those of us who live, eat, drive, and shop in downtown Oakland. I don't need to read a parking study to know that people shop at the malls when they can't find parking downtown.

Why would the City accept a 35% variance of the parking requirement? This proposed construction does not comply with the City's own zoning regulations.

I believe the location, size, and design of this proposed project will adversely affect the livability of the surrounding neighborhood and the on-going cultural, religious, social, and educational functions of the Islamic Cultural Center. For this proposed construction, there are alternative locations such as Madison and 13th next to the Peralta Apts. or 370 13th street where it would replace a boarded up and derelict building.

Last but not least I have a vision of 14th and Madison as an underground parking garage that could double or triple the existing 50+ parking spaces. A park would cover this garage. Examples we know of similar open space are the City Center Garage, the Kaiser Center garage and its beautiful roof garden where people sit and read, and the Oakland Museum where functional architecture combines with public gardens. And in my vision we would preserve the healthy old shade trees on the sidewalk.

An urban park for 160 14th Street would create a public space on a scale that complements the Madison Street Temple, THIS Library, and OUR historic

neighborhood in general. It would contribute to the livability of THIS neighborhood, preserve our view of the Madison Street Temple AND provide parking.

August 11, 2003 presentation to the Oakland Landmarks Preservation Advisory Board

My name is Cynthia Shartzer; I am a member of an association of neighbors in the Historic Lakeside Apartment District. We respectfully request that the Landmarks Preservation Advisory Board review the proposed construction at 160 14th Street adjacent to the A1 historic Madison Street Temple for two reasons:

1) the proposed construction will obstruct our view of the 95-year old former Scottish Rites Temple. The Historic Resources Inventory states this building is "exceptional among the O'Brian and Werner temples in its Mission Revival exterior." For the past fifty years residents and visitors have enjoyed a full view of its side elevation from 14th and neighboring streets.
This building is in a highly visible location. It is unique in Oakland and unique in the entire State of California. As you know, it has the same historic designation as City Hall and Camron-Stanford House. The Islamic Cultural Center housed in the Temple is a Partner in Preservation. Their maintenance and ongoing use of this major public building ensures its survival.

2) The Temple is set back approximately 12 feet from the property line and the Sanborn map shows that at 160 14th Street parcel two 2-story residential buildings were set back 25-28 feet from the property line. These houses were demolished.

We want to preserve our visual connection with this beautiful, majestic building: it is a primary contributor to our neighborhood. In the US there HAVE been cases where planning permission was overruled based on the impact new construction would have on the VIEW of a historic building, not only a face-on view but the view of the building in the historic district.

The developer purchased this property with a city site acquisition loan of 1.48 (sic) million dollars. The proposed new construction could be transferred to develop another parking lot such as Madison and 13th next to the Peralta Apts. or could replace a boarded up building at 370 13th street.

Our association of neighbors is similar to the Eastshore Park Preservation Association that successfully preserved the Splashpad at Grand Avenue when a City Councilmember and developer tried to impose big box construction in their historic neighborhood. We are not against new construction downtown but we strongly oppose THIS proposed construction in THIS location. The design doesn't respect the historic setback or the footprint of the original 2-story houses, it proposes to remove two healthy, mature, scenic shade trees, and it would cause significant traffic increase and hazards on one-way Madison Street.

We appeal to the Board to act in the highest spirit of stewardship advocated to preserve and enhance California's historic resources. Thank you in advance for your support to maintain no less than the original public views of this unique Mission Revival Masterpiece in the Historic Lakeside Apartment District. History is in our hands.

REF CDV03-230 Aug 11, 2003

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

HISTORIC RESOURCES INVENTORY

Ser. No. ____
HABS: ____ HAER ____ NR 3 SHL ____ Loc X
UTM: A N4183970 E564910 B ____
C ____ D ____

IDENTIFICATION

1. Common name: Madison Street(Masonic) Temple
2. Historic name: Scottish Rite Cathedral
3. Street or rural address: 1429-49 Madison Street/151 15th Street
   City Oakland Zip 94612 County Alameda
4. Parcel number: 8-628-3
5. Present Owner: Madison Street Temple Association Address: 1433 Madison Street
   City Oakland Zip 94612 Ownership is: Public ____ Private X
6. Present Use: Lodge Hall Original use: Same

DESCRIPTION

7a. Architectural style: Mission Revival

7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

The Madison Street Temple is a large, free-standing two and three-story wood-frame structure with raised basement, sloped roofs, rough stucco surfaces, and T-shaped plan located at the southwest corner of 15th and Madison Streets several blocks east of downtown Oakland. Stylistically, the church is Mission Revival loosely derived from California architecture of the Spanish Colonial period.

The stem of the "T" forms a front wing facing Madison Street, which has a symmetrical three-story main facade composed of a center section with projecting longitudinally sloped metal Spanish tile roof framed by two massive four-story corner towers rectangular in plan, with domed copper plate roofs. Five two-story blind arches extend across the front's lower portion, divided by striped buttress-like piers with buttressed shafts and scalloped caps. Between the caps, above the arches, are large high relief swags appropriate to the monumental scale of the building. A metal Spanish tile pent roof extends above the three center arches, at the base of the center section's slightly recessed third level, which has three circular windows set in architraves with outward pointed corners. The glass is leaded in geometric patterns with inset cartouche. The

(see continuation page 3)

8. Construction date: Estimated ____ Factual 1908-09
9. Architect O'Brian & Werner
10. Builder Ben O. Johnson & So
11. Approx. property size (in feet) Frontage 190 Depth 150 or approx. acreage ____
12. Date(s) of enclosed photograph(s) 1982

P9-16A 1429-49 Madison St.; Madison St. Temple

DPR 5

13. Condition: Excellent ___ Good ___ Fair X Deteriorated ___ No longer in existence ___

14. Alterations: Tiles replaced with composition shingles on rear roofs

15. Surroundings: (Check more than one if necessary) Open land ___ Scattered buildings ___ Densely built-up X
Residential X Industrial ___ Commercial ___ Other: ___

16. Threats to site: None known X Private development ___ Zoning ___ Vandalism ___
Public Works project ___ Other: ___

17. Is the structure: On its original site? X Moved? ___ Unknown? ___

18. Related features: 1543-47 Lakeside Drive

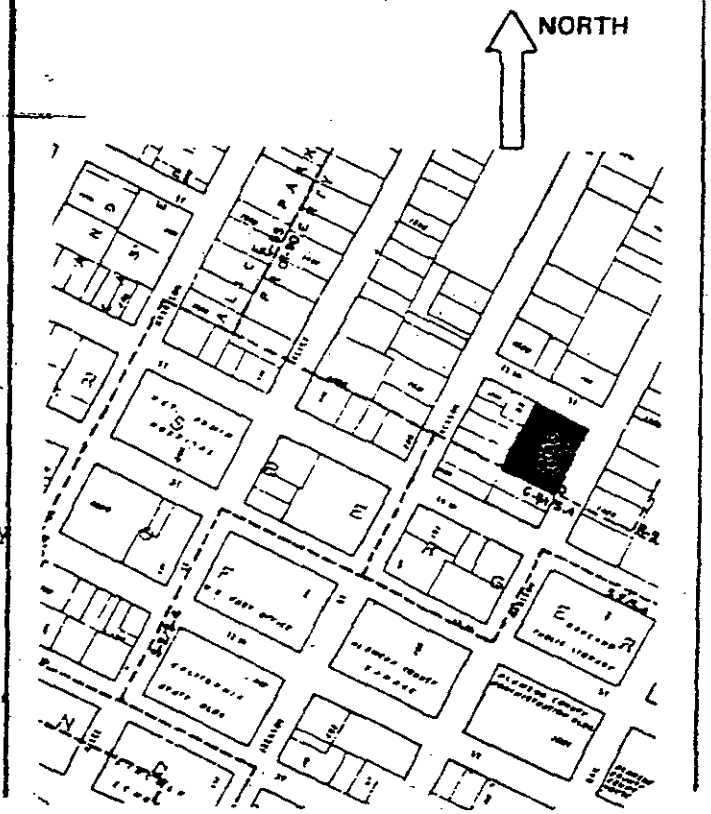
SIGNIFICANCE

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)

The Madison Street Temple, originally the Scottish Rite Cathedral, is Oaklands' outstanding example of Mission Revival architecture and among the finest Scottish Rite Temples in northern California, distinquished by the boldness of its twin towers and by its unusual form, it was designed to resemble a cathedral in the conventional sense, but clearly intended for other purposes as expressed by the blind arcaded front and conceal entries. The Red Room is among Oakland's finest interior spaces and the entire interio is remarkably well-preserved. The striking exterior design and its large scale make the building an especially familiar element within the context of the city and one of t earliest and most important contributing buildings to the surrounding Lakeside Apartmen District (see SHRI form), developed between 1907 and 1927-28. The Madison Street Templ is also significant as a work of the prominant architectural firm of O'Brian & Werner, who together (or Werner individually) designed most of the major early 20th century Masonic and Scottish Rite Temples in the State. Also important is the buildings' intimate associations with the Oakland Scottish Rite, one of the city's leading fraterna

(See continuation page 7)

Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):



20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)
Architecture 1 Arts & Leisure ___
Economic/Industrial ___ Exploration/Settlement ___
Government ___ Military ___
Religion ___ Social/Education 2

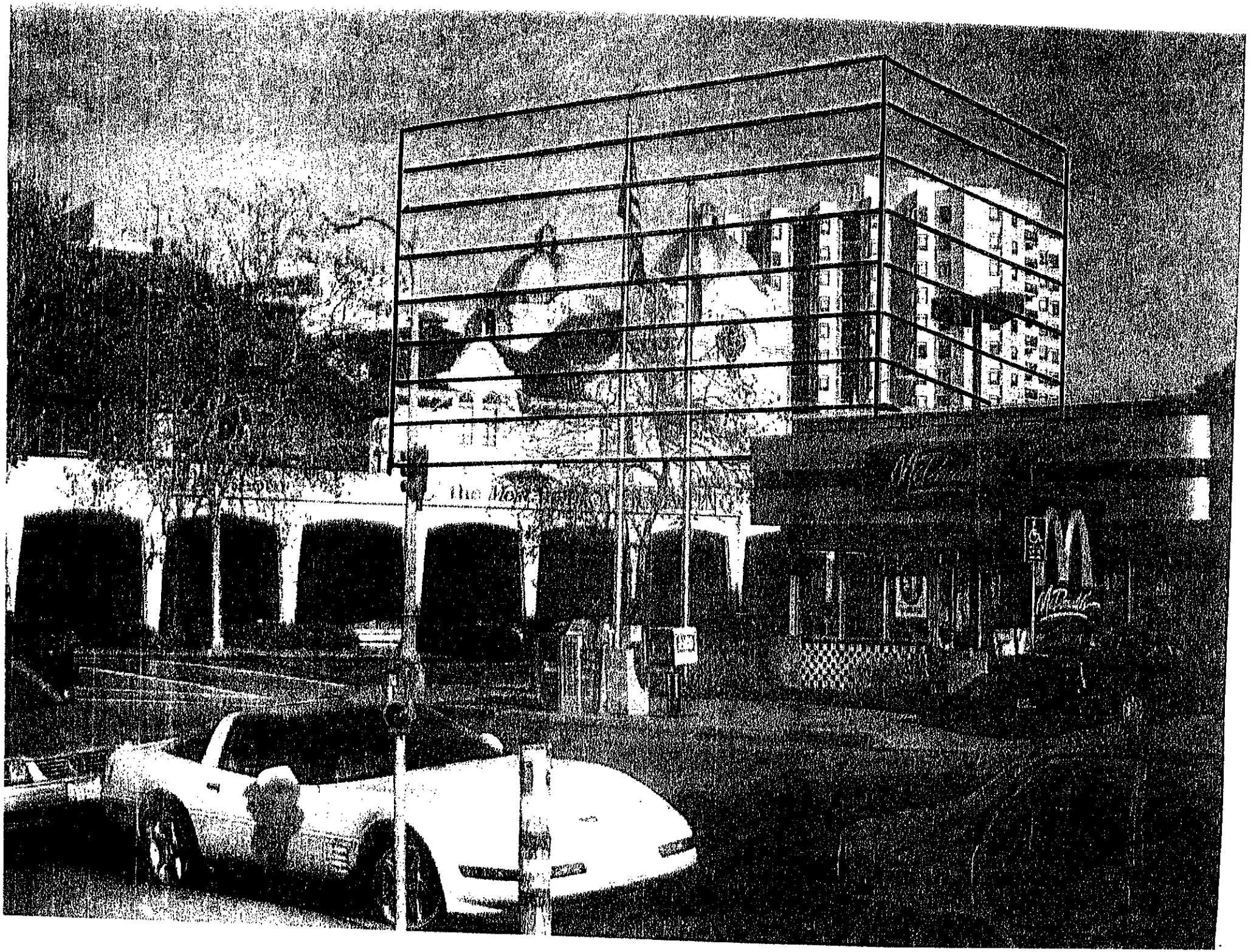
21. Sources (List books, documents, surveys, personal interviews and their dates).

Building permit 11097
Oakland Tribune, 3/16/09, 9.
"Some California Masonic Temples", Architect and Engineer, L11 No.2 (Feb., 1918), 48-67
Henry Wilson Coil, "Masonic Fraternity" **

22. Date form prepared April 30, 1983
By (name) Staff and Consultants
Organization Oakland Cultural Heritage Survey
Address: City Planning Dept., City Hall
City Oakland Zip 94612
Phone: (415) 273-3941

** 21. (conti.)

Encyclopedia Americana, 1980 Ed. 386-9.
Arthur R. Anderson and Leon O. Whitsell California's First Century of Scottish Rite Masonry, Oakland, 1962, 47-67
Thomas L. Miller, *Grand[illegible] of Bodies Here



Forwarded Message
From: "Tena, Joel" <JTena@oaklandnet.com>
To: "Tena, Joel" <JTena@oaklandnet.com>
Subject: An important message from Vice-Mayor Nadel RE: Madison Loft Devel opment
Date: Fri, 8 Aug 2003 13:55:50 -0700

HTML Attachment
The following is an important message from Oakland Vice-Mayor Nancy J. Nadel (West Oakland-Downtown) regarding Affordable Housing Associates' Madison Loft Development. Please feel free to forward this message to interested parties. Vice-Mayor Nadel's Council Office phone number is 510.238.7003.

Dear New Constituents and Folks interested in Madison Lofts,

As you are probably aware, the area from Jackson St. to the Lake was added to District 3 as a result of re-districting that became final a few months ago. Therefore, I am now your councilmember and want to be sure that I understand and find solutions to all the issues related to the proposal to build the Madison Lofts project at Madison and 14th St.

I understand that the last meeting brought out many concerns and that the time for questions and comments was not adequate. We plan to have a follow-up meeting with an outside facilitator to assure everyone that they are being heard. From looking at the notes, it seems the major issues are residential and event parking, environmental clean-up of the site, view blockage of the ICCC, and distrust of the proposed developer with accusations of lying.

We are gathering information on which apartment buildings in the area have no parking and if they have parking, how many spaces per unit. If you can help us provide that information about your building, please provide it to jtena@oaklandnet.com. While the General Plan, which had a long public process, states that downtown parking lots should be converted to much-needed housing, we want to be sure that we also have enough residual parking to accommodate a reasonable number of residents' cars considering this is a downtown area. The lot between Jackson and Alice, 13th and

14th, seems to have consistent availability. Please get back to our office about whether or not you ever use that lot and if not, why not.

We are also looking into the possibility of using the Alameda County parking structure for event parking since ICCC, the Alice Arts Center and the Scottish Rite Temple don't have adequate parking for their more popular events. My hope is that the event venues might then be able to contract with the county to accommodate their patrons.

We will also get more detailed facts about the environmental situation for you. I believe the Planning Department will respond to the view issue.

Regarding the accusations of lying, these must be made with more specificity out of respect to both the accused and accuser so that we can verify where possible the claims of either party. If there are particular statements which you know to be untrue or think are untrue, please provide those details to Joel as well so that we can check on their veracity.

We will be sending you an announcement for the follow-up meeting in the near future. Thank you for your interest in the development of the downtown area. Your input is valuable to us and vital to making Oakland a positive place for existing and new residents.

Sincerely,

Nancy J. Nadel
Vice Mayor
City Council District 3

Joel Arnold Tena
Constituent Liaison to
Vice-Mayor Nancy J. Nadel
City of Oakland
P: 510.238.7032
F: 510.238.6129
E: JTena@oaklandnet.com

HISTORIC RESOURCES INVENTORY

Street or rural address: 1429-49 Madison Street/151 15th Street

7b. Physical Description (continued from page 1)

corner towers rise above the base end arches, with walls terminating in massive slightly projecting scalloped arch parapets above modillion blocks. The parapets are penetrated on the front by circular arches containing wood bells. On each outer sides, the parapet bases are penetrated by the top half of a large quatrafoil window with geometrically leaded glass in a star and polyhedron pattern. The domed roofs are capped with small similarly roofed lanterns with arched openings on each face and ball finials.

The basement levels of the front wings' matching side elevations are open arcades, the front halves of which, are each capped by a one-story wing buttressing the base of each corner tower. The wings appear to be penetrated by four buttress-like walls with steepl sloped scalloped tops set perpendicular to the tower. The tops of the walls frame three sloped roof sections of each wing and the ends of the walls frame three slightly recesse wall sections penetrated by circular windows similar to those on the front. Behind each tower, above the arcade, are three large arched stained glass windows depicting Scottish Rite symbols in Gothic frames. The center window is below a scalloped gabled parapet that penetrates the eave. The eaves of the two hip-roofed rear wings are penetrated by similar parapets above fenestrated bays which are framed by stepped piers and have paire first and second floor small paned windows with rectangular transom heads on the first floor and circular arched heads on the second. The spandrals between the windows have projecting blocks with swags, (some of which have been removed) similar to those on the front. The two main entries are hidden in deep recesses at the ends of the two basement level arcades and have paired first floor oak paneled doors with square elaborately grilled upper lights and narrow horizontal stained glass transoms depicting strapwork. The doors are approached within the recess by a long flight of stairs and a landing with polychromed mosiac tile floor with the Scottish Rite double-headed eagle symbol in the center. The recessed walls are painted with imitation mosaic tile.

Two large front yard areas flanking the front wing were originally landscaped, but are now used for parking. The roofs behind the three-story front facade are composition shingle, but were originally metal tile matching that still on the front.

Interior

The two major interior spaces are a basement level banquet room and the two-story first floor main lodge hall or Red Room, which together occupy most of the front wing. Both rooms are entered from rear wing corridors, the basement corridor extending the full length of the wing and the C-shaped first floor corridor wrapping around the end of the Red Room to connect the two main entries. Also on the rear wing's first floor are the "Green Room" at the north 15th Street end and a "Gentlemens' Smoking and Club Room" at the southwest corner, as well as several smaller rooms. The second floor of the rear wing has an "Upstairs Lounge and Dining Room" at the north connected at the center by an elliptically vaulted stair lobby with (c.3')oak paneled wainscot. The two lower corridors have high (c.5') oak paneled wainscots on the first floor, and oak pilasters wi curious modified Tuscan capitals. Paired oak-paneled pocket doors lend to the major interior spaces on all levels. The center portions of the corridors and second floor vestibule are connected by wide double stairways with heavy oak balustrades, attached on the first floor and basement to square oak newel columns matching the corridor pilaste

(See continuation page 4)

HISTORIC RESOURCES INVENTORY

Street or rural address: 1429-49 Madison Street/151 15th Street

7b. Physical Description - Interior (continued from page 3)

The Red Room , is a large two-story richly appointed rectangular space with Gothic det ing and low gambrel roof with triangulated trusses (which appear to be dark stained redwood) detailed with cusps. The ceiling sections between the trusses have exposed d wood rafters and purlins. At the front end is a stepped platform set in a wide semici cular apse with hemispherically ribbed plaster vaulted ceiling and draped with dark re velvet. The walls of the apse have nine pointed open arches springing from square modified Tuscan oak columns with chamfered concave corners. The plaster archivol s are detailed with high relief rinceaux and the vaults decorated with Gothic tracery. Paired oak paneled pocket entry doors with Gothic tracery are at the center rear below a recessed elliptically arched organ loft with exposed pipes and projecting righly carved oak balcony set on large, closely-spaced foliated consoles. The balcony rail is perforated by circular panels with "S" tracery. Walls are surfaced with a tall (c.10') vertically paneled oak wainscot with cinquefoil arch tracery. The plastered upper wall surfaces have large high relief plaster cartouches bearing Masonic symbols, crowned with poppyheads from which cascade garlands of grapes and grape leaves. Three tiered seating along the sides and rear consists of oak benches with dark red velvet seats and backs and perforated trefoils in the end arms. The room is lit by three large arched stained glass windows on each side and by eight suspended celing lamps richly embellished with brass frames and mottled white glass inverted bowls. Ric carved Gothic sytle oak chairs, and most other furnishings appear original and may have been specially designed for this room. The Red Room is connected to the outer hall by a small vestibule with c.7' vertically paneled oak wainscot and richly decorated plaster cornice.

The first floor Green Room, originally a billiard and card room,[1] has a c.3' walnut (or mahogany) square paneled wainscot and a massive molded beam ceiling that appears to be redwood divided into three large full width coffers containing etched foliated glass globular light fixtures. Walnut cabinets along one wall are divided by pilasters with carved foliated caps.

The first floor Gentlemen's Smoking and Club Room, originally a hat and cloak room, has a coved plaster ceiling and high board and batten redwood wainscot below a coat hook rail.

The second floor Upstairs Lounge and Dining Room are treated similarly with c.8' board and batten oak wainscot below a band of square panels with curved corner imitation half timbering and truncated hip roof with plaster surfaces and exposed wood framing. Circular arch windows are paired in elliptically arched surrounds, the tops of which are set in truncated gable dormers. The lounge is at the southwest corner and has a massive dark brown rough square tile fireplace on the west wall with Tudor arch firebox and oak mantel with carved oak brackets. Opposite the fireplace is a wide, slightly recessed horizontal niche framed by large curved open brackets that contains the entry to the southeast corner dining room. Arts and Crafts style lounge furnishings appear original.

1. The original uses are from an article in March 16, 1909, Oakland Tribune, p.9

(See continuation page 6)

HISTORIC RESOURCES INVENTORY

Street or rural address: 1429-49 Madison Street/ 151 15th Street

292-1A 1429-49 Madison St./151 15th St
(Red Room front)

292-13A 1429-49 Madison St./151 15th St.; (detail: Red Room organ loft)

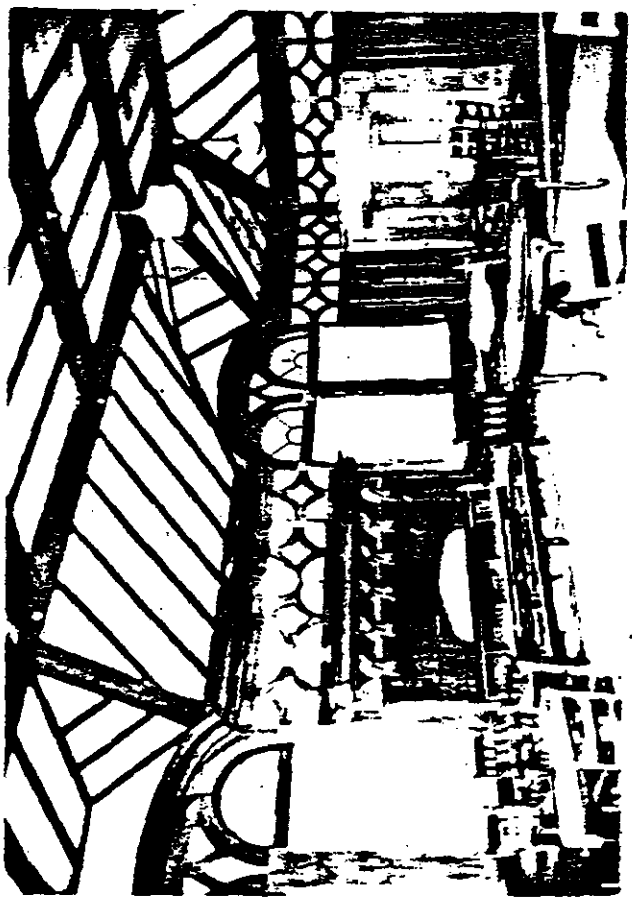
HISTORIC RESOURCES INVENTORY

Street or rural address: 1429-49 Madison Street/151 15th Street

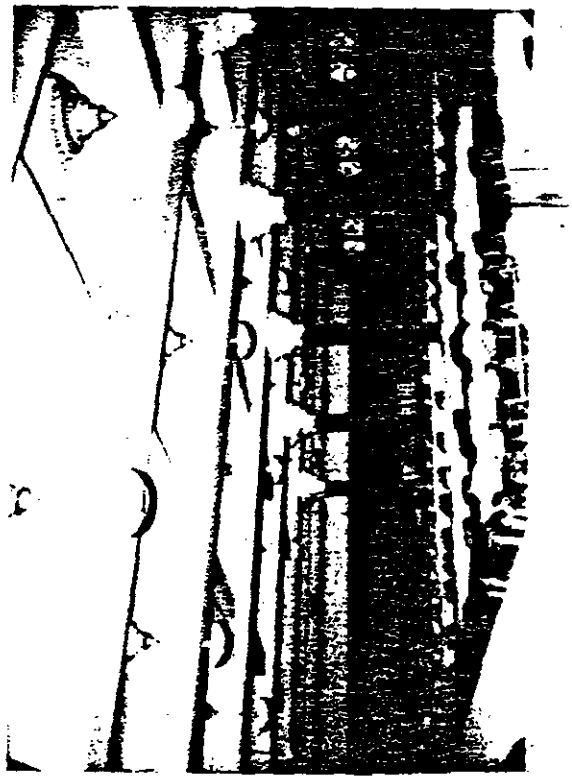
7b. Physical Description - Interior (continued from page 4)

The second floor Blue Room has painted wood walls with large panels above a paneled wainscot. The plaster ceiling is coved along three sides and is penetrated by two large rectangular coffers each with a wide pulvinated plaster border in an elaborate palmette design. Paired circular arched windows are set in shallow elliptically arched valuts penetrating the cove. The room is entered from an L-shaped corridor-like vestibule with a curious sloped ceiling the top half of which has an elaborate series of high relief overscaled plaster moldings.

The large basement level Lower Dining Room has a c.9' oak paneled wainscot below coved plaster walls, and a painted crossbeam celing with large square coffers. Extending down the center is a row of square oak columns with unusual rectangular corner brackets in the shafts and painted modified Corinthian capitals with center brakets in each face below bracketed super-capitals. A massive fireplace with Tudor arched fire-box is in the center west wall between two entries. The firebox is bordered with a twisted scrolled tile surround below a frieze of five tile arches depicting Masonic symbols. The fireplace is framed by elaborately carved oak vertical panels depicting Masonic symbols, framed by oak pilasters with geometrically patterned shafts all below an oak entablature. Three square stained glass windows, visible from within the interior arcades, are in the upper side walls.



286-1 1429-49 Madison St./



286-13 1429-49 Madison St./151 15t

19. Historical and/or Architectural Importance (continued from page 2).

organizations, which in 1896 became the first Scottish Rite organization west of the Rockies to operate its own temple.

Building permit 11097, issued January 20, 1908 for the building identifies the owner as the Masonic Cathedral Association, the builders as Ben O. Johnson and Sons and the architect as O'Brian and Werner. An article in the March 16, 1909, Oakland Tribune following the March 15, 1909 dedication indicates that the total cost was $210,000 including $60,000 for the furnishings and $5,000 for the pipe organ.

The Scottish Rite is one of the largest of approximately 100 orders of Freemasonry all of which developed from mediaeval organizations of stonemasons and cathedral builders, but eventually lost their guild characteristics becoming devoted primarily to the promotion of brotherhood, charity and improvement of the character of their members. The Scottish Rite was organized in France during the 18th century in an effort to liberalize the political conditions of the time. Membership qualifications are few, including belief in a Supreme Being and good moral character. The Scottish Rite has 33 degrees or classes of membership of which the 33rd is executive in nature and conferred only by the Rite's Supreme Council. In English speaking countries the Scottish Rite generally confers only the 4th to 33rd degrees.

The Scottish Rite was organized in Oakland in 1883 as three bodies with 31 members. They initially met in the Masonic Temple at 12th and Clay Streets, until 1896 when they purchased a former synagogue at 305 14th Street and converted it to what was the first Scottish Rite Cathedral west of the Rocky Mountains. By 1900, membership had reached 300 and it was already apparent that a larger facility was needed. A site was selected in 1905 at 14th and Harrison Streets, but the Oakland real estate boom that immediately followed the 1906 earthquake resulted in a major increase in real estate values that precluded the acquisition of a needed adjoining parcel. The less expensive subject site further removed from downtown Oakland was therefore selected, and a building commitee was formed consisting of James G. Merritt, chairman; Carl Werner, architect; and Ben O. Johnson, contractor, all 33rd degree Scottish Rite members (Miller). At the time of the temple's construction, the site was located within one of Oakland's most exclusive residential areas, comprised of large stately homes mostly developed in the 1870's and 80's by Dr. Samuel Merritt, former Oakland mayor. The temple occupied a portion of the block that had previously been entirely devoted to Merritt's Elizabethan-style villa and was among the first buildings in a second wave of 20th century development that eventually replaced most of the area's original 19th century residences.

Although the Madison Street Temple had been "built for a lifetime" (Miller), continued increases in the Scottish Rite membership, stimulated largely by Oakland's rapid post-earthquake growth, created the need for a still larger facility, resulting in the 1926-7 construction of the present Scottish Rite Temple at 1443-7 Lakeside Drive (see SHRI form). The Madison Street Temple was listed in the 1928 directory as the "Scottish Rite Hall" and in the 1930 directory under its present name. The building is presently used by a wide variety of Masonic organizations and is also available for use by other groups.

(See continuation page 8.)

HISTORIC RESOURCES INVENTORY

Street or rural address: 1429-49 Madison Street/151 15th Street

19. Historical and/or Architectural Importance (continued from page7) .

San Francisco-based architects Matthew O'Brian and Carl Werner were active throughout northern California after the 1906 earthquake and were especially well-known for their designs of Scottish Rite and Masonic Temples, including those in San Francisco, Sacramento, Fresno, Petaluma, Santa Rosa and the 1926-7 Oakland structure. All of these temples were designed exclusively for the use of Masonic organizations, omitting the ground floor commercial uses which had characterized most earlier Masonic and other fraternal buildings as a means for generating additional income. Many of the structures were designed individually by Werner, who according to a 1918 article in The Architect and Engineer had made a study of Masonic architecture and contributed much toward improving its quality over what had existed in the nineteenth century. The Madison Street Temple is one of several temples illustrated in the article and described as "representation of the best in Scottish Rite architecture in California". The building is exceptional among the O'Brian and Werner temples in its Mission Revival exterior; the exteriors of most the other temples having used Classically-derived motifs. However, the Gothic styling of the main lodge room is shared by the interior of the San Francisco structure.

268-20 1429 49 Madison St.
(15th St. elevation)

INDEX TO VOLUME XII — LAKESIDE APARTMENT DISTRICT

Volume XII contains a State Form for this DISTRICT which appears to be eligible for listing on the National Register of Historic Places. The following properties are within the boundaries of the district and are described in the State Form:

Rank: (★) Appears eligible for National Register; (D) Appears eligible only as part of district; (□) May become eligible if restored or when over 50 years old; (N) Does not appear eligible.

I, the undersigned oppose the proposed 8-story construction at 160 14th Street because it will make the Lakeside Apartments Historic District a less walkable neighborhood. The proposed building will block our view of the Madison Street Temple and extend beyond the setback established in the neighborhood. It will cause significant traffic increase and hazards on one-way Madison Street by narrowing the roadway and hindering through traffic. The developer plans to remove two old-growth trees that shade the public sidewalk and contribute to our walking pleasure.

Name	Address	Telephone or email
1. Anne Wellington	1502 Alice #20 Oakland, CA 94612	awellington@earthlink.net (510) 465-3732
2. ORNA SASSON	1428 JACKSON	(510) 836-3514
3.	1591 Chandler St	(510) 569-0604
4. Lyn N Lassow	8040 Greenly Dr.	510 632 8105
5. NANCY E. ROMANO	8040 GREENLY DR	(510) 632-8105
6. Keith Weitzer	Domtchev Ct	510 327-0795
7. Sam Shin	2830 International Blvd #201	5108131599
8. Anna Krueger	428 Alice St	917-450-6102
9. Barbara Selfridge	476 43rd St	BanterW@aol.com
10.	145 17th St	863956
11. Tom Tsui	145 17th St	863956
12. Dien Tsui	145 17th St	163956
13. HANA NGUYEN	4524 BONITO AVE	nguyen94602@hotmail
14.	516 Bellevue Av	272 2300

I, the undersigned oppose the proposed 8-story construction at 160 14th Street because it will make the Lakeside Apartments Historic District a less walkable neighborhood. The proposed building will block our view of the Madison Street Temple and extend beyond the setback established in the neighborhood. It will cause significant traffic increase and hazards on one-way Madison Street by narrowing the roadway and hindering through traffic. The developer plans to remove two old-growth trees that shade the public sidewalk and contribute to our walking pleasure.

	NAME	ADDRESS	TEL / EMAIL
30.	FRANCIS	638 A LOMBARD ST	415-362-8898
31.	ANNIE LU	575 ATHOL AVE.	570-388-3350
32.	DOMINIC INIGUEZ	2080 35TH AV.	94601.
33.	JEFF SNYDER	5422 CLAREMONT AVE.	
34.	Polly Drach	1748 14th AVE 94606	510-282-8484
35.	Heung Lau	3222 Hyde St 94609	(510) 213-4848
36.	JUDY PHAM	1425 11th Ave	94606 510-368-8807
37.	STANLEY PHAM	1425 11th Ave	94606 510-652-4764
38.	~~SERRY~~ TERRY	2535 11th AVE	94606 [illegible]-0580
39.	Victor Temple	1428 Alice St	VicTemple@Netzero.Net
40.	Ramiro Gonzalez	Gonzalez	
41.	Robert Giles	414 Lee St Oakland	94610 full mem.
42.	HARRY LIKAS	1925 Delaware St #3A	Berkeley, CA 94702 @AOL.com
43.	Kevin London	3309 64th Ave - Oakland	510/632/1825
44.	Jaby Hom	2927 - 83rd Ave Oakland	510/534/4977

I, the undersigned oppose the proposed 8-story construction at 160 14th Street because it will make the Lakeside Apartments Historic District a less walkable neighborhood. The proposed building will block our view of the Madison Street Temple from 14th Street and extend beyond the setback established in the neighborhood. It will cause significant traffic increase and hazards on one-way Madison Street by narrowing the roadway and hindering through traffic. The developer plans to remove two old-growth trees that shade the public sidewalk and contribute to our walking pleasure.

	Name	Address	Telephone or email
75.	CHAN, ERIC	801 FRANKLIN ST #1634 OAKLAND CA 94607	
76.	ANDREW BAATZ	2680 SAN LEONARD BL #1415 SAN LEANDRO CA 94578	
77.	Don Saito	3514 Randolph Av Oak CA 94602	donsaito@pacbell.net
78.	Dan Arthur	2116 92ND AVE OAK CA 94603	darthur@901.cc
79.	MABLE SMITH	8411 B St. Oakland, CA 94621	MLSMITH@CALIFORNIA.CA.US
80.	ALEX DAMO.	333 8th St OAKLAND CA 94607	(510)536-242
81.	Kelly Cheng,	2925 Brookdale Ave., Oak., CA 94602	
82.	JULIE CHAN	3905 GRAND AVE OAK CA 94610	
83.	BILL TUSTY	527 23rd Ave Oak 94606	
84.	Calvin King	5004 SHAFTER AVE Oak 94609	
85.	Keith Beamon	601 webster Oakland 94601	
86.	James Tucker	601 Webster Oak Ca.	
87.	Ben PATRICK	2625 BEAC AVE OAK CA 94605	

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www.OaklandLana.org

	Name	Address	Telephone or email
88.	Lonyea Stewart	592 11th St Oakland	510 938-0184
89.	LAWRENCE Morgan	5921 11th St Rm 415 OAK	510 444-8956
90.	Bernard Griffin	458 Clara St Oak Ca	270 569-371
91.	Dieter King	601 Webster St Oak.	(510) 444-954
92.	Jackson	5540-Marshall St Oak	
93.	Grayson	963 45th St Oakland	510 595688
94.	Sateh	2344 Webster St Oakland	414351
95.	Troy Bakija	1750 E 21st	Oakland 94606
96.	[illegible]	3335 MAYBELL WAY	
97.	Anna Naruta	1551 Madison St.	Oakland, CA 94612
98.	Ehren Tobier	4544 Thompson St	Oakland CA 94601
99.	David Anderson	1532-8th Ave E	Oakland 94606
100.	Theo Williams	1428 Alice Arts	Oak 94612

I, the undersigned oppose the proposed 8-story construction at 160 14th Street because it will make the Lakeside Apartments Historic District a less walkable neighborhood. The proposed building doesn't respect the historic setback of the original 2-story houses on this property. It will cause significant traffic increase and hazards on one-way Madison Street by narrowing the roadway and hindering through traffic. The developer intends to remove two healthy, mature, scenic shade trees from the public sidewalk that contribute to our walking pleasure.

Name	Address	Telephone or email
1. Hossie H Morris	303 Adams St Oak	(510)465-5999
2. Betty Muehlland	2248 High St	510 436-3364
3. Karen Sinderuk	2717 19th Ave	510 632-0380
4. Eugene Kendrick	2944 Foothill	510 535-1275
5. Nate Nute	5137 Fairfax Ave	261-0914
6. Lynn Ballard	1193 McKinley Ave #12 - OAK 94	80.
7. Cynthia Mantza	1528 Alice St Apt 12 94612	510-763-7173
8.		
9.		
10.		
11.		
12.		
13.		
14.		

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ADDRESS

15. STUART KORN
16. Jeanne Korn
17. Priscilla Jang 689 Sycamore St. Oakland Ca. 94612
18. Ruyi Chen 2519 9th Ave Oakland CA 94606
19. [illegible] 975-62nd St, Oak CA 94
20. [illegible] 101-17th St #8 OAK 94612
21. [illegible]
22. [illegible] 184 13th St. Oak 94612
23. [illegible] 184 13th St oakland. ca 94612
24. Renee Anderson 2353 Bartlett CA oakland
25. Steve Peng 1326 CREE ST. Hayward
26. [illegible] 510-223-2558 Richmond
27. [illegible] Le 416 8th St. Oakland ca
28. [illegible] 2245 San Jose Ave. Alameda ca
29. RICK Ruett 404 San Marin Dr Novato CA. 94947
I perform in oakland

I, the undersigned oppose the proposed 8-story construction at 160 14th Street because it will make the Lakeside Apartments Historic District a less walkable neighborhood. The proposed building will block our view of the Madison Street Temple and extend beyond the setback established in the neighborhood. It will cause significant traffic increase and hazards on one-way Madison Street by narrowing the roadway and hindering through traffic. The developer plans to remove two old-growth trees that shade the public sidewalk and contribute to our walking pleasure.

45. [signature] 1763 Candelino Ct. Walnut Creek 94598
46. [signature] 4101 NORTON AVE OAKLAND 94602
47. [signature] 1562 Fall Ave San Jose 95125
48. [signature] 188 9th ST. OAKland 94607
49. A. Fong 1 Morrill Ct. Oakland 94618
50. A ZAWINSKI 485 WICKSON 94610
51. [signature] 485 WICKSON Oakland 94610
52. Jose Mendez 777-W-Mathews Rd Fresno Canyon 95231
53. Juana Cancela 10929 Croker rd. Stockton CA. 95206
54. Daniel Chavez 837 Worcester st: Oakland CA 94610
55. JACK LAAN 2881 E Huntington #122 Fresno 93721
56. Edward R Carson 1511 JACKSON ST #39 OAK CA. 94612
57. _____
58. _____
59. _____

CLAUDIA CAPPIO
PLANNING DEPT
250 FRANK OGAWA PLAZA 3RD FLOOR
OAKLAND, CA 94612

HAND DELIVERY
JUNE 2 2003

COUNTERBLOCK
OWN SASSON
1428 JACKSON
OAKLAND CA
94612

RE: APN008-0627-010-00
TPM 8081

DEAR MS CAPPIO,

THIS IS IN REGARDS TO THE DEVELOPMENT AT 270 14TH ST., AT THE CORNER OF 14TH AND JACKSON. I CAME BY THE PLANNING DEPARTMENT LAST WEEK TO LOOK AT THE PLANS. ALTHOUGH THE 45 UNIT, EIGHT STORY CONDO WAS DESCRIBED THERE WAS NO ARCHITECTS RENDERING OF WHAT THE BUILDING WOULD LOOK LIKE. ALTHOUGH THE FILE SAYS SOMEONE IS OF THE OPINION THAT IT IS IN KEEPING WITH THE HISTORIC LAKESIDE APARTMENTS DISTRICT, WHICH FEATURES APARTMENTS BUILT IN THE 1920'S, HOW CAN WE TELL? THE PEOPLE OF OAKLAND NEED AND DESERVE COMPLETE FILES. OTHERWISE WE DONT HAVE SUFFICIENT INFORMATION TO JUDGE WHETHER THIS IS AN ACCEPTABLE PLAN OR NOT. I HOPE YOU WILL RECTIFY THIS AND EXTEND THE TIME FOR COMMUNITY INPUT. PLEASE CONTACT ME WHEN THERE IS A COMPLETE FILE SO I CAN SEE IT. I WOULDNT WANT TO THINK THIS WAS A DELIBERATE ATTEMPT TO FORESTALL PUBLIC COMMENTARY, ON A POSTED LOT.

I NOTICE THE PLANS INVOLVE BUILDING OUT TO THE PROPERTY LINE WITH NO SETBACKS WHATSOEVER. MANY OF THE CLASSIC NEIGHBORHOOD APARTMENTS HAVE PLANTED SETBACKS. THESE SOFTEN THE LOOKS OF THE BUILDINGS AND HUMANIZE THE NEIGHBORHOOD. HARD EDGE BUILDINGS WITH NO VISIBLE GREENERY DO NOT ADD TO OR BLEND WITH THE NEIGHBORHOOD. EVEN THE MID CENTURY MODERN COMPONENT OF THE NEIGHBORHOOD HAS PLANTED SETBACKS. (THEY ARE ALSO IN SCALE WITH THE CLASSIC APARTMENTS.) I NOTICE THE PLANS INCLUDE REMOVING A TREE. TREES ADD CHARACTER TO A NEIGHBORHOOD. AS I SAID I HAVE NOT SEEN A PICTURE OF THE BUILDING, BUT THE REMOVAL OF A TREE DOES NOT BODE WELL. CONCRETE LIFELESS CANYONS ARE UGLY.

HOWEVER, MY MAIN OBJECTION IS TO THE SITE ITSELF, WHICH

WAS A GAS STATION BACK DURING THE 1960'S. I THINK IT WAS A CHEVRON. THE OAKLAND YELLOW PAGES LISTS KEN BETTS CHEVRON AT 14TH AND JACKSON BACK THEN. HAS THERE BEEN A FULL AND COMPLETE ENVIRONMENTAL IMPACT REPORT? WERE THE TANKS EVER REMOVED? IF THE SITE IS INDEED CONTAMINATED WITH LEAD OR OTHER TOXINS THIS CONSTITUTES A HAZARD TO THE CITIZENS OF OAKLAND. IT NEEDS TO BE EXCAVATED AND BACKFILLED.

ALTHOUGH THE PLANS SAY THEY WILL WET DOWN THE DUST OCCASIONALLY, I DOUBT THEY WILL DO THIS ON WEEKENDS. I DONT THINK SIMPLY WETTING DOWN THE DUST IS AN APPROPRIATE WAY TO DEAL WITH SERIOUS TOXINS. THERE ARE SCHOOLS AND DAY CARE IN THE AREA. LEAD CAN CAUSE PERMANENT LIFELONG BRAIN DAMAGE IN CHILDREN. WOULD IT BE ACCEPTABLE TO YOU TO EXPOSE YOUR CHILD TO THAT RISK? WOULD IT BE ACCEPTABLE TO YOU TO DECIDE HOW MUCH CANCER RISK? I WOULDNT WANT TO THINK THE CITY PLANNING OFFICE PLACES THE CONVIENIENCE OF THE REAL ESTATE SPECULATORS OVER THE SAFETY OF OAKLAND'S CITIZENS. I DONT WANT TO SEE A PREVENTABLE CANCER CLUSTER HERE.

I HAVE A MERCALLI MAP FOR THE AREA EXTRAPOLATING THE DAMAGE FROM A C.6 RICHTER ON THE NORTH HAYWARD FAULT, FROM A.B.A.G. IN THAT MODEL THIS NEIGHBORHOOD IS COMBINATION OF IX (9) AND X (10) ON THE MERCALLI SCALE. IX IS DESCRIBED AS "VIOLENT" SHAKING AND "HEAVY DAMAGE". "GENERAL PANIC. MASONRY D DESTROYED; MASONRY C HEAVILY DAMAGED, SOMETIMES WITH COMPLETE COLLAPSE; MASONRY B SERIOUSLY DAMAGED (GENERAL DAMAGE TO FOUNDATIONS.) ... FRAMES ROCKED...." ETC. X IS WORSE: "VERY VIOLENT" SHAKING AND "EXTREME DAMAGE" "MOST MASONRY AND FRAME STRUCTURES DESTROYED WITH THEIR FOUNDATIONS. SOME WELL BUILT WOODEN STRUCTURES AND BRIDGES DESTROYED...." ETC.

THIS IS DRAINED SWAMPLAND IN AN EARTHQUAKE ZONE. A C.6 EARTHQUAKE ON THE NORTH HAYWARD FAULT IS NOT A WILDLY IMPROBABLE SCENARIO. THE PLANNING AND ZONING DEPT NEEDS TO RETHINK THE DUBIOUS WISDOM OF A SKYSCRAPERED OAKLAND. THE LOSS OF LIFE WILL

SERIOUSLY COST OUR CITY. IT IS NOT APPROPRIATE TO HAVE SKY-SCRAPERS HERE. LOWER, WELL BUILT WOOD FRAME STRUCTURES ARE SAFER IN QUAKES

ANOTHER ISSUE, WHICH IS OF DEEP CONCERN TO THE NEIGHBORHOOD, IS THE PARKING ISSUE. ALTHOUGH THE PLANS DO PROVIDE FOR PARKING OF SORTS FOR THE RESIDENTS AT ONE SPACE PER UNIT, ALBEIT A NARROW SPACE, NO PARKING IS PROVIDED FOR THE RETAIL COMPONENT. THE PLAN MENTIONS STREET PARKING AND SURFACE LOTS. BULLETIN: WE DO NOT HAVE ENOUGH PARKING AVAILABLE HERE. WE ARE AT PARKING GRIDLOCK WHICH IS BOUND TO GET WORSE AS MORE LOTS ARE TURNED INTO DEVELOPMENTS. NO, WE DON'T HAVE PARKING SPACE FOR THE RETAIL COMPONENT. MANY OF OUR BUILDINGS DO NOT PROVIDE PARKING BECAUSE THEY WERE BUILT IN THE 1920's. PARKING IS A NECESSARY PART OF THE CITIES INFRASTRUCTURE, JUST LIKE SEWAGE PIPES. OUR PARKING IS SUCH A CRISIS THAT IT SHOULD BE DEALT WITH FIRST. YES WE DO HAVE BUSSES, BART AND CITICARS BUT THEY DON'T FILL THE SAME NICHE AS THE PRIVATE AUTOMOBILE. (FUTURIST SIDE ISSUE: HYDROGEN FUEL CELL VEHICLES PRODUCE ELECTRICITY EVEN WHEN PARKED, SO HAVING A PARKING FACILITY MIGHT BE LIKE HAVING A SMALL, NON-POLLUTING POWER PLANT.) IRONICLY RESIDENTS WITHOUT PARKING CAN'T USE BART OR EVEN WALK BECAUSE WE HAVE TO MOVE OUR CARS! SO NO WE DON'T HAVE ENOUGH STREET AND LOT PARKING FOR THE RETAIL COMPONENT. WE CIRCLE AROUND LOOKING FOR PARKING OFTEN FOR TWENTY MINUTES AND SOMETIMES WE CAN'T FIND A LEGAL SPOT SO WE PARK ILLEGALLY. END OF PARKING RANT.

THE UNITS AT 210 JACKSON WILL APPARENTLY BE VERY TINY. THE PARKING FOR THE TENANTS IS A RACK SYSTEM WHICH I ASSUME WILL REQUIRE AN ATTENDANT. SO, TENANTS WILL ONLY HAVE ACCESS TO THEIR CARS WHEN THE ATTENDANT IS AVAILABLE. LIVING IN CONSTANT CLAUSTRO PHOBIA AND HAVING OUR CARS HELD HOSTAGE BY THE ATTENDANT DOES NOT SEEM LIKE THE WAY I'D WANT TO LIVE. AS OTHER BUILDINGS ARE BUILT AROUND IT, AND THEY TOO WILL WANT TO BUILD TO THE LOT LINE. IN A CONDO

DEVELOPMENT IT IS MUCH HARDER TO GET RID OF BAD NEIGHBOR TENANTS. AND, SINCE THE UNITS ARE TINY AND CLOSE TOGETHER THE ANNOYANCE CAUSED BY BAD NEIGHBORS CAN BE WORSE. IT ONLY TAKES A FEW BAD APPLES TO RUIN A BUILDING.

ALTHOUGH THERE ARE A FEW BUILDINGS OF COMPARABLE HEIGHT IN THE DIRECT VICINITY, SUCH AS THE HILLCASTLE AND ALICE ARTS, THOSE WERE BUILT BY WARNICHE AND MILLER, WHO WERE TRULY FIRST RATE ARCHITECTS. THOSE BUILDINGS WERE MEANT TO BE LANDMARKS. NOW THEY ARE CLASSICS. WE WILL NOT SEE BUILDINGS BUILT LIKE THAT AGAIN. AS I SAID I HAVE NOT SEEN AN ARCHITECT'S DRAWING OF WHAT THIS NEW BUILDING WILL LOOK LIKE. I MAY SEE IT AND BE SURPRISED AND DELIGHTED. OR, IT MAY BE THE FULL HORROR. EVEN IF IT'S POSITIVELY GORGEOUS I'M STILL CONCERNED ABOUT THE LACK OF AN EIR; THE SAFETY ISSUE; DENSITY, WHICH BRINGS OUT THE WORST IN PEOPLE AND PARKING. ALSO IT'S HARDER TO FIGHT A FIRE IN A HIGH BUILDING.

I AM ALSO FRANKLY CONCERNED ABOUT THE CITY'S LIABILITY. WE ARE GIVING DEVELOPERS ALL KINDS OF COME ONS, CONCESSIONS AND ASSURANCES THEY WILL MAKE MONEY. WHEN THEY DON'T MAKE THAT KIND OF MONEY THEY MIGHT SUE US JUST LIKE AL DAVIS IS DOING. I HAVE HEARD STRONG RUMOURS THAT OCCUPANCY RATES ON AT LEAST SOME NEW DEVELOPMENTS ARE BEING ~~FALSIFIED~~ MISREPRESENTED.

PLEASE EXTEND THE TIME FOR PUBLIC COMMENT AND MAKE A <u>COMPLETE</u> FILE AVAILABLE FOR <u>ALL</u> PROJECTS WHEN THEY ARE POSTED FOR PUBLIC COMMENT. PLEASE LET ME KNOW WHEN ITS AVAILABLE.

SINCERELY,

ORNA SASSON
1424 JACKSON #308
OAKLAND, CA 94612
(510) 836-3614

P.S. EXCUSE THE HAND WRITING MY PRINTER BROKE.

RE: CASE FILE CMDV03-230

To: Neil Grey and the planning commission

250 Frank Ogawa plaza

Oakland, Ca

HAND DELIVERY AUG 26

Dear sirs,

I am writing to you concerning public input on the pro-ject at 160 14th st. On july 31 there was a community meeting on the subject of the Madison lofts development. The report in your file from the developer is not an accurate record of the meeting. Much of the meeting was audio tapeed, so we do have a more accurate record of what actually went on.

Approximately 100 people showed up, indicating the amout of concern the community has regarding this project. Joel Tena, from Nancy Nadel's Office chaired the meeting. Several members of the developer's team were introduced and gave presentations regarding the project. Ali Kashani said they intended to rent to artists and emancipated minors. After the developer's team gave their speeches, Cynthia Shartzer, A member of the community, wanted to give a counter presentation. Mr Tena tried to prevent her, but the audience demanded she be given a chance to speak.

A business man said that to support the number of retail square feet , a larger customer base was needed than only the people in walking distance. Theo Williams, of Alice Arts asked if this developement was for artists, why wasn't the Alice arts specifically invited to this or any other meeting?

A man said his daughter had suffered lead poisoning, a concern because this project will be built on contaminated land. Lead poisoning is not a minor thing.

I, personally made two comments:: first that we already have a pa king CRISIS NOW! I'd say that most of the audience clapped in agreement. .

My second point was that the computer generated picture of how the building would look and not supposedly block a magnificent landmarked building was a distorted view based on a "fisheye" lens. Since they are creating an inaccurate view for submission to both the public and the planning commission, that shows contempt for both the public and the commission. The only way we might get an accurate and honest view of the project is if the developer is required to set up story poles. (At the meeting I did not suggest storey poles)

Several other speakers comments did not find their way into the report on that meeting. Most of the speakers were opposed to the project. Many who wanted to speak were not allowed due to time considerations. Mr Tena assured us that there would be another meeting so all objections could be heard. . Apparently he lied.

the report on the meeting in your files makes it sound like the developers always had an answer or solution which would mollify our objections. NOTHING could be farther from the truth.

this project is slated to go before the planning commission on september 3rd. The commission will look at a least one false

document about how the community sees this project , and view a distort ed picture. the staff report is not expected until august 26 and due to a combination of "budget days' and labor day weekend we will not be able to have the time the community deserves to respond in writing, or check possible misrepresentations in the report. Also, on September third you seem to have scheduled a very busy meeting. I do not consider that the community has had fair input.

Also, this should have gone in front of the landmarks commission. According to C.E,Q.A., if it will have a significant effect on a historic landmark, it makes a difference.

This project had a lot of problems. the community deserves more than facile answers. An underground garage with landscaping at gr(level would be most welcome and would suit the needs of the community. As this is a historic district we do not have nearly enough parking. Most of our apartments were built in the 1920's and we have venues such as alice arts, the library, scottish rites, etc. This developement clashes with our historic district, does away with needed parking increases density, and by having their car egress on fast moving madis(street will guarantee accidents galore. At the july meeting the developer's solution was to suggest aloud hornand flashing light system to alert pedestrians. This would interfere with the quiet enjoy enjoyment of people's homes and violate a municial law regarding noise near churches, Also, having the'group open space' for over seventy uni right next to a house of worship is a bad set up. We have vacancies in our community. Section 8 has a lot of advantages for landlords. we can house poor people without building an insult to our community.

Sincerely,

ORNA SASSON
1424 JACKSON ST
OAKLAND, CA 94612
(510) 834-3514

Forwarded Message
From: "Tena, Joel" <JTena@oaklandnet.com>
To: "Tena, Joel" <JTena@oaklandnet.com>
Subject: An important message from Vice-Mayor Nadel RE: Madison Loft Devel opment
Date: Fri, 8 Aug 2003 13:55:50 -0700

HTML Attachment
The following is an important message from Oakland Vice-Mayor Nancy J. Nadel (West Oakland-Downtown) regarding Affordable Housing Associates' Madison Loft Development. Please feel free to forward this message to interested parties. Vice-Mayor Nadel's Council Office phone number is 510.238.7003.

Dear New Constituents and Folks interested in Madison Lofts,

As you are probably aware, the area from Jackson St. to the Lake was added to District 3 as a result of re-districting that became final a few months ago. Therefore, I am now your councilmember and want to be sure that I understand and find solutions to all the issues related to the proposal to build the Madison Lofts project at Madison and 14th St.

I understand that the last meeting brought out many concerns and that the time for questions and comments was not adequate. We plan to have a follow-up meeting with an outside facilitator to assure everyone that they are being heard. From looking at the notes, it seems the major issues are residential and event parking, environmental clean-up of the site, view blockage of the ICCC, and distrust of the proposed developer with accusations of lying.

We are gathering information on which apartment buildings in the area have no parking and if they have parking, how many spaces per unit. If you can help us provide that information about your building, please provide it to jtena@oaklandnet.com. While the General Plan, which had a long public process, states that downtown parking lots should be converted to much-needed housing, we want to be sure that we also have enough residual parking to accommodate a reasonable number of residents' cars considering this is a downtown area. The lot between Jackson and Alice, 13th and

14th, seems to have consistent availability. Please get back to our office about whether or not you ever use that lot and if not, why not.

We are also looking into the possibility of using the Alameda County parking structure for event parking since ICCC, the Alice Arts Center and the Scottish Rite Temple don't have adequate parking for their more popular events. My hope is that the event venues might then be able to contract with the county to accommodate their patrons.

We will also get more detailed facts about the environmental situation for you. I believe the Planning Department will respond to the view issue.

Regarding the accusations of lying, these must be made with more specificity out of respect to both the accused and accuser so that we can verify where possible the claims of either party. If there are particular statements which you know to be untrue or think are untrue, please provide those details to Joel as well so that we can check on their veracity.

We will be sending you an announcement for the follow-up meeting in the near future. Thank you for your interest in the development of the downtown area. Your input is valuable to us and vital to making Oakland a positive place for existing and new residents.

Sincerely,

Nancy J. Nadel
Vice Mayor
City Council District 3

Joel Arnold Tena
Constituent Liaison to
Vice-Mayor Nancy J. Nadel
City of Oakland
P: 510.238.7032
F: 510.238.6129
E: JTena@oaklandnet.com

July 30, 2003

Dear Sir/Madam,

I am a frequent visitor to Islamic Cultural Center of Northern California (ICCNC) at 1433 Madison Street in Oakland. I am writing this letter to you since I expect the elected officials and staff of the City of Oakland will do everything in their power to ascertain that the State, City and Local codes are observed without compromise for the benefit of the residents in the vicinity of the proposed subject project.

Therefore, I respectfully raise the following issues:

Physical Environment:

1. It is my understanding that the proposed site at one time was used as a gas station for 25 years. What studies have been conducted to discover the potential for hazardous materials (including underground tanks) or hazardous material remains within or immediately adjacent to the construction area?

2. What environmental studies have been performed to adequately address the probable contamination of the site inherent to operation of a gas station and the mitigation measures to eliminate any potential problems?

3. With respect to the 79 residential units in the proposed development and the ingress and egress to and from the site, what measures are proposed to address the safety issues concerning the transient activities in and around the building?

4. The proposed development is not compatible with the historical nature of the building belonging to ICCNC.

5. What visual impact studies have been conducted to address the aesthetically visual resources within or adjacent to the project area?

6. What socio-economic studies have been performed with respect to local schools, local businesses, State and Local Planning Departments?

Social and Economic Environment:

1. The parking lot at the corner of 14th and Madison Streets is full to capacity during weekly programs offered at ICCNC on most Friday evenings. Construction of the proposed development not only will eliminate the existing parking facility for the residents but will also bring new residents to the neighborhood who would further burden a residential neighborhood suffering from inadequate parking spaces. What mitigation measures have been proposed to address the problem of inadequate parking spaces?

2. Is the project consistent with plans and goals adopted by the community?

3. Will the project result in the need for public services, including utilities other than those presently available or proposed?

4. Will the project involve changes in access control?

5. Will the project involve the use of a detour?

6. What noise studies, with respect to traffic and construction, in accordance to FHWA have been performed?

Since I am confident that the responsible parties, especially those at City of Oakland, involved in any stage of the proposed development will be working diligently to address the concerns of the residents in the neighborhood, I would appreciate answers to the questions posed above.

I thank your for your assistance in advance.

Sincerely yours,

Amir Douraghy, P.E.

FAX

To: Mr. Neil Gray – City Planner

Fax: 510-238-4730

No. of pages including cover: 5

From: Kazem Jabbari – ICCNC President

July 2, 2003

Mr. Neil Gray
One Frank Ogawa Plaza
Oakland, Ca. 94612
City Planner Office

RE: Design Review for 160 14th Street

Dear Mr. Neil Gray:

We, the Islamic Cultural Center of Northern Californian (ICCNC), located at 1433 Madison Street in Oakland, are requesting a full hearing and participation in the decision making process in developing the site on 160 14th St.

We are a cultural and religious center, which is actively involved in teaching good morals to our community youth. We have cultivated an interfaith with over 33 churches, synagogues and temples; and are an active member of the Oakland Coalition of Churches. Since we teach humanity, morality, tolerance and respect for all mankind, we realize a definite need to provide affordable housing for members of the Oakland community.

We are concerned though that the project presented by Affordable Housing Associates ("AHA"), for the 14th St. property, will significantly impair the livability of the neighborhood for all, including the proposed residents of the project. Since the goal of decent affordable housing should be to enhance and be in harmony with it's surrounding community.

We respectfully are asking the Oakland City Planning Commissioners for a careful review and due consideration to our concerns noted below before approving the application of AHA to develop the site on 160 14th St. (APN 008-0628-005-01).

1. **A comprehensive EIR study (phase I and II) conducted by a qualified independent third party**. This site formerly was a gas station for over twenty years. If the ground is to be disturbed in construction, issues such as Lead, Benzene, Tetrachloroethene and other harmful substances in soil and ground water contamination may present health relates complications for the community. A comprehensive EIR is required so that soil and water can properly be sampled, tested and analyzed to determine the extent of risk factors present on the site. The safety and health of our staff, school children, congregation and the community are our top priorities. We expect, as do others, that no development will occur until a full and satisfactory remediation plan is implemented. Currently we are in the process of working with an environmental engineer to review the previously performed studies on this site.

2. **A full evaluation of the parking situation.** Parking in the neighborhood has always been a problem. As it is, there is insufficient street parking under the current situation which would be compounded in several ways by the scope of this project. First, the addition of 79 new housing units and accompanying retail space will create new demand far beyond the proposed 51 spaces that AHA seeks to have accepted. Second, the site has been used for parking of vehicles that are in the neighborhood. Thus, the use of the site in this manner will cause additional congestion and a pressure on street parking. We see no justification for lowering the parking standards in a manner that will force new residents and their guests to find unavailable street parking. Again, the cause of affordable housing should not be used to depress living standards for those members of the community.

3. **Protection of historical structure and neighborhood character.** ICCNC is a historical building with an A plus class rating. This building should be treated as a very unique and a historical heritage, reflecting the character of the great city of Oakland. The Madison Street Temple (ICCNC) is one of Oakland's outstanding examples of Mission Revival architecture and among the finest Scottish Rite Temples in northern California. It has been distinguished in design by the boldness of its twin towers, stained glass windows, and its way of resembling a cathedral in the conventional sense. We do not feel that the proposed design is compatible with the predominant existing architecture of the neighborhood, and especially the design of The Madison Street Temple. It is important to explain that by using the word "compatible" we are not stating that the new proposed building should be designed to look like an old temple, rather it should be designed with the spirit of the Mission Revival in mind including details such as exterior finishes. |

   ICCNC must be assured that AHA will be required to remediate against risk of damage to the unique ICCNC structure in the development of the site on 160 14th St. (APN 008-0628-005-01).

4. **Compliance with Building and Zoning Codes.** We believe that the AHA project must be built in full compliance with the City's Building and Zoning Codes. AHA has requested a laundry list of exemptions and waivers. Frankly, we think AHA's financial demands translate into a substandard product in an otherwise improving neighborhood. We believe the codes are written for a reason and should be fully applied to this project.

5. **A complete shadow study impact on our facility.** We believe that the mass of this structure will impact daylight available for other structures and users. We therefore are requesting physical and computer generated models to be made by the developer to represent actual sites elevation, comparison and potential issues.

6. **Noise Control.** We seek to be assured noise will be controlled at all times since we will have cultural and religious programs during the days and evenings. We do conduct funerals, weddings, divorces, religious and cultural programs. We also have visits from clients during the days and evenings. Our center is serving more than 2,200 members and covering the immediate Oakland and surrounding areas.

7. **Appropriate Limitations of Retail Use.** The use permit for this area should prevent retail use by: (a) liquor stores or any establishment that sells alcohol; (b) Gaming or other form of arcade entertainment; (c) Adult book stores; (d) Video rental establishments that rent adult and pornographic movies; (e) Stores that sells firearms or ammunition, or (f) Restaurants or fast food entities that operate beyond 12:00 A.M. These limitations should be binding on AHA on an ongoing basis. ICCNC has worked very hard in conjunction with community to provide a safer neighborhood and we feel that promotions of certain activities are detrimental to the long-term goal of improving the overall condition of the community.

8. **Assured proper maintenance and upkeep of the building, parking and the surrounding premise at all times**. ICCNC with the assistance of the City of Oakland would like to be involved in the development of the maintenance guidelines and be assured contractually that AHA will abide by such guidelines and the consequences of non-compliance.

9. **Assured building security at all times.** No unlawful gathering, gambling, party or sales of contra ban substances should be allowed outside the building's property. Additional traffic in and out of the new building will create more interaction, and as a consequence more of a probable chance for conflicts and unlawful activities. Installing remote cameras will not stop car theft or violence. We believe live, capable and reliable security guards around the clock will be a benefit to all. We are requesting AHA to provide a detailed plan on how they will address the increase security need of the neighborhood.

10. **Tenant Qualification.** We do not believe that low income is synonymous with tenant problems. But, to assure the neighborhood remains secure, ICCNC with the assistance of the City of Oakland would like to be involved in defining the conditions of a "qualified tenant" (unless such rules are predetermined at the State or federal level). We want to be assured of compliance by AHA with all rules and regulations governing operation and management of the project for low-income housing. The developer must be held accountable to assure that its apartments will not be leased to friends and relatives unless they specifically fall under the definition of a "qualified tenant". AHA to determine and identify renter's set aside elections of 40/60 or 20/50 in advance

11. **Public Hearing**. We are requesting a public hearing by the Oakland Planning Commissioner and the community since AHA indicated this was not required. We are further requesting a second design review committee meeting with proper due notice to the entire community especially because we were not given notice of the last meeting.

12. **Financial Qualification.** We are aware of projects that have degraded during development because the developer runs short of funds. We seek assurances that AHA will be financially able to start, sustain and complete this project within a pre-specified time frame.

We have paid for the use of the current parking spaces for a number of years. In that context, we were able to largely assure the protection of persons and property for our congregates and visitors. We are concerned that with the development of the new Site our visitors will have to walk even further for parking. With that in mind, parking and safety are tightly aligned and should be adequately considered. We are looking forward to working closely with the city officials, to assure that this project will have proper due process without ignoring the needs and concerns of its immediate neighbors and the community.

Respectfully;

Kazem Jabbari
ICCNC Chair

City of Oakland
250 Frank Ogawa Plaza
Oakland, California
Claudia Cappio
May13, 2002

Dear Mrs. Claudia Cappio:
I am writing to you about the proposed plan to construct an eight story building of Low Income Housing Project next door to our historic building called Islamic Cultural Center of Northern California, or ICCNC located at 1433 Madison street in Oakland Ca.

As the president of ICCNC, I am expressing my feelings and those of our members to express our displeasures with the proposed plan. The neighbors and us have worked hard to improve quality of life in that part of Oakland over the years. There used be a lot drug selling, fights and shootings in the area about seven years ago. We have been able to improve this situation greatly.

Our center has more than 1,200 household memberships who frequently use its cultural and religious services, which they attract about 400-600 people on some nights. We have an active school with more than 80 students who attend classes every Saturday. We have a playground located adjacent to the street which kids use a lot. Having a low income housing next door to this center and in the middle of the neighborhood poses some serious questions, which we are not comfortable about.

We are organizing to resist this proposed plan due to its negative and long-term ramifications, which it will impose on the immediate area.

Affordable Housing Associates, AHA, can find a better use for this lot. It can possibly be converted to a grocery store or a shopping center.

We also are asking you for your support to assist and guide our community on this issue.

I can be reached at telephone # 510-832-7600 or Jabbari1@juno.com

Sincerely Yours,

Kazem Jabbari

July 2, 2003

Mr. Neil Gray
One Frank Ogawa Plaza
Oakland, Ca. 94612
City Planner Office

RE: Design Review for 160 14th Street

Dear Mr. Neil Gray:

We, the Islamic Cultural Center of Northern Californian (ICCNC), located at 1433 Madison Street in Oakland, are requesting a full hearing and participation in the decision making process in developing the site on 160 14th St.

We are a cultural and religious center, which is actively involved in teaching good morals to our community youth. We have cultivated an interfaith with over 33 churches, synagogues and temples; and are an active member of the Oakland Coalition of Churches. Since we teach humanity, morality, tolerance and respect for all mankind, we realize a definite need to provide affordable housing for members of the Oakland community.

We are concerned though that the project presented by Affordable Housing Associates ("AHA"), for the 14th St. property, will significantly impair the livability of the neighborhood for all, including the proposed residents of the project. Since the goal of decent affordable housing should be to enhance and be in harmony with it's surrounding community.

We respectfully are asking the Oakland City Planning Commissioners for a careful review and due consideration to our concerns noted below before approving the application of AHA to develop the site on 160 14th St. (APN 008-0628-005-01).

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Respectfully;

Kazem Jabbari
ICCNC Chair

SIERRA CLUB
FOUNDED 1892

Northern Alameda County Regional Group
(Alameda-Albany-Berkeley-Emeryville-Oakland-Piedmont-San Leandro)
2530 San Pablo Avenue, Suite I, Berkeley, CA 94702
510-848-0800 (voice) · 510-848-3383 (fax)

August 26, 2003

Oakland City Planning Commissions
Community & Economic Development Agency
Planning & Zoning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Re: Madison Lofts
Case File # CMDV03-230

Dear Commissioners:

The Northern Alameda County Group of the Sierra Club reviewed the Madison Lofts project proposed by Affordable Housing Associates (AHA) at their July 28, 2003 meeting and unanimously passed the following resolution:

> The Sierra Club supports the AHA Madison Lofts project for bringing affordable housing and arts facilities to the community and for providing a reduced ratio of parking spaces to residences.

Yours truly,

Joyce Roy
Co-Chair, Conservation Committee

cc: Affordable Housing Associates

Gray, Neil

From: Don Eisenberg [dme@eoainc.com]
Sent: Monday, June 16, 2003 4:31 PM
To: ngray@oaklandnet.com
Cc: awo@eoainc.com
Subject: Case File CDV03-230 - 160 14th Street

Mr. Gray:

I received the notice of the hearing on the subject proposed development. I am an owner of a property located immediately adjacent. I have a couple of comments that may be relevant to the design committees considerations.

1) The building is far too tall to be in character with the surrounding structures. Everything else in the vicinity is no more than 3 stories. I don't know what the zoning says, but strictly from a design review perspective an 8 story building is way out of proportion to others on the block and adjacent area. In addition, a building of this height and footprint will completely block the sun and sky from our relatively small office building which is immediately behind the subject proposed development.

2) The proposed building may not be feasible to build because one wall is so close to our property line that construction may damage or otherwise impact our building, located at the property line. We have seen no construction details or information regarding how they will mitigate impacts to our building or how our employees will be able to work within the building during construction. We will at minimum strongly object to any variance from applicable lot-line setback requirements, if any are proposed.

I would appreciate if my comments could be forwarded to the committee members, and I would like to receive any relevant information that is distributed or discussed at this meeting and at any future planning commission meetings on the subject proposal.

Thank you for your assistance with this.

Don Eisenberg

****
Don M. Eisenberg, Ph.D.,P.E.
President, Principal Engineer

EOA, Inc.
1410 Jackson St.
Oakland, CA 94612 USA
Phone: 510-832-2852 ext. 114
Fax: 510-832-2856

Gray, Neil

From: Nora Archambeau [narchambeau@hotmail.com]
Sent: Wednesday, June 25, 2003 9:44 AM
To: ngray@oaklandnet.com
Subject: No on planning proposal

Dear Mr. Gray:

Thank you for spreading the word (=flyer) about the proposal to construct an eight story building for commerical space , etc. at 160 14th St., case file number CDV03-230, in Oakland. I strongly oppose this for all of the 5 reasons listed on the flyer and because it makes no sense whatsoever to construct a new building when we have so many vacant, ready-to-move-in, and recently renovated/remodeled buildings in the downtown area. Also, I do not wish for the now beautiful Islamic Cultural Center on Madison St. and 15th to be obstructed in any way. Besides the fact too that there are no parking spots for the current residents, me being one of them at 1501 Madison St., anyway. Please pass on my objections to the committee. Thank you very much!

Sincerely,

Nora Archambeau, M.A.
Oakland, CA

Gray, Neil

From: Spuds1053@aol.com
Sent: Tuesday, March 18, 2003 10:03 PM
To: ngray@oaklandnet.com
Subject: Proposed Housing on 14th/Madison Sts

Dear Mr. Gray,

I am writing to you to express some of the concerns I have about a proposed housing development on 14th/Madison named Madison Lofts on the web site for AHA. First, anything that is built on that site would block the beautiful historical Islamic Center of Northern California building which was just given an award from Oakland Heritage Alliance in December 2002. No one would be able to see the irreplacable stained glass windows and other ornate windows there. The majestic building took thoughtful, caring people and a lot of money to renovate it. My neighbors and I would not feel at home without being able to see it as we returned from the library,nor would the public. Is AHA prepared to take out insurance to replace any damage that occurs to the Islamic Center?
The site is slated for families and artists, yet the artists I have spoken to would not want to see the building/stained glass windows facing 14th St blocked from public view.
The environmental concerns I have are many. A gas station was on 14th/Madison in the 1960's and I think an Environmental Impact Report needs to be done before anyone is allowed to build there. Please note, Little Stars Pre-School is across the street. I wouldn't want the City of Oakland to incur lawsuits and cancer clusters 20 years from now. Also, any tall buildings whether they are 8 stories or 20 stories would block the sunlight from the surrounding apartment building's apartments and gardens, not to mention sunlight for the Islamic Center's building. Why is it that the 210 14th St area(formerly Taco Bell) failed 2 soil samples to see if it could withstand a highrise building, yet one block away on Madison and 14th it can? What about earthqauke hazards? Most importantly, we already have a densely populated neighborhood of apartment dwellers and do not need more housing in this neighborhood. There are vacancies everywhere. I don't think we can handle more people, their friends and family visitors, their noise, more cars, more traffic, more garbage and waste here. The sewer, water, gas lines and pipes here need to be replaced as it is. Finally, we already have a severe parking problem here and again, we don't need more competition for parking spaces for more residents and their visitors. The AC Transit budget cuts call for 30 bus drivers to be laid off July 1st, bus line cuts here on Jackson St.# 59 bus, and the city rental cars are not sufficent for everyone's needs.Although our neighborhood's crime has been cleaned up considerably since I moved here in 1999, my neighbors and I do not need more people to compete with for basic city services which are being cut July 1st. I think the proposed project by AHA at 14th/Madison Sts. would be of better use on another site. Please pass this informational letter on to whomever you wish if it will help other people re-think the site for this proposed project. Please visit the area especially on a sunny day and at night to appreciate the beauty of the historical Islamic Center and then imagine what our neighborhood would look like without it. Mr. Gray, please let me know (if you can) of any meetings slated that I may attend to express my concerns. Thank you for taking the time to read this.
Sincerely,
Ms. Marian Murphy
1431 Jackson St. Apt 903
Oakland,Ca. 94612

461 Ninth Street • Oakland, CA 94607 • 510.763.4361

Ali Kashani
Executive Director
Affordable Housing Associates
1250 Addison Street, Suite G
Berkeley CA 94702

08 August 2003

Dear Mr Kashani,

I am pleased to express support for AHA's Madison Lofts project. The project's most unique angle lies in its attempt to provide affordable housing to a balanced demographic range that includes, but is not restricted to, the local artists population . This holds particular appeal as a practical experiment in consciously drawing a diverse range of low-income citizens into a small downtown housing community , one that holds potential enrichment for the revitalization of downtown Oakland overall.

We hope that your plans for public access venues, such as a café and theatre, will bear fruit, so as to add a refreshing new social resource to the Madison & 14th neighborhood. Please keep the Pro Arts community apprised of your progress.

Kind regards,

Stephanie JT Russell
Executive Director

August 6, 2003

Ali Kashani
Executive Director
Affordable Housing Associates
1250 Addison Street, Suite G
Berkeley CA 94702

RE: Support for Madison Lofts

Dear Mr. Kashani:

I am writing to express my support for AHA's proposed project at 14th and Madison in Oakland. I live on 15th Street between Jackson and Madison, right around the corner from the proposed development.

Oakland needs more housing downtown – especially affordable housing. Housing will bring more foot traffic to the neighborhood, and more people to support the local stores. The property is currently a parking lot – which is ugly and unsafe. The new building will include commercial spaces – including art spaces - bringing more life and culture to downtown Oakland, attracting new residents to live here, and encouraging existing residents like myself to stay.

Affordable housing is critical. Most Oakland residents know how high housing costs impact them. We all live in apartments that are too small and too expensive. Many people who have lived in their apartments for a long time feel they cannot move, because they can't afford the rent anywhere else. Families are overcrowded in tiny apartments. I appreciate how there are a mix of apartment sizes in the building. Most of the new housing built so far in downtown is high rent.

I don't believe this development will cause a parking or traffic problem. Many people who live in this area don't own cars. This area is so close to BART and AC Transit buses that people don't need a car. The parking issues could be better solved by coordinating the use of existing parking lots – how about creating diagonal parking on Madison Street – and encouraging people not to drive.

This neighborhood is a perfect place for this type of development – this neighborhood is appropriate for high density housing, is close to transit, and needs both new residents and new commercial storefronts. The existing parking lot is not an asset to the neighborhood. The arts-orientation of the building will improve downtown street life and cultural amenities.

I hope you are successful in the approval for the 14th and Madison project.

Sincerely,

Diana M. Downton

Diana M. Downton
176 15th St, #301
Oakland, CA 94612

CC: Councilwoman Nancy Nadel

John White
1425 Lakeside Drive, #203
Oakland, CA 94608

AFFORDABLE HOUSING ASSOCIATES

Councilmember Nancy Nadel
One Frank Ogawa Plaza
(One City Hall Plaza), 2nd Floor
Oakland, CA 94612

Dear Ms. Nadel,

May 10, 2003, I attended the first community meeting hosted by Affordable Housing Associates regarding the proposed affordable housing development at 14th and Madison. This letter is to express my full support for the project consisting of 70+ units of affordable live/work space and apartments. New housing, especially affordable, new housing opportunities is a critical need in the Bay Area. This project represents well thought out design and plan for our downtown neighborhood, which will enliven a our neighborhood with its arts component.

I have been a ~~resident of~~ owner in this neighborhood for many years and feel that this project will have nothing but a positive impact on our neighborhood. It will be the beginning of a much needed beautification effort for the 14th Street corridor, which is becoming blighted. As you enter the gateway from the Lake, you will notice that this street has deteriorated over the last several years. This project should inspire neighbors and owners of neighboring buildings to clean up and better maintain their properties as well.

I am proud to support Affordable Housing Associates 14th and Madison development. I urge you to support their efforts as well.

Sincerely,

John White

Sent To Nancy Nadel
5-28-03
9am

Engagement Spirit
Mind Action
COACHING
Kim Fowler, CPCC
425 Van Dyke Ave., #3 Oakland, CA 94606

August 8, 2003

Ali Kashani
Executive Director
Affordable Housing Associates
1250 Addison Street, Suite G
Berkeley CA 94702

Dear Mr. Kashani:

As a member of the Advisory Committee for the Madison St. Lofts, and as an applicants for studio space in the building through Unconditional Theatre, I want to offer my support for this project, which promises to be a wonderful addition to the community.

As a ten-year Oakland resident, I am aware of the strong need for affordable housing in the city. Prices in the Bay Area in general are forcing many people to other locales, people with family and community ties in Oakland, people that make contributions to the economic and social fabric of the community. As an artist, I am also aware of the difficulty in finding affordable studio space to allow for work to be created in and of the community. This work has a direct benefit in that it ties diverse members of the broader community together and provides a vehicle for cultural expression that is vital to any city and its inhabitants.

I understand that parking has been an issue with some residents. My experience is that parking in the evening is not a problem, and I have heard that other residents have indicated that daytime parking is also sufficient. It appears that the requested parking variance should not hinder development of the project.

This project has my support as I think it will be good for the neighborhood and for the city of Oakland.

Sincerely,

Kim E. Fowler

cc: Councilperson Nancy Nadel

CHRISTOPHER P. MORGAN

510.444.5453 / morgan_cp@hotmail.com 1448 Jackson St. Apt. 4, Oakland, CA 94612-4056

March 4, 2003

Danny Wan, Oakland City Council, District 2
dwan@oaklandnet.com

Dear Mr. Wan:

On January 16, 2003, those of us parked around 15th and Jackson (downtown) received fliers entitled "Parking Alert" (see attached). The unnamed author exhorted us to contact you to oppose the proposed affordable housing/mixed-use development at 14th and Madison on the grounds that the neighborhood will lose an irreplaceable parking lot. On February 28, 2003, I found a second flier using similar arguments (see "Community Alert") taped to my apartment building and on my car. I am writing you because I am unable to attend this meeting and the organizer's contact information is unavailable.

I have lived here for four years and am a car owner. I say bring on the project for several reasons:

- *More people means safer streets.* In my experience, the more neighbors walking around, the safer the neighborhood is. The new people associated with this project would make it harder for criminals to work in anonymity.

- *There is always parking available if you are flexible.* On street-sweeping nights, the parking lot in question is sparsely used and I have to park at most three blocks from my home. During the day, parking meters and surrounding lots ensure that there are available spaces. Also, Oakland requires new buildings to include parking so the project itself shouldn't make a noticeable difference. In any case, if anybody has an alternative to driving, it's the people who live or work near more than a dozen bus lines and three BART stations.

- *If we don't build housing in Downtown Oakland, there will be market impacts most of us don't want.* Our taxes are well spent if they leverage other funds to build housing for low-income families. If we don't build housing downtown, there will be more pressure for higher rents as more people chase the same number of apartments. Homelessness is likely to increase as people find rents out of reach.

- *The beauty and functionality of the Islamic Center would be preserved.* The Islamic Center building would be unlikely to lose much natural light or prominence thanks to its corner location and its own parking lot between it and the proposed project. People coming to worship and participate in cultural activities at the Center would continue to have nearby parking lots available, not to mention great BART access, while the neighborhood would benefit from the disappearance of dead asphalt space.

The 14th and Madison project will likely be good or at worst a fair and necessary trade-off for the neighborhood. Unless this person afraid of losing an ugly parking lot can come up with something better, I wholeheartedly support the project. Our community can definitely use it.

Sincerely,

Chris Morgan

Hamid Ghaemmaghami
1555 Lakeside Drive # 100 • Oakland, CA 94612
Home (510) 663-9363 • Work 510-238-6364 • E-mail hgami@oaklandnet.com

August 8, 2003

Ali Kashani
Executive Director
Affordable Housing Associates
1250 Addison Street, Suite G
Berkeley CA 94702

Dear Mr. Kashani:

I am writing to show my support for Madison Lofts that will be built by AHA at the corner of Madison & 14th streets in downtown Oakland. I have lived on Lakeside Drive, a block away from the planned site for the past two years. I work for the City of Oakland, CEDA, Real Estate Services, and I walk to work everyday. I strongly believe this project will serve to accomplish the following housing and community objectives:

1. It will provide affordable new housing for the residents of the City of Oakland.
2. The project is consistent with smart growth planning that encourages in-fill housing in an urban area close to downtown and transportation links.
3. The proposed building is close to public transportation, Bart and all the major freeways.
4. It will bring life and vitality to an important corner that is being used as a parking lot.
5. Building will feature a contemporary design that will enhance the corner and add value to the area.
6. The project is consistent with the goal of bringing more residents to downtown Oakland.
7. The completion of this project will inject vitality and support for small businesses in the area and it may lead to more retail attraction in the area.

I look forward to approval and completion of this project. I can be reached t at 510-663-9363.

Sincerely Yours,

Hamid Ghaemmaghami

August 7, 2003

Ali Kashani
Executive Director, Affordable Housing Associates
1250 Addison Street, Suite G
Berkeley, CA

Dear Dir. Kashani,

I am responding to an email sent by Hyland Baron urging Adeline Loft residents to support the Madison Street Loft project.

I am more than happy to assist and lend support to this cause! I am an artist/entrepreneur who is currently "growing" a business. Due my recent lay-off from The City of Oakland, this task has required much fortitude and"faith". I really appreciate being in an environment that facilitates this type of growth and direction. I appreciate being here at Adeline and believe, that my direction is being supported due to the fact that I am in a living space which is reasonably affordable for me. My situation is not easy...attempting to "piecemeal" my income together every month is quite a challenge!; yet, somehow being in an environment which I feel is conducive to my goals, makes the effort more desirable, practical and supportive.

When I received notice that I would be accepted into this development, I was brought to tears, because my daughter and I hadn't had a "home" of our own for two years! And knowing that the selection process was highly competitive, indicated that there were plenty of others who wanted a chance at being here! Thankfully, we were selected and since becoming a tenant, I have grown to have the confidence to actualize and engage my art! I have much gratitude for this opportunity. I believe that affordable housing in Oakland is critically needed by ALL, yet, particularly so for people who are artistic/creative, because this path all too often doesn't have immediate gain or monetary benefits. Also, unfortunately, *most artists lack the space in which to consistently create in typical living environments.* **I cannot express enough how critical the need for affordable housing is!** I realize that no situation is perfect, however, being accepted into this living situation, and believing in this opportunity, has truly put in the right frame of mind to pursue and actualize my dreams and goals!

I hope this is of help to you with the Madison Street Lofts project.

Sincerely,

Sybil (Cybille) D. Carpenter
Adeline Street Lofts, #108
Oakland, CA 94607

Cc: Hyland Baron

L. Gerard Goeres
4018 Barner Avenue
Oakland, CA 94602

Ali Kashani
Executive Director
Affordable Housing Associates, Inc.
1250 Addison Street, Suite G
Berkeley, CA 94702
Fax: 510-649-0312
Email: akashani@ahainc.org

20 August 2003

Dear Mr. Kashani:

As the soon to be retired Chair for the City of Oakland's Public Art Advisory Committee, I am writing to express my full support for Madison Lofts, AHA's proposed mixed-use project at the corner of Madison and 14th Streets in downtown Oakland. I strongly believe that this project will bring activity and vitality to a prime corner that is currently an underutilized parking lot.

Madison Lofts will bring positive change to our neighborhood for the following reasons:

- It will provide much-needed affordable housing for Oakland residents, employees, artists, and families.
- New commercial space on the ground floor will provide services and amenities for the entire neighborhood and foster a safe and active pedestrian streetscape.
- The project is in close proximity to BART and nine AC Transit lines and is within walking distance of Oakland City Center, a major employment hub. This type of transit-oriented development is critical for both energy and environmental conservation.
- Madison Lofts will include a City CarShare "pod". By allowing City CarShare to locate one of its vehicles at the project, AHA is enabling the entire community take advantage of this terrific resource.
- Madison Lofts will inspire further reinvestment in our neighborhood. The high quality design and construction of the project will encourage other owners in the area to revitalize and reinvest in their properties.

I am pleased to support Madison Lofts. I hope you are successful in gaining approval for the project.

Sincerely,

L. Gerard Goeres
Chair, Oakland Public Art Advisory Committee

cc: Vice Mayor Nancy Nadel; 1 City Hall Plaza, 2nd floor; Oakland 94612; 510-238-7003; nnadel@oaklandnet.com

The First Place Fund for Youth

ASSISTING FOSTER YOUTH IN THEIR TRANSITION TO INDEPENDENT LIVING

August 19, 2003

Neil Gray, Planner III
Community & Economic Development Agency
Planning and Zoning Division
250 Frank Ogawa Plaza, 2nd Floor
Oakland, CA 94612

RE: Madison Lofts

Dear Mr. Gray,

I am writing on behalf of the First Place Fund for Youth (First Place) to express our enthusiasm for our developing partnership with Affordable Housing Associates (AHA) at the Madison Lofts development site.

First Place is an Oakland-based non-profit organization founded in 1998 to remedy the lack of services available to youth who are making the difficult transition from foster care to independent living. First Place targets its services to 16-23 year-olds who are preparing to or who have recently aged out of foster care.

Once discharged from care, county-funded foster care services are discontinued for the vast majority of these young adults. Moreover, there are limited community-based services available to meet their needs. Instead of receiving support and guidance during this critical transition, emancipated foster youth are typically without housing, a source of income, adult encouragement, or community support.

Through our partnership with Affordable Housing Associates, we will be able to provide affordable housing and life skills training for close to twenty-four emancipated foster youth. This assistance is being made possible by virtue of Affordable Housing Associates' commitment to set aside 18 units for FP clients within Madison Lofts, and to reserve commercial space within the development where FP youth advocates can hold on-site counseling, training, and recreational events.

In return, First Place will provide its residents at Madison Lofts with a two year program of comprehensive social services that includes rental assistance, job skills training, economic literacy training, and transportation assistance. Furthermore, throughout the course of the program, FP youth advocates will be monitoring and evaluating the household budgets of each FP participant to

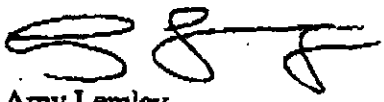
Tel: 510.272.0979 • **Fax:** 510.272.9303 • **www.firstplacefund.org**
Administration: 1755 Broadway, Suite 304 • Oakland, CA 94612
Emancipation Training Center: 1759 Broadway • Oakland, CA 94612

ensure that their financial resources are being allocated towards activities that promote self-sufficiency.

In terms of parking, First Place discourages automobile ownership among its participants, given the high cost of auto-related expenses and the availability of public transportation. Of the 35 youth First Place has in housing, there are 4 youth with cars, which they require due to work and child care-related responsibilities.

If you have any questions related to our services or programs, please feel free to contact me at any time (510) 272-0979 ex.22.

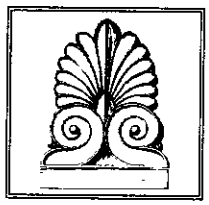
Sincerely,



Amy Lemley
Executive Director

Attachment D

August 8, 2003 letter from Brad Brewster of Carey & Co., Inc. to Mark Garrell containing an analysis of the proposal's impact on historic resources.



CAREY & CO. INC.
ARCHITECTURE

August 8, 2003

Mark Garrell
Affordable Housing Associates
1250 Addison Street, Suite G
Berkeley, CA 94702

Re: Final Historic Impact Study for the 14th & Madison Apartments (Madison Lofts)

Dear Mr. Garrell:

In response to a request from Affordable Housing Associates (AHA), this letter summarizes Carey & Co.'s findings regarding potential impacts of the proposed residential development at 14th & Madison Street on the qualities and characteristics of the historic Islamic Cultural Center (ICC), the former Scottish Rite Temple, built in 1908. The proposed project is located at the corner of 14th & Madison Streets, adjacent to the western boundary of the historic resource. The proposed residential apartment building would be approximately 80,000 gross square feet in size, and eight stories or 85 feet to the roof (LMS Architects, 2003). Please see attached project plans.

This building was surveyed and rated by the City of Oakland in 1982 and given a National Register Status Code of 3 (appears eligible for individual listing in the National Register) and is a City of Oakland Designated Historic Property with an "A" rating. By virtue of its eligibility for listing in the National Register of Historic Places, the former Scottish Rite Temple is also eligible for listing in the California Register of Historical Resources.

Per CEQA Section 15064.5 (b)(1) a project may cause a substantial adverse change in the significance of an historical resource if it would, among other effects, alter the immediate surroundings such that the significance of the resource would be materially impaired. Material impairment results when a project materially alters in an adverse manner those physical characteristics that convey the historical resource's historical significance that justify its inclusion in the National Register of Historic Places, California Register of Historical Resources or local register.

CEQA also provides for projects complying with *the Secretary of the Interior's Standards for the Treatment of Historic Properties* or the *Secretary of the Interior's Standards for Rehabilitation* to be considered as being mitigated to a level of less than a significant impact on the historical resource. *The Secretary of the Interior's Standards* are designed to be applied to historic resource types—buildings, sites, structures, districts, and objects recognized as historic resources, and address four types of treatment: preservation, rehabilitation, restoration, or reconstruction.

The review of the proposed project's potential effect on an adjacent historic resource was conducted for CEQA purposes. Therefore, any effects to the ICC would have to result in material impairment of those physical characteristics that convey the historical resource's historical significance that justify its inclusion in the National Register of Historic Places, California Register of Historical Resources or local register. Also, in this case, since the proposed project does not include the ICC itself, the Secretary of the Interior's Standards are not applicable.

Carey & Co. has assessed the potential impact of new construction adjacent to this historic resource, in terms of distance, shadows, views, and construction methods.

A. Project Setting, and Historic, Current, and Proposed Uses on the Project Site

The proposed Madison Lofts project would be located on the northwest corner of 14th and Madison Streets in an urbanized portion of downtown Oakland. Uses to the east include the Mission Revival style ICC, the former Scottish Rite Temple built in 1908. This building is set back from its western boundary ranging from 45 feet to 75 feet. Uses to the west across 14th Street includes the Little Stars preschool building, a 2-story 1940s-era former commercial building, and a fenced playground at the corner of 14th & Madison Streets. Uses to the north include a single-story dry cleaners built in the 1950s. Other uses to the north includes a 3-story shingled apartment building at 1410 Jackson Street constructed circa 1900, with a detached garage in the rear of the property converted to a residential apartment, abutting the northern boundary of the project site. Uses to the south, across Madison Street, include a 2-story brick commercial building built circa 1925 at the corner of 14th & Madison Streets, a 4-story stucco-clad apartment building constructed in the 1950s (1428 Madison), and a 5-story stucco-clad apartment building constructed in the 1980s (1448 Madison). Uses to the southwest of the project site include the Oakland Public Library, a 1930s Art Deco building.

According to Sanborn Insurance Company maps from 1912, 1936, 1951, and 1953 (updated to 1970), the project site originally contained two large, two-story Victorian style homes constructed in 1900 and 1906, each with detached outbuildings in the rear of the lots. A similar residence was also located immediately north of this site, in the current location of the dry cleaners. By 1951 the homes on the project site had been converted to rooming houses for multiple occupants. By 1953, the homes were demolished, their lots consolidated, and a gas station was constructed on the project site. The dry cleaners to the north of the project site is also shown on the 1953 map. The gas station operated in this location until about 1973, when it was demolished and became the current surface parking lot. The proposed project would construct a 76-unit apartment building approximately 80,000 gross square feet in size, and eight stories or 85 feet to the roof line, with on-site parking for 53 vehicles and ground floor retail (LMS Architects, 2003). The project would be built to the lot lines at the ground level, with a setback of 20' 6" from the eastern boundary on levels 2 through 8. The proposed project would replace the surface level parking lot on the project site.

B. Distance

The proposed project at 14th & Madison Street would construct a new residential development immediately to the east and adjacent to the ICC, the former Scottish Rite Temple. The Center is set back from 45 to 75 feet from its eastern boundary, with a surface level parking lot between the building and the subject property. Two distances are given due to the irregular "T" shape plan of the Center, whereby the rear half of the property is closer to the adjacent lot than the front half. The ICC is 60 feet tall to the roof and 76 feet tall to the top of the tower cupolas.

The proposed project would be built to the lot lines on the groundfloor, with a set back of approximately 20' 6" on levels 2 through 8. The total distance between the ICC and the proposed project would range from 45 to 75 feet at the groundfloor, and approximately 65 to 95 feet above the ground floor (levels 2 through 8). At 85 feet tall, the proposed project would be 9 feet taller than the ICC, measured to the top of the tower cupolas.

Given the immediate urban setting where buildings are typically constructed to the lot lines and abut one another, the distance between the proposed project and the ICC would be relatively large. While the proposed project would be slightly taller and somewhat larger in volume than the ICC, the setback would allow a development that would not visually overwhelm or otherwise adversely encroach upon the historic property.

C. Shadows

The proposed project would cast shadows on all sides of the property, according to the time of day and the time of the year. Typically, the longest shadows would be cast from sunrise to the early morning, and from the late in the afternoon until sunset. The proposed project would cast shadows in the early morning to the west of the property, across 14th Street and on to the Little Stars Preschool playground and two-story school building. By noon these shadows would be gone. From the late afternoon (around 3PM depending on the time of year) until sunset, shadows would be cast to the east of the building, across the parking lot of the ICC and on to the west-facing wall of the Center (see Photo 1, attached). The proposed project would cast shadows on to the three large, arched stained glass windows depicting Scottish Rite symbols on the eastern façade of the Center, partially blocking sunlight from entering this area of the building in late afternoon until sunset. These arched windows are located on the second floor of the ICC, approximately 15 feet from the ground level, and are about 10 feet tall (see Photos 1 and 2 – center of ICC building). These windows, as well as identical windows on the eastern façade and eight suspended ceiling lamps illuminate the interior "Red Room," a large two-story Gothic-styled room (City of Oakland, 1983). Late afternoon shadows would not substantially preclude the overall use and enjoyment of the facility and would not block sunlight from penetrating the facility during other portions of the day, or on other sides of the building, including identical windows on the eastern elevation, or the three circular windows on the southern elevation.

Shadows cast by structures are typical in the urban setting and the encroachment of shadows on to private properties are not considered a significant adverse impact on the environment. As a result, the proposed project would not have a substantial adverse effect on the historic property in terms of shadows.

D. Views

The primary views of the ICC looking the north across Madison Street and looking west across 15th Street would remain unobstructed by the project (see attached photos 1 and 2). Views through the project site to the ICC beyond, when traveling north on 14th Street, would be replaced with views of the proposed development. From this vantage point, the west-facing façade of the ICC would be partially obscured from view by the proposed building (see photos 3 - 5). This view is already partially obscured by a large tree on the corner of Madison and 14th Streets. The other facades of the ICC, such as the south- and east-facing facades shown in Photos 1 and 2, would remain visible to the travelers along Madison Street and 15th Street. Views from the ICC, facing west, would change from a surface-level parking lot to views of the 8-story apartment building, approximately 45 to 75 feet away at ground level,

and about 65 to 95 feet away from levels 2 through 8. Other viewing directions from the ICC would remain unchanged.

The surrounding urban landscape is characterized by buildings which are built to their lot lines, and range from 1 to 5 stories in height. At 8-stories in height, the proposed project would be somewhat taller than the average height of the buildings in the immediate vicinity, and would also be built to the lot lines. The building would fill in a currently underutilized lot, and would appear as a continuation of the urban fabric, or the "streetwall." The proposed project would not adversely affect a scenic vista or substantially damage a scenic resources, as none are currently located on the site. The proposed project would change the visual setting of the ICC, but would not visually overwhelm or otherwise adversely affect the Center, primarily due to the fairly large setback between the buildings. From Madison Street the ICC would continue to read as a distinct building, and would generally appear as it has historically.

The proposed project would appear visually and architecturally distinct from the ICC, given its modern architectural style finished in glass, concrete or cement plaster, and steel materials with a rectangular building form, in contrast with the Mission Revival style of the ICC, characterized by stucco finishes, Spanish tile roofing, and varied building forms. This variety of materials and form is typical in an urban areas, where different buildings from different periods are often constructed adjacent to one another, and is typical in the immediate project vicinity, where there is a variety of building styles and construction dates.

E. Construction Methods

The proposed construction methods are unknown at this point, however, there are some general guidelines when constructing new buildings adjacent to historic resources. In general, drilled piers are preferable to pile driving, as pile driving may create impact vibrations that can be attenuated through the soil, potentially damaging the ICC. Pile driving can crack delicate plasterwork on the exterior or interior of buildings, and in some case, cause more serious structural damage depending on the level of vibration. Finally, heavy construction equipment including truck traffic could damage the ICC.

Recommendations for construction methods of the Madison Lofts would include the following

1) Utilize drilled piers for foundation construction efforts. This method, combined with the distance from the resource, would have no discernable vibration impact.
2) If drilled piers are infeasible, pile driving methods can be utilized if the following conditions are met: a) a historic preservation architect would prepare an existing conditions report of the ICC to determine baseline conditions prior to construction, and determine an acceptable vibration threshold; b) attach vibration monitoring equipment to the Center during foundation construction efforts. c) periodically monitor vibrations and inspect the historic resource. Construction should cease if vibration levels are detected above the established threshold, or if damage is found when compared to baseline conditions.
3) Route heavy construction equipment including large trucks away from Madison Street.

As the project proponents intend to implement the above-listed construction methods, no impact to the ICC from ground vibration is expected to occur.

F. Conclusions

It is our professional opinion that the proposed Madison Lofts at 14th & Madison Streets in downtown Oakland would not constitute a significant impact to the historic ICC (former Scottish Rite Temple) in terms of distance, shadows, views, or construction methods such that it would no longer qualify for listing in the National Register of Historic Places, the California Register of Historic Resources, or as a local historic landmark.

I can be reached at 415.773.0773, if you have any questions or concerns.

Very truly yours,

Brad Brewster
Project Manager, Preservation Planning

cc: Neil Gray, City Planner
attachments

SOURCES

City of Oakland, Historic Resources Inventory Form, *Madison Street (Masonic) Temple*, Prepared by the Oakland Cultural Heritage Survey, 1983.

Leddy Maytum Stacy (LMS) Architects, *Revised Plans and Planning Area Summary*, April 19, 2003.

Sanborn Fire Insurance Company, Maps 1912, 1936, 1951, 1953.

Photo 1. Views of the ICC Looking Northeast from Madison Street

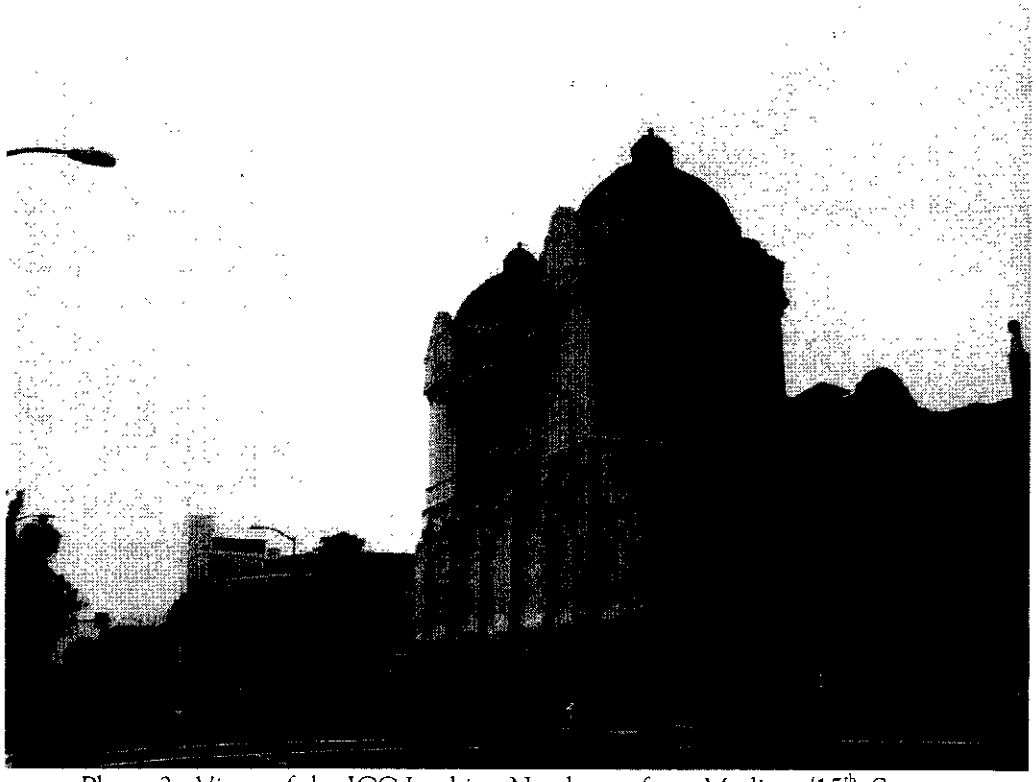


Photo 2. Views of the ICC Looking Northwest from Madison/15th Streets

Photo 3. View of the Project Site Looking North

Photo 4. View of the Project Site and the ICC Beyond Looking Northeast from Madison/14th Streets

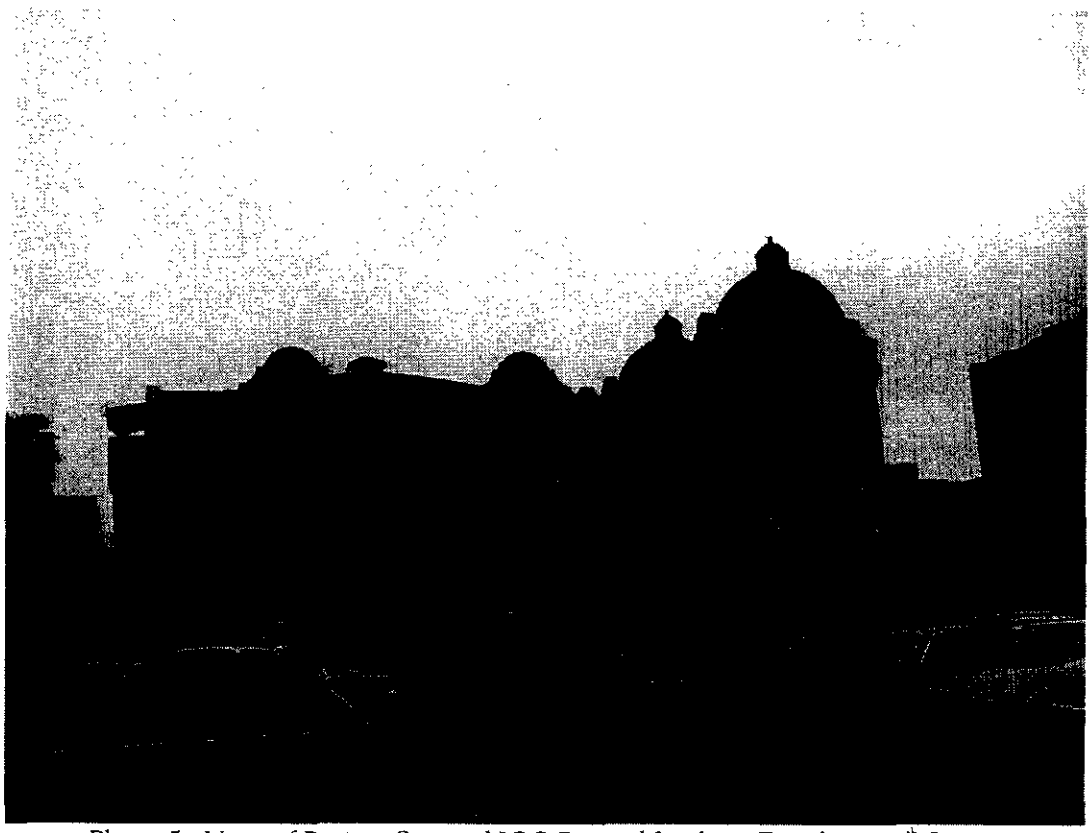


Photo 5. View of Project Site and ICC Beyond Looking East from 14th Street.

Attachment E

October 15, 2003 letter from Brad Brewster of Carey & Co., Inc. to Mark Garrell containing an addendum analysis of the proposal's impact on historic resources.

CAREY & CO. INC.
ARCHITECTURE

October 15, 2003

Mark Garrell
Affordable Housing Associates
1250 Addison Street, Suite G
Berkeley, CA 94702

Re: Addendum to the Final Historic Impact Study for the 14th & Madison Apartments (Madison Lofts)

Dear Mr. Garrell:

In response to comments received on the Final Historic Impact Study for the Madison Lofts Apartments from Anna Naruta (dated September 2, 2003), Carey & Co. has prepared the following addendum. This addendum provides clarifications to the final report as well as additional information.

A. Project Setting

The proposed project is located within a street grid that runs roughly diagonal to the North-South-East-West points of the compass. For example, Madison Street runs Northeast-Southwest, and 14th Street runs Northwest-Southeast in geographic reality. For purposes of clarification and ease of reading, these directions were "normalized" so that Madison Street is referred to in the final report as running East-West, and 14th Street as running North-South. As such, the ICC is located to the east of the proposed project site, and the Oakland Public Library is located to the southwest. Photo captions at the end of the report accurately reflect this normalized correction to geographic reality. The construction date of the Oakland Public Library is misidentified in the report. The correct date of construction of the Library (1951) is worth noting, but would have no bearing on the conclusions of the report.

B. Distance

As described in the final report, the "ICC is 60 feet tall to the roof and 76 feet tall to the top of the tower cupolas." And, "At 85 feet tall, the proposed project would be 9 feet taller than the ICC, measured to the top of the tower cupolas." The report accurately assesses the height of the proposed project in relationship to the overall height of the ICC (76 feet) as the tower cupolas comprise major architectural elements along the main façade, and would not just be considered "extensions." For informational purposes, the proposed project would be 25 feet taller than the ICC when comparing roof heights alone. This difference in height would only be noticeable to viewers standing within the rear (northern) portion of the ICC property where this building's roofline is evident, and would not be visible to the majority of viewers on Madison Street. Finally, the setback of 45-75 feet would provide adequate distance between the two buildings such that the proposed project would not visually overwhelm or otherwise adversely encroach upon the ICC. As such, the conclusions of the final report would remain unchanged.

The final report accurately states that, "buildings are typically constructed to the lot lines and abut one another." This is true of the commercial and residential buildings across Madison Street from the project site, running the length between 14th and 15th Streets, as well those located along 14th Street west from the project site. While there is some variation to this pattern in the project vicinity, such as the Oakland Public Library's setback from the street, the proposed project would generally appear as a continuation of the urban fabric and maintain the overall "streetwall." The conclusions of the final report would remain unchanged.

C. Potential Effects of the Proposed Project on the Adjacent Lakeside Apartment District

As the final report was prepared for CEQA purposes, it should be clarified that the significance of an historic resource is materially impaired when a project, "demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources" [CEQA Section 15064.5(b)(2)(A)]

With these significance standards in mind, Carey & Co. Inc. has provided a description of the District's physical characteristics, its historical significance, and an evaluation of the proposed project's effect on the adjacent Lakeside Apartment District:

Physical Characteristics of the Lakeside Apartment District
According to the City's historic properties inventory form for the Lakeside Apartment District, "The District occupies portions of five blocks bounded by 14th Street, Harrison Street, 17th Street and Lakeside Drive, located on the eastern edge of Oakland's Central District commercial core. The district is characterized by medium to large wood-frame or brick two-to six-story apartment buildings, built in close proximity to one another with little or no setback from the sidewalk. The 27 contributing buildings were all built between 1906 and 1927-8." (City of Oakland, 1983). The ICC is a contributory resource to the District.

Historical Significance of the Lakeside Apartment District
The city's historic properties inventory form states that, "The Lakeside Apartment District is one of Oakland's best concentrations of medium-scale early 20th century apartments and institutional buildings and reflects important aspects of Oakland's rapid development betweeen the 1906 and the 1930's Depression, when it grew from a 19th century city to a sophisticated urban center. The district's contributing buildings represent most of the pre-1925 stages of the Lakeside neighborhood's development into a high quality apartment area, a trend that still continues in the areas surrounding Lake Merritt." (City of Oakland, 1983). It is the physical characteristics of the district described above which convey its historical significance *and* justify its eligibility for the *California Register*.

Evaluation of Potential Effect
The proposed Madison Lofts project would be located outside of the Lakeside Apartment District, and would not demolish or materially alter the physical characteristics of this historical resource that convey its historical significance, including any of the 27 "medium to large wood-frame or brick two-to six-story apartment buildings, built in close proximity to one another with little or no setback from the sidewalk." As it is these physical characteristics which also justify the district's eligibility for the *California Register*, and they would remain intact or avoided entirely by the proposed project, the district would remain eligible for the *California Register*. As a result, the proposed project would not materially impair the historical significance of the Lakeside Apartment district.

The project would, however, be constructed immediately adjacent to the district boundaries, with the slight potential to change the historical setting of the District. Given the relatively small size of the project site compared to the District, and the fact that the project would only be visible from about 5 out of 27 contributing resources (about 18% of the district) primarily located at 15th and Madison Streets, the district setting would not be substantially impaired or lose those physical characteristics which convey its historical significance. At eight stories in height, the proposed project would be somewhat taller than buildings in the adjacent district, but similar to buildings in the district that have little or no setback from the sidewalk. As an apartment building, the proposed project would also be compatible with the multi-family residential nature of the district. Similar to distinguishing itself from the ICC, the project's modern design may also help to more clearly define the district boundary.

After completion of the Madison Lofts project, the district would continue to convey its historic significance as "one of Oakland's best concentrations of medium-scale early 20th century apartment buildings" (City of Oakland, 1983). As such, the proposed project would not have a substantial effect on the district's setting such that it would no longer be eligible for listing in *the National Register, California Register* or as a local landmark, and would not constitute a significant impact under CEQA.

D. Potential Effects of the Proposed Project on the ICC's Physical Characteristics

While the Final Historic Impact Study fully evaluated the proposed project's effects on the ICC, this section further elaborates upon project impact in terms of CEQA standards of significance, i.e. project effect on the ICC's physical characteristics which convey the ICC's historical significance and justify its eligibility for the *California Register*.

According to the City's historic resource inventory form, the ICC's physical characteristics is described as "a large, free-standing two and three-story wood-frame structure with a raised basement, sloped roofs, rough stucco resurfaces, and T-shaped plan located at the southwest corner of 15th and Madison Streets several blocks east of downtown Oakland. Stylistically, the church is Mission Revival loosely derived from California architecture of the Spanish Colonial period." The building's historical significance is described as, "Oakland's outstanding example of Mission Revival Style architecture and among the finest Scottish Rite Temples in northern California, distinguished by the boldness of its twin towers and by its unusual form...The [ICC] is also significant as a work of the prominent architectural firm O'Brien & Werner, and for its association with the Oakland Scottish Rite fraternal organization." (City of Oakland, 1982). Again, it is the physical characteristics of the ICC described above (in addition to its associations with the Oakland Scottish Rite) which convey its historical significance *and* justify its eligibility for the *California Register*.

The proposed project, to be constructed on an adjacent parcel to the west, would not demolish or materially alter the physical characteristics of the ICC, including any of its Mission Revival architectural features, its T-shaped plan, or location. As it is these physical characteristics which also justify the ICC's eligibility for the *California Register*, and they would remain intact or avoided entirely by the proposed project, the ICC would remain eligible for the *California Register*. The ICC's historical associations with the Oakland Scottish Rite would also remain intact. As a result, the proposed project would not materially impair the historical significance of the ICC.

E. Section 106 Process

AHA may be required to complete a Section 106 review of the proposed project in accordance with the National Historic Preservation Act, if federal funds or other federal programs would be integral to this project. The Section 106 process, in summary, would include delineation and evaluation of an area of potential effect (APE), submittal of the Section 106 report to the State Historic Preservation Office for

review and comment, and preparation of a memorandum of agreement (MOA) between all interested parties to mitigate any adverse impacts to historic or archaeological resources. Standard mitigation measures to address potential impacts to archaeological resources would be included in the Section 106 documentation. Based on the intended funding sources AHA plans to use to develop the project, Madison Lofts would be not be considered a federally funded project and would therefore not be required to go through the Section 106 regulatory process.

F. Conclusions

It is our professional opinion that the proposed Madison Lofts at 14th & Madison Streets in downtown Oakland would not constitute a significant impact to the historic ICC or the Lakeside Apartment District such that neither resource would qualify for listing in the *California Register*, or as local historic landmarks.

I can be reached at 415.773.0773, if you have any questions or concerns.

Very truly yours,

Brad Brewster
Senior Preservation Planner

cc: Neil Gray, City Planner

SOURCES

City of Oakland, Historic Resources Inventory Form, *Lakeside Apartment District*, Prepared by the Oakland Cultural Heritage Survey, 1983.

City of Oakland, Historic Resources Inventory Form, *Madison Street (Masonic) Temple*, Prepared by the Oakland Cultural Heritage Survey, 1982.

Naruta, Anna, letter to Neil Gray re: *Case File Number CMDV03-230*, September 3, 2003.

Attachment F

September 2, 2003 letter from Anna Naruta to Neil Gray regarding the project (on U.C. Berkeley Letterhead).

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO SANTA BARBARA • SANTA CRUZ

DEPARTMENT OF ANTHROPOLOGY
510/642-3391

BERKELEY, CALIFORNIA 94720-3710
FAX: 510/643-8557

September 2, 2003

Neil Gray
Planner, Community & Economic Development
Oakland City Planning & Zoning Department
250 Frank Ogawa Plaza Suite 2114
Oakland, CA 94612

Re: Case File Number CMDV03-230

Dear Neil Gray and City Planning Commission:

I am writing in regard to the planned construction project at 160 14th Street. I am a historical archaeologist specializing in historic urban built environments. I have a M.A. in anthropology/archaeology from the University of California, Berkeley, the top school in this field, where I am currently a Ph.D. candidate in historical archaeology. My training focuses specifically on historic urban built environments has included graduate work in U.S. historic landscapes and urban forms with historian Dr. Mary Ryan and architect/architectural historian Dr. Paul Groth, nationally-renown specialist in Bay Area historic architecture and city landscapes. My extensive research experience includes working on staff in prominent public-stewardship projects such as Andrew Jackson's Hermitage and archaeological research for the Presidio Trust at the Presidio of San Francisco.

I am familiar with the Madison Street Temple (Islamic Cultural Center of Northern California) and its setting within the historic, city-designated Lakeside Apartments District. It is my opinion that the planned construction may have substantial adverse change in the immediate surroundings of the landmark Madison Street Temple such that the landmark's historic significance might be materially impaired.

The Madison Street Temple is a 1908-9 Mission Revival style building qualifying as a Designated Historic Property. The City of Oakland's Cultural Heritage Survey gave this landmark is highest survey rating ("A"), naming it among "properties of exceptional historical or architectural value which are clearly eligible individually for the National Register of Historic Places." The Oakland Heritage Alliance in December 2002 commended the directors of the Islamic Cultural Center of Northern California for restoring and "making good use" of the landmark building with an OHA "Partners in Preservation" award.

The City Planning Commission needs objective and accurate information to evaluate the project proposed for 160 14th Street. However, what is being taken as the "Final Historic Impact Study"—a report from Carey & Co., Inc., Architecture, dated August 8, 2003 and commissioned by Affordable Housing Associates (AHA)—has serious inaccuracies and omissions.

One issue is that the report misidentifies the project setting. For example, in Section A, "Project Setting, and Historic, Current, and Proposed Uses on the Project Site" (p.2), the report names "Uses to the south, across Madison Street,..." but in fact, Madison Street is **east** of 160 14th Street. The misidentifications continue, and are not even internally consistent:

> "Uses to the east [sic] include the Mission Revival style ICC [sic], the former Scottish Rite Temple built in 1908. This building is set back from its western [sic] boundary ranging from 45 to 75 feet."

The ICCNC is to the **north** of 160 14th Street. The setback named is on the Temple's **eastern** boundary.

Carey & Co., Inc. misidentify the project setting throughout the report and in all five photos attached to the report. (Photo 1: "Northeast" should read Northwest; Photo 2: "Northwest" should read "Southwest"; Photo 3: "North" should read West; Photo 4: "Northeast" should read Northwest; Photo 5: "East" should read North.) As a result of these errors, the report's descriptions of the project setting do not actually map to geographical reality.

In addition to locational mistakes, the report exhibits other factual mistakes. For example:

> "Uses to the southwest [sic] of the project site include the Oakland Public Library, a 1930s Art Deco building. (Carey & Co., p.2, Section A, paragraph 1)"

Here the report mislocates the Oakland Public Library (it's to the southeast of 160 14th Street) and misses the Library's construction date by two decades. Voters approved the library in 1945, the construction contract was awarded in late 1948, and the library was dedicated in January 1951 (*Architect and Engineer*, September 1951).

Inaccuracies in description of the project setting and relation to the landmark Madison Street Temple (ICCNC) also mar the report's Section B, "Distance". Carey & Co. write "At 85 feet tall, the proposed project would be 9 feet taller than the ICC, measured to the top of the tower cupolas (p.3, paragraph 1)." In fact, Carey & Co. earlier described the Madison Street Temple as being 60 feet tall to the roof, so the accurate comparison with these same figures would be between the 8-story proposed building 85 feet tall to the roofline exclusive of its further extensions, and the two- and three-story Madison Street Temple with a 60 foot tall roofline. The mass of the proposed building would therefore extend at least 25 feet taller than the mass of the Madison Street Temple. This is a material change in the scale of built surroundings to the Temple. Carey & Co.'s report also fails to provide quantified comparisons of the volume of the proposed construction in comparison to the Madison Street Temple, a comparison needed in evaluating potential adverse effects on the historic property.

The report further inaccurately characterizes the project setting:

> "Given the immediate urban setting where buildings are typically constructed to the lot lines and abut one another....(p. 3, paragraph 2)"

This statement does not accurately represent the current and historical reality of building practices near Madison and 14th Streets, including but not limited to the Lakeside Apartment District. It would be more accurate to note that the vast majority of buildings on Madison Street in the vicinity of 160 14th Street are set back from the lot lines and include

landscaping between the building and sidewalk. This is true of both historic and modern buildings.

Further, Carey & Co., Inc. write that the proposed building "would appear as a continuation of the urban fabric, or the 'streetwall.' (Section D "Views", paragraph 2)" This is also inaccurate as the historic pattern of the built environment in the immediate vicinity cannot be characterized as a "streetwall". More representative of the urban fabric in the immediate vicinity is two- and three-story buildings and open spaces.

To the south of 160 14th Street is an open-air playground associated with the Little Stars daycare center. Formerly at this site was a two-story Victorian-style residence. The tallest buildings ever constructed at 160 14th Street itself were two-story Victorian-style residences that had associated yards. The August 8th report notes that these homes were demolished by 1953, indicating that the even more expansive view of the Madison Street Temple's southern façade was established at least fifty years ago.

The historically established corner anchors at Madison and 14th Streets are the two-story Holmes (H.C.) Building (Court Apts) at 126-44 14th Street (built 1923-4) and the three-story Oakland Public Library (dedicated January 1951). These buildings are, respectively, to the east (across Madison Street) and the southeast of 160 14th Street.

The Holmes Building (Court Apts) is a two-story Chicago-style commercial building. Its current uses—including the corner lunch counter and first-floor small retail stores—are consistent with its historical uses. Although the Holmes Building was not initially scoped for inclusion in the Lakeside Apartment District in the early 1980s, the Cultural Heritage Survey wrote that this corner anchor building "could be [rated] VG". In a working paper on Oakland "Historical and Architectural Resources" prepared for the City's Central District Development project, architectural historian Sally Woodbridge singles out two buildings as examples of small commercial structures with "enrich[ed] building surface[s]" that were part of the development of "a vocabulary of ornament" she identifies as "the major contribution to style in the 1920s (Woodbridge 1984:30)". The two buildings named are the Howden Building, the elaborately ornamented former tile showroom at the southeast corner of Webster and 17th Streets, and the Holmes Building at Madison and 14th Streets.

The Oakland Public Library is a three-story building complimented by ample landscaped open space. On the Madison Street side, a sunken courtyard adjacent to the Library's West Auditorium creates an open-air public space with a direct view of the Madison Street Temple's south facade.

Other major components of the immediate vicinity's urban fabric include the 1875 Cameron-Stanford House (one block east of Madison and 14th Streets on the banks of Lake Merritt), the landmark 1925 Scottish Rite Center (one block north of the Madison Street Temple, between Madison and Oak), and historic properties in the city-designated Lakeside Apartment District and Lake Merritt District.

The August 8th report states "The review of the proposed project's potential effect on an adjacent historic resource was conducted for CEQA purposes. (Carey & Co., Inc., Aug 8, 2003, p.2)." However, the report also omits consideration of potential significant adverse effects on the adjacent historic resource of which the Madison Street Temple is a primary contributor, the city-designated Lakeside Apartment District.

Finally, it appears that AHA may be required by federal law to complete a Section 106 review due to the nature of their funding. The Section 106 review would require assessment of historical and archaeological resources in the project area. A brief look at the

landuse history of 160 14th Street raises issues about potential subsurface cultural remains with great significance to research questions in Oakland history. For example, the 1889 Sanborn map shows the property at 160 14th Street was part of the houselot for Mayor Samuel Merritt's mansion. Merritt owned the land since 1853 and established the mansion by 1863, according to an August 27, 1961, Oakland Tribune feature. The Tribune also reports that as part of his household, Dr. Merritt employed a Chinese man identified as Sam Kee to cook for daily needs and Merritt's elaborate business and political dinners. The 1912 Sanborn map shows that subsequently the two parcels now referenced as 160 14th Street were the site of two-story residences: one at the corner owned by lumberer Henry M. Wilson and the adjacent lot owned by Dr. Samuel Merritt's sister and heiress (and therefore, according to an 1891 Oakland Enquirer article, one of the richest woman in California).

Given the landuse history of the property, there may still be significant archaeological resources that would be adversely affected by the planned construction. The potential research significance of these subsurface remains is broad; they could be important resources in researching topics including--but not limited to--City and State formation processes in California, the unique experiences of Californians during the Civil War, 19th and early-20th century labor practices in the household, culture contact and inter-ethnic relations.

In closing, based on the facts regarding the unique historic setting of this project, the proposed building at 160 14th Street will substantially alter the immediate surroundings of the landmark Madison Street Temple such that the historical significance of the landmark and the historic Lakeside Apartment District of which it is a primary contributor may be materially impaired. An EIR should be prepared.

Sincerely,

Anna Naruta
Ph.D. Candidate
Anthropology Department / Archaeological Research Facility
University of California, Berkeley
P.O. Box 1514
Oakland, CA 94604
naruta@sscl.berkeley.edu

Cc: Oakland Landmarks Preservation Advisory Board
Oakland Heritage Alliance
California Preservation Foundation
California State Office of Historic Preservation
Islamic Cultural Center of Northern California
Lakeside Apartments Neighborhood Association
Susan Brandt-Hawley, Esq.

Sources

Architect and Engineer, "Recently Completed Public Library, Oakland, California", September 1951.

Carey & Co., Inc. "Final Historic Impact Study", August 8, 2003. (Heading on pages 2-5 reads "Final Historic Impact Study" with the date August 4, 2003)

City of Oakland, Oakland Cultural Heritage Survey. Historic Resources Inventory Form for "Holmes (H.C.) Building (Court Apts), 126-44 14th Street", 1983.

City of Oakland, Oakland Cultural Heritage Survey. Historic Resources Inventory Form for "Lakeside Apartment District", (Volume XII), 1983.

City of Oakland, Oakland Cultural Heritage Survey. Historic Resources Inventory Form for "Madison Street (Masonic) Temple", 1983.

City of Oakland Block Books (Tax Assessor records) 1903.

Oakland City Directories for 1881-2, 1915, 1921.

Oakland Enquirer, December 29, 1891.

Oakland Heritage Alliance, remarks by Board Member Pamela Magnusen-Peddle at the Partners in Preservation Program Award Ceremony at the Altenheim, December 2002. (www.oaklandheritage.org/preservation_2002.htm)

Oakland Tribune, "The Knave", August 27, 1961.

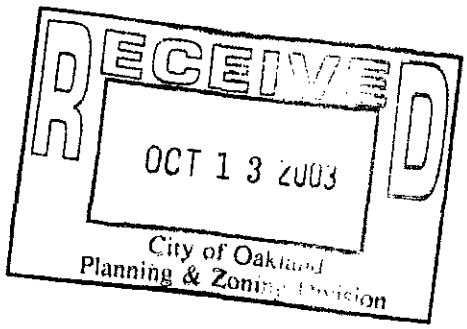
Sanborn Fire Insurance Company, Maps including 1889, 1902, 1903, 1912

Snow & Roos, Map: "City of Oakland and Vicinity", San Francisco: Snow & Roos, circa 1870.

Woodbridge, Sally and City of Oakland. "Historical and Architectural Resources", Phase 1 Working Paper No. 1 prepared by Architectural Historian Sally Woodbridge, October 1984, for the City of Oakland Central District Development Program.

Attachment G

Response from Anna Naruta regarding use of U.C. Letterhead.



Anna Naruta
P.O. Box 1514
Oakland, CA 94604
October 7, 2003

Neil Gray
Planner, Community & Economic Development
Oakland City Planning & Zoning Department
250 Frank Ogawa Plaza Suite 2114
Oakland, CA 94612

Re: Case File Number CMDV03-230, 160 14th Street

Dear Neil Gray:

As you know, I am the Ph.D. candidate in historical archaeology at the University of California, Berkeley, who wrote to you a letter of September 2, 2003, expressing my concerns about the serious inaccuracies and omissions in the "Final Historic Impact Study" (dated August 8, 2003, by Carey & Co., Inc., Architecture) regarding the proposed construction project at 160 14th Street.

It has been relayed to me that some party has contacted the Anthropology Department of the University of California, Berkeley regarding this September 2nd letter. I wish to take this opportunity to reiterate that my September 2nd letter expresses—as I wrote then—"my opinion", and makes no claim to represent the opinion of any other individual or any group or institution. That the letter is on UCB's Anthropology Department letterhead expresses only my affiliation with that department, where, as I mentioned in the beginning and ending of my September 2nd letter, I am a Ph.D. candidate. It is obvious that a graduate student—regardless of her expertise or how many nationally-renowned University of California professors have trained her—does not represent the official positions of a UCB department or the University of California.

Please include this letter of clarification in the public case file for CMDV03-230, and feel free to share it with any interested party.

Sincerely,

Anna Naruta
Ph.D. Candidate
Anthropology Department / Archaeological Research Facility
University of California, Berkeley

Cc: Mr. Kazem Jabbari, Director, Islamic Cultural Center of Northern California
Susan Brandt-Hawley, Esq.
Lakeside Apartments Neighborhood Association

EOA, Inc.

Eisenberg, Olivieri & Associates
Environmental and Public Health Engineering

August 29, 2003

Neil Gray, Oakland Planning Commission staff:

We are the owners of the property immediately adjacent to the rear property line of the subject site. This email is written to express our objection to any variance to the rear setback requirement to the subject site. We also strongly object to the height of the proposed structure, which will block our sunlight and views and destroy the aesthetic values of our property.

We have put a lot of effort and money into maintaining the appearance and Character of our building which was built in the early 1900's and adds Significantly to the appeal of the neighborhood, and we would hate to see it overshadowed by this tall structure. More importantly, we are concerned about disruption of our business during construction, and about potential structural risk to our buildings from construction near the property line. We have not been provided with any details of the construction which appears to result in essentially a common or abutting wall, and we have certainly not agreed to any construction activity on our property or which would impact our structure in any way.

I understand that you have included a copy of our June 16, 2003 letter with your report to the planning commission. We request that you inform them that none of the issues noted in that letter have been addressed to our satisfaction.

If you have any questions, either of us can be contacted by phone at 510-832-2852, extension 114 and 115 respectively.

Thank You for your attention to this letter

Sincerely
EOA, Inc.

Don M. Eisenberg, Ph.D., P.E. President
Adam W. Olivieri, Dr.P.H., P.E., Vice President

1410 Jackson Street • Oakland, CA 94612 • (510) 832-2852 • Fax (510) 832-2856

OAKLAND HERITAGE ALLIANCE

August 28, 2003

Oakland City Planning Commissioners
Community & Economic Development Agency Planning & Zoning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

Re: Madison Lofts
Case File # CMDV03-230

Dear Commissioners:

The Oakland Heritage Alliance has reviewed the Historic Impact Study for the 14th & Madison Apartments (Madison Lofts) prepared by Carey & Co. and concur with their conclusion:

"that the proposed Madison Lofts at 14th & Madison Streets in downtown Oakland would not constitute a significant impact to the historic ICC (former Scottish Rite Temple) in terms of distance, shadows, views, or construction methods such that it would no longer qualify for listing in the National Register of Historic Places, the California Register of Historic Resources, or as a local historic landmark. "

We do, however, request that the city require that the project's design be respectful of the neighborhood's historic context and in particular that the design be sensitive to the historic building which adjoins it.

Sincerely,

Naomi Schiff

Naomi Schiff
Vice President—Preservation

cc: Affordable Housing Associates

Office: 1418 Lakeside Drive, Oakland - (510) 763-9218 Voice/Fax
Mail: P. O. Box 12425 Oakland, California 94604
E-mail: info@oaklandheritage.org Web Site: www.oaklandheritage.org

URBAN ECOLOGY

414 13th Street, Suite 500, Oakland, CA 94612 Tel 510.251.6330 Fax 510.251.2117 www.urbanecology.org

Oakland Planning Commission
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612

August 25, 2003

Dear Commissioners:

I am writing to express Urban Ecology's support for the proposed Affordable Housing Associates (AHA) project at 14th and Madison streets in Oakland, and to urge the Planning Commission to grant AHA's requested variance.

Urban Ecology is based in downtown Oakland. We are a 28-year-old nonprofit whose mission is to create vibrant, healthy communities that are socially just and environmentally sustainable. We advocate for smarter land use and transportation plans, and development projects, throughout the Bay Area.

The proposed AHA project will benefit all Oakland residents – and, in particular, those who live in the "Gold Coast" community between downtown and the Lake – by providing quality housing located near transit and jobs. This project will add people, activity and *life* to a corner that now is filled each day and night with parked cars. Specifically, the project's commendable features include:

- **A range of housing types** suitable for single adults to families, including spaces designed for residents who wish to work at home;
- A high percentage of **units reserved for low income households**, as well as people with disabilities and those at risk of homelessness;
- Significant improvements to encourage **alternatives to car ownership**, including a transit kiosk in the building, negotiations with CityCarShare for a "pod" location, and special consideration for tenants who do not own cars, and
- **Streetscape improvements** that contribute to pedestrian safety and enjoyment of the neighborhood.

Urban Ecology understands that nearby neighbors are concerned about resident parking, since the project is near many older residential structures that lack off-street parking. AHA has developed a Transportation Management Plan, which includes incentives like secure bicycle parking and workday space-sharing to reduce parking demand. In addition, AHA is negotiating with Alameda County for a shared use arrangement that would allow residents to use the County's nearby parking structure at night. Finally, we would encourage the City to explore options that might make evening parking for residents easier in this neighborhood, such as easing restrictions on overnight parking.

Sincerely,

Diana M. Williams
Executive Director

Cc: Neil Gray, Case Planner, City of Oakland Planning and Zoning Department
Eve Stewart, Associate Project Manager, Affordable Housing Associates

Greenbelt Alliance

PROTECTING OPEN SPACE AND PROMOTING LIVABLE COMMUNITIES

September 2, 2003

City of Oakland Planning Commission
c/o Neil Gray, Planner II
Planning and Zoning
City of Oakland
250 Frank H. Ogawa Plaza
Oakland, CA 94612

RE: Madison Lofts -- **SUPPORT**

Dear Planning Commission Members:

Greenbelt Alliance, the Bay Area's leading land conservation and urban planning nonprofit organization, offers our enthusiastic endorsement for Madison Lofts, the 76-unit residential / mixed-use project proposed by Affordable Housing Associates for 14th and Madison Streets in downtown Oakland. Our endorsement review team was extremely impressed with this project, and concluded that the project would contribute significant benefits to the immediate neighborhood, the downtown, and to the City as a whole.

Some features of this project that are particularly noteworthy include:

- It helps revitalize the neighborhood by transforming a small surface corner parking lot into an attractive, vibrant mixed-use project -- a good example of compact, infill development principles;
- It provides 76 units of critically-needed affordable housing for low- and very-low income residents, including 40 percent for households earning 30% or less of AMI, and 25 percent for people with disabilities and/or who are at-risk of homelessness;
- It offers community-serving office space, at below market rates, to nonprofit organizations dedicated to community arts initiatives and/or social services -- thereby enhancing the resources available to the entire neighborhood;
- It is ideally situated within comfortable walking distance of two BART stations, is well-served by nine local AC Transit bus lines, and is within easy walking or biking distance of shops, services, amenities and jobs in the downtown area, all of which reduces auto dependency and supports alternative means of transportation;
- It will offer a City CarShare pod on-site, making car sharing available to residents and the community at large;
- It employs an ecological design, with an energy efficient building exceeding California Title 24 standards that also makes use of green and recycled materials;

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SOUTH BAY OFFICE • 1922 The Alameda, Suite 213, San Jose, CA 95126 • (408) 983-0856 • Fax (408) 983-1001
EAST BAY OFFICE • 1601 North Main Street, Suite 105, Walnut Creek, CA 94596 • (925) 932-7776 • Fax (925) 932-1970
SONOMA/MARIN OFFICE • 50 Santa Rosa Avenue, Suite 307, Santa Rosa, CA 95404 • (707) 575-3661 • Fax (707) 575-4275
info@greenbelt.org • www.greenbelt.org

- It improves the pedestrian environment by incorporating ground-level, community-serving retail space along with pedestrian-oriented improvements such as street trees and wider sidewalks

Greenbelt Alliance is fully supportive of the developer's request for an on-site parking requirement reduction of 30%. We believe that recent data on parking needs of similar high-density infill projects serving low-income tenants supports this request, particularly in light of the project's transit-rich location and plans for a car-share pod. The addition of the Parking Management plan should ensure that parking needs are handled without negatively impacting the neighborhood.

In summary, we believe that Madison Lofts is an exemplary mixed-use development that will provide urgently needed permanently affordable housing for the city along with space for community-serving arts organizations or social service providers. The project is ideally located on an underutilized infill site close to both the services of the downtown area and excellent transit options. A significant portion of the units will serve very-low income residents, as well as people with disabilities and/or those who are at-risk of homelessness. Finally, the building design fits in well with the surrounding neighborhood, which has a mixture of building heights including other taller residential developments. It also incorporates various sustainability measures, including energy efficiency and use of green and recycled materials.

In consideration of these factors, Greenbelt Alliance finds that the Madison Lofts project exceeds all of our endorsement criteria and furthers important environmental, economic sustainability, and social equity goals. Therefore, Greenbelt Alliance extends our full support to the successful completion of Madison Lofts in downtown Oakland.

Sincerely,

Janet Stone

Janet Stone
Livable Communities Program Director
Greenbelt Alliance

cc: ✓Ali Kashani, Executive Director, Affordable Housing Associates
✓ Mark Garrell, Project Manager, Affordable Housing Associates

October 9, 2002

Mr. Ali Kashani
Affordable Housing Associates
1250 Addison Street, Suite G
Berkeley CA 94702

Re. Affordable Housing Associates' Development at Madison and 14th Streets

Dear Mr. Kashani:

This is to extend my support of your new development project at Madison and 14th Streets. We believe that more people living downtown will avail themselves of cultural activities at such places as the Oakland Museum of California, Alice Arts Center, and Henry J. Kaiser Convention Center, and by so doing will contribute to a vibrant and culturally rich urban environment.

We are also pleased that Leddy Maytum Stacey Architects has been selected to do the project as they have the capability of creating an attractive as well as functional live/work/retail space. The fact that affordable housing is a strong component lends strong support to city goals.

Best wishes for success.

Sincerely,

Dennis M. Power
Executive Director

cc: Hyland Baron

OAKLAND MUSEUM of CALIFORNIA
1000 OAK STREET OAKLAND, CALIFORNIA 94607-4892 TEL (510) 238-2200 FAX (510) 238-2258

October 20, 2003

Ms. Ann Campbell, Chief of Staff
to Mayor Jerry Brown
1 Frank H. Ogawa Plaza
Oakland, CA 94612

Re: 160-14th Street, and the Planning Commission

Dear Chief of Staff Campbell,

I am heartened to learn that the September 3, 2003, Planning Commission decision on 160-14th Street is in the process of being appealed to the City Council. The community and adjacent property owners have a long list of concerns about this project which have yet to be properly addressed. I will discuss just several of them below. Also, I applaud Councilwoman Nancy Nadel for her efforts to foster negotiations between the parties. A successful mediation would likely be the best outcome.

The current scheme for 160-14th Street is too tall, too massive, and too ugly. The design, even with the Planning Department's recommended improvements, is still a monotonous series of rectangles constructed on mostly spare, cheap-looking surfaces. This uninspired, boxy proposal is completely out of character and out of scale with the neighboring structures. To make matters worse, the design calls for no setbacks on three sides of the building. This property is right next to the charming and historic Lakeside Apartment District, and is next door to the Madison Street Temple which, after many years of decay and decline, has been lovingly brought back to life by the Islamic Cultural Center of Northern California (ICCNC). The members of the ICCNC have spent a lot of time, effort and money strengthening and renovating what is one of the most majestic, historic, and architecturally significant buildings in all of Oakland. It is now a much safer building structurally, much more attractive to view and visit, and once again full of life.

A neighboring site this sensitive requires careful consideration and planning. A new building should provide a respectful setting for showing off the Madison Street Temple. At the September 3, 2003, Planning Commission meeting, Commissioner Nicole Franklin noted that her own church is boxed in by large buildings, and that there are many comparable examples of this in Oakland. I would agree with her, but I would suggest that ten wrongs do not make a right. At 14th and Madison, we currently have an opportunity to do things better. We should strive for a better design – a better solution – for this sensitive piece of land.

There are a number of things that could be done to improve the design. Here are several: There should be more and better windows included – some with arced tops, some with semicircular tops, perhaps some bay windows as well. The common terraces should face

Commissioners was quickly waning. The Planning Commission's own guidelines explain: "With the exception of Open Forum, a new item will not be called after 10:15 p.m., and the meeting will adjourn no later than 10:30 p.m. unless the meeting is extended by the Chair with the consent of a majority of Commissioners present." Yet this important item only began to be discussed after 10:15 p.m. I respectfully submit that contentious items with a large number of speakers should only be heard and discussed early in the evening, called before 8:30 p.m., or postponed to another meeting with a shorter agenda when this will be more easily accomplished.

In addition, after everyone speaking in favor of the design had their say, and right before the opponents were allowed to come to the podium, Chairman Clinton Killian announced that there would be no more ceded time allowed for the rest of the evening, violating the Planning Commission's own rules of procedure. I had ceded my time to Cynthia Shartzer by filling out a speaker card accordingly before the beginning of the meeting with the hope that she would be permitted to make a thoughtful, four-minute presentation. Ms. Shartzer was only given one minute to speak and my time was lost. One minute is only enough time to state several general remarks. Speakers before the Commission are usually given two minutes each, with the option to be ceded up to a total of five minutes by others who fill out speaker cards.

With a minimum of four or five minutes, you can start to deal with some worthwhile issues, and make several coherent points which might make a noticeable impression on attentive members of the Commission, provided it's not too late in the evening. Many of us ceded time, and this was not respected.

Some speakers had already left due to the lateness of the hour, including Dr. Don Eisenberg, owner of 1410 Jackson Street (a complex of historic buildings directly adjacent to 160-14th Street) and a civil engineer with over twenty years of experience who has very serious concerns about this project which were never discussed or even mentioned by any of the Planning Commissioners.

Consider these two paragraphs from Dr. Eisenberg's June 16, 2003, letter to the Planning Department concerning the proposed building for 160-14th Street and included in the staff report packet:

"1) The building is far too tall to be in character with the surrounding structures. Everything else in the vicinity is no more than 3 stories. I don't know what the zoning says, but strictly from a design review perspective an 8 story building is way out of proportion to others on the block and adjacent area. In addition, a building of this height and footprint will completely block the sun and sky from our relatively small office building which is immediately behind the subject proposed development.

(excerpt from Dr. Eisenberg's June 16 letter, continued:)

2) **The proposed building may not be feasible to build** because one wall is so close to our property line that construction may damage or otherwise impact our building, located at the property line. We have seen no construction details or information regarding how they will mitigate impacts to our building or how our employees will be able to work within the building during construction. We will at minimum strongly object to any variance from applicable lot-line setback requirements, if any are proposed."

Dr. Eisenberg wrote to the Planning Department and Commissioners again on August 25 to reiterate his concerns, prompted by the lack of attention he had received in the preceding two months. The Zoning Ordinance standard would require a setback of fifteen feet between the west side of the new building and Dr. Eisenberg's existing structures. The proposed setback is zero feet. The Planning Commission should have discussed and investigated Dr. Eisenberg's concerns, in addition to the issues raised by the Islamic Cultural Center and by concerned residents, before giving any approval to this project.

If an adjacent property owner who is an experienced civil engineer can be so easily ignored and disenfranchised by the Planning Commission, what chance do ordinary residents of Oakland have to be truly heard and taken seriously? Thankfully, after members of the Lakeside Apartment Neighborhood Association met with Councilwoman Nancy Nadel on September 19, she was able to facilitate the beginning of discussion between Dr. Eisenberg and the developer in early October. Councilwoman Nadel is now also attempting to facilitate mediation between all of the concerned parties, and I strongly support these efforts.

Chairman Killian regularly and calmly reminds speakers who complain about the short amount of time allowed to voice their concerns that they are always welcome to submit more lengthy remarks in writing. I quite agree, however, this only works if the Planning Commissioners make the effort to carefully read letters submitted by the public on each issue and address in a meaningful manner the issues they contain. Dr. Eisenberg's experience suggests that this is not presently being done, at least not consistently.

It is also important for the Planning Department to make each staff report, including all relevant letters submitted in time by interested parties, available to the public well before the corresponding meeting. It is my understanding that this staff report was only available as of August 28, just six days before the matter was decided. Even worse, the City offices were closed August 29 through September 1 – four of the six days – for the extended Labor Day weekend. Most of us only saw the staff report the day of the meeting, giving members of the community inadequate time to properly study it and respond in a considered, thoughtful manner. I would recommend that the City require all staff reports to be made available at least ten days ahead.

Let's now return to what happened at the September 3 Planning Commission meeting: after the opponents to the current design spoke, Chairman Killian apologized for not following the procedures for ceded time correctly. Unfortunately, no one else from the community was allowed to speak, and much more importantly, no new date was offered to allow for additional public comments, both written and oral, to be presented before any decision would be made.

Moreover, earlier in the meeting, after the developer's team had spoken, a number of others speaking in favor of the design during the public oral comment period were in fact employees of the developer. This strikes me as poor form, and not fully consistent with the spirit and purpose of the public hearing process. In addition, some of them did not live in Oakland and were not nearby property owners.

I would like to point out that during at least one of the Planning Commission meetings in 2002 at which plans for the Claremont Hotel and its grounds were discussed, the Chairman sternly announced that only residents of Oakland and owners of nearby Oakland properties could speak at this forum even though the Claremont's property is right next to Berkeley and has many Berkeley neighbors. Those who resided in Berkeley were told in no uncertain terms to "go home." 160-14th Street is in central Oakland, and yet supporters of the current design could speak regardless of their city of residence or ownership status.

This is one more troubling sign of inconsistency and unfairness on the part of the Planning Commission. The rules of procedure should be clear, fair and consistent for all items heard by the Commission. It does make good sense to allow interested, concerned persons with a legitimate connection to a given site or neighboring institution to speak before the Commission, regardless of where they live, but only if this opportunity is afforded equally and fairly, without bias based on their support or opposition to a given item. However, an applicant's employees form a very special class of persons who may not be able to speak completely candidly before the Commission if they want to remain gainfully employed. The City may want to consider limiting the number of an applicant's employees who are permitted to speak in favor of a proposed project during the public oral comment period.

I would like to stress that those of us who oppose the current scheme did not go to the September 3 meeting simply to vent our frustrations. We went because we have a number of substantive concerns which the Planning Commission and the developer's team should genuinely grapple with and study with more open minds.

The public hearing process does not exist simply to provide the semblance of community involvement. It is not just a device to allow angry residents one to two minutes each to blow off steam in the presence of public officials. In fact, when there is a large group of speakers on a given matter, I think it would be more fruitful to routinely grant larger blocks of time for them to share as they see fit. For example, if there are twenty speakers opposed to a given item, and fifteen of them are willing to share a block of time, I think it would be more productive to grant the fifteen a block of perhaps twenty minutes to use as

they choose. They could then select perhaps one, two or three among them to speak for the entire group of fifteen, and tackle selected, meaty issues in depth. The remaining five speakers who did not want to share time with the group of fifteen could still each speak independently. This would be greatly preferable to twenty separate speakers each rushing through a one-to-two-minute, breathless rant.

Even more importantly, issues raised by concerned residents and property owners should be considered carefully, and their questions, grievances and concerns addressed in due course by the Commission. Sufficient time should be taken by the Commissioners and the Planning Department to properly investigate points of contention raised by residents and property owners. Hastily made decisions and late night votes should be avoided.

I believe it is essential in the present case for the developer's team to negotiate in good faith with the nearby residents and neighboring property owners, including Dr. Don Eisenberg of EOA, 1410 Jackson Street, the leadership of the Islamic Cultural Center, 1433 Madison Street, and the concerned residents of the Lakeside District, in order to strive for a better design with which they will all be able to live as good neighbors. If the developer is not willing to negotiate seriously, to make some genuine compromises, and to show greater flexibility, I fear there may be a long, protracted legal battle which will benefit neither the community nor the developer.

Thank you for your time and consideration.

Sincerely,

Alan Templeton

Alan Templeton, Oakland resident and artist
315 Park View Terrace no. 304
Oakland, CA 94610

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