

## **Introduction**

This chapter analyzes the potential impacts of the proposed project on the existing character and visual quality of the project site and vicinity. The analysis focuses on physical impacts (both direct and indirect) on the aesthetic environment that could result from implementation of the proposed project. Visual impacts, such as changes to the views from public rights-of-way, and potential impacts resulting from lighting are discussed.

Figures 3G-2 through 3G-7 present six photographs of the project site with visual simulation diagrams of the proposed project that were created to aid in the analysis of potential impacts on visual resources (Environmental Vision 2001). The visual simulation diagrams show approximate views of the proposed project from five viewpoints. The locations for the six viewpoints (Figure 3G-1) were chosen to represent public vantage points that could be affected by the project. The diagrams reflect a simulated depiction of the location, height, scale, and general architectural character of the proposed project. The proposed project's architectural treatments are included in the diagrams and the analysis draws from the architectural drawings prepared by Kwan Henmi Architects (Kwan Henmi 2001).

## **Setting**

The project site is located within the Jack London District, as defined in the City's General Plan and EPP. The project site encompasses two-thirds of a block bounded by 2nd and 3rd Streets, Franklin Street, and Broadway. The site is bordered by the produce district to the east and by commercial development to the north, south, and west. The visual character of the site is that of an urban commercial area, which is relatively densely developed with low and mid-rise buildings (typically up to three stories) with taller buildings, 5–6 stories in height located within two blocks of the project site along Broadway. The project site and project vicinity is topographically level.

## Visual Context

### To the East and Southeast:

Immediately to the east and southeast of the project site is a set of buildings that make up the original group of produce buildings in the Produce District (discussed in Chapter 3B). These buildings are generally one story high, with an additional mezzanine level. A variety of other buildings are located around the outlying areas of the district, including two-, three- and four-story industrial and office buildings. Roof shapes in this area are generally flat. At the ground level, canopies over the sidewalk enhance and unify the ground floor of many of the existing produce market buildings.

A variety of architectural styles and details are found on the buildings in this area, including relief work in brick, specialized canopies, small parapets, terra cotta work, and other character-defining features. Building materials are primarily brick and stucco. The overall visual continuity of the produce district lies in its commercial and industrial nature, its rooflines, its common façade material and its consistent ground floor canopies.

To the east of the project site is 3rd Street, which represents a transitional street from the commercial activity of Broadway to the produce market activity centered on Franklin Street. Certain buildings along this portion of 3rd Street (i.e., 300–304 Broadway/435 3rd Street and 416 3rd Street) provide good examples of 1920s storefront style applied to warehouse buildings. The buildings are generally large in volume, and are dominated by brick facing. Across 3rd Street from the project site, at the northeast corner of 3rd and Broadway, is a three-story brick commercial structure built in 1923. This early 20th-century building is characterized by a brick façade, a central, small stepped parapet flanked by flat parapets at each side, a projecting cornice at the actual roofline, and bands of steel industrial sash windows lining the upper and lower stories. The façade is long on the 3rd Street side and relatively narrow on the Broadway front.

### To the West and North, along Broadway:

The Broadway frontage on the northwestern edge of the project site faces the Lower Broadway area (discussed in Chapter 3B). This area, historically used for commercial, railroad, and light industry uses, is currently characterized by one- and two-story commercial buildings. Building styles range from small, Victorian-era, single-lot developments to larger, early 20th-century, brick, commercial-storefront buildings. Two blocks from the project site in both directions, along Broadway, there are buildings that are 5-6 stories in height. Up Broadway to the east of the project site, there are two 5 story office buildings which are designed in a modernist architectural style, while two blocks west of the project site, there is a 5–6 story hotel located along the waterfront which is also designed with a modern architectural style.

Each of the city blocks in the lower Broadway area generally contain three to four separate buildings which appear as distinct buildings, built at different times, by different owners and with different architects. Nevertheless, the continuity of the location of the front façade of these buildings and the general consistency in height provides visual continuity along lower Broadway. Rooflines are predominantly flat, with occasional small stepped parapets incorporated into the design. Building materials generally consist of brick and stucco, and architectural details include arched entries, terra cotta column capitals, molding along parapet edges, and projecting cornices.

## **To the South and Southwest:**

To the south and southwest of the project site are portions of 2nd Street and Franklin Street. Similar to 3rd Street, the frontage along this section of 2nd Street acts as a transition from the commercial activity of Broadway to the produce market activity centered on Franklin Street. The west end of the block is lined primarily with two-story commercial buildings, slightly lower in scale and height than the larger industrial buildings on 3rd Street.

One of the most exceptional buildings in the area is located southwest of the project site, at the corner of Broadway and 2nd. This building, one and one-half stories in height, comprises regular storefront bays between columns with large, terra cotta, quasi-Corinthian capitals at the transom level; brick parapets of rectangular panels with terra cotta coping; brick dentils steps over each corner bay with an ornamental terra cotta keystone; wall surfaces faced with orange-tan, Roman-type brick; office and storefront bays with elaborate wood-framed transoms; and a pair of nine-light sashes flanking a central sash of one large, round-topped pane with small rounds in the corners.

## **Light and Glare**

The proposed project site is located in an urban area, with existing sources of light and glare associated with primarily commercial uses (i.e., light use within stores and light spillage from storefront windows). The site is also characterized by local roadways where street lighting creates light and glare during evening hours.

## **Regulatory Setting**

### **Design Review Criteria**

The proposed project site is located within the City's S-4 Design Review Combining zone. The S-4 Zone is "intended to create, preserve, and enhance the visual harmony and attractiveness of areas that require special treatment and the consideration of relationships between facilities, and is typically appropriate to

areas of special community, historical, or visual significance.” Pursuant to the S-4 design review criteria contained in Section 17.136.070B of the Oakland Planning Code, the City must make the following findings regarding the design of the proposed project:

- a. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.102.030;
- b. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area; and
- c. That the proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council. (Ord. 11816 § 2 (part), 1995; prior planning code § 9306).

## Estuary Policy Plan

The EPP recommends redevelopment and intensification of the Lower Broadway area from I-880 to Embarcadero, which includes the project site. The EPP, and the existing zoning, identify a maximum FAR for the lower Broadway area of 7:1, which is the highest FAR recommended in the EPP for any part of the Jack London Area. The EPP established this FAR for the lower Broadway area, above the FAR for any other area of Jack London, in order to encourage redevelopment of this corridor. This FAR indicates that if all buildings are to be located in the Jack London area, they should be located along the lower Broadway corridor in the area with the highest FAR and with no height limit in the existing C-45 zoning.

## Impacts and Mitigation Measures

The following section describes the potential impacts of the proposed project on the visual quality of the surrounding area.

## Methodology

As discussed previously, five computer-generated visual simulation diagrams were produced to portray the project’s proposed building concept. Figures 3G-2 through 3G-6 depict the five photographs of the project site from the view locations shown in Figure 3G-1. The visual simulation diagrams include design

information regarding building materials, architectural features, and colors, are provided to assist in evaluating the height, scale, and massing of the proposed project. Using the visual simulation diagrams, the thresholds of significance described below were applied to the proposed project to determine the significance of project-related visual resource impacts. The evaluation of visual resource impacts is, by nature, subjective.

Illustrated by the visual simulations and by the architectural plans (Figures 2-4 through 2-8) presented in Chapter 2, "Project Description," the specific design features proposed by the applicant include the following:

- The ground floor, , of the building would be all retail, with wide bays, and sidewalk canopies that reflect the historic storefront elements in the adjacent produce district. The storefront elements at the pedestrian level would be more articulated and would include more character-defining historic references.
- The next four floors, Levels 2 through 5, would contain office functions along Broadway, with parking on the lower, east portions of the building. Design of these levels would reflect the industrial character of the district, using a brick and glass skin system that recalls the district's large multiple-sash industrial windows.
- The top nine floors, Levels 6 through 14, of the residential portion of the building would have a more streamlined appearance. The design goal for the upper portion of the building is simplicity and elegance, related proportionally to the lower portions of the building.
- Vehicle access to the residential and office parking spaces would be on 2nd and 3rd Streets, with loading access on 2nd Street.

Using the visual simulation diagrams, the thresholds of significance described below were applied to the proposed project to determine the significance of the project-related visual resource impacts. The evaluation of the visual resource impacts, is by nature, subjective.

## Thresholds of Significance

The City has developed standards of significance for the proposed project, to be used in evaluating potential impacts on visual resources. The standards are a combination of criteria provided in Appendix G of the State CEQA Guidelines and specific policies and guidelines developed by the City. The proposed project would have a significant impact if it would:

- have a substantial adverse effect on a scenic vista;
- substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway/corridor;

- substantially degrade the existing visual character or quality of the site and its surroundings; or
- create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

## Impacts of the Proposed Project

### **Impact 3G-1: Adverse effect on scenic vistas (Less than Significant)**

The proposed project would not affect a designated scenic vista, scenic highway, or scenic corridor with resources such as hills, ridges, waterways, and shorelines. It is an infill project in an area characterized by urban uses. Although the site is close to the city's waterfront, the project would not block existing waterfront views from public streets and sidewalks. This impact is considered less than significant. No mitigation is required.

### **Impact 3G-2: Adverse effect on scenic resources (Less than Significant)**

As noted above, the proposed project is an urban infill project. No trees, rock outcroppings, or other natural features identified as scenic resources would be adversely affected by construction of the project because no features designated as scenic resources exist on or next to the project site. Also, the project site is not located within a state scenic highway.

Ten trees are located on, or adjacent to, the site: five trees are located in the public sidewalk along Broadway, and five trees are located within in the existing surface parking lot portion of the project site. The five trees located on the project site would be removed during construction of the proposed project, subject to securing approval of a tree removal permit, under section 12.36 of the Oakland Municipal Code. The project proposes to replace these trees at a 1:1 or greater ratio through project-related landscaping on the private or group open space terraces of the proposed project or within the sidewalks adjacent to the project. Impacts associated with scenic resources are considered less-than-significant. No mitigation is required.

### **Impact 3G-3: Substantially degrade the visual quality of the project site and its surroundings (Potentially Significant)**

With demolition of the two one-story buildings that currently exist on the project site, the project would result in a visual change to the site and the surrounding area. As described in the Cultural Resources chapter of this document, neither of

these buildings are considered historic resources as defined under CEQA. Additionally, the buildings do not constitute significant visual resources and their removal would not substantially degrade the visual character of the site or its surroundings. The demolition of the two existing buildings would therefore not be considered a significant visual quality impact.

The proposed project, with building heights on various portions of the building ranging from 80', 156', and up to 186' (14 stories), would be the tallest structure in the lower Broadway area. The project would locate the lower portion of the proposed building, (80' in height) adjacent to the one-and-two story buildings of the produce district. These existing adjacent buildings are 22'–30' in height. (A detailed analysis of the impact of the proposed project on the adjacent produce district is contained in Chapter 3B, "Cultural Resources," of this EIR.) The building mass of the proposed project would step up in height along the 2nd and 3rd Street façades from 80' to 156' near Broadway. The tallest part of the building will be the portion that fronts onto Broadway, which is 80' in height at the frontage of the site along Broadway, and then steps back 12' before rising nine more stories to 186' (14 stories) in height. Buildings surrounding the project are generally one to three stories tall, while two blocks away in both directions along Broadway, there are a few buildings that are 5–6 stories in height. The style and character of the existing building along Lower Broadway is not particularly strong or cohesive but rather is more of a mixed collection of building styles. The city's taller buildings are located several blocks northeast of the project site, along Broadway and other downtown streets within the central area of downtown Oakland. As depicted by the visual simulations, the building height and massing would be apparent from the public streets and sidewalks within the general vicinity of the project site though no scenic vistas or significant public views will be adversely affected by the project in that the public views along the streets will remain.

While the proposed building is significantly taller than other existing buildings in the area, the amount of floor area proposed by the building is consistent with the floor area allowed by the existing zoning designation of the site (C-45) and with the policies of the City's General Plan and EPP. The EPP recommends redevelopment and intensification of the lower Broadway area from I-880 to Embarcadero, which includes the project site. The EPP, and the existing zoning, identify a maximum FAR for the lower Broadway area of 7:1, which is the highest FAR recommended in the EPP for any part of the Jack London area. The EPP established this FAR for the lower Broadway area, above the FAR for any other area of Jack London, in order to encourage redevelopment of this corridor. This FAR indicates that if tall building are to be located in the Jack London area, they should be located along the lower Broadway corridor in the area with the highest FAR and with no height limit in the existing C-45 zoning. Widest street The FAR of the proposed project is 7:1 which is consistent with the existing zoning and with the EPP.

While the proposed building will be significantly taller than other existing buildings in the lower Broadway area, this building will likely be the first building that is setting a new context for this area, as encouraged by the EPP, that other future projects may follow. This new context may include enlarging older

buildings and constructing new buildings along Lower Broadway at a larger scale and height than many of the existing structures. This new context will also likely involve renovation and upgrading of some existing buildings and retention of buildings that are historic resources.

In order to introduce such a distinctly different building form into the existing context and not substantially degrade the existing visual quality in the surrounding area, the visual impacts related to height differences should be reduced. Implementation of the following mitigation measure, along with Design Review as is required by the City's current zoning of the site, would reduce impacts related to degrading the existing visual quality in the surrounding area to a less-than-significant level.

### **Mitigation Measure 3G-1: Modify the building massing to improve its compatibility with surroundings**

**Height and Massing:** The building design shall be revised to incorporate a stepback along the Broadway, 2nd, and 3rd Street frontage of the building (other than at the corner of Broadway and 3rd Street) so that the height of the building mass at the street property lines is approximately 35'–40' in height. Above this height, the building mass would step back enough to visually separate the high-rise tower from the low-rise base.

With incorporation of the mitigation measure above, the impact on the visual quality will be less than significant.

While the new building form will not degrade the visual quality of the area with incorporation of the mitigation measure above, there are other modifications to the building design that should be made, outside of CEQA, as part of the City's Design Review process. These modifications, summarized below, focus on making the architectural character of the building more contextual

- **Proportion of Façade:** The façades on the proposed structure should be broken up visually so that the building appears like a collection of individual, smaller buildings; for instance, portions of the building could approximate the size of industrial and commercial buildings in the vicinity of the project site to aid in keeping the scale of the project appropriate to the scale of the surrounding areas. Reflect the proposed use in the architectural design: the façades of the building should more directly reflect the proposed use of the building. Particularly, the residential portion of the building should appear residential in its architectural style.
- **Design and proportion of the ground floors:** the scale and design of the ground floors (particularly the portion of the building that is under 35'–40') should reinforce the scale, massing and proportion of other high-quality buildings in the surrounding area.
- **Fenestration:** Different window types, or variations of the same type, should be used to help reinforce the look of small individual buildings and reduce the perceived scale of the project overall.

- **Materials:** Building materials in the area are primarily brick and secondarily stucco. These materials, or masonry materials with similar texture, will be used in the proposed project design to facilitate the blending of the new building with existing structures.
- **Architectural Details:** Architectural details found in buildings in the project area include brick relief work, specialized canopies, terra-cotta work, and other character-defining features should be incorporated into the design of the proposed project to promote conformity with surrounding areas.

### **Impact 3G-4: Potential creation of excessive light and glare (Potentially Significant)**

The proposed project could create excessive light and glare resulting from the design and orientation of light fixtures or the selection of certain reflective exterior building materials. Exterior lighting would be designed based on the building's final shape and articulation. Because the project applicant has not submitted a lighting plan, it is possible that the project could create excessive light and glare beyond what is required to ensure the safety and security of residents. This impact is considered potentially significant. Implementation of Mitigation Measure 3G-2 would reduce this impact to a less-than-significant level.

#### **Mitigation Measure 3G-2: Develop and implement an exterior lighting plan reviewed and approved by the City**

Before project construction, the project applicant will submit a plan for exterior lighting and any lighting for the parking garage that is visible from the exterior of the building for review and approval by the City. The plan will provide for the selection and location of fixtures that will prevent unnecessary glare to sensitive receptors. The project applicant will also submit choices of exterior building materials, colors, and glazing selections to City for review and approval. The project applicant will avoid using reflective glass.

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