

Project Name: Arcadia Park	
Location:	921 & 999 - 98 th Avenue and 854 & 860 - 92 nd Avenue (See map on reverse)
Assessors Parcel Numbers:	044-4989-009-04, 010-02, 011-02, 016-00 & 017-00
Proposal:	Construct 366 new residential dwelling units consisting of detached single-family homes and attached townhomes.
Applicant:	Pulte Homes
Contact Person/Phone Number:	Amir Massih, Pulte Homes (925) 249-3297
Owners:	Ronald & Marianne Dreisbach
Planning Permits Required:	General Plan Amendment; Rezoning; Planned Unit Development; Tentative Tract Map
General Plan:	General Industrial/Transportation
Zoning:	M-30 General Industrial Zone
Environmental Determination:	A Draft Environmental Impact Report (EIR) has been prepared for the project.
Historic Status:	Various
Service Delivery District:	6
City Council District:	7
Date Filed:	March 14, 2005
Status:	Pending
Action to be Taken:	Public hearing concerning the Draft EIR and proposed project; no decision will be made on the project at this hearing
Staff Recommendation:	Take public testimony concerning the Draft EIR and proposed project.
Finality of Decision:	No decision will be made on the project at this hearing.
For Further Information:	Contact the case planner, Darin Ranelletti , at (510) 238-3663 or by e-mail at dranelletti@oaklandnet.com .

SUMMARY

The applicant proposes to construct 366 new residential dwelling units on a site located near the corner of 98th Avenue and San Leandro Street in East Oakland. The project consists of 74 single-family homes, 108 small-lot single-family homes (also called detached condominiums or urban single-family homes), and 184 attached townhomes. The applicant is seeking to amend the General Plan land use designation for the site from General Industrial/Transportation to Housing and Business Mix and to rezone the property from the M-30 General Industrial Zone to the R-30 One-Family Residential Zone and the R-50 Medium Density Residential Zone. The applicant is also seeking approval of a Planned Unit Development (PUD) permit for the design of the project and a Tentative Tract Map for subdivision purposes.

Pursuant to the California Environmental Quality Act (CEQA) an Initial Study and a Draft Environmental Impact Report (EIR) have been prepared for the project. The Initial Study and Draft EIR identify a number of potentially significant environmental impacts of the project. All potentially significant environmental impacts of the project can be mitigated to a less than significant level except for potential traffic impacts. The Draft EIR was released for public review on July 1, 2005, beginning a 45-day public

comment period. The public comment period on the Draft EIR ends on August 15, 2005. The purpose of today's hearing is to take comments from the Planning Commission and the public on the Draft EIR and the proposed project. The Planning Commission will not be making a decision on the project at this hearing. The decision on the project will be made at a future hearing.

PROJECT DESCRIPTION

The applicant proposes to construct 366 new residential dwelling units on the site. The project consists of 74 single-family homes, 108 small-lot single-family homes (also called detached condominiums or urban single-family homes), and 184 attached townhomes. The proposed plans for the project are attached to this report (see Attachment A).

There would be two entrances to the new development from 98th Avenue and three entrances to the development from 92nd Avenue. The main entrance would be located on 98th Avenue opposite Medford Avenue. A secondary entrance on 98th Avenue would be located near the intersection of Gould Street. "F" and "G" Streets, existing streets located to the north of the site off of 92nd Avenue, would be extended into the new development, and a third entrance off 92nd Avenue would be located midway between "G" Street and San Leandro Street.

The proposed townhome units would be located along 98th Avenue, along the western boundary of the site near the corner of 98th Avenue and San Leandro Street, and in the central portion of the site. The large-lot single-family homes would be located in the northern portion of the site while the small-lot single-family homes would be located primarily in the southern portion of the site. The townhome units would be three stories in height (two floors of living space above a two-car garage), contain two bedrooms, and range in size from 1,055 square feet to 1,640 square feet. The large-lot single-family homes would be two stories in height with an attached two-car garage, contain three and four bedrooms, and range in size from 1,527 square feet to 1,733 square feet. The small-lot single-family homes would be two stories in height with an attached two-car garage, contain two and three bedrooms, and range in size from 1,412 square feet to 1,678 square feet. All units would be offered for sale at market rates.

PROPERTY DESCRIPTION

The project site is located near the corner of 98th Avenue and San Leandro Street in East Oakland. The site is approximately 27 acres in size and is relatively flat. The site is the former location of the Fleischmann's Yeast factory that was constructed in 1935 and recently demolished in 2003. Currently there are five buildings on the site, as well as a water tower, tanks, and other remnants of the former use of the site. The site is currently used primarily for storing shipping containers. All structures on the site would be demolished or removed as part of the project.

Immediately adjacent to the west of the site running parallel to, and between, the site and San Leandro Street is the Union Pacific/Western Pacific railroad right-of-way and overhead BART tracks. The site is surrounded to the north, south, and west by industrial uses. To the east are low-density residential uses.

GENERAL PLAN ANALYSIS

The project involves the conversion of existing industrial property to residential use. Below are goals and policies of the General Plan applicable to the project and a discussion of the General Plan land use designation for the site followed by a discussion of the Redevelopment Plan land use designation for the site. The issues surrounding the conversion of industrial land to other uses are further discussed under the "Key Issues and Impacts" section of this report.

General Plan Goals and Policies

The General Plan does not provide specific guidance on the issue of converting industrial properties to residential use. However, the General Plan does provide the following overall goals for industry and commerce in Oakland and for residential neighborhoods in the city, and provides the following specific policies concerning the compatibility of different uses:

General Plan Goals: Industry and Commerce

- Recognize and support industrial and commercial land as a primary vehicle for the generation of the economic support required for the attainment of the physical, social, and community service goals of the Oakland General Plan.
- Strengthen and expand Oakland’s diverse economic base through land use and transportation decisions.
- Maximize Oakland’s regional role as a transportation, distribution, and communications hub.
- Provide increased employment, training, and educational opportunities through land use and transportation decisions.
- Ensure that the Oakland community has access to a wide variety of goods and services, meeting daily, and long term needs.
- Create and maintain a favorable business climate in Oakland.

General Plan Goals: Residential Neighborhoods

- Foster healthy, vital, and distinctive neighborhoods with adequate open space.
- Encourage quality housing for a range of incomes in Oakland’s neighborhoods.
- Encourage thriving, diverse, and attractive shopping districts in Oakland’s neighborhoods that provide a variety of goods, services, and entertainment, and which are oriented to and well served by public transit, pedestrian, and bicycle facilities.
- Design neighborhoods that encourage and support alternative transportation types.

Objective I/C4: Minimize land use compatibility conflicts in commercial and industrial areas through achieving a balance between economic development values and community values.

- Policy I/C4.1: Existing industrial, residential, and commercial activities and areas which are consistent with long term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.

The proximity of the existing uses on the project site to the existing residential neighborhood to the east represents the type of land use conflicts discouraged by the General Plan. The east side of the project site abuts the rear yards of residential uses located along “E” Street. The project would eliminate this existing conflict and continue residential uses from the east along “E” Street west to San Leandro Street. San Leandro Street acts as a boundary between residential uses to the east and existing industrial uses to the west due to its immense width and the presence of the railroad tracks and BART tracks along San Leandro Street.

General Plan Land Use Designation

The site is designated General Industrial/Transportation by the Oakland General Plan (see Attachment C). The proposed residential uses are not allowed under the current General Plan designation. In order for residential uses to be allowed, the General Plan land use designation would need to be changed.

The applicant proposes to change the General Plan land use designation for the site from General Industrial/Transportation to Housing and Business Mix. The General Plan amendment would only apply to the subject property. According to the General Plan, the Housing and Business Mix designation is intended to guide a transition from heavy industry to low-impact light industrial uses and other businesses that can co-exist compatibly with residential development. In areas designated Housing and Business Mix, respect for environmental quality, coupled with opportunities for additional housing and neighborhood-friendly businesses is desired, as well as the transition from industry that generates impacts detrimental to residences. The types of future development allowed in Housing and Business Mix areas includes housing of a mixture of densities, live-work units, low-impact light industrial uses, commercial uses, service businesses, and community facilities.

Staff believes it is possible that the project would encourage existing industrial properties immediately abutting the site to convert to other uses in the future (see the "Industrial Conversion" discussion under the "Key Issues and Impacts" section of this report). This would result in the conversion of all existing industrial properties located between "E" Street in the east and San Leandro Street in the west and between 92nd Avenue in the north and 98th Avenue in the south. Currently the proposal involves amending the General Plan land use designation for the project site only. The City has an opportunity to comprehensively plan now for the future conversion of the adjacent industrial properties. An alternative to the current proposal would be to apply the Housing and Business Mix designation to the project site and to the adjacent industrial properties located between "E" Street and San Leandro Street and between 92nd Avenue and 98th Avenue. Extending the Housing and Business Mix designation to the adjacent industrial properties would allow the existing adjacent industrial uses to continue while allowing for future conversion to residential or other non-residential activities such as live-work units, low-impact light industrial uses, commercial uses, service businesses, and community facilities. Historically the Planning Commission has been reluctant to amend the General Plan in conjunction with a proposed development project for properties not under the control of the applicant. If in this case the Planning Commission feels it is appropriate to amend the General Plan for the adjacent properties, the proposal could be modified accordingly. Under this alternative the scope of the environmental impact analysis (Initial Study and Draft EIR) would need to be expanded to include the potential impacts of the future conversion of the adjacent properties in addition to the proposed project. The potential impacts of the conversion of the adjacent properties are already discussed in the growth inducing impacts section of the Draft EIR (Chapter V). If upon further analysis there does not appear to be any new potentially significant impacts related to the conversion of the adjacent properties, the expanded analysis involving the conversion of the adjacent properties could be included in the Final EIR for the project.

Redevelopment Plan Land Use Designation

The project site is located within the Coliseum Redevelopment Project Area. The Coliseum Redevelopment Plan designates the site as Manufacturing. The land use designations in the Coliseum Redevelopment Plan largely correspond to the land use designations contained in the General Plan. If the General Plan land use designation is changed for the project, the land use designation in the Coliseum Redevelopment Plan would also have to be changed as well to maintain consistency between the two plans. The Redevelopment Plan amendment would come before the Planning Commission and City Council together with the General Plan amendment.

ZONING ANALYSIS

The site is currently located in the M-30 General Industrial Zone (see Attachment D). The proposed residential uses would not be allowed in the M-30 Zone. The applicant proposes to rezone the site to the R-30 One-Family Residential Zone and R-50 Medium Density Residential Zone (see Attachment E). The R-30 Zone would be applied to the area containing the large-lot single-family homes and the R-50 Zone would be applied to the area containing the small-lot single-family homes and the townhomes. The applicant is also applying for a Planned Unit Development (PUD) permit. Below is information concerning the proposed zoning for the site, the proposed development, and the Planned Unit Development regulations.

R-30 Zone

The intent of the R-30 Zone is to create, preserve, and enhance areas for single-family dwellings in desirable settings for urban living, and is typically appropriate to lower density dwelling areas of the city. Below are the development standards of the R-30 Zone compared to the proposed development.

<i>Development Standard</i>	<i>Required</i>	<i>Proposed</i>
Lot Size*	5,000 sq. ft. min.	2,600 sq. ft.
Building Height*	25 ft. max. (30 ft. for pitched roofs)	27 ft. – 30 ft. (pitched roofs)
Front Yard Setback*	20 ft. min.	9 ft. – 11 ft.
Side Yard Setback*	5 ft. min.	4 ft. – 6 ft.
Rear Yard Setback*	20 ft. min.	10 ft. – 11 ft.
Parking Spaces	2 min.	2

Note

* This standard may be waived through the Planned Unit Development (PUD) permit process.

R-50 Zone

The intent of the R-50 Zone is to create, preserve, and enhance areas for apartment living at medium densities in desirable settings, and single-family dwellings in desirable settings for urban living, and is typically appropriate to areas of medium density residential development. Below are the development standards of the R-50 Zone compared to the proposed development.

<i>Development Standard</i>	<i>Required</i>	<i>Proposed</i>	
		<i>Small-Lot Res.</i>	<i>Townhomes</i>
Lot Size*	4,000 sq. ft. min.	2,015 sq. ft. – 2,275 sq. ft.	3,705 sq. ft. – 7,925 sq. ft.**
Building Height*	30 ft. max.	26 ft. – 30 ft.	42 ft.
Front Yard Setback*	15 ft. min.	3 ft. – 9ft.	4 ft. – 5 ft.
Side Yard Setback*	4 ft. min.	3 ft. – 9 ft.	6 ft. – 18 ft.
Rear Yard Setback*	15 ft. min.	15 ft. – 17 ft.	4 ft. – 5 ft.
Parking Spaces	1 min.	2	2

Notes

* This standard may be waived through the Planned Unit Development (PUD) permit process.

** Townhome units would be condominiums within multi-unit buildings; each unit would not be located on an individual lot

Planned Unit Development

The applicant seeks approval of a Planned Unit Development (PUD) permit. The purpose of the PUD regulations are to encourage the appropriate development of tracts of land sufficiently large to allow comprehensive planning, and to provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the zoning regulations, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility of attractive, healthful, efficient, and stable environments for living, shopping, or working. Certain development standards otherwise required by an underlying zone (e.g., minimum lot size, maximum building height, and minimum yard setbacks) may be waived through the PUD permit process for the purpose of promoting an integrated site plan. The PUD regulations contain maximum residential density requirements and minimum open space requirements for PUDs. The proposed project complies with all of the PUD regulations.

ENVIRONMENTAL DETERMINATION

The project is subject to the environmental review requirements of the California Environmental Quality Act (CEQA). An Initial Study of the potential environmental impacts of the project was prepared. The Initial Study concluded that all potentially significant environmental impacts could be reduced to less than significant levels with mitigation except for traffic impacts. Due to potentially significant unavoidable traffic impacts an Environment Impact Report (EIR) is required for the project. The Planning Commission held a public hearing on April 20, 2005, regarding the scope of the EIR. At the hearing, the Planning Commission asked that the EIR also contain a discussion of potential impacts related to land use, noise, and hazardous materials.

The Draft EIR was published for public review on July 1, 2005, beginning a 45-day public review period. The executive summary of the Draft EIR is attached to this report (See Attachment F). A copy of the Draft EIR was previously sent to each member of the Planning Commission independently of this report. Copies of the Draft EIR are available to the public at the offices of the Planning and Zoning Division (250 Frank H. Ogawa Plaza, Suite 3315) and on the City's website (www.oaklandnet.com). The purpose of today's hearing is to take comments on the Draft EIR and the planning permits. For the purposes of the Draft EIR, the focus of the review, testimony, and discussion should be on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments on the Draft EIR must be made at today's hearing or delivered in writing to the Planning and Zoning Division by August 15, 2005.

The Draft EIR identifies the following potentially significant environmental impacts and mitigation, which can be reduced to less than significant levels with the adoption of the recommended mitigation measures:

Hazards and Hazardous Materials: A number of contaminants, including lead, mercury, and petroleum hydrocarbons, currently exist on the site. These contaminants could pose a potential health risk to construction workers and to future residents of the project. Also, existing buildings on the site could contain asbestos-containing materials or lead-based paint which could pose a potential health risk to construction workers and surrounding residents during demolition of the existing buildings.

Mitigation: The applicant would be required to obtain approval of a Health and Safety Plan that includes provisions for worker safety during construction and obtain approval for remediation plans for on-site contaminants. All asbestos-containing materials and lead-based paint would be required to be removed by a licensed asbestos abatement firm in accordance with the requirements of the Bay Area Air Quality Management District.

Noise: Ambient noise in the vicinity of the project site (generated primarily from BART trains and traffic on surrounding surface streets) could adversely impact future residents of the project. Noise generated by construction activities could adversely impact existing residents of the surrounding neighborhood. Also, trains traveling on the railroad tracks to the west of the site could produce vibrations that could be felt by the residents of the new homes located closest to San Leandro Street.

Mitigation: Exterior walls of the proposed residences that would be exposed to significant noise levels would be required to be constructed with a higher Sound Transmission Class (STC) rating than normal to reduce interior noise. Construction hours would be restricted to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise-generating activities limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday. No construction activities would be allowed on weekends except within an enclosed building, unless authorized by the City's Building Services Division, and no extreme noise-generating activities would be allowed on weekends or holidays. Additional measures to reduce construction noise such as utilizing noise control devices on equipment and tools and installing a temporary plywood noise barrier around the site would be required. The applicant would also be required to submit measures to respond to and track complaints pertaining to noise generated during construction. To mitigate vibration impacts the applicant would be required to retain an acoustical engineer to provide recommendations for building design measures that would reduce the potential for vibration.

Transportation and Traffic: Traffic generated by the project would result in potentially significant impacts to the intersections of San Leandro Street and 98th Avenue.

Mitigation: The applicant would be required to restripe San Leandro Street at 98th Avenue to provide exclusive southbound right-turn lanes. This restriping would reduce the potential impact to a less than significant level.

The Initial Study for the project identified the following potentially significant environmental impacts and mitigation, which can be reduced to less than significant levels with the adoption of the recommended mitigation measures:

Air Quality: Demolition of the existing structures and construction of the project could result in substantial dust emissions as debris is loaded into trucks for disposal.

Mitigation: The project would be required to comply with guidelines from the Bay Area Air Quality Management District to limit dust emissions during demolition and construction activities.

Cultural Resources: Construction activities could adversely impact existing archaeological and paleontological deposits at the site.

Mitigation: Prior to construction activities the project sponsor would be required to submit the results of a field survey conducted by a qualified archaeologist to confirm no archaeological deposits exist on the site. If paleontological deposits are encountered during construction activities, the deposits would be evaluated by a paleontologist to determine if the deposits are significant before construction activities resume.

Geology and Soils: Strong ground-shaking could be expected at the project site in the event of a moderate to severe earthquake in the general region.

Mitigation: The project would be required to comply with all recommendations contained in the geotechnical report submitted by the applicant (Geotechnical Investigation prepared by Lowney Associates dated June 15, 2004).

The Draft EIR identified the following significant and unavoidable impacts:

Transportation and Traffic: Traffic generated by the project would result in potentially significant impacts to the intersection of International Boulevard and 98th Avenue and the intersection of International Boulevard and 92nd Avenue.

Mitigation: The applicant would be required to implement the following traffic improvements: 1) Restripe International Boulevard at 98th Avenue to provide an exclusive northbound right-turn lane and 2) Install a new traffic signal at the intersection of International Boulevard and 92nd Avenue if warranted by a detailed traffic signal warrant evaluation to be conducted by the applicant. International Boulevard is a designated state route; traffic improvements to International Boulevard would require approval by the California Department of Transportation (Caltrans). Caltrans would review the proposed improvements when an application for an encroachment permit is submitted to the state. If Caltrans does not approve the proposed improvements to International Boulevard, the potential impact to 98th Avenue and International Boulevard and to 92nd Avenue and International Boulevard would remain significant and unavoidable. If Caltrans approves the improvements to International Boulevard, the potential impact to 92nd Avenue and International would be reduced to a less than significant level, but the potential impact to 98th Avenue and International would remain significant and unavoidable.

KEY ISSUES AND IMPACTS

Below are the key issues and impacts related to the proposed project.

Industrial Conversion

The project involves the conversion of existing industrial property to residential use. There are a number of issues associated with this type of major land use conversion. Each issue is discussed below.

Fiscal Impact to City: Major land use conversions have the potential for positive and negative fiscal impacts to the City's budget through the effect of the conversion on the tax revenue generated by the site and the cost of providing city services to the site. The applicant has submitted a fiscal impact analysis for the project prepared by a Sedway Group, a real estate and economics consulting firm. Sedway Group believes the San Leandro Street industrial corridor is losing, and will continue to lose, industrial tenants due to the poor condition of the existing industrial stock and existing industrial sites, such as the project site, are unlikely to be redeveloped with new industrial uses due to the high cost of construction relative to the low lease rates. Assuming that the project site is not redeveloped with new industrial uses, Sedway Group estimates that the subject property will generate \$0.3 million in property tax revenue for the City during the 10-year period starting 2006 and ending 2015. If the proposed project is constructed, Sedway Group estimates that the property would generate \$2.9 million in property tax revenue for the City during the same 10-year period, or an increase of \$2.6 million. Staff points out that this figure only represents revenue to the City, it does not include the cost of providing city services to the project. The analysis also does not account for the fact that the project site is located in the Coliseum Redevelopment Project Area so that only a limited portion of the property tax revenue increase from the project goes to the City's General Fund with the majority of the revenue increase going to the City's Redevelopment Agency. The increased revenue to the Redevelopment Agency would be used to fund improvements in the Redevelopment Project Area.

Preservation of Industrial Land: Due to the relatively high demand for housing and the relatively low demand for industrial property in Oakland, there are a number of recently approved proposals and pending proposals to convert former industrial land to residential uses. This situation has raised a number of important policy questions for the city concerning what is the appropriate balance between industrial land and land designated for other uses. As stated above under the “General Plan Analysis” section of this report, the General Plan does not have specific policies on the issue of converting industrial land to other uses. As a result of this lack of guidance, City staff is currently researching this issue to develop recommendations for the City. On June 28, 2005, the Community and Economic Development Committee of the City Council directed staff to provide further information and specific recommendations concerning industrial conversion. It is anticipated that these recommendations will be prepared in two to three months. Staff was directed not to hold the decisions on pending proposed conversions in the meantime while the recommendations are being prepared.

Land Use Conflicts: The conversion of industrial land to residential use in an industrial area has the potential to result in land use conflicts due to the close proximity of industrial and residential uses. The Land Use Analysis section of the Draft EIR (Chapter III.D) indicates that the potential land use conflicts between the proposed project and the surrounding area would be minimal. The project shares a common boundary with existing residential uses located to the east along “E” Street so the project would eliminate the existing conflict between the use of the property and the adjacent residential uses. The property currently is used primarily for container storage with shipping containers stacked 50 to 80 feet high near the rear yards of houses located along “E” Street. The project would replace the existing containers with residential buildings consistent with the residential uses to the east. The Draft EIR also indicates that the potential land use conflicts between the project and the existing industrial uses located on the abutting properties located to the north along 92nd Avenue and to the southeast along 98th Avenue would be minimal due to the nature of those existing industrial activities. Because the industrial activities are light-industrial in nature and are conducted primarily within enclosed buildings that are relatively limited in height, potential use conflicts related to noise, odor, glare, and privacy would be limited.

Encouraging the Conversion of Nearby Industrial Properties: The conversion of industrial land to residential use in an industrial area has the potential to encourage other nearby industrial properties to convert to other uses because land values in the area may be driven up due to the conversion. The section of the Draft EIR that covers potential growth inducing impacts (Chapter V) discusses the potential of the project to encourage other nearby industrial properties to convert to other uses. The analysis in the Draft EIR indicates that the project may encourage the existing industrial properties located immediately adjacent to the north of the site along 92nd Avenue and to the south along 98th Avenue, and industrial properties to the north across 92nd Avenue, to convert to other uses because their size and configuration supports site planning conducive to residential uses and, for the properties abutting the project site, they would fill in the resulting industrial “gaps” in an otherwise residential area extending from “E” Street in the east to San Leandro Street in the west between 92nd Avenue and 98th Avenue. Properties to the south of the site across 98th Avenue would be less likely to convert because their small sizes would be less conducive to residential site planning. Properties to the west of the site across San Leandro Street would be less likely to be encouraged to convert by the project due to the immense width of San Leandro Street and because the presence of the railroad right-of-way and overhead BART tracks act as barriers between the subject site and the properties across San Leandro Street.

Transportation Access

The General Plan encourages neighborhoods that support the use of alternative transportation types. Since the project site is located well away from most employment and shopping destinations in the city

(except for industrial employment opportunities in the surrounding area and commercial shopping opportunities located one-half mile to the east along International Boulevard), residents of the project would be required to rely upon private automobiles and public transit for transportation to and from employment and shopping destinations. AC Transit operates bus lines along 98th Avenue immediately adjacent to the site and along International Boulevard one-half mile away. The 98th Avenue bus line connects the site to the Coliseum BART Station located 1.5 miles to the north of the site. The San Leandro BART Station is located one-half mile to the south.

Project Design

The project involves the construction of a new residential neighborhood containing 366 residential units with new streets and open space. The key issues related to the design of the project are discussed below.

Overall Urban Design: Redevelopment of a large site from industrial use to residential use involves important considerations for the way in which the design of the project physically relates to itself and the surrounding neighborhood. At the request of City staff, a third-party urban design consultant, Studio URBIS, conducted a study of the urban design implications of the project. (Following its independent analysis and the report of its findings, Studio URBIS was subsequently hired by the applicant as a consultant for the project.) Studio URBIS identified the following general urban design objectives for the site:

1. Introduce a parcel organization that establishes a street and pedestrian network that connects the new residential neighborhood to the immediate surrounding residential community, to the larger city structure, and that repairs existing streets that may have been truncated when abutting the former industrial use.
2. Introduce parks and open spaces that help to shape and enliven the neighborhood and surrounding community by associating open spaces to the public urban structure.
3. Develop new streets that are lively and safe through the design and placement of houses that enfront streets.
4. Encourage a variety of urban spaces through introducing a street block pattern with a range of different urban conditions and through the distribution of different house types.
5. Establish a street and parcel organization that allows for other contiguous industrial properties to extend the connecting urban pattern if they become residential as well.
6. Introduce a mixture of uses that are compatible with residential activities and that can serve as buffers to adjacent industrial uses.

Studio URBIS identified the following specific urban design strategies to accomplish the above objectives:

1. Introduce a new street network connecting between 92nd Avenue and 98th Avenue. This new street network will reinforce the character of the two avenues as local residential connectors to International Boulevard, which in turn helps the adjacent Elmhurst community.
2. Consider two street intersections along 98th Avenue – one, a cross-intersection at Medford Street that allows left turns, and another, a tee-intersection, for right turns only.

3. Consider multiple street intersections at 92nd Avenue and reconnecting “F” and “G” Streets to the public network.
4. Enhance Elmhurst Street as a neighborhood seam by extending the street into the Study Area, serving as a community connector between the new and existing neighborhoods.
5. Distribute pocket parks along the seams in the neighborhood and in association with areas of denser housing.
6. Use unit orientation and open space configuration to protect privacy and dissipate noise along the San Leandro Street/BART edge of the study area, building a zone that is not only habitable but has its own unique amenities.
7. Introduce non-residential uses along 92nd Avenue as a transition to industrial uses across the street and to reinforce the character of 92nd Avenue as a local collector.
8. Introduce business-residential uses or urban housing along 98th Avenue to reinforce the character of 98th Avenue as a regional corridor and as a transition to industrial uses across the street.
9. Enfront streets by developing houses that organize living spaces, pedestrian entries, and vehicular entries all to the street side.

The design of the proposed project largely follows the above design strategies. The Studio URBIS analysis considers the proposed conversion of the project site as well as the potential future conversion of the adjacent industrial properties. The Studio URBIS report recommends non-residential uses along 92nd Avenue and business-residential (live-work) uses or urban housing along 98th Avenue. The project does not contain frontage onto 92nd Avenue, except for a narrow strip of land proposed for vehicle access, so there would be no opportunity for the project to accommodate non-residential uses along 92nd Avenue but non-residential uses along 92nd Avenue may be accommodated if adjacent industrial properties along 92nd Avenue convert to other uses in the future. Along 98th Avenue, the applicant is proposing medium-density residential townhomes. There would be a potential opportunity for the adjacent properties located along 98th Avenue near “E” Street to incorporate business-residential uses per the recommendations of the Studio URBIS report if they were to convert to other uses in the future.

Streets: The proposed street layout for the project follows the recommendations in the Studio URBIS report in that it extends a portion of the existing surrounding street network into the site to integrate the project with the surrounding neighborhood. The street layout of the project is designed so that it can be extended into the adjacent industrial properties if they are converted to other uses in the future forming a comprehensive street network that is internally and externally integrated. The new streets in the project are currently proposed as private streets. The City does not have a policy concerning public versus private streets in new privately sponsored developments. Planning staff believes it is important for the new streets to be open to the general public so that the project is not exclusive to the surrounding community. Therefore, it is recommended that the Tentative Map submitted for the subdivision be revised to include public easements over all usable common areas in the development including all streets, sidewalks, and parks. Under this scenario the public would have legal access to use the streets, sidewalks, and parks in the development but these areas would be maintained by the development’s homeowners association.

Stormwater Management: Due to the size of the project it is subject to the new stormwater management requirements of the Alameda Countywide National Pollutant Discharge Elimination

System (NPDES) Permit. Under the NPDES Permit, projects that involve the construction or replacement of one acre or more of impervious surface must incorporate on-site stormwater treatment measures to reduce the amount of pollution in stormwater runoff to the maximum extent practicable. Examples of stormwater treatment measures include grassy swales, infiltration basins, retention ponds, and below-ground mechanical treatment devices. Compliance with the NPDES Permit requirements will be verified when the subdivision improvement plans are reviewed by the Building Services Division. However, staff recommends that the proposed stormwater treatment measures be shown on the plans now because they may affect the design of the project. If treatment measures are added after the project after it is approved such that the design of the project is affected in a substantial way, the project would have to be reviewed again by the Planning Commission.

Building Design: The project contains three building types – large-lot single-family homes, small-lot single-family homes (called “detached condos” by the applicant), and attached townhomes. All three building types employ traditional architectural styling and are relatively attractive with an appropriate level of articulation and architectural detailing. On the large-lot and small-lot single-family homes, all of the design detailing is focused on the front elevation of the building; the side and rear elevations are largely unadorned walls with no architectural detailing. Despite the narrow side yard setbacks, the sides of the buildings will be visible from the street, and the rear of the buildings will be visible from adjacent properties to the rear from both within and outside the project. Staff recommends that additional architectural detailing, such as widow trim at a minimum, be incorporated into the side and rear elevations of the single-family homes. There are two primary designs for the small-lot single-family homes—one containing a two-car side-by-side garage and the other containing a two-car tandem garage. On the design with the two-car side-by-side garage (sheets A-1.1 to A-1.6 in the plans), the width of the garage occupies 80 percent of the width of the front of the house (20-foot wide garage on a 25-foot wide house). The presence of the garage is further emphasized by the fact that the front door entryway of these units is recessed to the side of the garage so that the garage is the dominant feature of the house at the ground floor. Pursuant to Section 17.102.390C of the Oakland Planning Code, the width of an attached garage is not allowed to exceed 50 percent of the total width of the house. The project does not comply with this requirement. The restriction on the width of the garage serves two purposes. The first purpose is to emphasize the pedestrian entryway to the house which is typically more visually interesting and more human-scaled than a garage. The second purpose is to foster a sense of community and security on the street. With more primary living space (e.g., living rooms, family rooms, and kitchens) devoted to the front of the ground floor of the house there is more opportunity for residents of the house to see what is happening out on the street. Having “eyes on the street” allows residents to venture outside if they see a neighbor they wish to speak with, keep an eye on children playing outside in the front yard, and watch for criminal activity. Staff recommends that the proposed design be modified to comply with the garage width regulation. The current proposal could only be approved with a variance. Staff believes it would be difficult to support approval of a variance; given the large site there doesn’t appear to be something unique about the property that would prevent a design that complies with the requirement nor does the proposed design constitute a superior design solution. Modifying the design to meet this requirement would involve increasing the width of the small-lot homes containing two-car side-by-side garages thereby reducing the number of single-family homes or converting all of the two-car side-by-side garages to two-car tandem garages. The applicant is not interested in either of these options. In response to this concern, the application introduced the two-car tandem garage design. In the project this design would be used every third house to reduce the dominance of garages along the street. Staff feels this approach does not adequately meet the intent of the garage width regulation because two-thirds of the small-lot single-family homes would still be dominated by garages.

98th Avenue Interface: The 98th Avenue frontage of the site is the most visible portion of the project site from the public right-of-way. Two vehicle access points to the project are proposed along 98th

Avenue along with a group of townhomes. The townhomes would be grouped in rows perpendicular to 98th Avenue so that the sides of the townhomes would be facing 98th Avenue. Due to the heavy traffic and noise on 98th Avenue it is more appropriate for the sides of the townhomes to be oriented to 98th Avenue rather than the fronts of the townhomes. The sides of the townhome buildings are architecturally detailed so that the buildings provide visual interest to the 98th Avenue streetscape. The plans call for a masonry wall to be located along 98th Avenue separating the townhomes from the sidewalk. The plans do not specify the height of the wall but it appears to be six feet in height. Section 17.108.140 of the Oakland Planning Code restricts the height of walls and fences located in street-fronting yards to 42 inches. Fences and walls up to six feet in height are allowed with a conditional use permit. Conditional use permits are typically approved if the portion of the fence or wall above 42 inches has a high degree of visual transparency. Tall solid walls along the street tend to create a fortress-like visual effect along the street that diminishes the pedestrian experience on the sidewalk. Tall solid walls also prevent people from keeping an “eye on the street” which compromises security by encouraging criminal activity to take place out of the view of surrounding residents. If the wall proposed along 98th Avenue is over 42 inches, the applicant would need a conditional use permit. Staff recommends that the plans for the project state the height of the proposed wall and, if it is to be over 42 inches tall, provide details on the design of the wall.

RECOMMENDED PROJECT DESIGN MODIFICATIONS

As identified above under the “Key Issues and Impacts” section of this report, staff recommends the following design modifications be made to the project:

1. Include public easements over all usable common areas in the development including all streets, sidewalks, and parks.
2. Include the conceptual location and design of proposed stormwater treatment measures to meet the requirements of the Alameda Countywide NPDES Permit.
3. Include additional architectural detailing, such as widow trim (at a minimum), on the side and rear elevations of the single-family homes.
4. Comply with the garage width regulation so that the width of all garages attached to single-family homes does not exceed 50 percent of the total width of the house.
5. Show the height of the wall proposed along 98th Avenue. If the wall is to be over 42 inches tall, a conditional use permit will be required and the plans should show the details of the design of the wall. The portion of the wall over 42 inches should have a high degree of visual transparency.

CONCLUSION

The project involves important policy considerations for the City. Staff believes the potentially significant environmental impacts (traffic impacts) and the potential economic impact of the conversion of industrial land to residential use would be offset by the socio-economic benefits of the project to the city and the surrounding residential neighborhood. The project would provide needed housing opportunities, eliminate existing use conflicts between industrial and residential uses, and focus economic investment in a way that encourages other economic investment in the neighborhood thereby improving the lives of nearby residents.

The purpose of today's hearing is to take comments from the Planning Commission and the public on the Draft EIR and the proposed project. Staff requests that the Planning Commission provide direction to staff and the applicant, particularly regarding the land use conversion and General Plan implications of the project and regarding the project design and recommended design modifications. The Planning Commission will not be making a decision on the project at this hearing. Prior to the decision on the project, a Final EIR will be prepared which considers the comments made on the Draft EIR. At a future hearing, the Planning Commission will issue a decision on the Planned Unit Development permit and Tentative Tract Map, and make a recommendation to the City Council for approval or modification concerning the proposed Rezoning and General Plan Amendment. If approved or modified, the Rezoning and General Plan Amendment would be forwarded to the City Council for final consideration. If denied by the Planning Commission, the decision on the Rezoning and General Plan Amendment could be appealed to the City Council.

- RECOMMENDATIONS:**
1. Take public testimony on the Draft EIR and the project; and
 2. Provide comments and direction to staff on the Draft EIR and the project.

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Approved for forwarding to the
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CLAUDIA CAPPIO
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ATTACHMENTS:

- A. Project Plans
- B. Aerial View of Project Site (Figure 3 from Draft EIR)
- C. Map of Existing General Plan Designations (Figure 4 from Draft EIR)
- D. Map of Existing Zoning Designations (Figure 5 from Draft EIR)
- E. Map of Proposed General Plan and Zoning Designations (Figure 7 from Draft EIR)
- F. Executive Summary of Draft EIR

