

<p><b>Location:</b></p> <p><b>Assessors Parcel Number:</b></p>	<p>The project area is generally located along East 12<sup>th</sup> Street, between 45<sup>th</sup> and 49<sup>th</sup> Avenues and is bounded by International Boulevard to the north and San Leandro Street to the south. The project area is comprised of two individual non-contiguous sites, totaling approximately 9 acres, on portions of six city blocks. (See Map on Reverse)</p> <p>034 -2254-002-01, 034 -2253-008-00, 034 -2253-007-02, 034 -2261-008-00,034 -2261-001-03, 034 -2261-001-04, 034 -2258-007-00, 034 -2255-013-04, 034 -2256-010-00, 034 -2256-011-00, 034 -2256-012-00, 034 -2256-013-00, 034 -2256-014-00</p>
<p><b>Proposal:</b></p>	<p>To redevelop approximately 9 acres of generally industrial land into residential housing with a potential of up to 270 dwelling units to be built on these non-contiguous sites. At this point, the Planning Commission is holding a scoping session on the Notice of Preparation prior to the filing of an Environmental Impact Report (EIR). No decision on the actual proposal will be made at this hearing and the project description is preliminary and subject to change.</p>
<p><b>Applicant:</b></p> <p><b>Owner:</b></p> <p><b>Planning Permits Required:</b></p> <p><b>General Plan:</b></p> <p><b>Zoning:</b></p> <p><b>Environmental Determination:</b></p> <p><b>Historic Status:</b></p> <p><b>Service Delivery District:</b></p> <p><b>City Council District:</b></p>	<p>Olson Company</p> <p>Olson Company</p> <p>General Plan Amendment to change the General Plan from Business Mix/Heavy Industrial to Housing and Business Mix. Rezoning to change the zoning designation from M-30 General Industrial to R-50 Medium Density Residential, a Preliminary and Final Planned Unit Development to develop the two project sites (note, the applicant is filing preliminary PUD's for both project sites but a final PUD for the northern site only), and a Tentative Tract Map to subdivide the properties for up to 285 residential units.</p> <p>Business Mix/Heavy Industrial</p> <p>M-30 General Industrial Zone</p> <p>Subject to an Environmental Impact Report. The applicant will submit a Draft Environmental Impact Report at some time after the Notice of Preparation timeline of 30 days expires on November 30<sup>th</sup>, 2005.</p> <p>One parcel at 1257 46<sup>th</sup> Ave is a Potential Designated Historic Property; Survey Rating: D2+ (APN 034 -2253-007-02), all others have no historic record attached to them.</p> <p>5</p> <p>5</p>
<p><b>Action to be Taken:</b></p> <p><b>For further information:</b></p>	<p>Decision on application based on staff report</p> <p>Contact case planner <b>Robert D. Merkamp</b> at 510-238-6283 or by email at <a href="mailto:Rmerkamp@oaklandnet.com">Rmerkamp@oaklandnet.com</a>.</p>

**SUMMARY**

The applicant has submitted an application for environmental review (case file number ER05-003) for a proposal to construct approximately 270 new residential units located in Central East Oakland on land that is currently occupied by industrial uses. The project consists of a mixture of two and three-story attached townhomes. The project would require amending the Oakland General Plan from General Industrial/Transportation and Business Mix to Housing and Business Mix and rezoning the site from the M-30 General Industrial Zone to the R-50 Medium Density Residential Zone. The applications for the General Plan Amendment and Rezoning, along with applications for a Planned Unit Development permit and Tentative Tract Map have recently been filed and will be returned to the Planning Commission for consideration at a later date.

Due to the scope of the project, the applicant has elected to bypass an Initial Study and will submit a Draft Environmental Impact Report. The applicant has identified several potentially significant environmental impacts of this project including traffic, air pollution, hazardous materials, air quality, land use, and noise. A Notice of Preparation of the EIR was released on November 1, 2005, beginning a 30-day public comment period (see Attachment A) on the scope of the EIR. The public comment period of the scope of the EIR ends November 30, 2005. The purpose of today's hearing is to take public comments on the scope of the EIR. The Draft EIR and the planning applications for the project (general plan amendment, rezoning, planned unit development, and tentative tract map) will be reviewed by the Planning Commission at a future hearing.

**PROPERTY DESCRIPTION**

The project area is located in the Fruitvale neighborhood of East Oakland, in Alameda County. The project area is generally located along East 12<sup>th</sup> Street, between 45<sup>th</sup> and 49<sup>th</sup> Avenues and is bounded by International Boulevard (formerly East 14<sup>th</sup> Street) to the north and San Leandro Street to the south. The project area is comprised of two individual non-contiguous sites, totaling approximately 9 acres, on portions of six city blocks. As shown in Figure 1, one site is bisected by 46<sup>th</sup> Avenue and the other by 48<sup>th</sup> Avenue. A description of each of the two sites is provided below.

- **46<sup>th</sup> Avenue Site.** The approximately 5.5-acre 46<sup>th</sup> Avenue site includes seven individual parcels on portions of three city blocks and was previously part of the Melrose Lumber site. There are several structures on the site, which are currently occupied by various commercial businesses including auto body shops, a pallet fabrication business, a concrete batch plant, and two towing yards.
- **48<sup>th</sup> Avenue Site.** The approximately 3.5-acre 48<sup>th</sup> Avenue site includes a number of individual parcels on three city blocks and includes a taxi garage and storage yard, a towing and auto storage yard, and one vacant lot.

Both sides contain a variety of industrial uses including outdoor storage, warehousing, and manufacturing. Some of the lots in these areas are also vacant. All the lots are generally flat and devoid of topographic relief or other features such as creeks, rock outcrops, or significant stands

of trees. The BART line running towards the rest of the East Bay is on elevated tracks and will border the western edge of the property. As this area was developed often before zoning regulations, there is also the occasional small residential building found in this neighborhood amongst the industrial uses although no residential buildings fall within the specific project sites as described above.

## PROJECT DESCRIPTION

The proposed project involves three key components as described below.

- **General Plan and Rezoning - 46<sup>th</sup> and 48<sup>th</sup> Avenue Sites.** The project applicant is requesting approval of a General Plan Amendment to change the land use designations for the two project sites, shown in Figure 2, from Business Mix and General Industrial/Transportation to Housing and Business Mix. The Housing and Business Mix designation permits a density of 30 dwelling units per acre. A rezoning is also requested to change the zoning of both sites from General Industrial (M-30) to Medium Density Residential (R-50). The selected designations would allow for a maximum of approximately 165 townhome units on the 46<sup>th</sup> Avenue site and 105 townhome units on the 48<sup>th</sup> Avenue site.
- **Preliminary & Final Planned Unit Development Approval - 46<sup>th</sup> Avenue Site.** The project applicant is requesting approval of a Planned Unit Development plan for the 46<sup>th</sup> Avenue site. A preliminary site plan is shown in Figure 3. The plan provides for the development of approximately 145 townhome units.

The units would be two- and three-story townhomes and range from 700 to 1,300 square feet. The townhomes would consist of one- or two-bedroom units, most with first-floor level garage space. The garage units would be designed with a combination of two-car tandem parking, single-car parking with a downstairs study, or full or partial ground floor studio space. Townhomes with ground floor studio space would be characterized as live/work units with the residential component being the primary use. Some of the two-story townhomes would be served by exterior parking, with ground floor living space. Total residential density of the development would be approximately 26 dwelling units per acre (du/acre).

Vehicular access to the site would be provided by local streets, with internal access roads providing private access to homes. A minimum of one parking space per unit would be provided. Off-site street parking would be available to visitors.

The project sites contain known hazardous waste contamination and remedial activities will be conducted prior to and during site grading and demolition activities.

Additional discretionary permits may also include, but are not limited to: Minor Conditional Use Permits if determined to be necessary, Design Review, and Subdivision Maps to combine or subdivide parcels. Such permits will be considered by the Planning Commission and City Council, as appropriate.

The project sponsor proposes to start demolition and grading activities at the 46<sup>th</sup> Avenue site immediately upon receiving project approval.

- **Preliminary Planned Unit Development Approval - 48<sup>th</sup> Avenue Site.** The project applicant is requesting approval of a preliminary Planned Development Unit for the 48<sup>th</sup> Avenue site. The site would be developed similar to the 46<sup>th</sup> Avenue Site, with approximately 105 two- and three-story townhomes. Total residential density of the development would be 28 to 30 du/acre. A final development plan would be submitted at a later date.

The project sponsor proposes to start demolition and grading activities at the 48<sup>th</sup> Avenue site immediately after completion of development of the 46<sup>th</sup> Avenue Site.

## **GENERAL PLAN AND ZONING INFORMATION**

The project sites are located in the Business Mix and General Industrial/Transportation General Plan designations and the M-30 General Industrial Zoning Designation. The proposed residential uses are not allowed by the current zoning and General Plan designations. In order for residential uses to be allowed, the site would need to be rezoned and the General Plan land use map would have to be amended.

The applicant proposes to amend the General Plan land use designation from General Plan land use designation from General Industrial/Transportation to Housing and Business Mix (or other appropriate land use designation) and rezone the site from the M-30 General Industrial Zone to the R-50 Medium Density Residential Zone.

The City of Oakland is currently considering the many issues related to conversion of industrial land to residential land uses. It is staff's intent to bring forth criteria to assist the Planning Commission when considering this type of General Plan proposal in the future.

The proposal will create a series of mini row-house style developments served by several new private roads. Group open space will be placed throughout the development in several fairly large pieces. Where possible, the applicants plan to orient the buildings so that vehicular access comes off the private roads within the community with the units having pedestrian entrances fronting onto the existing public streets.

## **ENVIRONMENTAL DETERMINATION**

The applicant has requested the option of bypassing the preparation of an Initial Study and going straight to the preparation of a Draft Environmental Impact Report (DEIR hereafter). This is due to the scope of the project and the likelihood for significant environmental impacts from this project. Below is a list of environmental impacts that the applicant has proposed to study in the DEIR:

- land use and planning,
- population and housing,
- transportation/traffic,
- air quality,
- noise,

- soils/geology,
- hydrology/water quality,
- hazardous materials,
- utilities and infrastructure,
- recreation and service systems,
- cultural resources, and
- visual/aesthetic impacts.

It is anticipated that during the course of review in the DEIR some of the potential impacts listed above shall be found to not be significantly impacted or that the impact can be successfully mitigated to a less than significant threshold. The DEIR will propose mitigation measures for those categories that can be successfully mitigated to a less than significant impact and will discuss in depth those areas that cannot be so mitigated and discuss options with regard to how they affect the project as a whole.

There are several other standard impacts that the applicant anticipates not being affected by this project and these are called out in the NOP. These include impacts on agricultural resources or mineral resources. Staff would concur with this as there are likely no impacts to these items as there are no agricultural lands found on or near either project site and these sites are also not known to contain any minerals of note.

***Scoping for Environmental Impact Report***

A Notice of Preparation of the EIR was posted on November 1, 2005, beginning a 30-day public comment period on the scope of the Draft EIR (see Attachment A). The public comment period on the scope of the EIR ends on November 30, 2005. The DEIR and the planning applications for the project (general plan amendment, rezoning, preliminary and final planned unit developments, and tract maps) shall be reviewed by the Planning Commission at a future hearing.

The purpose of today's hearing is to solicit comments from the Planning Commission, Responsible Agencies (i.e., other public agencies that have a role in approving or carrying out this project), and the public on what types of information and analysis should be considered in the EIR. Comments about the issues that should be considered, the types of information that should be included, and the range of session is not intended as a review or consideration of the merits of the project. There will be a full public process to consider the project during the EIR process. Review of the potential environmental impacts of the project and consideration of mitigation measures to eliminate, reduce, or off-set those impacts are anticipated to occur during the process thus informing the decision-making process.

- RECOMMENDATIONS:**
1. Take public testimony on the scope of the EIR.
  2. Provide direction to staff on the scope of the EIR.

Prepared by:

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Robert D. Merkamp  
Planner III

Approved by:

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GARY V. PATTON  
Deputy Director of Planning and Zoning

**ATTACHMENTS:**

- A. Notice of Preparation
- B. Preliminary plans of project

ER05-0016/RDM

***CONDITIONS OF APPROVAL***