

Project Name: The Gateway – EIR Scoping Session	
Location:	29th Avenue @ East 12th Street (See map on reverse)
Assessors Parcel Numbers:	025-0693-003-03, 025-0693-004-00, 025-0693-005-00, 025-0693-08-00, 025-0693-007-02, 025-0697-002-00, 025-0697-003-06, 025-0697-007-06, 025-0697-007-07, 025-0701-006-04, 025-0701-011-00, and 025-0707-011-14
Proposal:	Construct a new mixed-use development consisting of up to 881 residential dwelling units and 72,100 sq. ft. of commercial space.
Applicant:	Patri Merker Architects
Contact Person/Phone Number:	Robert Bradsby, Patri Merker Architects (415) 284-1100 ext. 5002
Owner:	Pacific Thomas Capital
Planning Permits Required:	General Plan Amendment; Rezoning; Planned Unit Development
General Plan:	Business Mix; Mixed Housing Type Residential; Regional Commercial
Zoning:	M-30 General Industrial Zone
Environmental Determination:	An Environmental Impact Report (EIR) is being prepared for the project.
Historic Status:	Various
Service Delivery District:	4
City Council District:	5
Status:	A Director’s Report for this project was presented to the Planning Commission on February 16, 2005. An application for environmental review has been submitted for the project. Applications for the required planning permits are forthcoming.
Action to be Taken:	Public hearing concerning the scope of the forthcoming Draft EIR.
Staff Recommendation:	Take public testimony concerning the scope of the forthcoming Draft EIR.
Finality of Decision:	No decision will be made on the project at this time.
For Further Information:	Contact the case planner, Darin Ranelletti, Planner III , at (510) 238-3663 or by e-mail at dranelletti@oaklandnet.com .

SUMMARY

The project sponsor has submitted an application for environmental review (case file number ER05-1) for a proposal to construct a mixed-use development consisting of up to 881 residential dwelling units and 72,100 sq. ft. of commercial space on a site located at the corner of 29th Avenue and East 12th Street. The project would require amending the Oakland General Plan land use designation for the site, rezoning the site, and approval of a planned unit development permit. The applications for the General Plan amendment, rezoning, and planned unit development permit are forthcoming.

Pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) is being prepared for the project. A Notice of Preparation of the EIR was released on November 23, 2005, beginning a 30-day public comment period on scope of the EIR. The public comment period on the scope of the EIR ends on December 23, 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 (including the General

Plan amendment, rezoning, and planned unit development) will be reviewed by the Planning Commission at a future hearing.

PROJECT DESCRIPTION

The applicant proposes to construct up to 881 residential dwelling units and approximately 72,100 sq. ft. of commercial space. The project consists of six buildings to be constructed in six phases. All the units would be offered at market rates. The commercial space would consist of 30,000 square feet of retail space in a detached one-story retail building and 42,100 square feet of flexible commercial space located on the ground-floor of four- and five-story mixed-use buildings containing residential units on the upper floors. The sixth building would be an 11-story residential tower. A conceptual site plan for the project is attached to this report (see Attachment A).

PROPERTY DESCRIPTION

The project site is located at the corner of corner of 29th Avenue and East 12th Street in the San Antonio/Fruitvale area of Oakland. The site is approximately 10 acres in size and is relatively flat. The roughly rectangular site stretches along East 12th Street from Derby Avenue in the east to 26th Avenue in the west with a narrow strip of land extending to 23rd Avenue. The site is currently occupied by a self-storage facility, a hardware store and lumber yard, a Caltrans maintenance facility, and a small collection of automotive repair shops. All the existing buildings and uses on the site would be removed by the project.

Immediately adjacent to the south of the site is the Union Pacific Railroad right-of-way. Beyond the railroad right-of-way further to the south are industrial uses, an animal shelter, the Jingtown residential neighborhood, and the Fruitvale Station Shopping Center. To the north of the site across East 12th Street and the elevated BART tracks are the Caesar Chavez Education Center, a Goodwill shipping facility, and commercial and multi-family residential uses. International Boulevard is located one block to the north and the Fruitvale BART station is located approximately ¼-mile to the east. Between the BART station and the site are a parking lot and warehouse. To the west of the site is a mixture of warehouses and commercial uses.

GENERAL PLAN AND ZONING INFORMATION

The site is located within three General Plan land use designations—Business Mix, Regional Commercial, and Mixed Housing Type Residential—and is located in the M-30 General Industrial Zone (see Attachment B). The proposed project would not be allowed under the current General Plan and zoning designations so a General Plan amendment and rezoning would be required for the project. The applications for the General Plan amendment and rezoning are forthcoming. The proposed new General Plan and zoning designations for the site are still to be determined.

Recently the City has received a number of development proposals to convert industrial land to residential uses. On November 15, 2005, the City Council affirmed the Planning Commission's approval of the Arcadia Park residential project, an industrial conversion proposal located at 98th Avenue and San Leandro Street. At the hearing the Council expressed an unwillingness to support approval of additional industrial conversion proposals until a City policy on the matter is adopted. A staff report containing industrial land use policy alternatives was reviewed and discussed by the Community and Economic Development Committee of the City Council on November 8, 2005, and by the Planning Commission on November 16, 2005. The issue is scheduled to be further discussed at the Planning Commission's Zoning Update Committee meeting to be held immediately preceding tonight's full Commission meeting.

The subject site is located within Industrial Sub-Area 11 as described in the industrial land use policy staff report. Sub-Area 11 is an approximately 93-acre area located primarily along East 12th Street stretching from 14th Avenue in the west to High Street in the east. Commercial and industrial uses in the sub-area are predominantly service commercial businesses, metal fabricators, auto uses, and mini-storage. Under both policy alternatives identified in the industrial land use policy report, Sub-Area 11 is identified as one of the edge areas which would be transitioned from industrial uses to commercial mixed-uses or residential uses.

Tonight's EIR scoping meeting on the subject project is taking place, even though the City has not yet adopted an industrial conversion policy, for two reasons. First, the City is obligated under State and City law to conduct environmental review of the project. Second, the industrial conversion policy should be in place when the project comes back to the Planning Commission for decision, at which time the Commission can use the new industrial policy to evaluate the merits of the proposal and either approve or deny the project. Staff believes the project is worthy of consideration. The project site is not located along the San Leandro Street corridor, the traditional industrial core of East Oakland. The site is located near the Fruitvale BART Station (approximately ¼-mile away) and International Boulevard (the primary transportation and commercial corridor of East Oakland) in an industrial pocket surrounded largely by commercial and residential uses. In addition, the site's unique long and narrow shape makes the property less viable for industrial redevelopment.

The General Plan, adopted in 1998, acknowledges the mixed-use nature of the larger area surrounding the site by assigning a variety of land use designations—Business Mix, Regional Commercial, and Mixed Housing Type Residential—to the site. The Business Mix designation, which calls for a wide variety of commercial and light industrial uses, located at the west end of the site, acknowledges the existing warehouse and commercial uses located directly to the south and west of the site which originally located in the area to be near the rail line running parallel to East 12th Street. The other land use designations for the site are somewhat questionable. The Regional Commercial designation, which calls for regional-serving commercial uses, located at the east end of the site, does not seem appropriate for the narrow strip of land located between East 12th Street and the railroad right-of-way. The Regional Commercial designation is presumably the result of an unintended spillover from the Fruitvale Station shopping center located directly to the south. The Mixed Housing Type Residential (MHTR) designation, which calls for a mixture of single-family homes, small apartment buildings, and neighborhood-oriented commercial uses, located in the central portion of the site at the corner of East 12th Street and 29th Avenue, also seems inappropriate because the uses encouraged by the MHTR designation would not be suitable along these busy commercial sections of the East 12th Street and 29th Avenue corridors. The MHTR designation is presumably an unintended spillover from the Jingtletown residential neighborhood located to the south.

ENVIRONMENTAL DETERMINATION

Pursuant with the requirements of CEQA, an Environmental Impact Report (EIR) is being prepared for this project. The EIR will analyze potential environmental impacts of the project. A Notice of Preparation of the EIR was posted on November 23, 2005, beginning a 30-day public comment period on the scope of the Draft EIR (see Attachment C). The public comment period on the scope of the EIR ends on December 23, 2005. The Draft EIR and the planning applications for the project (including the General Plan amendment, rezoning, and planned unit development permit) will 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 the 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 alternatives to the project that should be assessed are the subject of this scoping session. This scoping

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 project review process thus informing that decision-making process. The City will take comments on the Draft EIR at a future publicly-noticed hearing. After a Final EIR has been prepared the project will come back to the Planning Commission for decision.

RECOMMENDATIONS:

1. Take public testimony on the scope of the EIR.
2. Provide direction to staff on the scope of the EIR.

Prepared by:

Darin Ranelletti
Planner III

Approved by:

GARY PATTON
Deputy Director of Planning and Zoning

Approved for forwarding to the
City Planning Commission:

CLAUDIA CAPPIO
Director of Development

ATTACHMENTS:

- A. Conceptual Site Plan
- B. General Plan and Zoning Map
- C. Notice of Preparation of Draft Environmental Impact Report

