

I. PUBLIC SERVICES

This section analyzes the proposed project's potential impacts to public services, including police services, fire and emergency services, public schools, libraries, and parks and recreation. Potential impacts to public services that could result from the proposed project are identified, and mitigation measures are recommended, as appropriate.

1. Setting

Existing services are described below. Relevant regulations and service requirements are also discussed.

a. Services. This section describes current service locations, capacities, and expansion possibilities for police services, fire services, parks, schools, and libraries that would serve the project site.

(1) Police Services. Police services are provided by the Oakland Police Department (OPD). OPD staffs the Primary Public Safety Answering Point, dispatches patrol officers to both emergency and non-emergency calls for service, conducts preliminary and follow-up criminal investigations, has primary traffic enforcement jurisdiction on all public roadways within the City (except for freeways), maintains preventative patrols, supports community policing efforts, as well as various other duties. Police headquarters are located at 250 Frank H. Ogawa Plaza.

The OPD has an authorized staffing level of 803 sworn positions, with current staffing of approximately 730 officers.¹ All of these are paid full-time positions. OPD is currently in an accelerated hiring mode to meet the goals of Measure Y, which expanded community policing resources. OPD has an authorized volunteer reserve unit of 75, with a current volunteer staff of 15.² The 9-1-1 Call Center has an authorized staffing level of 72, with a current dispatch staff of 60. OPD anticipates that this number will decrease over the coming year due to upcoming retirements.³

Oakland is comprised of six police service areas that are divided into 57 police beats. The project site is within Beat 8X. There are six officers assigned to patrol watches for each of the three daily shifts. These include three regular and three relief officers. One Problem

¹ Leong-Hall, Harriet, 2007. Administrative Services Manager II, Oakland Police Department. Written communication with LSA Associates Inc. June 29.

² Poirier, Michael, 2007. Chief of Staff, Office of the Chief of Police, Oakland Police Department. Written communication with LSA Associates Inc. June 29.

³ Johnson, Michael, 2007. Lieutenant, Oakland Police Department. Written communication with LSA Associates Inc. July 2.

Solving Officer (PSO) is also assigned to the area. The primary law enforcement concerns within this beat are robberies, burglaries, assaults, and drug trafficking.⁴

During most shifts, officers are continuously responding to calls and have little or no time to work pro-actively with residents and business persons within their beats. Officers conduct preventative patrols as time permits. Calls for service are defined and dispatched based on their urgency. Priority A calls are the most serious and are dispatched within one to two minutes after the call is received. Priority B calls represent the greatest volume of calls and consist of offenses such as domestic disputes and stolen vehicles. Priority C and D calls are non-emergency. Due to staffing constraints, some lower priority calls may be handled by non-sworn civilians.

The average Citywide response time for Priority A, B, and C calls in May 2007 was approximately 6, 54, and 114 minutes, respectively. Average response times to the project site during this same time period were approximately 6 minutes for Priority A calls and 73 minutes for Priority B calls.⁵ Due to the staffing constraints, the 9-1-1 Call Center is not currently able to meet the State goal of answering 9-1-1 calls for service within the recommended 10 second timeframe.⁶

The portion of the site currently owned by BART is patrolled by the BART Police Department. The BART Police Department is budgeted for 206 sworn officers. Patrols of BART stations, facilities, and rights-of-way are conducted 24/7. Uniformed patrol officers in marked police cruisers ensure timely responses to emergencies, critical incidents, and other calls for police service. No station has officers assigned to it on a fixed post. MacArthur, like the 42 other BART stations, is patrolled by one officer who is responsible for covering one or two other stations.

(2) Fire Services. Fire protection services are provided by the Oakland Fire Department (OFD). The OFD serves the City of Oakland and has mutual response agreements with the cities of Berkeley, Piedmont, and Alameda, Alameda County and Contra Costa County Fire Departments, and the East Bay Regional Park District. In addition to fire suppression, fire prevention, and emergency medical services (EMS), the OFD provides services through the Office of Emergency Services (OES), Citizens of Oakland Respond to Emergencies (CORE), the Wildfire Prevention District, and Emergency Dispatch.

The OFD staff consists of 591 employees, of which 500 are uniformed personnel. Of those, 93 are trained paramedics and the remaining 407 are trained emergency medical

⁴ Meeks, James, 2007. Lieutenant, Oakland Police Department. Written communication with LSA Associates Inc. June 28.

⁵ Johnson, Michael, 2007, op. cit.

⁶ Ibid.

technicians (EMTs).⁷ Daily shift staffing at the City's 25 fire stations consists of 136 personal. There are no volunteer positions. The OFD's fleet includes 25 type-1 engines, four type-3 engines, seven aerial ladders, eight brush patrols, a fireboat, a heavy-rescue vehicle, two foam units, six airport rescue rigs, and four hose tenders.⁸

Fire Station 8, located at 463 51st Street, is the closest station to the project site and is approximately 0.5 miles to the north. Equipment at this station includes one engine and one aerial ladder truck. The aerial ladder truck is capable of serving a seven story building, depending on the grade and proximity of the building to the apparatus. Fire Station 15 is the second closest station and is located at 455 27th Street, approximately 0.7 miles from the site.⁹ OFD Station 5 is the third closest station, and is located at 934 34th Street in Emeryville, approximately 0.8 miles from the site.

The Oakland Fire Department has a standard response time goal of seven minutes from dispatch to time of arrival 90 percent of the time.¹⁰ Service areas within 1.5 miles of a fire station are generally served within the service standard time. The majority of the City, including the project site, is located within 1.5 miles of one of Oakland's 25 fire stations.

The OFD provides emergency medical services through the EMS division and is frequently a first responder in an emergency. Approximately 80 percent of calls to the OFD for emergency services are medical emergencies.¹¹ At least one paramedic staffs each fire station engine and firefighters are certified as emergency medical technicians. Private companies provide ambulance services under contract with Alameda County.

(3) Public Schools. The project site is served by the Oakland Unified School District (OUSD), which serves the City of Oakland. The OUSD operates 61 elementary schools, 22 middle schools, 16 high schools, 36 charter schools, and 11 alternative education schools. In addition, there are 49 private or parochial schools within the City.¹² Enrollment during the 2006-2007 school year was 39,694 public school students, with 7,228 charter school students, for a total of 46,922 students. By 2011, OUSD public school enrollment is expected to decline to 32,005, while the projected charter enrollment is expected to

⁷ Edwards, James D., 2007. Deputy Chief, Fire Prevention Bureau/Communications, Oakland Fire Department. Written communication with LSA Associates, Inc. February 28.

⁸ Oakland, City of, 2004. General Plan, Safety Element. November.

⁹ Edwards, James D., 2007, op. cit.

¹⁰ Ibid.

¹¹ Oakland, City of, 2006. *Oakland Fire Department, Operations*. Website: www.oaklandnet.com/oakweb/fire/.

¹² Hawthorne, Laura, 2007. Executive Assistant to the Chief of Community Accountability, Oakland Unified School District. Written communication with LSA Associates, Inc. July 19.

increase to 9,638 students, for a total projected decrease in enrollment to 41,643 students.¹³

Neighborhood schools serving the project site are Santa Fe Elementary (915 54th Street), Westlake Middle (2629 Harrison Street), and Oakland Technical High School (4351 Broadway). The current and projected enrollment, as well as existing capacity at these schools, is listed in Table IV.I-1. As shown, each of these schools is currently operating well below design capacity, and this condition is expected to continue as enrollment declines through the 2011-2012 school year.

Table IV.I-1 Neighborhood Schools

School	Capacity	2006-2007 Enrollment	Projected 2011-2012 Enrollment
Santa Fe Elementary	400	338	263
Westlake Middle	900	672	630
Oakland Technical	2,050	1,678	1,283

Source: Oakland Unified School District, 2007.

The OUSD uses a student yield factor of 0.1 and 0.7 students per market rate and below market rate residential dwelling unit, respectively. The OUSD currently collects a facilities fee of \$2.24 per square foot for residential development and \$0.36 per square foot for commercial development.¹⁴

(4) Libraries. The City of Oakland has 18 public library branches. The Main Library is located approximately 2.2 miles from the project site at 125 14th Street. The main branch has 350,000 reference and circulating books, 22 computers with internet access, in addition to magazine, newspaper, sheet music, government publications, and map collections. The library provides many services including computer training, tax assistance, lawyer assistance, homework assistance, and storytime.¹⁵

Two branch libraries are located less than 1 mile from the project site. The Piedmont Avenue Branch, located at 160 41st Street, has a circulation of approximately 39,000 popular and well-reviewed juvenile and adult non-fiction and fiction books as well as DVDs, videos, audio books, compact discs, magazines and newspapers. The Temescal Branch, located at 5205 Telegraph Avenue, has a circulation of approximately 29,000 books, compact discs, videos, DVDs, audio books, audiocassettes, magazines, and newspapers. Circulating materials are largely of popular interest, with a strong emphasis on fiction and home repair, maintenance, decorating and gardening in the adult collection.

¹³ Vital, Kirsten, 2007. Chief of Community Accountability, Oakland Unified School District. Written communication with LSA Associates Inc. July 13.

¹⁴ Ibid.

¹⁵ Oakland Public Library, 2006. Main Library. <http://www.oaklandlibrary.org/Seasonal/Sections/mainhrs.html>. February 15.

The Library's Master Facilities Plan¹⁶ identifies a need for relocation and expansion of the Piedmont Avenue Branch, with a desire to increase the circulation volume to 55,000-65,000. The Master Facilities Plan also identifies a need for renovations at the Temescal Branch, allowing a slight increase in circulation. However, the funding mechanism for these library improvements has not yet been identified.

(5) Parks and Recreation. The City of Oakland Office of Parks and Recreation (OPR) provides recreational and cultural programs for residents of the City. OPR manages over 3,000 acres of parkland within the city limits. Facilities include 24 recreation centers, 140 parks and playgrounds, 54 ball fields, seven outdoor swimming pools, 50 tennis courts, and two public golf courses.¹⁷ Maintenance of these facilities is provided by the Oakland Public Works Agency.

The City of Oakland parks classification system emphasizes neighborhood, community and region-serving parks, but consists of seven additional park categories including: active mini-parks; passive mini-parks; linear parks; special use parks; resource conservation parks; athletic field parks (including school athletic fields); and school playgrounds.

Region-serving parks are 25 acres or larger, and include Lakeside, Joaquin Miller, and portions of Redwood-Roberts Parks. Community parks, such as Mosswood, serve a 1-mile radius in hill areas and a ½-mile radius in flatlands. Neighborhood Parks range in size from one to 10 acres, and serve a ½-mile radius in the hills and a ¼-mile radius in the flatlands. Miniparks, are generally less than 1-acre in size, and serve a 0.125-mile radius in the flatlands and a ¼-mile radius in the hills. The East Bay Regional Park District (EBRPD) acquires and develops regional parks, open spaces and trails throughout the East Bay, and also provides open space and recreation facilities within Oakland's city limits. EBRPD properties in Oakland include the 271-acre Leona Canyon Regional Open Space Preserve, the 1,220-acre Martin Luther King, Jr. Regional Shoreline Park, the 660-acre Robert Sibley Volcanic Regional Preserve, and the 100-acre Roberts Regional Recreational Area.

The City has a 10-acre per 1,000 residents park acreage goal and a 4-acre per 1,000 residents local-serving park acreage goal (includes parks with facilities that are not special purpose). There is an estimated 3,073 acres of total parkland in Oakland according to the Open Space, Conservation, and Recreation (OSCAR) Element, which provides approximately 8.26 acres of parkland per 1,000 residents and 1.33 acres of local serving park acreage per

¹⁶ Oakland, City of, 2006. *Oakland Public Library Master Facilities Plan*. June 2006.

¹⁷ Oakland, City of, 2005. Office of Parks and Recreation. Website: www.oaklandnet.com/parks/default.asp.

1,000 residents.¹⁸ Because Oakland is predominantly developed, there are limited areas to develop parkland.

More specifically, the project site is located in the North Oakland Planning Area, and the City's OSCAR Element states that North Oakland has a goal to provide 1.18 acres of park area per 1,000 residents.¹⁹ However, since the OSCAR Element was prepared, additional parks have been developed resulting in approximately 1.5 acres of additional park space in the North Oakland area. The North Oakland Planning Area is one of the most heavily urbanized parts of Oakland and generally lacks undeveloped natural areas. The OSCAR Element recognizes that new parks on vacant land are limited in North Oakland and that there is a potential new parks and open space in this Area via street closures and the redevelopment and re-use of institutional uses. The OSCAR Element also includes specific recommendations for new park and open space area in North Oakland. Recommendations relevant to the proposed project are included within this section.

Mosswood Park is the closest park to the project site and is located four blocks (0.3 miles) to the southeast. Mosswood Park consists primarily of open space and encompasses approximately 11 acres; facilities include a baseball diamond, tennis courts, basketball courts, and a recreation center. A dog park is also planned for the park and scheduled for completion by the end of 2007.

b. Relevant Policies. Relevant policies and conditions from the City's General Plan and Standard Conditions of Approval are described below.

(1) Oakland General Plan. The Land Use and Transportation Open Space, Conservation and Recreation and Safety Elements of the Oakland General Plan includes the following policies related to the provision of fire safety, parks and school services:

- Policy N.12.1: The development of public facilities and staffing of safety-related services, such as fire stations, should be sequenced and timed to provide a balance between land use and population growth, and public services at all times.
- Policy N.12.2: Adequate public school capacity should be available to meet the needs of Oakland's growing community. The City and the Oakland Unified School District (OUSD) should work together to establish a continuing procedure for coordinating residential and commercial development and exploring the imposition of mutually agreed upon reasonable and feasible strategies to provide for adequate school capacity. The City and OUSD should jointly consider where feasible and appropriate, funding mechanisms such as assessment districts, redevelopment

¹⁸ Oakland, City of, 1996. *Open Space, Conservation, and Recreation (OSCAR) Element, General Plan*. June, page 4-9.

¹⁹ Oakland, City of, 1996. *Open Space, Conservation, and Recreation (OSCAR) Element of the General Plan*. June.

Agency funding (AB 1290), use of surplus, City-owned land, bond issues, and adjacent or shared use of land or school facilities with recreation, libraries, child care and other public uses.

- Policy FI-1: Maintain and enhance the City's capacity for emergency response, fire prevention and fire fighting.
- Action FI-1.2: Strive to meet a goal of responding to fires and other emergencies within seven minutes of notification 90 percent of the time.

Relevant OSCAR Element Planning Strategies for the North Oakland Planning Area are as follows:

- Include provisions for a public plaza or mini-park in any redevelopment or urban design plan for the area around the MacArthur BART Station; and
- Promote improvements to the overall visual quality of the area through street tree planting, particularly in the neighborhoods west of Telegraph Avenue.

(2) City of Oakland's Planning Code. The City's Planning Code includes standards for open space for construction of new residential units. The S-15 Transit-Oriented Development Zone standards for open space (Code Section 17.100.170) are described below.

The S-15 Zone requires that 150 square feet of usable group open space and 30 square feet of private usable open space shall be provided per regular dwelling unit. Alternatively, a minimum of 75 square feet (or 50 percent of the required group space standard) of individual private open spaces per regular dwelling unit, could be provided per Section 17.126. 020.

(3) City of Oakland's Standard Conditions of Approval. The City's Standard Conditions of Approval relevant to this impact topic are listed below for reference. The conditions of approval will be adopted as requirements of the proposed project if the project is approved by the City to help ensure no significant impacts (for the applicable topic) occur, as a result they are not listed as mitigation measures.

COA SERV-1: Conformance with other Requirements. *Prior to issuance of a demolition, grading, P-job, or other construction related permit.*

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

COA SERV-2: Fire Safety Phasing Plan. *Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit, the project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.*

2. Impacts and Mitigation Measures

This section discusses potential impacts to public services and recreation that could result from development of the proposed project. The section begins with the criteria of significance, which establish the thresholds used to determine whether an impact is significant. The latter part of this section presents the impacts associated with proposed project and identifies mitigation measures, as appropriate.

- a. **Criteria of Significance.** The proposed project would have a significant impact on public services and recreation if it would:
- Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for:
 - police services;
 - fire and emergency services;
 - schools; or
 - other public facilities.
 - Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
 - Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

While important to the quality of life in the project area, impacts to schools from increased development do not necessarily result in physical environmental impacts. In *Goleta Union School District v. Regents of the University of California* (2d Dist. 1995) (37 Cal. App. 4th 1025, 1032, 1995), the Court of Appeal found that “Classroom overcrowding, per se, does not constitute a significant effect on the environment.” A General Plan may have policies relating to public service levels in general or schools in particular. If a development project overwhelms the school district’s capacity and quality of service, it could be inconsistent with

the General Plan. The City of Oakland General Plan does not have a specific policy related to school service levels.

b. Less-than-Significant Public Services Impacts. Development of the proposed project would result in the following less-than-significant impacts to police, fire, school, library, and parks and recreational services.

(1) Police Services. Redevelopment of the project site would result in an increased demand for service for both the Oakland and BART police departments. The City and BART have not yet determined how the project site will be divided for jurisdictional purposes.

Based on a projected 2005 household size of 2.66 residents per household,²⁰ the proposed project would increase the City's population by approximately 1,845 residents,²¹ thereby increasing the demand for police services. The addition of 1,845 persons to the City's population would represent less than 0.5 percent of the City's existing and projected population (estimated at 542,500 by 2035²²); however, this increase would represent a larger percentage of the total increase in the overall citizen population within Beat 8X. The increased population would increase the number of calls for service within Beat 8X.

Overall, OPD currently has an adequate number of police officers to serve the City. For a city the size of Oakland, the national police service standard is one officer per 1,000 residents. Based on the current active count of 730 sworn officers, the City maintains an officer to resident ratio of approximately one officer per 563 residents.²³ BART also anticipates being able to adequately service the station portion of the project.²⁴

As previously discussed, the OPD 9-1-1 Call Center is currently short-staffed. The increase in calls for service associated with the proposed project would contribute to the need for additional staff at the call center. Additional staff and associated equipment for the call center are funded by the City's General Fund and the OPD budget. In addition, as previously discussed, OPD is currently in the process of increasing the number of sworn staff to meet the goals of Measure Y. Any increase in staffing necessitated within the existing Beat 8X could likely be fulfilled by planned for increases in staffing. The increase in demand

²⁰ Association of Bay Area Governments, 2006. *Projections 2007: Forecasts for the San Francisco Bay Area to the Year 2035*. December. Household size is based on a projected 2005 population of 410,600 and 154,580 households.

²¹ This estimate includes the residential population generated by 675 residential units and 18 live/work units, although the live/work household size may be less.

²² Ibid.

²³ Ibid.

²⁴ Gee, Gary, 2007. Chief, BART Police Department. Written communication with RRM Design Group. October 22.

associated with the proposed project would not require the construction of any new OPD facilities. Therefore, the proposed project would result in a less-than-significant impact to police services.

(2) Fire Services. The proposed project would create a small increase in demand for fire services within the City. As discussed above, the addition of 1,845 persons to the City's population would represent less than 0.5 percent of the City's existing and projected population (estimated at 542,500 by 2035²⁵). While the increased population would slightly increase response times within the area due to additional calls for service, the increase would not cause the OFD to exceed the response time goal of seven minutes, 90 percent of the time. The first and second responders to the project site (Fire Stations 8 and 5, respectively) are within less than 1.5 miles of the site, which the OFD considers this an acceptable distance to maintain the standard response time.

The OFD requires a minimum fire flow of 1,500 gallons per minute (gpm). Pursuant to the City's Standard Conditions of Approval, the project applicant would be required to meet Oakland Fire Department standards related to fire hydrants, water fire flow, spacing of hydrants, sprinkler systems, and other fire code requirements. The residential and commercial components of the project would be required to meet Uniform Building Code (UBC) and Fire Code standards. The project design would be required to comply with Public Works Agency road standards and *Draft Access Road Standards*.

The proposed project would be subject to plan review by the OFD to ensure proper life safety standards and adequate emergency response access. The increase in demand for fire and EMS services could be met by existing staffing and facilities and the increased demand would not require the construction of any new facilities (i.e., new fire station) to provide adequate fire protection.²⁶ As such, the proposed project would have a less-than-significant impact on fire services.

(3) Schools. As discussed above, while important to the quality of life in the project area, impacts to schools from increased development do not necessarily result in physical environmental impacts. However, if a development project overwhelms the school district's capacity and quality of service, it could be inconsistent with the General Plan.

The proposed project would develop 675 high density multi-family housing units on the project site. Up to 562 units would be for-sale units and up to 113 units (20 percent of the market rate units) would be affordable housing rental units. In addition, 18 live/work units are also proposed. Given OUSD's student generation rates, the 562 market rate units would generate approximately 57 students and the 113 below market rate units would generate

²⁵ Ibid.

²⁶ Edwards, James D., 2007, op. cit.

80 students, for a total addition of 137 elementary, middle, and high school students. The OUSD does not provide student generation rates for live/work uses. It is anticipated that any students generated by live/work uses would be nominal.

As described within this section, the existing neighborhood schools within the project area are currently operating well below capacity and are anticipated to have available capacity for future students. Should these schools reach capacity at the time of project buildout, students would be diverted to other schools of their choice within the OUSD. The OUSD would be able to accommodate additional students generated by the proposed project and no new facilities would need to be constructed.²⁷ As such, the proposed project would have a less-than-significant impact on school services and facilities.

In addition, Senate Bill 50 (SB50) which provides a \$9.3 billion bond measure for school construction and revises the existing limitation on developer fees for school facilities, was enacted as urgency legislation and became effective on November 4, 1998 as a result of approval by California voters of bond measure Proposition 1A. SB50 established a 1998 base amount of allowable developer fees (Level One fees) for residential construction (subject to adjustment) and prohibits school districts, cities, and counties from imposing school impact mitigation fees or other requirements in excess or in addition to those provided in the statute.

In order to address the additional demand placed on OUSD by the proposed project, the project applicant would pay the required development fee to OUSD. The project applicant would be required to pay a school impact/mitigation fee of \$2.24 per square foot of residential development and \$0.36 per square foot of commercial development.²⁸ Assuming that there is a maximum of 844,000 square feet of residential development and approximately 44,000 square feet of commercial development, the project applicant would be required to pay a maximum of \$1,906,400 in school impact/mitigation fees. However, the final fee would be determined based upon the final square footage of the project.

(4) Libraries. It is anticipated that proposed project residents would primarily patronize the Piedmont Avenue and Temescal branch libraries due to the proximity of these facilities to the project site. The proposed project would cause an increase in the demand for library services due to the addition of 1,845 residents generated by the project. The Oakland library system has adequate capacity to serve the incremental increase in library use that would result from the implementation of the proposed project and would not require the unanticipated construction of new or remodeled library facilities.

²⁷ Vital, Kristen, 2007, op. cit.

²⁸ Ibid.

(5) Parks and Recreation. The proposed project would increase the permanent population at the site, thus increasing the demand for parks and recreation facilities. With a maximum of 675 new residential units and 18 live/work units, the proposed project would result in increases to the North Oakland Planning Area population by up to 1,845 residents. Using the City ratio of 4 acres of local-serving parkland per 1,000 residents ratio, the additional 1,845 project residents would yield an increase demand of 7.38 acres of parkland in North Oakland. The OSCAR Element recognizes that this area is densely urbanized and that area for new parkland is scarce. Though no new public parkland is included within the project area, the project does comply with the relevant OSCAR Element recommendations for North Oakland by incorporating a public plaza and attractive pedestrian environment on Village Drive (the proposed east/west street connecting Telegraph Avenue and Entry Drive) and new landscaping and other streetscape improvements along Telegraph Avenue.

Although the proposed project would increase the resident population and does not include new publicly-accessible park and recreation space (except for the proposed the public plaza on Village Drive) within the densely-populated North Oakland Planning Area, the project is not expected to result in substantial or accelerated physical deterioration of existing parks and open space. The project would further the OSCAR Element planning recommendations for North Oakland as discussed above.

The conceptual site plan for the proposed project (see Figures III-3 in Chapter 3, Project Description) includes approximately 60,000 square feet of group open space (about 90 square feet per unit). The group open space areas include the common area courtyards, common landscape areas, and the transit village plaza (west of Building A). The conceptual plans currently do not show any private open space areas. However, the project will include private balconies on approximately 50 percent of the units. Additional private balconies may be incorporated as the architectural design of the buildings evolves. As proposed, the project does not meet the public and private open space requirements of the S-15 zone which require projects to include 150 square feet of group open space (common courtyards, play areas, recreation rooms, etc) and 30 square feet of private open space (decks, balconies and private yards), for a total of 180 square feet of open space per unit.²⁹ The City may also consider an amendment to the S-15 text to reduce the open space requirements for this site as City staff believes that the current open space requirements are excessive for

²⁹ The Open Space requirements allow private open space that is provided in excess of 30 square feet per unit to be counted toward the group open space requirement at a ratio of 2 to 1, but in no case can the group open space be less than 75 square feet per unit. Therefore, the open space requirement in the S-15 zone can be satisfied by either providing 150 square feet of group open space per unit plus 30 square feet of private open space per unit; or by providing a minimum of 75 square feet of group open space plus 30 to 67.5 square feet of private open space depending on how much group open space is provided. As an example, a project that provides 50 square feet of private open space would need to provide 110 square feet of group open space per unit, as the 20 square feet of the private open space, which exceed the minimum requirement of 30 square feet, would allow the 150-square feet of group open space to be reduced by 40 square feet.

this site due to its location adjacent to BART and the Highway 24 and that the requirements could compromise achieving other City policies related to Transit Oriented Development.

The Broadway MacArthur/San Pablo Redevelopment Plan EIR³⁰ determined that there was a potential for residential developments in the Redevelopment Plan area to result in a lack of open space and recreational opportunities for residents. For the MacArthur BART site, the EIR stated that existing parks and open space areas could be located too far away for convenient access.³¹ Based on this information, the EIR found a potential for a significant impact (Impact E.4) and included a mitigation measure (Mitigation Measure E.4).³² The analysis, findings, and mitigation related to this potential impact in the Redevelopment Plan EIR are superseded based on this project EIR. The potential impact is not related to a significance criterion listed in the Redevelopment Plan EIR or this EIR. The significance criterion for park and recreational impacts requires a finding that the project would “result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities” or the “need for new or physically altered or physically altered governmental facilities.” Impact E.4 is not based on analysis or evidence that new or physically altered facilities would be required. The need to travel the four blocks (0.3 miles) to the Mosswood Park, while not as convenient as an on-site recreational area, would not constitute a significant adverse environmental under CEQA. These trips would occur during off-peak hours and thus would not result in any significant adverse traffic or transportation impacts. Additionally, access from the project site to the park has been, or will be improved, in several ways. The shuttles provided by the recently approved Kaiser Hospital project will provide convenient service for residents between the project site and Mosswood Park. The MacArthur BART project would improve conditions for pedestrian crossing at the adjacent crosswalks leading to Mosswood Park. The City’s 2007 Bicycle Master Plan Update proposes Class II bicycle lanes on West MacArthur Boulevard that would connect the project to Mosswood Park. The recommendations included in Section IV.C, Transportation, Circulation and Parking, such as implementation of protected left-turn phasing and removal of the slip right turns at the West MacArthur Boulevard/Telegraph Avenue intersection, would improve pedestrian and bicycle safety and encourage more pedestrian and bicycle activity.

³⁰ Environmental Science Associates (ESA), 2000. *Broadway/MacArthur/San Pablo Redevelopment Plan, Draft Environmental Impact Report*, April.

Environmental Science Associates (ESA), 2000. *Broadway/MacArthur San Pablo Redevelopment Plan, Final Environmental Impact Report*, June.

³¹ The EIR assumed that the project site would be developed with 85,000 square feet of medical use, 50,000 square feet of commercial use, 30,000 square feet of retail use and 150 residential units.

³² Mitigation Measure E.4 required all residential developments under the Plan to provide the minimum open space required by the zoning regulations, with no variances, conditional use permits or PUDS to reduce the required open space and required secure recreational areas and a grassy open space.

Since the certification of the Redevelopment Plan EIR, the Agency has determined that the primary goals for the redevelopment of the MacArthur BART site are high density, mixed use, transit-oriented development with an affordable housing component and improved access to BART for all travel modes. A significant open space component at this site would impede achieving these goals.

c. Significant Public Services Impacts. The proposed project would not result in any significant impacts to police, fire, school, library, or parks and recreation services.

d. Cumulative Public Service Impacts. The geographic area considered for the public services cumulative analysis includes the City of Oakland since the majority of the services provided are provided throughout the City. The increased population and density resulting from the project, in conjunction with population and density of past, present, existing, pending and reasonably foreseeable future development in the City, would result in a cumulative increase in the demand for public services, parks, and recreation facilities. This cumulative increase could result in the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives. However, future development would occur pursuant to General Plan policies and mitigation measures adopted for the Land Use and Transportation Element (LUTE) EIR and the Broadway MacArthur/San Pablo Redevelopment Plan EIR that reduce the potential impact on services to less-than-significant levels. As a result, implementation of the proposed project together with the impact of past, present and reasonably foreseeable future development would not result in significant cumulative public service impacts as described below.

(1) Fire and Police. Cumulative development in the City of Oakland, including past, present, existing, pending and reasonable foreseeable future development, would increase the need for additional City police, BART police, and City fire protection services and could affect response times, service levels, and the need for additional facilities. While the City and BART monitor staffing levels and facilities on an annual basis as part of their budgetary processes and on an ongoing basis as individual development projects are proposed, cumulative development could increase the demand for police and fire-related services such that response times or service levels could not be maintained, and/or additional equipment and/or facilities could be required but are not provided due to budgetary or logistical constraints.^{33 34} Consistent with the conclusion of the Broadway MacArthur/San Pablo Redevelopment Plan EIR, this cumulative impact is not expected to

³³Johnson, Michael, 2008. Lieutenant, Oakland Police Department. Verbal communication with RRM Design Group. January 24.

³⁴ Edwards, James D., 2008. Deputy Chief, Fire Prevention Bureau/Communications, Oakland Fire Department. Verbal communication with RRM Design Group. January 24.

result in a significant cumulative impact as the cumulative demand for services would be mitigated to less than significant levels through individual project planning, design, and approvals, and if necessary, through the expansion of fire protection services, through the use of tax increment funds, to accommodate growth. For the project, the Oakland Police, BART Police, and Fire Departments do not anticipate the need for any new physical facilities to adequately service the resulting increase in daytime and nighttime population on the project site. Additionally, the project would incorporate design measures aimed to heighten safety (through lighting, access, and visibility) to public spaces and would develop emergency response and security plans in coordination with the relevant City departments. In addition, throughout the course of the development review process, the police and fire departments will review plans and other physical features which will provide enhanced life safety standards, such as exterior lighting levels, fire hydrants locations, and other facilities. Therefore, the project's contribution to the significant cumulative impact on police services and fire protection/emergency medical services would be less than significant.

(2) Public Schools. School-aged children generated by the project, in conjunction with those generated by other foreseeable development in the City, would result in a cumulative increased demand. However, since the schools are projected to be operating under capacity in 2012, such an increase would not result in the need for new or physically altered school facilities in order to maintain acceptable service ratios or other performance objectives at local public schools. Additionally, pursuant to Senate Bill 50 (SB 50), the project sponsors of all future projects would be required to pay school impact fees established to offset potential impacts on school facilities. As a result, no significant cumulative impacts would result.

(3) Libraries. Development in North Oakland, including the proposed project, would result in an increased population, which could result in the need for new or expanded library facilities. The Oakland Public Library has prepared Master Facilities Plan that includes a needs assessment and long-range strategy to address the community's growing needs for library services, which takes into account the long-term population growth anticipated for the City. The plan is funded by a bond measure passed in March 2004 to facilitate library improvements and expansion. As part of this effort, the library is evaluating ways the existing libraries could improve the delivery of programs, services, and materials. Thus, library system improvements are underway to address cumulative demand. The proposed project would increase the population served by the Piedmont and Temescal Branches (which are less than one mile from the project site), and thus there would be a greater cumulative demand for books, library programs, and resources. The increased population from the proposed project would result in a greater utilization of library facilities but would not result in the expansion of the facility beyond what is already being proposed as part of the Master Facilities Plan. Consequently, the Project would not be expected to have a considerable contribution to a cumulative impact that would require a new or expanded branch library.

(4) Parks and Recreation Facilities. As stated in the OSCAR Element and noted above, the City is falling short in the North Oakland area, as well as other areas, of meeting its goal of providing 10 acres per 1,000 residents. The proposed project, in conjunction with other past, present, planned and foreseeable development under the cumulative scenario, would contribute to the need for new or expanded park and recreational facilities citywide necessary to achieve the goals set forth in the OSCAR Element. However, the fact that this goal is not met would not necessarily result in a physical environmental impacts. According to the City's Park and Recreation Department,³⁵ based on the size and current and projected use of park and open space facilities, there are adequate facilities in the project area to serve the project, past and present projects, and anticipated future development. Moreover, it is not expected that there will be a substantial or accelerated physical deterioration of existing park and open space facilities. Therefore, no significant cumulative impacts are expected.

³⁵ Ryugo, James, 2007. Building Services Manager, Public Works Agency. Verbal communication with RRM Design Group, October 20.