

Location:	Nine-block site in the Uptown District of the downtown. Blocks 1-6 are generally bounded by San Pablo Avenue, 18 th Street, Telegraph Avenue, and Thomas L. Berkley Way (20 th Street). Blocks 7, 8, and 8a are located on the north side of Thomas L. Berkley Way (20 th Street); Block 7 is on the west side of Telegraph Avenue and Blocks 8 and 8a are on the east side of Telegraph Avenue.
Proposal:	Certification of Final Environmental Impact Report (FEIR) for the phased redevelopment of the project site with a mixed-use project including up to 1,000 apartments, 270 condominiums, 1,050 student beds/faculty units, 43,000 square feet of commercial space, 1,959 structured parking spaces, and a 25,000 square foot public park.
Project Sponsor: Owners:	Uptown Partners, LLC c/o Forest City Residential West Forest City, City of Oakland Redevelopment Agency, and others
Planning Permits Required:	Planning applications will be filed in the future.
General Plan:	Central Business District
Zoning:	C-51 Central Business Service Commercial Zone/C-55 Central Core Commercial Zone/S-17 Downtown Residential Open Space Combining Zone
Environmental Determination:	A focused Draft Environmental Impact Report (DEIR) was published on September 19, 2003 and circulated for public comment until November 3, 2003. The Responses to Comments document was published on January 30, 2004.
Historic Status:	Site includes five historic buildings with ratings ranging from B to Dc, and a portion of one historic district rated ASI.
Service Delivery District:	I – Downtown/West Oakland/Harbor
City Council District:	3
Support/Opposition:	Comments were received about the DEIR and have been addressed in the Responses to Comments document; no comments about the Responses to Comments document have been received to date.
Staff recommendation: For further information:	To certify the FEIR and forward it to the City Council for consideration as part of the review of the Disposition and Development Agreement for the project. Contact Claudia Cappio at 510-238-2229.

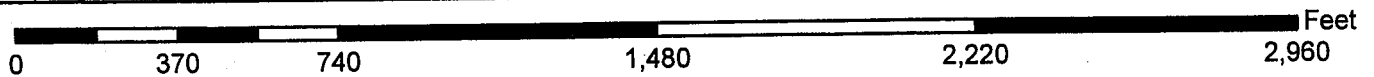
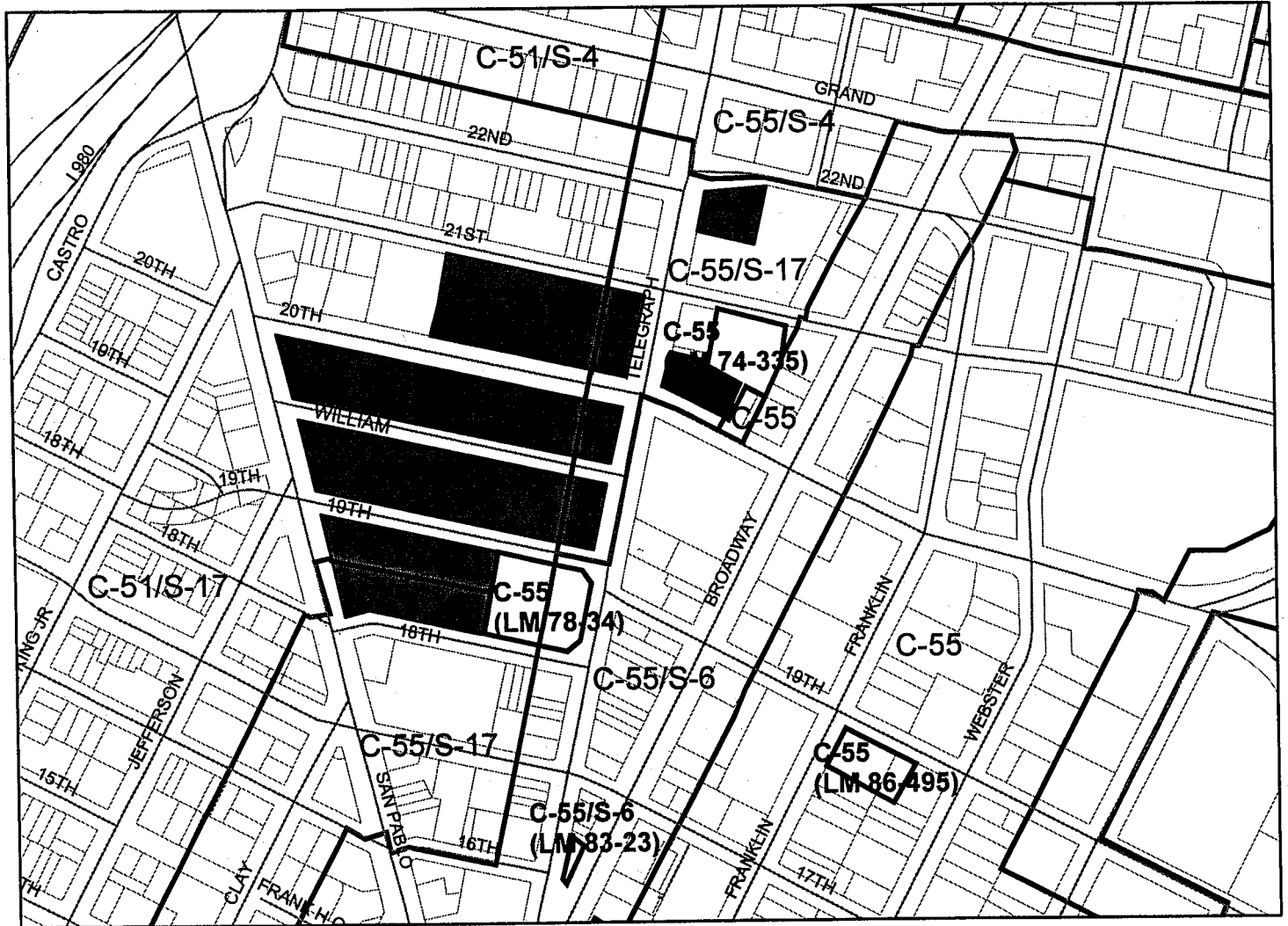
SUMMARY

Forest City proposes a phased redevelopment of the nine-block, approximately 15-acre site with a mixed-use project including up to 1,000 apartments, 270 condominiums, 1,050 student beds/faculty units, 43,000 square feet of commercial space, 1,959 structured parking spaces, and a 25,000 square foot public park. At least 25 percent of the units (excluding student/faculty housing) would be priced at affordable levels. A new mid-block north/south road would be constructed between 19th and 21st Streets.

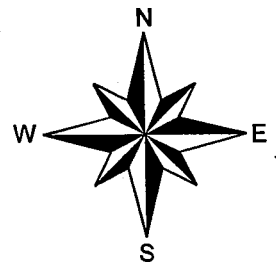
Blocks 1-6 are generally bounded by San Pablo Avenue, 18th Street, Telegraph Avenue, and Thomas L. Berkley Way (20th Street). Blocks 7, 8, and 8a are located on the north side of Thomas L. Berkley Way (20th Street); Block 7 is on the west side of Telegraph Avenue and Blocks 8 and 8a are on the east side of Telegraph Avenue.

The environmental review process was completed in anticipation of action to be taken by the Redevelopment Agency on the proposed Disposition and Development Agreement (DDA) for the project. A focused Draft Environmental Impact Report (DEIR) was prepared in accordance with Public Resources Code Section 21159.25. The DEIR was published on September 19, 2003 and the public comment period ended on November 3, 2003. The Planning Commission held a public hearing to solicit comments on the DEIR on October 15, 2003. Responses to the comments that were received during the public review and comment period were compiled and are contained in the Responses to Comments document, along with changes and clarifications to the DEIR. The Responses to Comments document was published on January 30, 2004. The Responses to Comments document, together with the DEIR, comprise the Final EIR (FEIR). The Planning Commission is now being requested to certify the EIR as complete and in compliance with CEQA. Land use entitlements will be considered by the Planning Commission after approval of the DDA.

CITY OF OAKLAND PLANNING COMMISSION



Case File: ER03-007
Applicant: Forest City Development
Address: Uptown Mixed-Use Project
Zone: C-51/S-17; C-55/S-17



PROJECT DESCRIPTION

The Uptown Mixed Use project entails the phased redevelopment of the site with up to 1,000 apartments, 270 condominiums, 1,050 student beds/faculty units, 43,000 square feet of commercial space, 1,959 structured parking spaces, and a 25,000 square foot public park. At least 25 percent of the units (excluding student/faculty housing) would be priced at affordable levels. A new mid-block north/south road would be constructed between 19th and 21st Streets. The project also includes traffic-calming design features and major streetscape improvements.

PROPERTY DESCRIPTION AND SURROUNDING CONTEXT

The approximately 15-acre project site consists of nine blocks in the Uptown district of downtown Oakland, north of the Oakland City Center, and includes 66 individual parcels. Blocks 1-6 are generally bounded by San Pablo Avenue, 18th Street, Telegraph Avenue, and Thomas L. Berkley Way (20th Street). Blocks 7, 8, and 8a are located on the north side of Thomas L. Berkley Way (20th Street); Block 7 is on the west side of Telegraph Avenue and Blocks 8 and 8a are on the east side of Telegraph Avenue. The site is adjacent to, but does not include, the Fox Theater. The site is located in the midst of a densely developed urban mixed-use area within downtown Oakland. Surface and structured parking areas cover the majority of the site, but the site includes a mixture of residential and commercial uses as well.

The site also includes five historic buildings with ratings ranging from B to Dc, and a portion of one historic district rated as an Area of Secondary Importance (ASI). Potential historic resources adjacent to the project site include several historic buildings with ratings ranging from A1+ to Ed3, two historic districts rated as Areas of Primary Importance (API), and one historic district rated as an ASI (please refer to Historic Architectural, Archaeological, and Paleontological Resources Section of the DEIR, pages 206 - 213.)

KEY PROJECT ISSUES AND FUTURE REVIEW PROCESS BY THE PLANNING COMMISSION

Although an application has not yet been submitted for required planning entitlements, the Design Review Committee of the Planning Commission reviewed and commented on the conceptual site plan and the design for Phase One of the project on December 10, 2003. The conceptual plans were presented at several community meetings held by the project sponsor. The primary outstanding design issues include the location of the park on Block 3, and the impacts of the project on potentially significant historic buildings.

The City of Oakland is the Lead Agency in the preparation of the Environmental Impact Report (EIR). In most cases, the EIR is considered concurrently with the Planning Commission's consideration of requisite planning approvals for a project. However, in this instance, the EIR is preceding consideration of land use approvals because of contemplated actions by the Redevelopment Agency to first consider a Disposition and Development Agreement for the project.

Once the planning applications have been submitted, the Planning Commission will consider the project. At that time, the information contained in the EIR will be applied to the project and will help to inform the public and the decision makers about potential environmental impacts and the types of features and conditions that should be incorporated into the project to eliminate or lessen those potential physical impacts. In other words, the analysis and information contained in the EIR will be used to inform future land use approvals required by the project.

ENVIRONMENTAL REVIEW PROCESS

An Initial Study was prepared in early 2003 with the finding that this project required preparation of an EIR. A proposal to prepare a focused EIR under Public Resources Code § 21159.25 was reviewed and approved by the Planning Commission in March 2003. On September 19, 2003 a focused Draft EIR (DEIR) for this project was circulated for public review and comment and the public review and comment period ran until November 3, 2003. Responses to the comments that were received during the public review and comment period were compiled and are contained in the Responses to Comments document, along with changes and clarifications to the DEIR. The Responses to Comments document was published on January 30, 2004 and was delivered to the Planning Commission separately. The Responses to Comments document is available to members of the public at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3330, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m. The Responses to Comments document, together with the DEIR, comprise the Final Environmental Impact Report (FEIR).

The Responses to Comments document includes minor revisions to the project description and to the text of the DEIR. It also includes expanded mitigation measures in response to comments received on the DEIR, particularly in regard to potential impacts of the project on historic resources.

The Planning Commission is now being requested to certify the EIR for the Uptown Mixed Use project. Certification does not imply that the Commission endorses the proposed project, nor that the permit application(s) for the project will be approved. In this case, there are no specific project applications being considered. In considering certification of the EIR, the Commission's focus should therefore be placed on confirming that:

- The information and analysis of the physical impacts which may result in the development of the project are accurate and complete;
- There is an adequate evaluation of measures and changes to the project that would eliminate or lessen the potential physical impacts associated with the project;
- The process for considering the EIR complied with the provisions of CEQA; and
- The comments received about the DEIR were adequately responded to in the Responses to Comments document.

FINDINGS REQUIRED TO CERTIFY THE EIR

The following findings are required to certify the EIR for the Uptown Mixed Use Project:

- 1) *The Final EIR has been completed in compliance with CEQA, the CEQA Guidelines, and Planning Code Section 17.158.340;*

The focused Draft EIR was prepared by the City of Oakland as the Lead Agency, after publication and circulation of a Notice of Preparation for the Project. The DEIR was published and circulated for a 45-day period beginning on September 19, 2003 and ending on November 3, 2003. The Planning Commission held a duly and properly noticed public hearing to solicit comments on the DEIR on October 15, 2003. The Responses to Comments document was prepared and published on January 30, 2004.

- 2) *The Final EIR was presented to the decision-making body of the lead agency, and that the decision making body reviewed and considered the information contained in the EIR prior to approving the project; and*

The FEIR is composed of the DEIR; the written and oral comments received in response to the DEIR; responses to all of the comments received; and clarifications, corrections and modifications to the DEIR text. The Planning Commission has reviewed and considered the information contained in the FEIR.

- 3) *The Final EIR reflects the lead agency's independent judgment and analysis.*

The FEIR reflects the independent judgment and analysis of the Planning Commission. Such independent judgment is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the FEIR and the administrative record as a whole); the Planning Commission recognizes that the FEIR contains certain additions, clarifications and corrections and other revisions (as the result of the public review and comments on the DEIR and public agency responses to those comments); that the FEIR does not present significant new information requiring re-circulation of the document; that such information, additions, clarifications, corrections, and revisions do not include any new significant impacts that would result from the project or from a new mitigation measure and that they do not reflect any substantial increase in the severity of an environmental impact; nor do they propose any additional feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

The EIR identifies several impacts and mitigation measures which can be incorporated to lessen or eliminate the potential environmental impacts of the project. These are described in the Mitigation Monitoring and Reporting Program (MMRP) in Chapter VI of the Responses to Comments document and are summarized as follows:

Significant, Unavoidable Impacts

The following significant unavoidable project impacts were identified in the DEIR. Revisions to the mitigation measures for Impact AIR-2, Impact HIST-4a, and Impact HIST-8 were included in the Responses to Comments document.

AIR QUALITY

Impact AIR-2: (DEIR pages 157 to 159) - The project would result in increased regional emissions of criteria air pollutants exceeding BAAQMD thresholds, primarily from increased traffic. Implementation of the identified mitigation measures would minimize this impact, but would not reduce it to a less-than-significant level.

HISTORIC RESOURCES

Impact HIST-4a, HIST-4b, HIST-5, and HIST-8: (DEIR pages 222 to 225, and 226 to 227) - The project may entail site clearance, modification, or full or partial demolition of the Great Western Power Company Building, which is a local historic resource. In addition, project demolition and construction could result in a significant cumulative impact on the 19th and San Pablo Commercial district. An analysis is being done to assess the feasibility of retaining the buildings on the site within the 19th and San Pablo Commercial District. Implementation of the identified mitigation measures would minimize these impacts, but may not reduce them to a less-than-significant level. Note that Mitigation Measures HIST-8a and HIST-8b have been expanded in the FEIR to address comments received about the 19th and San Pablo Commercial District.

TRANSPORTATION

Impacts TRANS-3 and TRANS-11: (DEIR pages 124 to 125, and 133 to 134) - The project would increase the delay at the Frontage Road/West Grand Avenue intersection by two or more seconds under both Year 2010 and Year 2025 conditions. Because this intersection is under the jurisdiction of Caltrans and intersection improvements are not economically feasible, these are significant and unavoidable impacts.

Significant Impacts Which May be Mitigated to a Less Than Significant Level

The following significant project impacts which may be mitigated to a less-than-significant level were identified in the DEIR. Revisions to the mitigation measures for Impact HIST-2 were included in the Responses to Comments document.

AESTHETIC RESOURCES

Impacts AES-1 and AES-2: (DEIR pages 243 to 258) - The project would alter the architectural character of the site and would provide additional sources of nighttime lighting. (Mitigation: Implementation of measures to minimize the visual impacts of the design and measures to reduce light and glare would reduce the impacts to a less-than-significant level.)

AIR QUALITY

Impact AIR-1: (DEIR pages 155 to 157) – Construction activities associated with the project would generate short-term emissions of criteria pollutants. (Mitigation: Implementation of measures to reduce construction emissions would reduce the impacts to a less-than-significant level.)

HAZARDOUS MATERIALS

Impacts HAZ-1, HAZ-2, HAZ-3, HAZ-4, and HAZ-5: (DEIR pages 187 to 192) – Construction activities associated with the project could entail exposure to hazardous materials. (Mitigation: Implementation of measures which require adherence to existing hazardous materials regulations and development of a site-specific health and safety plan and a soil and groundwater management plan would reduce the impacts to a less-than-significant level.)

HISTORIC RESOURCES

Impacts HIST-1, HIST-2, HIST-3, HIST-6, and HIST-13: (DEIR pages 219 to 221, 225 to 226, and 230) – Construction activities and project design may result in impacts to paleontological, archaeological, and architectural resources. (Mitigation: Implementation of measures to develop pre-construction archaeological testing and construction-period monitoring plans, documentation of potential designated historic properties proposed for demolition, and review of streetscape design for compatibility with historic resources would reduce the impacts to a less-than-significant level.) Note that Mitigation Measures HIST-2a and HIST-2b have been expanded in the Responses to Comments document to address comments received about the potential historic Chinese settlement in the Uptown area.

HYDROLOGY

Impacts HYD-1, HYD-2, and HYD-3: (DEIR pages 81 to 84) – Construction activities and project operation could result in water quality impacts. (Mitigation: Implementation of measures to develop a stormwater pollution prevention plan and compliance with the requirements of the stormwater management plan would reduce the impacts to a less-than-significant level.)

NOISE

Impacts NOISE-1, NOISE-2, and NOISE-3: (DEIR pages 169 to 176) – Construction activities, off-site traffic, and on-site noise could result in exposure to increased noise levels. (Mitigation: Implementation of measures to reduce short-term construction and long-term operational noise would reduce the impacts to a less-than-significant level.)

TRANSPORTATION

Impacts TRANS-1, TRANS-2, TRANS-4, TRANS-5, TRANS-6, TRANS-7, TRANS-8, TRANS-9, TRANS-10, TRANS-12, TRANS-13, TRANS-14: (DEIR pages 123 to 124, and 131 to 135) – An increase in vehicle traffic from the project in Year 2010 and Year 2025 conditions could result in increased vehicle delay at several intersections. (Mitigation: Implementation of measures to

optimize signal timing and coordination, as well as lane restriping, at these intersections would reduce the impacts to a less-than-significant level.)

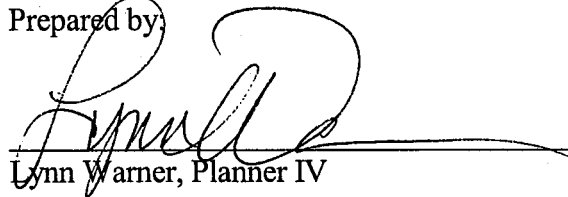
WIND

Impact WIND-1: (DEIR page 261) – Construction of 19-story buildings on Blocks 5 and 7 could result in high wind speeds. (Mitigation: Implementation of measures to incorporate wind speed reduction features into the design would reduce the impacts to a less-than-significant level.)

RECOMMENDATIONS:


1. Review and consider the FEIR for the Uptown Mixed Use Project; and
2. Certify the FEIR for the Uptown Mixed Use Project based on the findings contained in this staff report.

Prepared by:



Lynn Warner, Planner IV

Approved for forwarding to the
City Planning Commission:



CLAUDIA CAPPIO
Development Director

