

Case File Number: PLN18523, PLN18523-PUDF02

December 16, 2020

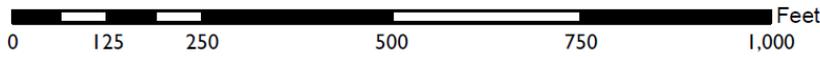
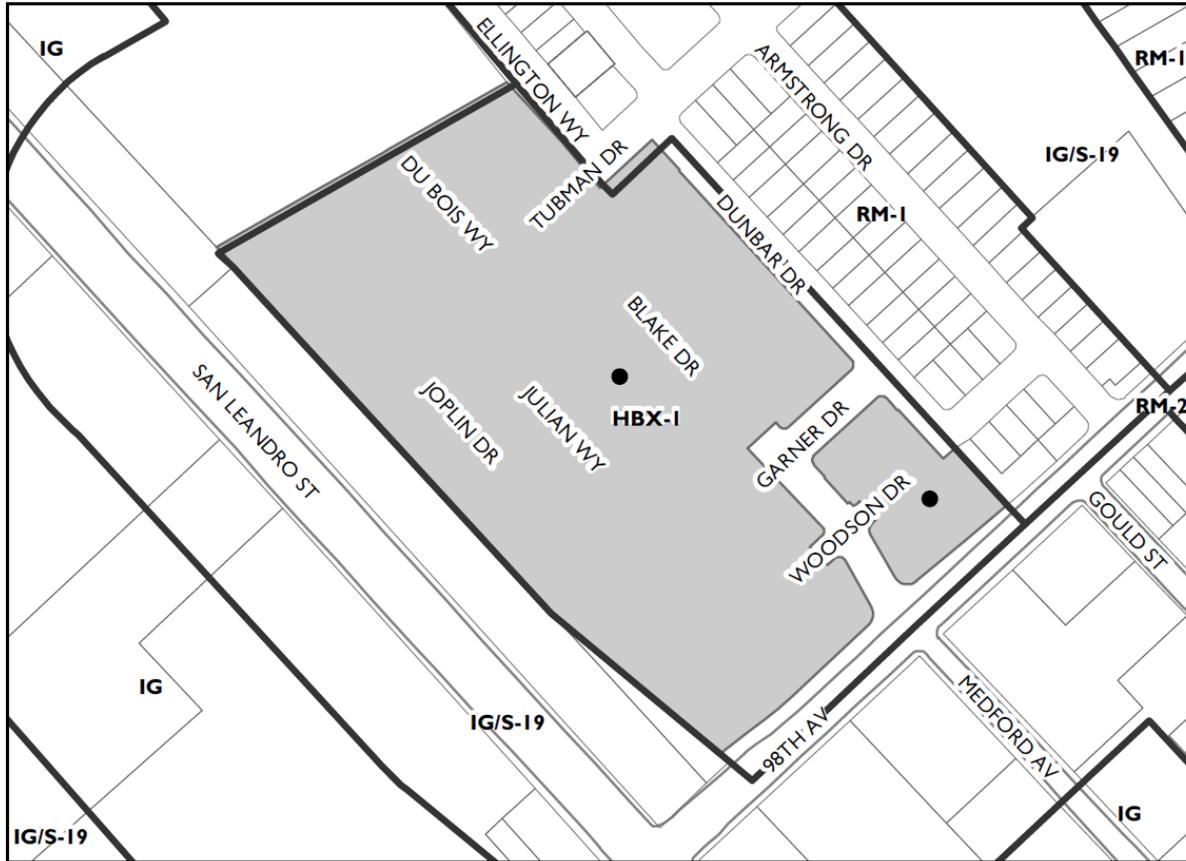
Location:	98th and San Leandro (921 98th Ave), APN 044 508018000, 044 508017900
Proposal:	Preliminary Development Plan (PDP) with 10 new parcels (Vesting Tentative Tract Map 8492), 270 apartment units, 7 live/work units, 122 townhomes (for a total of 399 residential units), 9 work/live units, and 2,468 sf ground floor retail. The project includes new streets and community open space. Final Development Plan (FDP) for Master Street and Open Space Improvements, including final designs for new streets and open spaces.
Applicant:	Fleischmann Property, LLC
Phone Number:	Claire Han, 510-452-2944
Owner:	Fleischmann Property, LLC
Case File Number:	PLN18523, PLN18523-PUDF02
Planning Permits Required:	Preliminary Development Plan, Minor Variance for work/live units, Final Development Plan for Master Street and Open Space Improvements, Design Review, Vesting Tentative Tract Map, compliance with CEQA
General Plan:	Housing and Business Mix
Zoning:	HBX-1
Environmental Determination:	The project qualifies for an Addendum to the Arcadia Park EIR, an Eligible Infill Exemption, and a Community Plan Exemption (under the LUTE EIR), and no additional environmental review is required under CEQA Guidelines Sections 15162, 15164, 15168, 15183, and 15183.3
Historic Status:	Non-Historic Property
City Council district	CCD7, Larry Reid
Status:	Pending
Staff Recommendation	Staff recommends approval of: <ul style="list-style-type: none"> • Preliminary Development Plan for Planned Unit Development with Minor Variance and Vesting Tentative Tract Map • Final Development Plan for Master Street and Open Space Improvements Based on the attached findings and conditions of approval
Finality of Decision:	Appealable to City Council
For further information:	Contact case planner Dara O'Byrne at 510-238-6983 or by e-mail at do Byrne@oaklandca.gov

1. SUMMARY

The proposed project is a Preliminary Development Plan (PDP) for a Planned Unit Development at 98th and San Leandro (921-98th Ave) (Project). The project proposes 270 apartment units, 122 townhomes, 7 live/work units (for a total of 399 residential units) and 14,156 square feet of commercial area including 9 work/live commercial units and 2,468 square feet of ground floor retail. The project also includes public streets, a shared pedestrian and vehicular street (woonerf), a park, and a plaza. The project includes a Vesting Tentative Tract Map and 98th/San Leandro Design Guidelines.

In addition, the proposal includes the Final Development Plan (FDP) for Master Street and Open Space Improvements, including final designs for new streets and open spaces.

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN18523, PLN18523-PUDF01, PLN18523-PUDF02
Applicant: Fleischmann Property, LLC
Address: 98th and San Leandro (921 98th Ave)
Zone: HBX-1

2. PROJECT SITE AND SURROUNDING AREA

The project is located in East Oakland, and encompasses a 10.16-acre site bounded by San Leandro Street, 98th Avenue, and Dunbar Drive. Elevated BART tracks and at-grade Western Pacific Railway Company Right of Way run between the property and San Leandro Street. The project site is located adjacent to the recently constructed Arcadia Park Development.

3. PROJECT BACKGROUND

3.1 Project History

The proposed project location was originally part of the 27.5-acre Arcadia Park project site and was planned to be the site of the final phase of the Arcadia Park project, which was evaluated in the Arcadia Park EIR but was not developed. On September 21, 2005, the City of Oakland certified the Final Arcadia Park Residential Project Environmental Impact Report (Arcadia Park EIR), pursuant to the California Environmental Quality Act (CEQA). The project evaluated in the Arcadia Park EIR (Arcadia Park project) included development across 27.5 acres (including the 10.16-acre proposed project site), containing 366 residential units (74 single-family units, 108 detached condominium units, 184 townhomes), 732 covered, off-street parking spaces, 235 on-street parking spaces, 1.6 acres of landscaped open space, and 6.4 acres of new streets and emergency vehicle access.

In 2007, Pulte Homes, the developer of the Arcadia Park project, revised the PUD to exclude the current project site from their development plans. The revisions to the Planned Unit Development (PUD) in 2011 indicate that only 164 of the 366 homes originally proposed for the Arcadia Park project were completed and the subject 10.16 acres were left undeveloped.

3.2 Previous Public Hearings

The currently proposed Preliminary Development Plan for 98th and San Leandro was presented to the City of Oakland's Planning Commission Design Review Committee (DRC) on September 25, 2019. The associated Design Guidelines and Final Development Plans were not presented. The DRC discussed a number of issues, including:

- 98th Ave frontage: DRC generally supported the work/live units being set back and elevated from the street with a plaza space as a way to transition from the busy street to the individual work/live units. DRC wanted the stairs and plaza to appear less residential and be opened up more.
- Public access to commercial space: DRC had questions about how the public and customers would access the work/live commercial spaces and the retail space on Blake Dr. With no on-street parking on 98th Ave, DRC members wanted to better understand if customers could park in the parking garage and how they would access the commercial spaces.
- Overall design: DRC generally supported the overall site plan and design of the project, liking the transition from more industrial and commercial space to residential activities. The building design and materials were generally supported.

The project was presented again to the DRC on July 22, 2020. In general, the DRC members supported the overall project changes, including the design updates. There was discussion of the potential Public Art that is being considered for the walls facing San Leandro.

4. PROJECT DESCRIPTION

The Project is a multi-phase Planned Unit Development that will include 10 parcels. The project includes four different phasing scenarios that may be implemented, each with three phases. Seven (7) parcels will be developed with buildings and 3 will be horizontal improvement parcels:

- Parcel A: 9 work/live units, 2,468 sf retail, 90 apartments, 7 live/work units, 106 parking spaces
- Parcel B: 86 apartments, 77 parking spaces
- Parcel C: 34 apartments, 36 parking spaces
- Parcel D: 60 apartments, 54 parking spaces
- Parcel E: 48 townhomes, 96 parking spaces
- Parcel F: 48 townhomes, 96 parking spaces
- Parcel G: 26 townhomes, 52 parking spaces
- Parcel H: Woonerf (shared street, see detailed description below) with Public Access Easement
- Parcel J: Park
- Parcel K: Woonerf (shared street) with Public Access Easement

The entire project includes 399 residential units (270 residential apartments, 7 live/work units, and 122 townhomes) and 14,156 square feet of commercial space (9 work/live units and 2,468 square feet of retail), as well as 517 parking spaces. The project heights range from 65 feet to 30 feet. In addition, the project includes open space provided in a park, a public plaza, private balconies, and podium amenity spaces. Design Guidelines are included to guide the design of future phases of the project. Plans, elevations, design guidelines, and illustratives for the Preliminary Development Plan are provided in Attachment A to this report.

The Final Development Plan for Master Street and Open Space Improvements includes the final plans for the public infrastructure improvements. The plans include details for site improvements for wet utilities, dry utilities, stormwater management plan, landscaping, and site lighting. The details for new public streets are also provided, including cross sections for each new street, including Tubman Drive, Garner Drive, and Blake Dive. The plans also include designs for the proposed *woonerf*, or living street, on Parcel H, which is a private street with a unique design to promote placemaking and shared spaces between pedestrians, bicycles, and vehicles. A woonerf is a shared street designed to make the street much more welcoming and appealing for all users of the street. Instead of dividing a street with barriers like curbs, sidewalks and bike lanes, Woonerfs open up the street and utilize visual and physical cues to slow movement on the street. The plans also include designs for private open space on Parcel J, which includes a children's play area and a dog run.

5. GENERAL PLAN ANALYSIS

The General Plan land use designation for this site is Housing and Business Mix. The classification is intended to “guide a transition from heavy industry to low impact light industrial and other businesses that can co-exist compatibly with residential development.”

The desired character and uses include providing buffers to ensure “business and housing will coexist.” The classification allows mixed housing type density housing, live-work, low impact light industrial, commercial, and service businesses, and compatible community facilities.

The Housing and Business Mix General Plan maximum density is equivalent to the highest density HBX zone, which is 730 square feet per residential unit and Non-residential Floor Area Ratio (FAR) of 2.5. When the City Council adopted the HBX zoning designations, the City Council found that the adoption of the HBX zoning provisions, including density, was consistent with the General Plan LUTE. The project proposes 399 residential units and the General Plan maximum density would allow 475 units. The maximum non-residential FAR is 3.0. The proposed non-residential FAR is 0.04.

The following is an analysis of how the proposed project meets applicable General Plan objectives (staff analysis in indented, italicized text below each objective):

- Objective N3. Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.
The proposal will deliver new residential development, including apartments, townhouses, and live/work units, as well as work/live opportunities to meet the needs of the Oakland community.
- Objective N5. Minimize conflicts between residential and non-residential activities while providing opportunities for residents to live and work at the same location.
The proposal will deliver new residential development combined with work/live opportunities to help transition from the industrial uses in the IG zones and the residential uses in the Arcadia Park development. The 9 work/live units and 7 live/work units provide an appropriate transition between the non-residential activities and residential activities, while also providing opportunities for residents to live and work at the same location.
- Objective N6. Encourage a mix of housing costs, unit sizes, types, and ownership structures.
The proposal provides a mixture of housing types, including townhomes, apartments, and live/work units, as well as a mix of unit sizes (ranging from 1- to 3-bedroom apartments). The commercial work/live units also contribute to the variety of housing types.
- Objective N9. Promote a strong sense of community within the City of Oakland, and support and enhance the distinct character of different areas of the city, while promoting linkages between them.
The proposal provides an appropriate transition between industrial and residential uses in East Oakland. The design and combination of live/work and work/live uses link to the industrial character of the neighborhood, while the apartments and townhomes help link to the residential character of Arcadia Park and other residential neighborhoods.

6. ZONING ANALYSIS OVERVIEW

The proposed project is located within the Housing Business Mix (HBX) Zone. The intent of the HBX Zone is to provide development standards that provide for the compatible coexistence of industrial and heavy commercial activities and medium density residential development. This zone recognizes the equal importance of housing and business.

The following discussion outlines the purpose of the HBX zone, with staff analysis provided below in indented, italicized text:

The purposes of the Housing and Business Mix (HBX) Zones are to (with staff analysis of the proposed project provided in indented, italicized text below each purpose):

- Allow for mixed use districts that recognize both residential and business activities;
The proposal includes a combination of residential units, live/work units, and work/live units, which allow for both residential and business activities.
- Establish development standards that allow residential and business activities to compatibly co-exist;
The PUD will include design guidelines to address the transition from industrial areas, incorporation of work/live units in the development, and the transition to the single-family development across the street.
- Provide a transition between industrial areas and residential neighborhoods;
The proposal provides townhomes across the street from the single-family homes in the Arcadia Park development, providing a good transition between the single-family homes and the higher density apartment building closer to the BART tracks. The work/live units also provide a good transition from the more industrial and commercial activities along 98th Ave to the more residential character of the townhomes.
- Encourage development that respects environmental quality and historic patterns of development; Foster a variety of small, entrepreneurial, and flexible home-based businesses.
The live/work and work/live units will foster a variety of businesses and the residential units will also be able to have home-based businesses.

7. PROJECT SPECIFIC ZONING ANALYSIS AND DESIGN REVIEW

7.1 Preliminary Development Plan (PDP) for the Planned Unit Development (PLN18523)

7.1.1 Zoning Analysis for PDP

Criteria	Required HBX1	Proposed	Analysis
Residential multi-family	P	270 Apartments 122 Townhouses	Allowed
Live/Work	P	7 Live/Work units	Allowed
Work/Live	P	9 Work/Live Units	Allowed
General Retail	P	2,468 sf commercial	Allowed
Minimum lot area	4000 sf	10 parcels are proposed – each parcel meets minimum standard	Complies

Criteria	Required HBX1	Proposed	Analysis
Min lot width mean/frontage	35 ft	10 parcels are proposed – each parcel meets minimum standard	Complies
Max Density	1,000 sf of lot area per unit (338 units allowed plus 25% PUD bonus, total 423 units allowed) 25% bonus allowed 17.142.100	399 units proposed (270 apartments, 122 townhouses, 7 live/work)	Complies
Maximum Floor-Area Ratio	FAR for structures: 1.75 FAR for nonresidential: 1.75	Proposed Structure FAR is 1.72 Proposed non-residential FAR is 0.04	Complies
Height	35 ft (75 ft within 125 ft of BART track)	30 – 33’ townhouse 43’ – 60’ apartment	Complies
Yard – Front min	0	0	Complies
Yard – side min	0	0	Complies
Yard – rear res	0	0	Complies
Min. Usable Open Space	200 sf/unit of usable open space or 100 sf/unit of private open space =200*399= 79,800 sf required 75 sf/w/ unit = 75*9 = 675 sf Total of 80,475 sf of open space	82,642 sf of usable open space provided	Complies
Parking Min	Residential: 1 space per residential unit dwelling (399 total required) 1 space per w/1 unit 1 space per l/w unit	273 spaces provided for apartments and work/live combined. Claiming 10% reduction for providing car share 244 spaces provided for townhouses	Complies
Parking Max	Residential: No Maximum Commercial: Ground floor: One (1) space for each three hundred (300) square feet of floor area.	NA	NA
Loading	0: less than 50,000 residential 1: more than 50,000 sf residential	Provided in parking garage, which is 15’ tall	Complies
Bike Parking Long-term	With private garage for each unit: No spaces required Without private garage for each unit: 1 space for each 4 dwelling units 68 spaces required for apartments 2 spaces required for l/w	130 total spaces provided	Complies

Criteria	Required HBX1	Proposed	Analysis
Bike Parking Long-Term – Commercial	1 space per 12,000 square feet Min 2 spaces	2 space min	Complies
Bike Parking short-term	1 space for each 20 dwelling units. Min requirement is 2 spaces 14 spaces required for apartments 7 spaces required for townhouses 2 spaces required for live/work	78 total spaces provided	Complies
Recycling Space Allocation	Residential: shall provide 2 cubic ft of storage and collection space per residential unit, with min requirement not less than 10 cubic feet Commercial: shall provide 2 cubic ft of storage and collection space per 1,000 sq ft, of total gross building square feet, with min requirement not less than 10 cubic feet.	Parcel A, B, C, D provide required commercial and residential recycling space	Complies
17.65.130 Landscaping	Min 1 15-gallon tree for every 25 ft of street frontage or portion thereof. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6½) feet, the trees shall be street trees to the satisfaction of the City's Tree Division.	Complies	Complies.
Special Regs for HBX Work/Live units			
Parking	1 parking space per unit (35 required)	273 spaces provided for apartments and work/live combined.	Complies: 282 spaces required, but 4 carshare spaces provided, so total spaces required reduced by 20%.

Criteria	Required HBX1	Proposed	Analysis
Bicycle Parking: without private garage	1 long-term space for each 4 dus; 2 long-term parking spaces required 1 short-term space for each 20 dwelling units; 2 required	2 long term spaces provided 2 short-term spaces provided	Complies
Loading	Less than 25,000 square feet, no berth required 25,000 – 69,9999, 1 berth required	Total commercial 14,156 sf, so no loading required	Complies
Open Space	75 sq ft usable open space per w/l unit = 675 sf	21,983 sf of open space total	Complies
Minimum Size of Work/Live Unit	800 sf	1080 sf	Complies
Type 3 W/L	55% max residential floor area Nonresidential floor area and residential floor area shall be located on separate floors or be separated by an interior wall	54% residential; 46% non-residential	Complies
Type 3 W/L	1. The majority of the nonresidential floor area for the ground floor units must be at a public street level and directly accessible to the street; and	W/L units facing 98 th are not at a public street level	Minor Variance for work/live units facing 98 th required
Type 3 W/L	2. The ground floor units must have a clearly designated business entrance.		Complies

7.1.2 Design Review for Preliminary Development Plan (PLN18523)

The Preliminary Development Plan provides conceptual designs for the overall project with supporting Design Guidelines to guide the design of future phases of the project. The PDP and associated Design Guidelines need to follow the HBX Design Guidelines, as discussed below. All Final Development Plans will be expected to be consistent with the PDP and the Design Guidelines associated with the PDP.

HBX Design Guidelines Manual

Design Objective #1: Create a development pattern that encloses the street space by defining a street wall and street section while providing transitions from existing patterns and respecting the light and air of residential properties, if present

The townhomes facing Dunbar Dr. provide a good transition from the single-family homes across the street, and include a five-foot front yard setback. The design guidelines should provide guidance for the front porch stoops and front yard landscaping.

Design Objective #2: Site parking to maintain an attractive streetscape and preserve on-street parking.

Parking is provided in parking garages off the alley for the townhomes or in interior podiums for the apartment buildings, therefore maintaining an attractive streetscape. On-street parking is provided throughout the site.

Design Objective #3: Integrate functional open space into the design of the site.

The project includes a combination of publicly accessible open space in the form of the public plaza at Dunbar Dr. and 98th Ave. as well as the pocket park off of Tubman Dr. as well as residential open space provided in the form of patios, balconies, and courtyards. The FDP for Master Street and Open Space and the Design Guidelines support this design objective.

Design Objective #4: Use design techniques to scale buildings appropriate to their location.

Guideline 4.2: Avoid abrupt transitions in height and scale from a neighboring property

The proposed project places the lower height townhomes across the street from the single-family homes on Dunbar Dr., providing for an appropriate height transition. The taller buildings are adjacent to the BART tracks, the industrial container yard, or along 98th Ave. The Design Guidelines reinforce this design objective.

Guideline 4.3: Use open areas, building modulation, or other methods to transition from the rhythm and scale of traditional residential streets.

The residential streets that are part of the Arcadia Park development include small lot single family homes that are a very similar scale to the scale of townhomes. The townhomes are broken up by the pedestrian walkway (or paseo) to break up the building wall. The Design Guidelines provide guidance to ensure the townhomes provide stoops and building modulation to ensure the scale and rhythm of the development transitions well from the Arcadia Park development.

Guideline 4.4 Emphasize human scale design and an active streetscape.

- Provide a ground level ceiling height greater than the upper stories
Design a regular cadence of storefront sized windows and entrances at the front façade.
Both the work/live and live/work units provide higher ground level ceiling heights than the upper stories. The Design Guidelines support this.
- Locate nonresidential activities facing the street and at street level, including the nonresidential activities within work/live units
The work/live and live/work units face the street and are directly accessible from the street. The work/live units facing 98th are elevated and set back, which requires a minor variance, but provide a strong connection to the street through other design elements. The Design Guidelines reinforce this design.
- Provide transparent glazing for nonresidential activities facing the street and at street level, including the nonresidential activities within work/live units
The work/live and live/work units provide transparent glazing in the form of storefront style windows. The Design Guidelines reinforce this design.
- Provide prominent stoops
The townhouses and ground floor apartments provide prominent stoops, which are supported in the Design Guidelines
- Provide a prominent front entrance
A prominent front entrance is included for lobbies, ground floor residential units, townhouses, work/live units, and live/work units. This is supported in the Design Guidelines.

Guideline 4.5: Clearly identify the main entrance from the street. A main entrance should be clearly identifiable from the street. Techniques a designer should consider to clearly identify a main entrance include, but are not limited to, projecting or recessing the entrance, or providing a porch, awning, or lobby feature.

A prominent front entrance is included for lobbies, ground floor residential units, townhouses, work/live units, and live/work units. This is supported in the Design Guidelines.

Design Objective #5: Consider a variety of architectural styles.

The Design Guidelines provide for a variety of architectural styles in the different phases of the development.

Design Objective #6: Provide visual interest to street facing areas.

The townhomes and ground level apartments provide stoops and front yard landscaping to provide visual interest. The work/live units provide prominent entrances and transparent storefront windows to provide visual interest. This is supported in the Design Guidelines.

Design Objective #7: Provide visual emphasis to buildings at street corners.

The most prominent street corner is 98th and Blake Dr, where the PDP shows an emphasized corner with a plaza, work/live unit, and retail space facing the plaza. The Design Guidelines support this emphasis.

Design Objective #8: Provide well-designed landscaping and buffering for street fronting yards, parking areas, nonresidential activities, and parking podiums.

Guideline 8.4: Provide landscape and architectural wall buffers for commercial and industrial activities.

The site has an existing concrete wall along the San Leandro frontage and separating the container yard to the west from the development.

7.2 Zoning Analysis and Design Review for Final Development Plan (FDP) for Master Street and Open Space Improvements (PLN18523-PUDF02)

7.2.1 Zoning Analysis for FDP for Master Street and Open Space Improvements

The Final Development Plan for Master Street and Open Space Improvements does not require a zoning analysis because the improvements are related to portions of the project that are non-development related.

7.2.2 Design Review for FDP for Master Street and Open Space Improvements

The streets and open spaces proposed in the Preliminary Development Plan are further refined in the Final Development Plan and should be consistent with the 98th/ San Leandro Design Guidelines. Staff feedback is indented and in italics below.

Guideline 2.1 Street Design

The street design proposed in the FDP for Master Street and Open Space Improvements is consistent with proposed Design Guidelines.

2.1.D. Woonerf

The proposed Woonerf is designed to encourage pedestrian activity and overall activation with create a shared space. A variety of paving materials and colors are proposed on the woonerf to articulate that this is a unique, community space. Staff supports the proposed paving materials and likes the concept of street painting, but the applicant will need to consider how street painting will work on pavers and how the painting will be maintained and supported over time.

Guideline 2.2 Community Open Space

2.2.A. Open Space

The proposed open space at Parcel J is consistent with the proposed design guidelines and provides an active play area for children and a dog run with seating areas, landscaping, and

lighting working together to create a welcoming amenity. Residential units face the open space and will provide connections to the open space as well as 'eyes on the street'.

Guideline 2.3 Street Furniture

The street furniture as proposed is consistent with the design guidelines and create a coordinated aesthetic throughout the development. Applicant should ensure the placement of bike racks meets OakDOT requirements.

8. ZONING AND DESIGN RELATED ISSUES

8.1 Design

Staff has worked with the applicant to refine the site plan for the PDP to accommodate the requirements of the Fire Department and the Department of Transportation, while creating a site plan for a complete community that transitions between the residential community at Arcadia Park and other adjacent industrial areas. The PDP includes Design Guidelines, which will guide future phases of the project. In addition, the FDP for Master Streets and Open Spaces includes designs that are consistent with the PDP and Design Guidelines, but provide more refinement and specifics to implement the overall vision. The overall design of the project has evolved and improved as staff has worked with the applicant and overall staff supports the design of the proposed PDP and two FPDs.

8.2 Issues

In general, staff finds the project to be well-designed and much improved since the original submittal. However, the following issues should be considered in reviewing the project for approval:

- Work/Live Units. Work/Live units in the HBX-1 zone are Nonresidential Facilities, and therefore do not count toward residential density. The project proposes 9 Type 3 work/live units, which have the following requirements:
 1. The majority of the nonresidential floor area for the ground floor units must be at a public street level and directly accessible to the street; and
 2. The ground floor units must have a clearly designated business entrance.

The work/live units along 98th Ave are elevated and set back from the street and therefore do not meet the standards in #1 above, so the project requires a Minor Variance. Staff supports the minor variance because the updates to the design of the frontage facing 98th helps to create a good transition between the busy street on 98th and the work/live units, while still creating clear business entries.

- Project Phasing. The applicant for the project is seeking maximum flexibility for phasing of the project and has introduced four alternative phasing scenarios for consideration and approval. Each of the four scenarios has been reviewed by City staff and each scenario meets City standards. A few of the phasing scenarios are preferred because they ensure the park and woonerf are built earlier in the project, but they are all acceptable. The applicant will be required to bond for all public improvements that are not included in the first phase of the development, consistent with Condition #18 and #20.

- Transfer of residential units between parcels. The applicant has requested flexibility with the residential unit counts allocated to each parcel as part of the VTTM and PUD. Condition #26 articulates that the same type of residential unit (apartment, townhouse) can be transferred from one parcel to another, as long as the overall number of residential units (399) is not exceeded and no parcel increases or decreases by more than 10% from the initial PUD allocation. Work/live units and live/work units cannot be transferred.

9. CALIFORNIA ENVIRONMENTAL QUALITY ACT

In accordance with Public Resources Code Sections 21083.3, 21094.5, and 21166, and CEQA Guidelines Sections 15162, 15164, 15168, 15183, 15183.3, and as set forth in the CEQA Checklist below, the 2019 project qualifies for an addendum and one or more exemptions because the following findings can be made:

- **Addendum.** The Arcadia Park EIR analyzed the impacts of development of the Arcadia Park project. The 2019 project would not cause new significant impacts not previously identified in the Arcadia Park EIR and would not result in a substantial increase in the severity of previously identified significant impacts. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the Arcadia Park EIR that would cause significant environmental impacts to which the project would contribute considerably, and no new information has been put forward that shows the project would cause significant environmental impacts. The changes on the 10.16-acre portion of the Arcadia Park site include an increase in residential density with 201 additional multi-family residential units, the elimination of single-family units, and the addition of 9 work/live units (11,688 square feet of commercial split between the 9 units) introducing commercial uses to the project. These modifications would result in the site being developed as a mixed-use residential project, but the majority of the development would remain residential with just over 2 percent of the development being commercial work-live units. Although the projects are different, the prior CEQA analysis can be relied upon since the 2019 project revisions or changes under which the project would be undertaken or new information would not result in an increase in the severity of impacts, nor would they result in new significant impacts. The 2019 project therefore meets the requirements for an addendum, as evidenced in Attachment B to this document. Therefore, no supplemental environmental review is required in accordance with Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164.
- **Community Plan Exemption.** Public Resource Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) allow streamlined environmental review for projects that are “consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” Based on the analysis conducted in this document, the 2019 project also qualifies for a community plan exemption. The 2019 project is permitted in the zoning district where the project site is located and is consistent with the bulk, density, and land uses envisioned for the site. This CEQA Analysis considers the analysis in the 2010 Oakland Housing Element EIR for the evaluation of the

housing components of the 2019 project, and further reconsiders the analysis in the 1998 LUTE EIR for the overall project. This CEQA Analysis concludes that the 2019 project would not result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the Arcadia Park EIR; or (3) were previously identified as significant effects, but are determined to have a more severe adverse impact than discussed in the EIR. Findings regarding the 2019 project's consistency with zoning are included as Attachment C to this document.

- **Qualified Infill Exemption.** Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects) allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if the effects of infill development have been addressed in a planning level decision, or by uniformly applicable development policies. Infill projects are eligible if they (1) are located in an urban area on a site that either was previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site's perimeter; (2) satisfy the performance standards provided in CEQA Guidelines Appendix M; and (3) are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. This CEQA Analysis indicates that the 2019 project qualifies for an infill exemption and is generally consistent with the required performance standards provided in CEQA Guidelines Appendix M, as evaluated in Table D-1 in Attachment D to this document. This CEQA Analysis concludes that the 2019 project would not cause any new specific effects or more significant effects than previously identified in applicable planning-level EIRs, and that uniformly applicable development policies or standards (SCAs) would substantially mitigate the project's effects. The 2019 project is proposed on a previously developed site in East Oakland and is surrounded by urban uses. The 2019 project is consistent with the land use, density, building intensity, and applicable policies for the site. The 2019 project therefore meets the requirements for a Qualified Infill Exemption, as evidenced in Attachment D to this document. The analysis herein considers the analysis in the Arcadia Park EIR, 1998 LUTE EIR, and (for the residential components of the project only) 2010 Housing Element EIR and 2014 Addendum.
- **Program EIRs.** CEQA Guidelines Section 15168 (Program EIRs) provide that the 1998 LUTE EIR and 2010 Housing Element EIR and 2014 Addendum can be used as Program EIRs in support of streamlining and/or tiering provisions under CEQA. Overall, based on an examination of the analysis, findings, and conclusions of the Arcadia Park EIR, as well as those of the 1998 LUTE EIR, and the 2010 Housing Element EIR and 2014 Addendum—all of which are as summarized in the CEQA Checklist in *Chapter V* of this document—the potential environmental impacts associated with the 2019 project have been adequately analyzed and covered in prior Program EIRs and the Arcadia Park EIR. Therefore, no further review or analysis under CEQA is required.

Each of the above findings provides a separate and independent basis for CEQA compliance.

10. RECOMMENDATION

The proposed 98th and San Leandro project is consistent with and delivers on the vision of the Housing and Business Mix zone envisioned in General Plan and the HBX zoning district. Staff finds the proposed project to be well designed, responsive to staff comments, and recommends approval. Staff specifically recommends that the Planning Commission:

1. Rely on the attached CEQA Analysis Addendum to Determine that the Arcadia Park EIR and the following applicable Program EIRs: the 1998 LUTE EIR, and the 2010 Housing Element EIR and 2014 Addendum are adequate under CEQA for analysis of the 98th and San Leandro (Madison Park) project;
2. Approve the Preliminary Development Plan, subject to the attached findings and conditions.
3. Approve a Minor Variance for work/live units, based on the attached findings.
4. Approve the Final Development Plan for Master Street and Open Space Improvements, subject to the attached findings.
5. Approve the Vesting Tentative Parcel Map 8492.

Prepared by:

Dara O'Byrne

Dara O'Byrne, Planner IV

Reviewed by:

Catherine Payne

Catherine Payne, Acting Development Planning Manager
Bureau of Planning

Approved for forwarding to the Planning Commission:

Ed Manasse

Ed Manasse, Deputy Director
Bureau of Planning

Attachment A:

1. Arcadia Park EIR available to the public at <https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2020>
2. Madison Park 98th Avenue CEQA Analysis Addendum
3. Non-CEQA Transportation Assessment Memo
4. Transportation and Parking Demand Management Memo

Attachment B: Proposed 98th and San Leandro PUD/PDP and Design Guidelines, dated October 30, 2020

Attachment C: Vesting Tentative Tract Map, 8492

Attachment D: Proposed Master Street and Open Space Improvements FDP, dated October 30, 2020

Attachment E: Conditions of Approval:

1. Standard Conditions of Approval
 - a. Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP)
 - b. Non-CEQA Transportation Assessment Memo
 - c. Transportation and Parking Demand Management Memo
 - d. Neighborhood Bike Route Engineer's Estimate
2. Oakland Department of Transportation, Engineering Services Conditions of Approval
3. Oakland Department of Transportation, City Surveyor Conditions of Approval
4. Oakland Fire Department Conditions of Approval

**REQUIRED FINDINGS:
WEST OAKLAND BART TOD PROJECT (MANDELA STATION)
PRELIMINARY DEVELOPMENT PLAN REVISION**

Required findings include:

- California Environmental Quality Act
- Regular Design Review: Planning Code Section 17.136.050
- Minor Variance Findings: Planning Code Section 17.148.050
- Subdivision Findings
- PUD Findings

California Environmental Quality Act

The project qualifies for an Addendum to the Arcadia Park EIR on a separate and independent basis from the applicable exemptions from additional environmental review. The 2019 project was found to be consistent with the development density and land use characteristics established by the City of Oakland General Plan, and any potential environmental impacts associated with its development were adequately analyzed and covered by the analysis in the Arcadia Park EIR and in the following applicable Program EIRs: the 1998 LUTE EIR, and the 2010 Housing Element EIR and 2014 Addendum.

The 2019 project would be required to comply with the applicable mitigation measures identified in the Arcadia Park EIR and any applicable City of Oakland SCAs. With the implementation of the applicable mitigation measures and SCAs, the 2019 project would not result in a substantial increase in the severity of significant impacts identified in the Arcadia Park EIR and/or the Program EIRs, nor would it result in any new significant impacts not identified in any of those Previous CEQA Documents.

In accordance with Public Resources Code Sections 21083.3, 21094.5, and 21166, and CEQA Guidelines Sections 15162, 15164, 15168, 15183, 15183.3, and as set forth in the CEQA Checklist below, the 2019 project qualifies for an addendum and one or more exemptions because the following findings can be made:

- **Addendum.** The Arcadia Park EIR analyzed the impacts of development of the Arcadia Park project. The 2019 project would not cause new significant impacts not previously identified in the Arcadia Park EIR and would not result in a substantial increase in the severity of previously identified significant impacts. No new mitigation measures would be necessary to reduce significant impacts. No changes have occurred with respect to circumstances surrounding the Arcadia Park EIR that would cause significant environmental impacts to which the project would contribute considerably, and no new information has been put forward that shows the project would cause significant environmental impacts. The changes on the 10.16-acre portion of the Arcadia Park site include an increase in residential density with 201 additional multi-family residential units from the originally approved project, the elimination of single-family units, and the addition of 9 work/live units (11,688 square feet of commercial split between the 9 units) introducing commercial uses to the project. These modifications would result in the site being developed as a mixed-use residential project, but the majority of the development would remain residential with just over 2 percent of the development being commercial work-live units. Although the projects are different, the prior CEQA analysis can be relied upon since the 2019 project revisions or changes under which the project would be undertaken or new information would not result in an increase in the severity of significant impacts, nor would they result in new significant impacts. The 2019 project therefore meets the requirements for an addendum. Therefore, no supplemental environmental review is required in accordance with Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164.
- **Community Plan Exemption.** Public Resource Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) allow streamlined environmental review for projects that are “consistent with the development

density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” Based on the analysis conducted in this document, the 2019 project also qualifies for a community plan exemption. The 2019 project is permitted in the zoning district where the project site is located and is consistent with the bulk, density, and land uses envisioned for the site. This CEQA Analysis considers the analysis in the 2010 Oakland Housing Element EIR for the evaluation of the housing components of the 2019 project, and further reconsiders the analysis in the 1998 LUTE EIR for the overall project. This CEQA Analysis concludes that the 2019 project would not result in significant impacts that (1) are peculiar to the project or project site; (2) were not identified as significant project-level, cumulative, or off-site effects in the Arcadia Park EIR; or (3) were previously identified as significant effects, but are determined to have a more severe adverse impact than discussed in the EIR.

- **Qualified Infill Exemption.** Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects) allow streamlining for certain qualified infill projects by limiting the topics subject to review at the project level, if the effects of infill development have been addressed in a planning level decision, or by uniformly applicable development policies. Infill projects are eligible if they (1) are located in an urban area on a site that either was previously developed or that adjoins existing qualified urban uses on at least 75 percent of the site’s perimeter; (2) satisfy the performance standards provided in CEQA Guidelines Appendix M; and (3) are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy. This CEQA Analysis indicates that the 2019 project qualifies for an infill exemption and is generally consistent with the required performance standards provided in CEQA Guidelines Appendix M, as evaluated in Table D-1 in Attachment D to this document. This CEQA Analysis concludes that the 2019 project would not cause any new specific effects or more significant effects than previously identified in applicable planning-level EIRs, and that uniformly applicable development policies or standards (SCAs) would substantially mitigate the project’s effects. The 2019 project is proposed on a previously developed site in East Oakland and is surrounded by urban uses. The 2019 project is consistent with the land use, density, building intensity, and applicable policies for the site. The 2019 project therefore meets the requirements for a Qualified Infill Exemption.
- **Program EIRs.** CEQA Guidelines Section 15168 (Program EIRs) provide that the 1998 LUTE EIR and 2010 Housing Element EIR and 2014 Addendum can be used as Program EIRs in support of streamlining and/or tiering provisions under CEQA. Overall, based on an examination of the analysis, findings, and conclusions of the Arcadia Park EIR, as well as those of the 1998 LUTE EIR, and the 2010 Housing Element EIR and 2014 Addendum, the potential environmental impacts associated with the 2019 project have been adequately analyzed and covered in prior Program EIRs and the Arcadia Park EIR. Therefore, no further review or analysis under CEQA is required.

Each of the above findings provides a separate and independent basis for CEQA compliance.

City of Oakland Design Review Findings

The proposed 98th and San Leandro (Madison Park) Preliminary Development Plan revision design is subject to Planning Code Section 17.136.050 - Regular design review criteria. Accordingly, regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

17.136.050 Regular design review criteria.

Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

For Residential Facilities.

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures:
The proposed design will create a set of buildings that implement the intent of the HBX zone, transitioning from higher intensity industrial activities to lower intensity residential activities. The townhome units facing Dunbar Drive provide an appropriate scale, bulk, and height to transition from the residential Arcadia Park development across the street to the higher density apartment buildings on 98th Ave and Tubman Drive and the industrial activities on adjacent sites. The materials and textures of the proposed apartment buildings provide a relationship to the industrial character of the surrounding area, while maintaining a residential character.
2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;
The proposed design provides an appropriate transition between the industrial character to the northwest and south of the project and the residential character of Arcadia Park to the east. The townhomes facing Dunbar work to enhance the desirable neighborhood characteristics of Arcadia Park while the work/live units facing 98th Ave provide activation of this corridor.
3. That the proposed design will be sensitive to the topography and landscape.
The proposed design transitions in height, transitioning from the tallest buildings adjacent to the BART tracks and stepping down towards the residential neighborhood along Dunbar. There is no significant topography on site and the project will provide improved landscaping.
4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;
NA.
5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district

plan, or development control map which have been adopted by the Planning Commission or City Council.

The proposed design conforms to the Oakland General Plan and satisfies the intent of the Housing and Business Mix classification. Specific design review criteria for work/live and live/work units are discussed below.

For Nonresidential Facilities and Signs.

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The proposed site plan and design guidelines for the PUD will result in a well-composed design. The work/live commercial units face 98th Avenue, activating 98th Avenue with commercial activity and eyes on the street. The live/work units face the interior of the site, providing a further transition from the higher intensity activity on 98th Ave. A small retail space at 98th and Blake provides an opportunity for neighborhood serving retail activities.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area; *The well-designed site plan provides an appropriate transition between industrial activities and residential activities. The townhomes facing Dunbar help to create a harmonious transition from the single-family residential Arcadia Park to the higher density apartments located adjacent to the elevated BART tracks on San Leandro.*

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The proposed design conforms to the Oakland General Plan and satisfies the intent of the Housing and Business Mix classification. Specific design review criteria for work/live and live/work units are discussed below.

17.65.150 Special regulations for HBX Work/Live units. The planning code includes specific design review criteria for work/live units, included below. Staff analysis is indented and italicized below.

Regular Design Review Criteria. Regular design review approval for HBX Work/Live units may be granted only upon determination that the proposal conforms to the Regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the exterior of a new building containing primarily HBX Work/Live units has a commercial or industrial appearance. This includes, but is not necessarily limited to, the use of nonresidential building styles or other techniques.
The conceptual designs in the PDP include the use of some nonresidential building styles, but the individual building designs will be guided by the Design Guidelines and at the Final Development Plan (FDP) stage. The Design Guidelines provide guidance to take cues for materials from the industrial history and neighboring properties.
2. That a building containing HBX Work/Live units has Nonresidential Activities and nonresidential floor area on the ground floor or level and at street fronting elevations.
The work/live units facing 98th Ave are elevated and set back from the street with an elevated walkway and ramp to access the units. This elevation from the street level requires a Minor Variance from the zoning requirements. The desire of the applicant is to provide a greater transition from the activity on 98th Ave to the ground floor commercial activity in the work/live units facing 98th Ave.
3. That units on the ground floor or level of a building have nonresidential floor area that is directly accessible from and oriented towards the street.
The work/live units have nonresidential floor area that is accessible from and oriented towards the street. The units on 98th Ave have stairs from the public sidewalk to access the work/live units as well as a ramp and walkway. The units are oriented toward the street, but the landscaping setback and gates create a visual and physical barrier to create a transition from the street to the nonresidential space.
4. That units on the ground floor or level of a building have a business presence on the street. This includes, but is not necessarily limited to, providing storefront style windows, roll-up doors, a business door oriented towards the street, a sign or other means that identifies the business on the door and elsewhere, a prominent ground floor height, or other techniques.
The work/live units facing 98th Ave have storefront style windows, a business door with a sign facing the street, lighting to indicate individual business entrances, and a prominent ground floor height. The units are elevated and have a small gate between the street and the business entrance, but this is to create a transition from the busy street to the nonresidential space.
5. That the layout of nonresidential floor areas within a unit provides a functional open area for working activities.
The nonresidential floor area within the work/live units provide a functional open area for working activities.

6. That the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items,
 - b. Stairwells wide and/or straight enough to deliver large items,
 - c. Loading areas located near stairs and/or elevators and
 - d. Wide corridors for the movement of oversized items.

All work/live units are on the ground floor of the building, with direct access from the parking garage, so service elevators and wide stairwells are not required.
7. That the floor and site plan for the project provide units that are easily identified as businesses and conveniently accessible by clients, employees, and other business visitors.

The work/live units facing 98th Ave are elevated from the street, but do provide an obvious business entrance with a prominent business sign and a prominent door.

Regular Design Review Criteria. Regular design review approval for HBX Live/Work units may be granted only upon determination that the proposal conforms to the Regular design review criteria set forth in the design review procedure in Chapter 17.136 and to all of the following additional criteria:

1. That the layout of nonresidential floor areas within a unit provides a functional and bona fide open area for working activities;

The live/work units have functional open areas for working activities on the ground floor.
2. That, where appropriate for the type of businesses anticipated in the development, the floor and site plan for the project include an adequate provision for the delivery of items required for a variety of businesses. This may include, but is not necessarily limited to, the following:
 - a. Service elevators designed to carry and move oversized items;

All of the working activity areas in the live/work units are on the ground floor, with direct access from the street and the parking garage, so a service elevator is not required
 - b. Stairwells wide and/or straight enough to deliver large items;

All of the working activity areas in the live/work units are on the ground floor, with direct access from the street and the parking garage, so wide and straight stairwells are not needed.
 - c. Loading areas located near stairs and/or elevators; and

There is an on-street loading area on Garner Drive and an onsite loading area in the parking garage.
 - d. Wide corridors for the movement of oversized items.

City of Oakland Variance Findings

The proposed 98th and San Leandro project requires a minor variance for the requirement for Type 3 work/live units to have the majority of the nonresidential floor area for the ground floor units be at a public street level and directly accessible to the street (17.65.150). Accordingly, minor variance approval may be granted only if the proposal conforms to all of the following general variance findings, below:

17.148.050 Findings required.

A. With the exception of variances for Adult Entertainment Activities or Sign Facilities, a variance may be granted only upon determination that all of the following conditions are present:

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

The work/live units facing 98th Ave are elevated from street level, requiring a minor variance from the requirement to be 'at the public street level'. 98th Avenue is a busy street, with bus and truck traffic, which would make street level work/live units difficult. The elevation of the units provides a good transition from the busy street. This alternative design is effective because it improves the livability of the work/live units, while maintaining the operational efficiency of the commercial units. The units are designed with commercial appearance, including high levels of ground floor transparency, signage, and lighting, ensuring that even though there are steps up with a walkway to the units, it will be clear to the public that these are commercial spaces.

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.

Strict compliance with the requirement for these units to be at street level would preclude an effective design solution for the work/live units on 98th Ave. All of the other features of the units meet the intent of the regulations and the stairs, ramps, and podium areas ensure adequate access to the street, even if they aren't at street level.

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.

This minor variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties. The work/live units will serve to activate this corner of 98th Avenue and provide an appropriate transition from the industrial area to the residential areas on the interior of the site and in the Arcadia Park.

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

This variance will not constitute a grant of special privilege. This is a unique property, which has incorporated numerous design solutions, including stairs, ramps, and a podium area to facilitate connections to the street.

5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.

The design of the work/live units on 98th Ave otherwise comply with the regular design review criteria and the other work/live specific design criteria.

6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

The proposed project conforms in all significant respects with the Oakland General Plan and work/live design criteria. The project provides a transition from industrial to residential activities and the work/live units on 98th Avenue contribute to that transition.

7. For proposals involving one (1) or two (2) residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:

1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or
2. Over sixty percent (60%) of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

NA.

**Vesting Tentative Tract Map
Findings for Approval**

Lot Design Standards (Section 16.24.040 O.M.C.):

1. No lot shall be created without frontage on a public street, as defined by Section 16.04.030, t:
Nine of the proposed lots have frontages on public streets and Parcel B has a frontage on a Public Access Easement on Parcel H and Parcel K. The public streets include: 98th Avenue, Tubman Drive, Ellington Way, Blake Drive, Garner Drive, and Dunbar Drive.
2. The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography:
The proposed side lines of the ten lots run at right angles to the street upon which the lot fronts.
3. All applicable requirements of the zoning regulations shall be met:
As described in the staff report above, all applicable requirements of the zoning regulations are met.
4. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except:
 - a. Where the area is still considered acreage;
 - b. Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development:
The ten lots are larger in square-footage than the prevalent size of existing single-family lots in the Arcadia Park development. The lots are smaller than some of the industrial lots, but this is an intentional change in character anticipated through the HBX zone, which anticipates a transition from industrial activity to housing and business activities.
5. Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.
The lot does not contain natural amenities, other than street trees.

Tentative Map Findings (Section 16.08.030 O.M.C. & California Government Code §66474):

6. The proposed map is consistent with applicable general and specific plans as specified in the State Government Code Section 65451:
As discussed in the staff report above, the proposed map is consistent with the City of Oakland's General Plan.
7. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans:
As discussed in the staff report above, the design of the proposed subdivision is consistent with the City of Oakland's General Plan.

8. The site is physically suitable for the type of development:
The site is physically suitable for the type of development proposed.
9. The site is physically suitable for the proposed density of development:
The site is sufficiently sized and physically suitable to accommodate the proposed density of the project. The Oakland General Plan anticipated a Housing and Business Mix density to transition from Industrial activities to commercial and residential activities. The Project is consistent with the redevelopment envisioned by the City for the project site, and the density/intensity of the project is within the maximum limits established by the General Plan and the subsequent implementing zoning.
10. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:
The site is currently vacant lots without significant environmental or ecological value. The proposed improvements will replace the trees on site and will add additional vegetation. There is no fish or wildlife habitat on site.
11. The design of the subdivision or type of improvements is not likely to cause serious public health problems:
The proposed project incorporates design and development elements that promote public health. The project includes improved access to the site with wider sidewalks and improved intersections.
12. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction):
The design of the subdivision of the type of improvements will not conflict with easements for access through or use of property within the proposed subdivision.
13. The design of the subdivision provides to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision:
As reflected in the VTTM, the design and organization of the proposed project site provides for passive or natural heating or cooling opportunities.

Planned Unit Development Findings

17.140.080 Permit criteria.

A Planned Unit Development permit may be granted only if it is found that the development (including conditions imposed under the authority of Sections 17.142.060 and 17.140.030) conforms to all of the following criteria, as well as to the Planned Unit Development regulations in Chapter 17.142:

- A. That the location, design, size, and uses are consistent with the Oakland General Plan and with any other applicable plan, development control map, design guidelines, or ordinance adopted by the City Council or Planning Commission;
The location, design, size, and uses of the proposed PUD are consistent with the Oakland General Plan and the HBX zoning designation.
- B. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development
The location, design, and size of the PUD are such that the development is well integrated in its surrounding, providing a good transition from the industrial and commercial character on 98th to the single-family residential character of Arcadia Park.
- C. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets;
The location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets.
- D. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services;
The location, design, size, and uses are such that the residents will be adequately served by existing facilities and services.
- E. That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations;
The location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living and working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations.
- F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient

buffering in the form of spatial separation, vegetation, topographic features, or other devices.

The development will be well integrated into its setting, providing an appropriate transition from industrial and commercial activities to residential activities, which was envisioned with the Housing and Business Mix designation. The project is located on a flat site, which will not require excessive earth moving and will not be visually obtrusive and will harmonize with the surrounding area.

**REQUIRED FINDINGS:
98th AND SAN LEANDRO PROJECT
FINAL DEVELOPMENT PLAN FOR MASTER STREET AND OPEN SPACE
IMPROVEMENTS**

Required findings include:

- California Environmental Quality Act (provided throughout this record)
- Final Development Plan Design Review Findings
- Final Development Plan Conformity with PDP Findings

City of Oakland Design Review Findings for FDP Master Street and Open Space Improvements

The proposed 98th and San Leandro Final Development Plan for Master Street and Open Space Improvements design is subject to Planning Code Section 17.136.050 - Regular design review criteria. Accordingly, regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

17.136.050 Regular design review criteria.

Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

For Nonresidential Facilities and Signs.

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;
The proposed project creates a well-composed design, connecting existing streets within the site and providing park space. The project is well positioned to the total setting of the surrounding area. The streets connect to the neighboring Arcadia Park. The woonerf provides important emergency vehicle access as well as pleasant pedestrian environment. The park area provides a play space for kids and a dog run.
2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;
The proposed project provides horizontal improvements (streets and parks) that will harmonize with the Arcadia Park development across the street.
3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.
The proposed project complies with the vision of the Housing and Business Mix designation in the Oakland General Plan and the subsequent implementing zoning.

**Final Development Plan Conformity with
Preliminary Development Plan Findings for Master Street and Open Space
Improvements**

1. The final plan shall conform in all major respects with the approved preliminary development plan.
The FDP for Master Street and Open Space Improvements substantially conforms in all major respects with the Preliminary Development Plan, including streetscape improvements in the public right-of-way and the improvements on private property, including plazas, parks, and walkways.

2. The final plan shall include all information included in the preliminary development plan plus the following: the location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; plans for street improvements; and grading or earth-moving plans.
The FDP for Master Street and Open Space Improvements includes all information in the PDP plus details related to utilities, design, and grading. This FDP includes all details for street improvements, including plans and cross sections.

3. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Copies of legal documents required for dedication or reservation of group or common spaces, for the creation of nonprofit homes' association, or for performance bonds, shall also be submitted.
The FDP for Master Street and Open Space Improvements is sufficiently detailed to indicate the ultimate operation and appearance of the development.