

Case File Numbers: ER 03-0023, GP 04-545,
RZ 04-544, TPM 8551- 8555, CDET 04-032

March 16, 2005

#5.	Location:	Wood Street Development Project (formerly "Central Station"), West Oakland. Approximately 29.2 acres between 10 th Street to the south, West Grand Avenue to the north, Wood Street to the east, and the I-880 frontage road to the west. APNs - various
	Proposal:	Public Hearing on (1) certification of the Final Environmental Impact Report, (2) a proposal to develop a residential, live-work, retail, and other commercial mixed use development. The site would be redeveloped with up to 1,557 residential units, including 186 live/work units, some in converted warehouses. Commercial space would include 13,000 s.f. of neighborhood-serving commercial uses plus up to 15,000 s.f. of civic uses associated with the historic Southern Pacific 16 th Street train station. The project proposes retention of the main hall and a portion of the elevated tracks of the 16 th Street Train Station, and retention and restoration of the Signal Tower. The project would restore the main hall and the retained portion of the elevated tracks to Secretary of Interior Standards. Historic structures proposed for demolition include a portion of the 16 th Street Train Station elevated tracks and the entire baggage wing section of the Train Station. Public open space, consisting of a public plaza in front of the station's main hall and five pocket parks totaling approximately 1.39 acres would be provided. In addition, approximately 2.82 acres of private open space will be created for residents.
	Applicants/Owners:	Build West Oakland, LLC; PCL Associates, LLC; HFH Central Station Village, LLC; Central Station Land, LLC
	Contact Person/Phone Number:	Andrew Getz, (510) 652-4191; Carol Galante, (415) 989-1111; Rick Holliday, (510) 547-2122
	Case File Numbers:	ER 03-0023, GP 04-545, RZ 04-544, CDET 04-032, Vesting TPM 8551 - 8555
	Planning Permits Required:	General Plan Amendment, Zoning Code Amendment and Rezoning, Redevelopment Plan Amendment, Five Vesting Tentative Parcel Maps
	General Plan:	Business Mix
	Zoning:	M-20/S-16 (Light Industrial/Industrial-Residential Transition Combining Zone); M-30, (General Industrial); M-30/S-16 (General Industrial/Industrial-Residential Transition Combining zone)
	Environmental Determination:	The Final Environmental Impact Report was published on February 7, 2005
	Historic Status:	16 th Street Train Station and 16 th Street Signal Tower (Rated A1+); City of Oakland Landmark, determined eligible for National Register of Historic Places. Project area also includes two Historic Districts: (1) 16 th Street Train Station Commercial District, including Bea's Hotel, 1751-57 16 th Street (Dc2+); and, (2) Pacific Coast Canning district, 1111-1119 Pine Street (Cb+2+). The two districts are considered Areas of Secondary Importance; however, they adjoin the Oakland Point Area of Primary Importance (determined eligible for the National Register).
	Service Delivery District:	West Oakland 1
	City Council District:	3, Nancy Nadel
	Action to be Taken:	(1) Certification of the Environmental Impact Report; (2) Approval of five Vesting Tentative Parcel Maps (contingent upon General Plan Amendment and Rezoning approvals); (3) Recommend to the City Council approval of (a) General Plan Amendment and (b) Wood Street Zoning District; (4) Adopt a report to the Redevelopment Agency and the City Council recommending the adoption of the amendment of the Oakland Army Base Redevelopment Plan.
	For Further Information:	Contact Margaret Stanzione, Project Planner, Major Projects (510) 238-4932 or mstanzione@oaklandnet.com

the 16th Street Station will be improved as a large plaza available for use as public gathering space.

Three separate developers are proposing to divide the 29.2 acre site into nine different development areas (as described in the Wood Street Zoning District), including five individual vesting tentative parcel maps containing a total of fifteen parcels or lots. The table below summarizes the relationships between the property owners, development areas, and parcel maps. Refer to Attachment B, Proposed Development Areas, Figure S-2, DEIR, p. S-3. Although the project will be developed in phases, by separate property owners, the projects together will have the overall appearance of a planned development. Refer to Attachment C, Illustrative Concept Plan, Figure S-3, DEIR, p. S-7.

Project Sponsor	Development Area	Parcel Map No.
BUILD West Oakland, LLC	1	8551
PCL Associates LLC	2	8552
BUILD West Oakland, LLC	3	8551
HFH Central Station Village, LLC	4	8553
BUILD West Oakland, LLC	5	8554
BUILD West Oakland, LLC	6	8554
Central Station Land, LLC	7	8555
Central Station Land, LLC	8	8555
BUILD West Oakland, LLC	9	8554

DEVELOPMENT AREAS – EXISTING USES AND PROPOSED DEVELOPMENT

The following is a brief summary of the development areas, their existing land uses, and the land uses proposed by the project sponsors (see Attachment D, Project Area Land Use and Development Program by Development Area, Table S-1, DEIR p. S-9). These descriptions are based on the “Proposed Project” analyzed in the EIR (and not the “Maximum Residential Scenario” or “Maximum Commercial Scenario” or “Maximum Trips Scenario” discussed in the DEIR). Pages 2-13 to 2-21 of the Draft EIR include a more extensive description of each development area.

The Maximum Residential Scenario includes up to 1,557 dwellings and 27,847 square feet of commercial buildings. An alternative scenario, called the Maximum Commercial Scenario, would substitute commercial activities for dwellings in three Development Areas: in Development Area 2, instead of 189 dwellings, 220,779 square feet of commercial building area would remain in commercial use, predominantly as storage space; in Development Area 4 the ground floor, street-facing dwellings would become commercial spaces, resulting in 33 fewer dwellings and 33,000 square feet more commercial space; in Development Area 8, instead of building 251 dwellings, 258,000 square feet of commercial building(s) would be constructed, predominantly as offices.

Development Area One

Existing - This 2.89 acre site, over 1,200 feet long and 100 feet wide, is vacant. Located to the east is the California Waste Solutions, a recycling facility, which is outside any of the project areas, and Bayport Warehouse Distribution, which is in Development Area Two.

Proposed – This area is proposed to be developed for 82 live-work units in three-story townhouses or podium buildings depending upon the preferred type of construction. Maximum height of the structures is 50 feet. Approximately 8,200 s.f. of private open space would be provided within the residential projects for use by the residents.

Development Area Two

Existing – This 3.67 acre site contains four existing industrial buildings with an aggregate total of 220,779 s.f. of floor area. Located on the site are the Bayport Warehouse Distribution facility, also known as the “Ice House,” the Pacific Coast Cannery Building, and two concrete tilt-up one-story buildings.

Proposed – Development proposed in this area includes 189 residential units with 18,900 s.f. of private open space. New residential construction will also include live-work units, townhouses, or apartments (flats) at a height up to 65 feet. The two concrete tilt-up buildings are proposed to be demolished to allow for residential development. The Pacific Coast Cannery Building would be seismically upgraded and improved as residential lofts. The current footprint would remain, but interior improvements would increase the floor area to accommodate residential development. The Bayport Warehouse Distribution facility (“Ice House”) would remain, but eventually be converted to residential uses.

Development Area Three

Existing – This 5.59 acre area contains no existing structures but is used as a truck storage and transfer yard. A recycled auto parts business and artist’s studios are to the south across 12th Street and residences and a commercial building are to the east across Wood Street.

Proposed – Approximately 200 for-sale townhouses or stacked flats, and 20,000 s.f. of private open space, are proposed for this site. The maximum height for structures facing Wood Street is 40 feet; interior structures are proposed up to 50 feet in height.

Development Area Four

Existing - This 6.63 acre area contains a warehouse and a commercial building, known as Bea’s Hotel. The warehouse is associated with a truck storage and transfer yard and occupies a building of approximately 18,200 square feet. Bea’s Hotel is not currently owned by HFH Central Station Village, LLC but the parcel is included within Development Area Four of the Wood Street Zoning District.

Proposed – Up to 450 apartments, condominium units or live-work units and 33,750 s.f. of private open space, are proposed for this area. The proposed maximum height of structures is 40

feet along Wood Street, 50 feet facing the plaza, and 65 feet over the remainder of the site. Upon acquisition of Bea's Hotel, the hotel would be demolished and the site would be redeveloped with up to 7,000 s.f. of local-serving retail and other commercial businesses that would face onto the 16th Street Plaza to the north.

Development Area Five

Existing – Situated on this site is the historic 16th Street Train Station. The historic 16th Street Train Station, which was designated City of Oakland Landmark No. 81 in 1984, is located in this development area, although components of the train station are also located in Development Areas Four and Six.

Proposed – The Main Hall and a portion of the elevated platform of the historic 16th Street Train Station is proposed to be seismically stabilized, renovated, and preserved. Restoration of the Main Hall would incorporate exhibit space commemorating the site as the end of the Trans-continental Railroad and the gateway arrival point in the West, and its historical significance to the organization of the Brotherhood of Sleeping Car Porters, the first Black worker's union in the United States. The exhibit space could also serve as a venue for private and public events. The proposal includes the demolition of the baggage wing and the majority of the elevated tracks to provide sufficient space to permit an economically feasible residential development within the adjacent Development Area 6 and to provide access to such residential development.

Development Area Six

Existing – This 3.04 acre site is predominantly used as a storage area, but encompasses several facilities associated with the 16th Street Train Station, including (1) the 828 s.f. historic 16th Street Signal Tower north of the Main Hall; (2) portions of the elevated tracks, west of the Main Hall; (3) most of the one-story baggage wing building; and (4) a one-story industrial building.

Proposed – The project sponsor proposes to demolish the baggage wing attached to the Main Hall of the 16th Street Train Station and the majority of the elevated tracks. The one-story industrial building would also be demolished. The 16th Street Signal Tower would be restored and, possibly, reused within the development. The remaining portion of the development area would be redeveloped with approximately 215 residential units, 16,125 s.f. of private open space, and up to 6,000 s.f. of commercial/retail space. Residential units would be constructed as live-work units, for-sale townhouses, or stacked flats. The proposed height of structures is 50 feet along Wood Street and the area facing the plaza, and up to 65 feet on the remainder of the site. The ground-level portion of the new building containing any commercial/retail space would face the 16th Street Plaza.

Development Area Seven

Existing – This 2.65 acre area contains no existing structures. A railroad spur crosses this vacant lot. Raimondi Park is located across Wood Street.

Proposed – Up to 170 residential units and 12,750 s.f. of private open space are proposed for this area. All proposed residential units would be constructed as live-work units, for-sale

townhouses, or stacked flats. The proposed height of structures is 50 feet along Wood Street and up to 65 feet on the westerly portion of the parcel. No commercial uses would be permitted in this development area.

Development Area Eight

Existing – This 2.01 acre site is vacant. Horizon Beverage Company, a beer distributor, is located across Wood Street.

Proposed – This area is proposed for residential development: up to 251 residential units (live-work, for-sale townhouses, or stacked flats) and 13,200 s.f. of private open space. The maximum height in this location is 90 feet.

Development Area Nine

Existing – This 0.75 acre site is vacant and occupies the area directly in front of the 16th Street Train Station.

Proposed – This area is proposed as a public plaza facing onto Wood Street. The 32,670 s.f. public plaza area would be bordered by the retail uses at the ground level of adjacent development areas. No building structures would be permitted in this area. It is anticipated that the plaza would be suitable for gatherings and outdoor events, such as farmers' markets, with large canopy trees to provide visual appeal and summer shade.

AREA CIRCULATION, ACCESS, AND PARKING

Vehicular Access

Vehicular access to the 29.2 acre project site is from Wood Street and a frontage road that is owned and controlled by Caltrans. The frontage road is a service road linking two half interchanges of the I-880 freeway system. The project site is also currently accessible from surrounding neighborhood streets including 10th through 20th streets and Pine Street. Although the project area is bounded by West Grand Avenue, there is no direct access to the project site from this street because West Grand Avenue is elevated and runs along the edge of the project area.

Vehicular Circulation

Improvements will be made to several streets surrounding the project site: Wood Street between 12th Street and West Grand Avenue, 12th Street between Wood and Pine Streets, and Pine Street between 12th and 11th Streets. Improvements would include roadway resurfacing, new curbs and gutters (as necessary), new sidewalks, street trees, and street lighting. To further improve access to each of the various development areas, and to provide public pedestrian and bicycle access through the /Wood Street District area, several of the east-west streets (14th, 16th, 18th and 20th Streets) that currently terminate at Wood Street or just west of Wood Street would be extended through the project area.

These street extensions would be designed such that through traffic for automobiles and trucks from Wood Street to the frontage road would be prohibited. Through access would be restricted to pedestrians, bicycles, and emergency vehicles. Improvements would be designed to City of Oakland's street standards and will be offered for dedication to the City. In addition to serving as access for pedestrians, bicycles and emergency vehicles, these areas would be landscaped and function as "pocket parks," or public open space within the Wood Street District.

Emergency Access

Emergency access would be provided at street frontages along all public streets, and emergency vehicles would be the only vehicles that would have through access on 14th, 16th, 18th, and 20th Streets throughout the project area.

Pedestrian and Bicycle Circulation

Pedestrian and bicycle circulation would be provided along all public streets. Pedestrian access through the project area would occur along all east-west streets and along the public streets bordering the project area. Bicycle traffic would share the public streets in the project area. Roadway, curb and gutter, sidewalks, landscaping, and lighting would be improved on these streets.

Parking

Parking is proposed throughout the project areas and along the public streets surrounding the project sites. The off-street parking standard proposed in the Wood Street Zoning District is 1.1 spaces per dwelling unit with no designated on-site parking for visitors. Parking for Development Area 3 will be provided at 1.7 spaces/du and for Development Area 4 at 1.8 spaces/du. Visitor parking is expected to be provided on the public streets being created within the project areas and on surrounding streets. Parking for private residents would be provided in on-site parking structures incorporated into the design of the residential structures or on surface lots. Parking for commercial uses will be provided along the edges of the commercial areas.

OPEN SPACE

Private open space is proposed for each residential development as discussed above. These areas would be designed as courtyards or group areas for project residents. Public open space areas include 0.64 acres of pocket parks and the 0.75 acre plaza in front of the 16th Street Train Station.

LANDSCAPING

Landscaping is proposed throughout the project areas. New street trees are proposed along Wood Street and the frontage road, as well as the project area boundaries along 11th, 12th, and Pine Street in accordance with the proposed Wood Street Zoning District.

CREEK DETERMINATION

The project sponsors submitted an application for an official determination regarding the verification of a creek on the property. *The following determination was made by the City's Public Works Agency, Environmental Services Division, and sent in a memorandum dated December 15, 2004:*

"These properties are not creekside properties. While these properties are not creekside and therefore do not require a creek protection permit, they are still subject to provision of the Creek Protection, Storm Water Management and Discharge Control Ordinance (OMC 13.16) and must follow best management practices concerning site design and construction practices. Due to its size, the project will be required to incorporate stormwater detention, retention, or infiltration measures. The project should not increase erosion, cause an illicit discharge (including soil erosion), and should maximize use of native plants in landscaping Plans."

OTHER AGENCY ACTIONS

In addition to obtaining project approval from the City and the Redevelopment Agency, the project sponsors will also need approval from other agencies as summarized below:

San Francisco Bay Conservation and Development Commission Bay Plan and Seaport Plan

A portion of the Project Area affecting Development Areas 6, 7 and 8 is included in the "Port Priority Use" designation on the BCDC Bay Plan and Seaport Plan. This designation does not allow residential land uses. The removal of this designation by the BCDC Board would need to be approved for this part of the site to be used as requested by the project sponsors.

Regional Water Quality Control Board

The RWQCB is the approving agency for clean up of soil contamination. A Remedial Action Plan for soil remediation will need to be approved prior to any work being done on the site.

PROJECT PHASING

While the project sponsors intend to develop each parcel map area independently so that each project can stand on its own, there is agreement that the entire area should have the look and feel of an integrated mixed-use residential addition to the West Oakland community. The proposed Wood Street Zoning District will guide the overall development of the entire project area through the application of design and development standards to assure consistency in a coordinated manner throughout the 29.2 acre site. Each individual development area will be processed much like a Planned Unit Development (PUD) and will require approval of a Planned Development Permit and Final Development Permit as defined in the Wood Street Zoning District. Consistent public improvements will be installed along with each phase of development as specified on the vesting tentative parcel maps and the conditions of approval for the vesting tentative parcel maps.

Construction is likely to occur over a ten year period in the following approximate phases, though actual phasing may vary, depending upon the timing of development by each project sponsor.

Phase One (2005-2006): Development Areas One, Two, Three, Four, and Nine, generally the portion of the project area south of the 16th Street Train Station, plus the 16th Street Plaza, are expected to be commenced and completed during this period.

Phase Two (2006-2007): Residential and commercial portions of Development Area Six, including restoration of the Signal Tower, are expected to be commenced and completed during this period.

Phase Three (2008-2013): Restoration work on the Main Hall of the 16th Street Train Station (Development Area Five) is anticipated to begin as soon as the necessary funding in the form of tax increment is available, likely in 2008. Completion is expected to take several years.

Phase Four (2008-2015): Development Areas Seven and Eight are planned for implementation during this time.

PREVIOUS PLANNING COMMISSION REVIEW

Previous meetings were held before the Planning Commission on December 17, 2003 (EIR Scoping Meeting), October 20, 2004 (Public Hearing on the Draft EIR), and January 26, 2005 (during which staff presented the results of the draft environmental impact report and discussed major policy issues regarding the proposed project). The Final Environmental Impact Report (FEIR) was published on February 7, 2005. In addition, there have been several community meetings sponsored by the developers as well as meetings of the West Oakland Project Area Committee (WOPAC) about this proposal.

At the January 26, 2005 Planning Commission public hearing, staff presented the project and discussed the major issues and review process; project sponsors described the proposed project in more detail; over 60 public speakers spoke about the proposed development; and staff requested the Commission to address several policy issues discussed in the staff report. Following is a summary of the Planning Commission comments:

- The proposed General Plan Amendments and Wood Street Zoning District appear to be an acceptable approach to govern future development at the site. In particular, the density, layout and overall design concepts are acceptable.
- Separate vesting parcel maps are acceptable.
- More design work and detail is required for the public plaza in front of the Main Hall.
- Retail uses are a critical component of the development and ground floor space should be reserved.
- Adjacent industrial uses at the side of the site are of concern; buffers or other means to

screen and protect the proposed residential uses need to be incorporated into the development standards.

- The developers and staff should continue to work with the various community groups to find acceptable solutions to concerns.
- In addition, individual Commissioners mentioned the following other points:
 - The project construction jobs should include policies pertaining to local hiring and living wage.
 - The project should consider improvements to Raimondi Park.
 - The project should include an affordable housing component.
 - The project should preserve the Train Station as much as possible.
 - Future uses of the Train Station should be broad based and include both community and commercial activities.
 - Bea's Hotel should not be acquired through the eminent domain process.
 - Clarification is required concerning the extent to which trips from this project affect outlying intersections that were not included for study in the EIR.

LANDMARKS PRESERVATION ADVISORY BOARD REVIEW

Two meetings were held before the Landmarks Preservation Advisory Board regarding the historic resources in the project. The meeting on October 18, 2004 was a public hearing about the draft EIR. At that meeting, the LPAB requested that the Final EIR provide more information about the history of the 16th Street Train Station and expand the mitigation measures for preservation of the resources. In response, the Final EIR includes Master Response 4 which responds to the issues raised in the Draft EIR including additional mitigation measures for preservation.

The LPAB conducted a special public hearing on February 28, 2005 to specifically discuss the proposed renovations to the cultural resources in the Wood Street Development Project. Refer to the "Landmarks Preservation Advisory Board Comments" section of this report for a summary of the discussion.

GENERAL PLAN ANALYSIS AND THE PROPOSED GENERAL PLAN AMENDMENT

The project sponsors are requesting to amend the General Plan Land Use Map from "Business Mix" to "Urban Residential" to accommodate residential development on the site. The intent of this land use category is to

"create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services."

While the primary use is residential, mixed use buildings, with ground floor commercial uses and public facilities of compatible character are also encouraged. The maximum allowable density in these areas is 125 units per gross acre. Although the EIR studied environmental impacts

including 264 dwellings in 2.01 acre Development Area 8, this would produce 131 dwellings/acre, so the maximum number of dwellings in this Area would be limited to 251 because of the General Plan maximum density limit. The Maximum Residential Scenario results in an actual yield of 1,557 dwellings instead of the 1,570 studied in the EIR.

The current General Plan designation of “Business Mix” does not allow residential uses. Because the proposed project includes approximately 1,557 residential units and neighborhood-serving commercial uses in the Maximum Residential Scenario, and warehouse and office building uses in the Maximum Commercial Scenario, the General Plan land use map for this site will need to be amended to “Urban Residential,” a designation that allows both higher density residential and some commercial uses. This is a significant land use change from what was originally designated in the General Plan for this area. While residential land uses do not meet the intent of the existing “Business Mix” land use designation, this residential, mixed-use development in this location is supported by other policies in the General Plan (refer to pages 3.2-11 to 3.2-18 in the DEIR for a discussion of policies that are consistent with the proposed Project).

Growth and Change - The *Land Use and Transportation Element* of the General Plan identifies certain areas in West Oakland for “growth and change.” The large sites are generally situated along major transit corridors and near mass transit facilities, such as the BART station. The policies for these areas are to increase residential densities and promote the transition to new land uses. Wood Street, Pine Street, and the frontage road are identified as areas where infrastructure and landscaping need to be improved. The Wood Street/Pine Street area was designated an area for additional employment opportunities that would support some of the “high tech” businesses that were proliferating during the late 1990s. The expansion of high tech industries never materialized and the area remains underutilized. Due to its proximity to the freeway, and convenient access to the North Bay, South Bay, areas further inland and San Francisco, property within the Wood Street Zoning District is being looked at as an attractive place to provide infill housing and mixed use development.

Inconsistency of Existing Land Uses - Because the site is so convenient to the freeway and to other places in the Bay Area, however, it is also attractive to trucking and transportation activities. While these manufacturing uses may be consistent with existing land uses currently on the site, they do not meet the intent of the General Plan and Redevelopment Plan to have this site developed as a high tech business park and major employment generator. Nor does the continuation of uses that rely on warehouse and truck transport uses meet the intent of other West Oakland policies that support the reduction of truck uses in the area and call for the buffering of such uses from residential areas.

Demand for Housing - The growing and consistent demand for housing throughout the Bay Area region is causing developers to consider infill sites that would not have appeared marketable for such use five years ago. This site represents a solid opportunity for infill development given the existing stable neighborhood context, available infrastructure, and close proximity to services and transit. It is a good example of “smart growth.” Although housing was not the intended land use for this site 7 or 8 years ago, it is an appropriate land use for the area today given the mixed use character of West Oakland, and the fact that the Wood Street Zoning District development standards will provide appropriate buffering and screening for the transition between housing and

industrial uses. The site abuts existing residential development on some of its boundaries and would extend the residential uses even further. Also, the residential land use would have fewer health impacts on the West Oakland neighborhood than the existing industrial uses and would reduce the number of trucks associated with existing businesses.

Air Quality and Public Health Concerns - Many comments were received about the air quality and public health concerns affecting West Oakland residents. Under the "Business Mix" General Plan land use designation, and the current Industrial zoning, the industrial businesses would continue to operate. The industrial and manufacturing processes, and the related truck activity, would produce more particulate emissions than the proposed project. Under the "Urban Residential" land use designation, and buildout of the proposed project, there would be "fewer small particulate emissions and lesser potential health effects for West Oakland than if the Project Area were developed in accordance with its current designation for a mix of businesses" (Master Response 3, FEIR, p. 3-12).

Master Response 3 also discusses the potential health impacts of locating new residents in close proximity to I-880. Citing several studies, and looking at the amount of truck traffic in this location and distance from the freeway, it was concluded that the "particulate emission levels in the Project Area vicinity from diesel emissions are comparable to other locations in the Bay Area, and there would not be a noticeably greater health risk to locating new residents here than in other locations in Oakland."

Elimination of Blight - New development in this location would improve the underutilized and blighted area. The tax increment generated by the mixed-use residential project could be used to restore the Main Hall of the 16th Street Train Station and used elsewhere in the Oakland Army Base Redevelopment Area to foster further public improvements.

Staff Recommendation

Staff supports the request to amend the General Plan land use designation to "Urban Residential" for the reasons discussed above. New residential development would be an extension of existing residential neighborhoods, would reduce the amount of truck traffic associated with existing businesses, would improve the underutilized and blighted area, and would generate tax increment to be used in the Oakland Army Base Redevelopment Area to foster further improvements. Exhibit G, the Resolution Amending the General Plan Land Use Designation, contains the findings to support this recommendation.

OAKLAND ARMY BASE AREA REDEVELOPMENT PLAN AMENDMENT

The project site is within the Oakland Army Base (OARB) Redevelopment Project Area. Other properties within the Oakland Army Base Project Area include: (1) the former Oakland Army Base property; (2) the Port of Oakland's maritime area west and south of the Base, including the existing marine terminal facilities and related infrastructure along the Outer and Inner Harbors channels, as well as the former U.S. Fleet Industrial Supply Center Oakland (FISCO) property; and (3) non-residential property generally bounded by the realigned I-880 Freeway, and Pine and Wood Streets between 7th and 26th Streets.

The Planning Commission is the body that reviews the proposed amendments to the Redevelopment Plan and makes a recommendation to the City Council. The City Council is the

approving authority for the land use change and other amendments to the Redevelopment Plan. To facilitate the Wood Street project (as well as to clarify provisions of the Redevelopment Plan as they relate to this and subsequent development projects) staff is recommending the following changes to the Redevelopment Plan:

- 1) Amend the Redevelopment Plan Land Use Map (Attachment No.3C) from “Business Mix” to “Urban Residential” in the 16th and Wood Street sub-district, and
- 2) Make minor text changes to clarify that, in addition to the Oakland Army Base Reuse Plan, the City’s General Plan governs development, particularly in portions of the Redevelopment Area not covered by the Reuse Plan (i.e., the 16th and Wood Street area).

It should be noted that, while not under consideration at this time, the OARB Implementation Plan will be amended and re-adopted this summer to reflect the Wood Street Project.

Redevelopment Plan Map Amendments

The Redevelopment Plan currently includes three Land Use Maps; they are cited as Attachments 3A, 3B and 3C, and collectively illustrate the preferred land uses for the OARB, Maritime (or “Port of Oakland”), and 16th and Wood Street portions of the Redevelopment Area, respectively. For the 16th and Wood Street area in particular, the OARB Redevelopment Plan does not mandate a specific development program for the project site; instead, it defers to the range of land use activities that are allowed by the Oakland General Plan and Zoning requirements. The General Plan land use designation currently assigned to the project site is “Business Mix,” the same designation in the LUTE. Because residential uses are being proposed, it is necessary to amend the Redevelopment Plan land use map to “Urban Residential,” consistent with the General Plan LUTE. Hence, the revised General Plan map referenced earlier in this report would now also serve as new Attachment 3C of the OARB Redevelopment Plan.

Redevelopment Plan Text Amendments

The Wood Street Project is the first major development that will be subject to the OARB Redevelopment Plan. In reviewing the Redevelopment Plan for its implications on the project, it became apparent that incorporation of a few minor text amendments to the Plan would better clarify the local planning provisions that apply to the project. In summary, the proposed text amendments:

1. add references to the City’s General Plan (in addition to the existing Reuse Plan references) as being the document that governs development within the Redevelopment Area;
2. provide clarifying information about the Reuse Plan; and
3. remove the requirement for development plans, signs, variations from the controls specified in the Redevelopment Plan, and building permits to be submitted to the Redevelopment Agency for approval (these features would be reviewed by the appropriate City body as applicable, consistent with other projects in the City)

The proposed amended Redevelopment Plan for the Oakland Army Base Project is included as Attachment A to Exhibit H-2, the Ordinance adopting the second amendment to the Plan. New language is underlined; deleted text is shown as ~~strikethrough~~.

Other provisions of the OARB Redevelopment Plan that could apply to the proposed project include:

1. Property Acquisition ("Eminent Domain")

The Redevelopment Plan allows for acquisition by the Redevelopment Agency of any real property in the Redevelopment Project Area by any means authorized by law, including use of eminent domain. Eminent domain, or condemnation, is the right of a government to take private property for a public purpose. The Redevelopment Agency may exercise eminent domain if it can be shown that such a taking is necessary for a public purpose, including implementation of the Redevelopment Plan; the property owner has been given an opportunity to participate in redeveloping the property; and the Agency has offered just compensation (including fair market value and loss of business goodwill, if any) to the property owner. To date, the project sponsors of the Wood Street Development Project have submitted no formal requests for the Agency's use of eminent domain, although it is a tool available for the acquisition of Bea's Hotel. It is expected that the project sponsors will pay the full costs of the Eminent Domain process, if deemed necessary.

2. Affordable Housing

The OARB Redevelopment Plan, per Redevelopment Law, contains three provisions related to affordable housing: Replacement Housing, Inclusionary Housing, and the Low and Moderate Income Housing Set-Aside (Sections 330, 331 and 332 of the Redevelopment Plan, respectively).

Replacement Housing

The Redevelopment Plan requires the replacement of any low and moderate-income units removed from a project site. The Redevelopment Agency has also adopted a supplemental replacement housing policy for Single Room Occupancy (SRO) facilities. No low- and moderate-income units, or single room occupancy facilities, will be removed from the Project Area.

Inclusionary Housing Requirements

The California Community Redevelopment Law (Health & Safety Code Section 33000, et seq.) requires redevelopment agencies to ensure that affordable housing is developed as part of any housing developed in a redevelopment project area.¹ For privately-developed housing, the law requires that at least 15% of all new and substantially rehabilitated housing units developed within a redevelopment project area must be affordable to low and moderate income households. *At least 40% of these units (or 6% of the total) must be affordable to very low income households.*

These housing obligations must be met by an agency for each project area over the life of the redevelopment plan, and for each 10-year period during the plan's life. The law requires that the

¹ The inclusionary requirement only applies to project areas adopted during or after 1976.

five-year implementation plan for each project area include a plan to comply with these affordable housing requirements over the 10-year compliance period.

The law does not require that an agency impose the 15% obligation on each housing project (although the law and the OARB Redevelopment Plan permit the Agency to do this). Rather, the redevelopment agency is required to meet this obligation for the project area as a whole during the compliance period. If the requirements are not met during a 10-year compliance period, the agency must meet the goals on an annual basis until the requirements for the 10-year period are met. If the agency has exceeded the requirements, any excess units can be counted toward satisfying the requirements for the next 10-year period.

The Oakland Army Base (OARB) Redevelopment Plan was adopted in July, 2000, so the 10-year compliance period runs from 2000 to 2010. The current Implementation Plan for the Army Base Project Area expires in July of this year, so the Agency will need to adopt a new Implementation Plan this year that includes a plan showing how the Agency will comply with the affordable housing requirements through 2010.

The housing units developed as part of the Wood Street project will be included in the pool of privately-developed residential units within the OARB Project Area of which 15% must be affordable to low and moderate income families. Since the Wood Street project will develop a total of up to 1,557 new units, the obligation will be to provide up to 234 low and moderate income units, with 94 units affordable to very low income households. Redevelopment law provides several options to the Redevelopment Agency to ensure that the affordable housing obligations resulting from the Wood Street project are met. These options are as follows:

(1) Impose an inclusionary setaside of affordable units on the Wood Street project

This option can be required of the developers by the Agency. It would require the developers to set aside a portion of the units for sale or lease to qualified residents. The developers have stated that this option is not feasible given development costs and required return on investment. They have submitted an example of the financial impact of this inclusionary requirement as Attachment E.

(2) Ensure that the required numbers of units are developed elsewhere within the OARB Project Area

This option would require adding additional residentially zoned land area to the OARB Project Area.

(3) Ensure the required numbers of units are developed outside the OARB Project Area at a 2-to-1 ratio for each unit not provided within the OARB Project Area

This option could be used with the approval of the Agency.

- (4) Merge the OARB and West Oakland Project Areas to allow the obligation to be met across the merged area

Similar to Option (3), this would allow the Agency to meet all or a portion of the affordable housing obligation within a larger geographic area.

- (5) Aggregate the number of affordable units required of the OARB Project Area with one or more other project areas upon findings that doing so would not cause or exacerbate racial, ethnic or economic segregation

This option would provide an even larger geographic area to be considered for meeting the affordable housing requirement.

See Attachment F for additional detail about redevelopment law requirements and these available options.

3. Oakland Army Base Redevelopment Plan Environmental Impact Report (EIR) Mitigation Measures and Fair Share Requirements

In July 2002, the Planning Commission certified the OARB Redevelopment Plan EIR. The EIR identified a package of environmental mitigations associated with the entire OARB project area; Wood Street was identified, at that time, as a Sub-Area. These mitigation measures relate primarily to traffic improvements, including Fair Share issues, and are referenced in the current Wood Street Development Project DEIR as Appendix I. The OARB mitigation measures must be incorporated on a proportional basis to the proposed project, and therefore are included, as applicable, in the Conditions of Approval for all of the Vesting Tentative Parcel Maps.

Specific fair share requirements will be identified at the time of approval of Planned Development Permits, Final Development Permits, or final maps, as appropriate, for the fair share cost of the proposed transportation improvements and other measures. The City and Port have been working on an overall methodology to distribute the costs based on trip generation projections based on an analysis of cost estimates for the key improvements required to mitigate cumulative impacts. A proportional share has been assigned to the Wood Street Project as follows:

West Grand/Frontage	\$1.596 million
West Grand/Maritime	\$180,000
All other intersections	\$180,000

Staff Recommendation

- (1) Adopt the text and map amendments to the Oakland Army Base Redevelopment Plan and recommend to the City Council adoption of the amendments to the Redevelopment Plan for the reasons stated above. Exhibits H-1 and H-2, the Resolution and Ordinance amending the Oakland Army Base Redevelopment Plan, contain the findings to support this recommendation.

(2) In considering their recommendations to the Redevelopment Agency pertaining to the proposed amendments to the OARB Redevelopment Plan, the Commission should have confidence that the affordable housing obligations under the Redevelopment Plan and other State requirements can be met during the required 10 year time frame. Staff believes that there are sufficient options available to the Agency to fulfill the 234 unit affordable housing requirement. It is likely that a combination of options will be used to meet the Agency's obligation. If the Commission has particular recommendations pertaining to specific approaches that the Council should consider, they should make those preferences a part of their overall recommendations. During the next few weeks, the developers and staff will continue to work on a specific set of recommendations for Agency consideration in April.

ADOPTION OF THE WOOD STREET ZONING DISTRICT

The Oakland Zoning Code, Chapter 17 of the Municipal Code, as written, does not contain the appropriate land use regulations and development standards in one zoning district to address large, mixed use projects. There are several planning and zoning tools available to implement such projects but to date Oakland has not adopted a Planned Development zone, and the existing Planned Unit Development zone is awkward because they must rely on an underlying zoning district. In this case, the underlying zones are Light Industrial (M-20), General Industrial (M-30), and Industrial-Residential Transition Combining Zone (S-16), none of which are appropriate for residential development and all of which are inconsistent with the proposed "Urban Residential" General Plan land use designation. To address this issue, staff and the project sponsors have prepared a district unique to this site called the "Wood Street Zoning District." (See Exhibit E).

Although the proposed development allowed by the Wood Street Zoning District involves three property owners, and is divided into five vesting tentative parcel maps and nine development areas, the intent is that all future projects in the area be consistent with the Wood Street Zoning District regulations and standards to ensure that the larger site is developed in a coordinated and cohesive manner.

The proposed zoning district is based on regulations from the existing zoning code with variations or modifications to the existing regulations to accommodate a large, coordinated, mixed-use group of developments. Most of the land use classifications are defined the same as in the existing zoning code. The land use regulations are proposed in the table format that is being drafted for the re-organization and update of the City's existing zoning code. The land use table shows land uses that are permitted, are limited (those that are permitted up to a certain threshold, usually size), are conditionally permitted, or are prohibited. These uses have been crafted to avoid future land use conflicts and inconsistencies given the essentially residential character of most development areas.

Residential standards in the Wood Street Zoning District are based on existing multifamily zoning district standards (R-50, R-60, R-70, R-80). Because there are a variety of housing types proposed within the development, the standards vary from one development area to another.

Commercial land uses identified in the Wood Street Zoning District are based on a combination of land uses from different commercial zones in the existing zoning code. The land uses

proposed are a mixture of neighborhood-serving commercial uses, including retail, office, food sales, restaurants, and various civic activity types.

Development standards are specified for each Development Area as specified in Table 5-10.1 in the proposed Wood Street Zoning District. These include a maximum and minimum density; floor-area ratios; height limits; setbacks; parking; and standards for designing street-level structures and street front openings. Densities range from 29 du/ac in Development Area 1 to 131 du/ac in Development Area 8. Generally, height limits range from 40 to 65 feet throughout the project area, with the tallest buildings (up to 90 feet) permitted in Development Area 8, adjacent to the elevated freeway and elevated Grand Avenue, and the reduced heights of buildings along the Wood Street frontage. Floor area ratios for the commercial developments range from 1.38 in Development Area 2 and almost 3.0 in Development Area 8 under the Maximum Commercial Scenario. Front setbacks throughout the project site are 10 feet and side and rear setbacks vary within the development from 0 to 10 feet. The key issue here is that these development standards will be followed to ensure an overall framework for the entire 29.2 acres.

These standards are further enhanced with design guidelines that will be applied to future development throughout the project area. While no specific architectural style is recommended, there are guidelines for how certain architectural features should be designed. Special attention is given to new structures along Wood Street, the 16th Street Train Station Plaza and the frontage road. Overlay zones have been created which specify increased setbacks and reduced heights to minimize the impact of the higher density residential structures along the street frontages. By concentrating the bulk and height of the structures toward the center of the site, the contrast between the proposed residential structures and the existing residential and commercial neighborhood surrounding the site is less pronounced. Parking structures are screened, or tucked behind buildings, to encourage pedestrian activities along the street frontages. The guidelines emphasize physical design features that promote interaction with the surrounding neighborhoods by addressing building massing and articulation, street front openings and entries, building frontages, setback and height requirements, particularly along Wood Street. These design features are intended to promote a lively pedestrian street environment.

Each of the conditions of approval on the vesting tentative parcel maps is included as development standards in the Wood Street Zoning District. This means that compliance with these conditions is part of the zoning regulations just like the standards regulating maximum height, setback, or densities.

Development applications for proposals within the Wood Street Zoning District will be processed similarly to the City's current PUD, Planned Unit Development permit requirements using the Wood Street Zoning District as the underlying zone. Preliminary Development Plans and Final Development Plans would be submitted for each development proposal and would be processed according to the requirements specified in the Wood Street Zoning District.

At the January 26, 2005 public hearing Planning Commissioners agreed with staff recommendations concerning certain provision of the Wood Street Zoning District. These concern Parking, Signs, and Home Occupation requirements as follows:

- (1) The on-site parking standard for residential uses be increased from 1.0 spaces/unit to 1.1 spaces per unit to provide for some visitor parking.
- (2) A Parking Management Plan be submitted for review and approval prior to obtaining a Preliminary Develop Plan permit for the areas containing commercial development.
- (3) The sign standards and home occupation standards be the same as those in the existing zoning code.

The project sponsors have revised the draft Wood Street Zoning District in response to the Commission's direction, as follows:

- (1) The on-site parking standard has been increased to 1.1 spaces per dwelling unit, but without separating, or designating, visitor parking.
- (2) A Parking Management Plan is not proposed because the revised regulations will include detailed parking requirements for all non-residential activity types.
- (3) The sign standards and home occupation standards have been revised and will conform to existing zoning requirements.

The revised Wood Street Zoning District now before the Planning Commission also includes several other minor changes:

- sections of the zoning district have been relocated to improve organization of document,
- language was amended to clarify that Preliminary and Final Development plans will be processed like the existing Planned Unit Development requirements,
- land use definitions were added to distinguish between live/work and work/live units,
- land use regulations are now displayed in table format,
- discrepancies between text language and graphics were corrected,
- some development standards were slightly modified,
- development standards were added for Development Area 9, the 16th Street Plaza

Staff Recommendation

Staff recommends adoption of the Wood Street Zoning District for the proposed mixed-use residential, commercial, community use projects in the Wood Street Development Project Area. *Exhibit E and F, the Ordinances approving the Wood Street Zoning District, and amending the zoning map to include the Wood Street Zoning District, contain the findings to support this recommendation.*

VESTING TENTATIVE PARCEL MAPS

The project sponsors are proposing five vesting tentative parcel maps, which would subdivide the 29.2-acre project area into 15 separate developable parcels. The Property within each parcel map is owned by a separate project sponsor. The five parcel maps include the nine development areas, as shown in the table on page 3 of this report. All development within the nine development areas, and on the fifteen individual development parcels, is required to comply with the Wood Street Zoning District. (See Exhibit E)

The five vesting tentative parcel maps have been reviewed by the City's Planning and Zoning Division, Building Division, the Public Works Agency and a consulting Civil Engineer retained

by the City. An Engineers Report was prepared that showed that the maps, for the most part, complied with City of Oakland Subdivision Ordinance Chapter 16.08.010 (Contents), Chapter 16.16 (Design Standards) Chapter 16.20 (Improvements). Several modifications have been made to the plans based on the review comments. The revised plans meet the City's design standards for streets, sidewalks, parking and landscaping. Utility requirements will need to be further refined as preliminary and final development plans are reviewed for each parcel.

Conditions of Approval for the Wood Street Development Project will be placed on the Vesting Tentative Parcel Maps. A master set of conditions has been prepared for all of the maps with specific notations for individual maps or parcels if a specific condition applies only to a certain area or parcel. The development of the public improvements (streets, utilities, pocket parks, landscaping) is governed by the conditions of approval that are placed on the individual vesting tentative parcel maps as well as the graphic depictions and notes on the maps.

Parcel Map 8551 (Development Areas 1 and 3)

Parcel Map 8551, owned by BUILD West Oakland, LLC, is divided into 4 developable parcels. Parcel 1, a long, narrow shaped lot, is situated between the California Waste Solutions recycling facility at 1820 10th Street, and the frontage road. The recycling facility operates from 6:00 a.m. to 11:00 p.m. 365 days per year. The operation includes the arrival of approximately 60 loaded trucks in each 24-hour period. A portion of the 82 residential units proposed to be constructed on this parcel are planned for the area between the recycling facility and the frontage road. Although a solid wall separates the recycling facility from the site, there are still noise and odors emanating from the recycling facility that could impact future residents. A condition of approval will be placed on Parcel Map 8551 that would require options to minimize land use conflicts between the recycling facility and future residential development. Such options could include increasing the distance between the recycling facility and some of the units, applying other buffering treatment such as additional landscaping, modifying the building orientation or access, and applying Title 24 Noise Abatement Measures.

Access to Parcel 1 is from 10th Street at frontage road; access to Parcels 2 and 3 is also from frontage road through 14th Street. Parcel 4 is surrounded by 12th Street, Wood Street and 14th Street, with likely access from 12th or 14th Street. Depending on the layout of future development, access easements may be needed over some of these parcels. These easements will be included on future Preliminary Development Plans or Final Development Plans for each individual project and included in the final maps.

Public Improvements associated with Parcel Map 8551 include frontage improvements on the 10th Street extension and pocket part, 12th Street, 14th Street and Wood Street. Frontage improvements are to be installed on both sides of the street, unless noted on the Parcel Map. Frontage improvements to be installed are the full pavement width, sidewalks, curbs, gutters, lights, and underground utilities. Improvements on any adjacent project areas contained in another parcel map will be the responsibility of the project that develops first. All utilities will be consistent with any future development plan that is submitted for each parcel, and the developer will be required to dedicate any easement that is necessary to support those utilities and service an adjoining parcel.

Public improvements will be installed as follows: Parcel 1 is responsible for the improvements to the extension of 10th Street. Parcel 2 will construct the portion of 14th Street accessed from the frontage road. Parcel 3 will be responsible for the improvements to the existing 14th Street right of way, as well as the portion accessed from the frontage road, should its development precede Parcel 2 of this map or Parcel 1 of Map 8553. Parcel 4 will construct the improvements on 12th Street, Wood Street from 12th Street to 14th Street, and 14th Street should development on this parcel precede development of Parcel 2 or 3 of this map and Parcel 1 of Map 8553.

Parcel Map 8552 (Development Area 2)

Parcel Map 8552, owned by PCL Associates, LLC, is divided into two parcels. Parcel 1 is located directly across 11th Street from the California Waste Solutions recycling facility discussed above. A warehouse called the "Ice House" is located on this parcel. The Ice House warehouse is likely to remain as long as the recycling facility continues to operate in its current location. Eventually residential uses will be placed on Parcel 1. Because of the site's proximity to the recycling facility, the same condition of approval has been placed on Map 8552, Parcel 1 regarding buffering between the two land uses if residential units are constructed while the recycling facility continues to operate.

Access to Parcel 1 is from 11th Street and Pine Street. Access to Parcel 2 is from 12th Street and Pine Street. Access to new roadways may occur as individual projects are developed.

Public improvements associated with Parcel Map 8552 include frontage improvements on 11th Street and Pine Street. Improvements on Pine Street will be installed along with the completion of the first development project on Parcel 2. Improvements to 11th Street will occur when the "Ice House" parcel is redeveloped. Improvements on any adjacent project areas contained in another Map will be the responsibility of the development project that proceeds first. All utilities will be consistent with any future development plan that is submitted for each parcel, and the developer will be required to dedicate any easement that is necessary to support those utilities and service an adjoining parcel.

Parcel Map 8553 (Development Area 4)

Parcel Map 8553, owned by HFH Central Station Village, LLC, is divided into three parcels. Parcel 2 contains a portion of the elevated tracks associated with the 16th Street Train Station that are proposed for removal. Parcel 3 is Bea's Hotel, which is not owned by the Project Sponsor at this time.

Access to Parcel 1 is from 14th Street, 16th Street, and Wood Street. Parcels 2 and 3 are accessed from 16th Street. The first development project within Parcel Map 8553 will be responsible for all public improvements to 14th Street, 16th Street, and Wood Street between 14th Street and 16th Street, unless development has occurred on an adjacent parcel and the public improvements were already installed.

Parcel Map 8554 (Development Areas 5, 6 and 9)

Parcel Map 8554, owned by BUILD West Oakland, LLC, is divided into four parcels. Parcel 1 is the proposed location of the 16th Street Train Station plaza; Parcel 2 contains the historic 16th Street Train Station, a portion of the elevated tracks and platform, and a portion of the baggage wing; Parcel 3 contains the remaining elevated tracks, platform, the remainder of the baggage wing, and the signal tower; and Parcel 4 is a portion of the 16th Street extension that connects to the frontage road. The warehouse structures situated on Parcel 3 are proposed to be demolished.

Parcel Map 8555 (Development Areas 7 and 8)

Parcel Map 8555, owned by Central Station Land, LLC, is divided into two development parcels. This Parcel Map is responsible for the public improvements to Wood Street, and the extensions of 18th Street and 20th Street. Parcel 1 will be responsible for the public improvements to Wood Street, from 18th Street to 20th Street (unless Parcel 2 is developed first), 18th Street (unless preceded by Parcel 3 of Map 8554), and 20th Street if needed for access. If Parcel 2 is developed first, public improvements will need to be constructed along Wood Street, from 18th Street to West Grand Avenue (unless Parcel 1 is developed first), and 20th Street.

Phasing of Public Improvements

As mentioned above, each project sponsor is responsible for construction of a certain portion of the public improvements depending on the sequencing of development. The project sponsors have assured the City that as individual development projects are approved, the project sponsor will be responsible for construction of the public improvements as well as the internal improvements associated with the development. Agreements will need to be made among the project sponsors regarding reimbursement for improvements. The City's main interest in phasing of the public improvements is to ensure that they are phased properly to serve each development as well as around the entire site when all developments are completed.

Subdivision Findings

In order to approve the Vesting Tentative Parcel Maps, the Planning Commission will need to make the following Tentative Map Findings (Section 16.08.030 O.M.C. & California Government Code Section 66474:

A. That the proposed map is consistent with applicable general and specific plans

Subdividing the 29.2-acre site into five vesting parcel maps and 15 individual developable parcels is consistent with the proposed "Urban Residential" General Plan designation. With the amendment of the General Plan land use map, the land uses in the proposed project are consistent with those described in the "Urban Residential" General Plan land use category and those specified in the proposed "Wood Street Zoning District."

B. That the design or improvements of the proposed subdivision is consistent with applicable general and specific plans

The illustrative concept plan and the Wood Street Zoning District Regulations (Appendix H in the DEIR) studied in the Environmental Impact Report is consistent with the density and intensity standards of the "Urban Residential" General Plan land use designation. The parcel maps do not include a specific development proposal. The public improvements depicted on the vesting tentative parcel maps, however, will be consistent with the City's street, parking, utility, and landscaping standards when amended according to the comments received during map review. The final vesting parcel maps will be prepared in accordance with City standards.

C. That the site is physically suitable for the type of development

The topography of the project area is relatively flat making it suitable for residential development. The street extensions are a continuation of an existing circulation pattern thereby allowing many points of access to the project area.

D. That the site is physically suitable for the proposed density of development

The 29.2-acre project area can accommodate a variety of housing types and densities.

E. That the design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat
The mitigation measures proposed in the Environmental Impact Report will be made conditions of approval for the project thereby reducing any potential impacts to biological resources (removal of trees and destruction of bird nests) to less than significant.

F. That the design of the subdivision or the type of improvements is not likely to cause serious public health or safety problems

The design of the public improvements is not likely to cause any public health or safety problems. The circulation pattern has been designed to City street and emergency access standards thereby eliminating any traffic safety problems. Pedestrian and bicycle improvements will be constructed with each of the individual developments thereby improving non-vehicular movements.

During the EIR review, many comments were received about air quality issues and public health concerns during construction. Master Response 3 of the Final EIR discusses additional studies that were carried out to determine the significance of diesel fuel and particulate matter emissions during construction. Using a model recommended by BAAQMD, the results showed that PM₁₀ generated by project construction would be considered less-than-significant. Therefore, no further mitigation measures would be required.

Even though PM₁₀ emissions would be considered less than significant, there are other measures that could further reduce the generation and dispersion of particulate matter during construction. Because the construction period for the project could last ten years, PM₁₀ construction emission for the project would occur for a long period, rather than the short-term construction impacts assumed for most projects. As a result, the project sponsors could further minimize PM₁₀ emissions by following the Bay Area Air Quality Management District (BAAQMD) guidelines

for operating construction equipment. These will be considered during preparation of the Construction Traffic Management Plan.

G. That 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

The community has requested that extension of the existing street pattern from 10th Street to 20th Street not be permitted to connect to the frontage road. All pocket parts terminating at the ends of the streets will be open to the public as well as the 16th Street Train Station Plaza to be improved in front of the station. Commercial development constructed within the project will be available to both project residents and other neighborhood residents.

H. That the design of the subdivision does not provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

The individual residential developments proposed in the future will, to the extent feasible, maximize passive or natural heating or cooling opportunities in the subdivision. These design features will be assessed during application review for future projects.

Staff Recommendation

Staff believes that the Planning Commission can make the findings to approve the Five Vesting Tentative Parcel Maps, contingent on approval of the General Plan Amendment to change the land use designation to "Urban Residential" and the approval of the Wood Street Zoning District. All Conditions of Approval placed on the Vesting Tentative Parcel Maps and contained in Exhibit C will be attached to the Vesting Tentative Parcel Maps.

LANDMARKS PRESERVATION ADVISORY BOARD COMMENTS

Two meetings were held before the Landmarks Preservation Advisory Board regarding the historic resources in the project. The meeting on October 18, 2004 was a public hearing about the draft EIR. At that meeting, the LPAB requested that the Final EIR provide more information about the history of the 16th Street Train Station and expand the mitigation measures for preservation of the resources. In response, the Final EIR includes Master Response 4 which responds to the issues raised in the Draft EIR including additional mitigation measures for preservation.

A Special Landmarks Preservation Advisory Board public hearing was held on February 28, 2005. Board members commented on the Final EIR, reviewed the proposed mitigation measures, and discussed the cultural and historic resources in the Project Area. Board members then reviewed the project and made to the Planning Commission regarding the proposed changes to historic resources in the Project Area (see Attachment G, LPAB Minutes, February 29, 2005).

1. Proposed Parcelization of the Main Hall and Surrounding Area

The project sponsor is proposing to remove a major portion of the elevated tracks and the entire baggage wing and restore the remainder of the Main Hall. These proposed changes affect the Parcel Maps as parcel lines for vesting Parcel Maps 8553 and 8554 are planned with the assumption that a portion of the elevated tracks will be removed so that 16th Street could be

extended on Parcel Map 8553, that a portion of the elevated tracks will be removed on Parcel Map 8554, and that the baggage wing will be eliminated (the parcel line between Parcels 2 and 4 goes through the existing location of the baggage wing).

Several Board members expressed concerns regarding the proposed parcelization. Specifically, they were concerned that the proposed lot lines may preclude options for re-use of the Main Hall building such as "back of house" requirements (loading and storage areas) along with providing sufficient parking.

LPAB Recommendation: The Board made no specific recommendation on this issue. Rather, their comments and recommendations are contained in the points set forth below.

2. Demolition of much of the train platform and the elevated tracks

The project sponsors are proposing to demolish most of the elevated tracks, but retain a portion of the tracks behind the station approximately 185 feet long and 20 feet wide. The project sponsors' rationale for this modification is to allow an extension of 16th Street for emergency access to the south, provide for a new access way for the residential projects that will reflect the historic street grid and to permit an economically feasible residential development within the adjacent Development Area 6 to the north.

LPAB Recommendation: Motion to support the extension of 16th Street to the frontage road and the demolition of the platform in Parcel #4 and across the 16th Street right-of-way.

3. Demolition of the baggage wing

The project sponsors are proposing to demolish the baggage wing and to use the area for residential development. The lot lines drawn on Tentative Vesting Parcel Map 8554 show a parcel line through the baggage wing and elevated tracks. The project sponsors maintain that it is economically infeasible to retain the baggage wing because the land area is required to achieve the 215 units to assure a minimum economic return on investment. They contend that the surrounding land area left is not sufficient. Several people testified about the importance of the baggage wing to the African American culture and history of West Oakland and the labor movement. African Americans traveled west to the end of the railroad line and found employment working as porters and baggage handlers at the train station. Removing the baggage wing would eliminate an important symbol of this important era. Many speakers expressed an interest in keeping the Main Hall and the Baggage Wing intact and finding a use for the entire structure. Board members were concerned about allowing the baggage wing to be removed without knowing what the train station would be used for; they wanted to see more detailed restoration plans for the station.

LPAB Recommendation: Please refer to Recommendation 4, below.

4. Restoration of the Train Station, including the timing

Project sponsors are proposing to secure and weatherize the Main Hall of the Train Station right away and restore the Main Hall of the Train Station when funding is available to do so. Some Board members expressed concern that the parcel containing the entire Train Station (Main Hall, Baggage Wing, and Elevated Tracks) should remain intact until a use for the Train Station is identified. They also requested that feasibility reports be prepared that show why all the features of the Train Station cannot be preserved (elevated tracks; baggage wing); that show what the

Train Station and the Baggage Wing can be used for; and what the Main Hall could be used for without the baggage wing. Further, the LPAB agreed that no final parcel maps or demolition be approved until these reports have been reviewed.

LPAB Recommendation for # 4: Motion to provide two studies of infeasibility/feasibility: first, that there is an assurance that the project within Development Area 6 is not feasible without demolition of the baggage wing. Second, that if the baggage wing is not saved, the train station is still feasible for reuse, illustrating one or more uses and the infeasibility/feasibility of keeping the entire elevated platform north of 16th Street and whether the train/platform area could be used for service areas or other uses. Until that is provided the parcelization should not be approved. These studies shall be completed and reviewed by the Planning Commission at its March 16, 2005 meeting.

5. Demolition of Bea's Hotel

LPAB Recommendation: Bea's Hotel does not need to be retained as part of the project.

6. Pacific Coast Cannery

A preliminary design scheme has been submitted to the City and reviewed by the Design Review Committee for a residential loft project in one of the old cannery buildings. Because the cannery buildings are located in the Pacific Coast Canning District, designated an Area of Secondary Importance, there is interest on the part of historians and preservationists on how the buildings and the district will be preserved. Board members expressed an interest in reviewing the plans for the proposed residential loft project and requested that it come to the LPAB for review.

LPAB Recommendation: Motion to recommend that the Pacific Coast Cannery Lofts project come back to the LPAB for Design Review.

7. View Shed of the Station

The LPAB discussed the potential loss of views of the Train Station and the proposed development. It was difficult to discuss the extent that views of the Train Station may be affected from the frontage road without being able to review actual development plans. LPAB members agreed that any new development should take into consideration preservation of views from this direction. The discussion then focused on the views of the Train Station from Wood Street and through the public plaza.

LPAB Recommendation: Motion to increase the view shed from Wood Street to the Train Station by increasing the width of open area by approximately 2.4 feet bounded by the edge of the north wall, the eastern edge of the Plaza, Parcel 3 and Wood Street (Map 8554).

The project sponsors have submitted the physical and financial information feasibility information requested by the LPAB. (See Attachments H and I). Staff believes that the project sponsors have demonstrated that economic feasibility of the residential development on Development Area Six would be severely impacted if the baggage wing were to be retained. It has also been demonstrated that the reuse of the baggage wing for commercial or residential development is not financially feasible.

Staff also understands the importance of the community concerns about the cultural resource and the history of the Train Station. In considering the restoration and preservation of the historic Train Station and the redevelopment of the land area surrounding it, the Planning Commission must balance the competing interests among providing new housing, revitalizing an area, and preserving an historic resource.

As the Planning Commission considers this issue, the following points should be included in the discussion for background and perspective:

- The project sponsors have included the preservation of the main hall, a portion of the tracks and the signal tower in their project. In addition, they have agreed to the following other commitments which have been incorporated into the Conditions of Approval for the project (Exhibit C):

1. Within six (6) months of approval of the Wood Street Zoning District, the developer will establish a 501(c)(3) nonprofit organization to oversee the rehabilitation and reuse of the historic Train Station.

2. Within twelve (12) months of approval of the Wood Street Zoning District, the developer and/or new nonprofit corporation for the historic train station will prepare a business plan for the retention of historic resources and the reuse of the 16th Street Train Station. The business plan will establish a framework for the funding of rehabilitation efforts and identify the grant source(s) and other funding mechanisms for the work. The business plan will also establish the information needed for requesting tax increment financing and the timing and sequencing of such funding in relation to the phasing of the historic restoration efforts.

3. Within two (2) years of approval of the Wood Street Zoning District, the developer will complete a schematic set of plans and specifications for the restoration of the 16th Street Train Station. The plans shall include an analysis of the feasibility of restoration and reuse of the structure and establish a budget for the project to demonstrate the viability of proposals related to possible use of historic resources and identify important details about how modifications to historic resources will be integrated into the final project.

4. The developer has agreed that the public plaza in front of the Train Station will be constructed during the first phase of the project.

- Restoration costs for a building such as the Train Station are extraordinary and are well outside the bounds of making a typical infill residential or mixed use development feasible in the Bay Area. As with most major historic preservation projects, outside funding sources are nearly always required.
- The Train Station is an important landmark for the West Oakland community, the City and the State. The successful reuse and restoration of this property will contribute to the revitalization of this neighborhood. The City has established the restoration of the train station as an important value through their action to designate it a landmark and through other Historic Preservation Element policies and objectives.

Staff Recommendations

The retention and integration of this important historic resource is a key component of the overall Wood Street Project. The Commission must find a difficult balance point to obligate the project sponsor while still being able to find the project feasible to construct. Accordingly, staff has the following recommendations for the Commission's consideration:

- If the Planning Commission believes that retention of the baggage wing is important, then the Commission could make a recommendation to the Redevelopment Agency to purchase the baggage wing as part of the historic preservation components of the site. This purchase would include the land area and residential development capacity of the land area that the baggage wing occupies.
- If the Planning Commission chooses to allow the baggage wing to be demolished as part of the project, staff believes that there is sufficient "back of house" space within the main hall to accommodate successful community and commercial uses, as demonstrated in Attachment H.
- The retention of the rear track and platform area is another important consideration. At this time, given the information that project sponsor has submitted it is clear that a larger portion of these features could be retained while still accommodating the new internal roadway and desired surface parking spaces. The spaces could be incorporated under this area. Therefore, staff recommends that the development plans submitted for Parcel 3 of Map 8554 include an option that retains the track and platform, along with a discussion of feasibility and what would be lost if the tracks and platform were to be retained.
- Similarly, the schematic drawings developed for the restoration of the main hall should include the incorporation of this track and platform area into the project for active and passive uses (observation deck, etc.)
- A well-developed interpretative program should be included in the schematic plans for the main hall and surrounding area, including exhibit space and other presentation space for photographs, train cars, etc. This work is included as a part of Mitigation Measure CR-2.1 and 2.2.
- An important component of the overall restoration plan is the project sponsor's request to use tax increment funds generated by the Wood Street Project to restore the Train Station. The use of these funds is discretionary, and cannot be assumed at this time because they require independent action of the Redevelopment Agency. The budget developed for the restoration work should include other specific means of funding, such as an assessment district, in order to assure that this restoration work is successfully completed. In addition, the conditions of approval include a performance measure that this restoration work will be substantially completed by occupancy of the 800th unit of the project, to assure that efforts to restore the project run concurrently with the residential construction. In short, the project sponsors will be responsible for assuring adequate financing and implementation of the Train Station restoration.

Staff comments on LPAB recommendations:

Recommendation No. 2: Agree that a portion of the tracks at eastern edge can be demolished.

Recommendation No. 3: Included in discussion above; staff believes that sufficient financial and physical feasibility information has been submitted to demonstrate that: 1) main hall and surrounds can be reused successfully without the baggage wing; 2) retention of the baggage wing will severely impact the development potential of Parcel 3; 3) and that if the baggage wing is important, its acquisition costs can be considered as a part of the overall restoration and preservation costs of the Train Station.

Recommendation No. 4: Included in the discussion above: feasibility reports have been submitted and a condition of approval has been included that prevents demolition of the baggage wing or portion of the elevated tracks and platform without first approving the actual development plan for the site.

Recommendation No. 5: Agree; Bea's Hotel can be demolished.

Recommendation No. 6: Disagree; staff believes that the expansion of this strip for open space will have little, if any effect, on the view corridors of the Train Station. Instead, conditions of approval and design standards have been included to require consideration of the views of the Train Station during the design review process for the projects surrounding the project.

ENVIRONMENTAL REVIEW

Summary of the EIR Process

The environmental review process was completed by the City of Oakland to disclose potential environmental effects of the proposed Wood Street Project. The Draft Environmental Impact Report (DEIR) was published on September 21, 2004, and the public review period for the DEIR ended on November 15, 2004. The Landmarks Advisory Board and the Planning Commission held public hearings to solicit comments on the DEIR on October 18, 2004 and October 20, 2004, respectively. Responses to the written and oral comments that were received during the public review and comment period were compiled and are contained in the Final Environmental Impact Report (FEIR), along with changes and clarifications to the DEIR. The FEIR was published on February 7, 2005. The FEIR, together with the DEIR, comprise the Environmental Impact Report (EIR). The EIR studies a collection of development proposals being pursued by various developers, described below. The Commission will be asked to certify the EIR as complete and in compliance with CEQA before deciding whether to approve the Vesting Tentative Parcel Maps subject to the City Council approval of the proposed General Plan Amendment and the proposed Wood Street Zoning District.

Environmental Review Process

As the principal public agency responsible for approving the Wood Street Project, the City of Oakland is the Lead Agency in the preparation of the Environmental Impact Report (EIR). Given the size, scale and potential impacts resulting from the Wood Street Project, the City determined that an EIR should be prepared for the Project. The City distributed an initial Notice of Preparation on December 2, 2003 and a revised version on January 21, 2004, announcing its intent to prepare and distribute an EIR on the Project. The City conducted a public scoping meeting before the Planning Commission on December 17, 2003. The purpose of this meeting was to provide the community with an opportunity to ask questions about the Project and to

voice concerns or identify issues that should be discussed in the EIR.

On September 21, 2004, the DEIR for the Wood Street Project was published, and circulated for public review and comment. The public review and comment period ended on November 15, 2004 for a total period of 54 days. Responses to the written and oral comments that were received during the public review and comment period were compiled, and are contained in the FEIR, along with changes and clarifications to the DEIR. The FEIR was published on February 7, 2005 and was delivered to the Planning Commission separately. The FEIR is available to members of the public at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m.

Structure of the Wood Street Project EIR

The Project studied in the EIR is a collection of development proposals being pursued by various developers. While the development proposals are being pursued by different applicants and along different timelines, each project is separate and able to be accomplished independently of the others. The applicants have jointly proposed a General Plan amendment for the Project Area and a new zoning district to accommodate the proposed uses in order to assure an integrated, internally consistent development framework, and a comprehensive analysis of all the potential environmental impacts. Each one of these development proposals could comprise a separate project under CEQA, and could have been studied in a separate EIR. However, because the City and the Project Sponsors have coordinated in proposing a single zoning district for all of the properties located within the proposal areas, and in order to ensure a comprehensive review of the collection of development proposals, the proposed zoning district and all the development proposals are studied together in one EIR and are collectively referred to in the EIR as "the Project." The zoning district identifies uses and development standards that define the physical aspects of the Project. These standards and an illustrative concept of how development might be organized in the Project Area are described in Section 2, Project Description, of the DEIR, and in Section 3 (Master Response 1) of the FEIR.

The EIR comprehensively analyzed the potential physical impacts of the range of development that would be permitted under the Wood Street Zoning District. The EIR evaluates the basic framework proposed for future development of the Project Area, as well as the various development scenarios that may emerge from the application of the proposed zoning district, and the potential environmental impacts the Project would cause if it were approved. The EIR acknowledges that the Project is flexible in the types of uses that would be permitted, and that different types of impacts would be generated by residential uses than would be generated by commercial uses. The EIR therefore studies a range of potential impacts by projecting various scenarios that could be developed in response to the Wood Street Zoning District. The EIR evaluates both a Maximum Residential Scenario and a Maximum Commercial Scenario. It also studies a Maximum Trips Scenario to ensure that maximum traffic impacts were identified.

The EIR provides a project-level analysis of the environmental impacts the Project would cause if it were approved, and is intended to support all levels of approval required to build and operate all aspects of the development proposals that comprise the Project.

Comments on the Wood Street Project DEIR

Fifty-seven comment letters on the Wood Street Project DEIR were received during the comment period. Fifteen comment letters were from government agencies, 27 were from organizations, and 15 were from individuals. Oral comments were received at the Oakland Planning Commission Public Hearing held on October 20, 2004. Oral comments also were received at the Landmarks Preservation Advisory Board Public Hearing held on October 18, 2004.

A number of comments address specific topic areas that, taken together, warranted comprehensive responses that clarify and elaborate upon the analysis in the DEIR. In response to these comments, five Master Responses are included in the FEIR, which address the following topic areas:

- Master Response 1: Description of the Project and its Components
- Master Response 2: Circulation and Safety Around the Project Area Vicinity
- Master Response 3: Air Quality and Public Health Concerns
- Master Response 4: Cultural Resources; and
- Master Response 5: Socioeconomic Considerations Related to the Project

The master responses are located in Section 3 of the FEIR.

Other important and frequently raised comments concern land use, transportation, noise, air quality and historic resources. Responses addressing these issues, as well as all other comments, are located in Section 4 of the FEIR.

The FEIR includes minor revisions 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. Finally, the report on social and economic aspects of the Project is included in Appendix C to the FEIR, so that the public and the decisionmakers can consider these issues in deciding the merits of the Project.

Certification of the EIR

The Planning Commission is asked to certify the EIR for the Wood Street Project. Certification does not imply endorsement of the proposed project, nor that the permit application(s) for the project will be approved. Rather, in considering certification of the EIR, the Commission's focus should be placed on confirming that:

- The discussion in the EIR represents a good faith effort to disclose all the City reasonably can regarding the physical impacts which may result from the Project;
- There is an adequate consideration and evaluation of measures and changes to the Project that would eliminate or lessen the potentially significant physical impacts associated with the Project;

- The process for considering the EIR complied with all applicable provisions of CEQA and the Municipal Code; and
- The significant environmental issues raised in the comments received about the DEIR were adequately responded to in the FEIR.

Findings Required to Certify the FEIR

The following findings are required to certify the EIR for the Wood Street Project, and must be supported by the facts set forth below:

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

The DEIR 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 period beginning on September 20, 2004 and ending on November 15, 2004. The Planning Commission held a duly and properly noticed public hearing to solicit comments on the DEIR on October 20, 2004, as did the Landmarks Advisory Board on October 18, 2004. The FEIR was published on February 7, 2005.

- 2) *The 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 EIR is composed of the DEIR and the FEIR. The City has reviewed and considered the information contained in the EIR.

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

The EIR reflects the independent judgment and analysis of the City. The analysis in the EIR is the result of the work of numerous experts, all of which has been reviewed by EIP Associates, the City's environmental consultants, and further reviewed by City staff, including the Planning Director. The EIR has been provided to the Commissioners in sufficient time to enable their review and confirmation that the EIR reflects the City's independent judgment.

SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

The EIR identifies several impacts and mitigation measures that can be incorporated to lessen or eliminate the potential environmental impacts of the Wood Street Project. Seven impacts are significant unavoidable impacts, and eight potentially significant impacts are mitigated to a less than significant level. Each of these impacts is summarized as follows:

Significant, Unavoidable Impacts

The following seven significant unavoidable project impacts were identified in the DEIR.

CULTURAL RESOURCES

Impacts CR-2 and CR-3: The Project would involve demolition of portions of the 16th Street Train Station, a City landmark and a designated historic structure. Loss of these portions would diminish the historical significance of the structure as a whole and would constitute a significant impact. In addition, the Project would adversely affect the historical setting and views of the Station and the 16th Street Signal Tower. The DEIR identified mitigation measures that would reduce the impacts and Mitigation Measures CR-2.1 through CR-2.8 have been revised, augmented and strengthened in the FEIR. The measures now require Historical American Building Survey (HABS) recordation; salvage of materials during demolition; stabilization of the retained structures (which include the Main Hall, portions of the Elevated Tracks, and the Signal Tower) to hinder further deterioration through weather damage or vandalism; restrictions prohibiting alteration of the buildings in a way that would preclude restoration; and enhancement of the train station setting through construction and landscaping of the public plaza in front of the Station.

In addition, the revised measures would require that the Project Sponsor submit a proposal to the Redevelopment Agency for tax increment funding to restore the Main Hall and the retained portion of the Elevated Tracks. The proposal must include a financial plan showing a commitment to maximize the leverage of the tax increment funds by seeking additional public funding, tax credits, private financing and philanthropic grants. The measures provide for input from the community on the most appropriate reuse of the facility. The reuse of the Main Hall would include exhibit space commemorating the site's cultural history. Rehabilitation of the facility would be required to conform to the Secretary of the Interior's Standards and the General Standards referenced in the Dreyfus report.

However, even with the proposed mitigation, the impacts cannot be fully mitigated, and remain significant and unavoidable. (See DEIR pages 3.7-21 to 3.7-26 and FEIR, Section 3, Master Response 4).

TRANSPORTATION

Impacts TR-8, TR-12 and TR-13: The Project would increase peak-hour average ridership at the West Oakland BART Station. The Project would also contribute toward cumulative impacts that could increase the overall passenger volume such that BART standing capacity would be exceeded, peak-hour average ridership would be increased, and waiting time at fare gates could exceed one minute. Mitigation measures would require the Project Sponsors to contribute towards gate capacity improvements. However, BART does not currently have a mechanism in place to allocate the costs or collect fees to implement improvements. Therefore, the impacts remain significant and unavoidable. (See DEIR pages 3.4-28 to 3.4-29 and 3.4-38 to 3.4-40).

Impact TR-9: The cumulative impact of the Project and other proposed development would cause potentially significant impacts at the following intersections: West Grand Avenue/frontage road; West Grand Avenue/Mandela Parkway; 7th Street/Mandela Parkway; West Grand Avenue/Maritime Street and 3rd Street/Market Street. Mitigation measures are proposed to provide fair share funding of certain improvements. The mitigation measures would reduce impacts at most intersections to less than significant levels. The construction of improvements at the West Grand Avenue/frontage road requires approval from Caltrans, and the EIR cannot

reasonably predict that Caltrans would expend the fees to make the improvements. Accordingly, the impact to that one intersection remains significant and unavoidable. However, one of the conditions of approval requires the project sponsors to contribute their share of funding for these improvements if Caltrans approves them. (See DEIR pages 3.4-30 to 3.4-34).

Impact TR-10: The cumulative impact of the Project and other proposed development would cause cumulative traffic levels on a segment of northbound I-880 to exceed the City's threshold for freeway operations. The mitigation measures proposed to reduce the cumulative freeway impact would reduce freeway operations. Additions were made to Mitigation Measures TR-10.1 (in response to comment 8.3) and TR-10.2 (in response to comments 8.2 and 13.7) to strengthen and clarify the measures, and to provide more detail regarding a proposed shuttle service for which the Project would be responsible. However, even with the proposed mitigation, the impact to the roadway segment remains significant and unavoidable. (See DEIR pages 3.4-35 to 3.4-37).

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

The following eight significant project impacts that may be mitigated to a less-than-significant level were identified in the DEIR.

AIR QUALITY

Impact AQ-1: Construction activities for the Project could result in short-term increases in emissions that could violate City and BAAQMD air quality standards. Best Management Practices recommended by the BAAQMD are proposed as mitigation measures identified to reduce construction emissions to a less-than-significant level. (See DEIR pages 3.6-12 to 3.6-14).

BIOLOGICAL RESOURCES

Impact BR-2: Demolition of structures and removal of vegetation from the Project Area could result in destruction of bird nests. Implementation of mitigation measures identified in the DEIR to remove vegetation outside of the nesting season, and to conduct surveys and develop buffer zones when this is not possible, would reduce the impacts to a less-than-significant level. (See DEIR pages 3.11-6 to 3.11-7).

HAZARDOUS MATERIALS

Impact HM-2: Construction activities associated with the Project could entail exposure to hazardous materials. Implementation of mitigation measures identified in the DEIR to establish a site health and safety plan and compliance with soil remediation standards would reduce the impacts to a less-than-significant level. (See DEIR pages 3.8-13 to 3.8-16).

LAND USE

Impact LU-3: The Project could not be approved or developed under the current General Plan land use classification and zoning districts for the Project Area. Accordingly, the Project includes amendments to the City's General Plan and Zoning Code. (See DEIR pages 3.2-26 to 3.2-27).

NOISE

Impact NO-1: Construction activities associated with the Project would result in short-term increases in noise and vibration levels. The implementation of mitigation measures identified in the DEIR to reduce construction related noise and vibration would reduce the impacts to a less-than-significant level. (See DEIR pages 3.5-12 to 3.5-18).

TRANSPORTATION

Impact TR-1: Construction-related traffic delays, detours, utility improvements, and activities could adversely affect local circulation. The implementation of the construction traffic management plan identified in the DEIR would reduce the impacts to a less-than-significant level. (See DEIR pages 3.4-17 to 3.4-19).

Impact TR-4: The Project could substantially increase traffic hazards to motor vehicles, bicycles or pedestrians due to a design feature. The design of turn-arounds identified in the DEIR would allow vehicles to enter Wood Street in a front-end first manner reducing the impact to a less-than-significant level. (See DEIR pages 3.4-22 to 3.4-24).

Impact TR-5: Development of the Project could fundamentally conflict with alternative transportation plans, policies and programs. The installation of bicycle parking, in conjunction with participation in a transportation demand management program and provision of shuttle service between the Project Area and West Oakland BART, as identified in the EIR, would reduce the impact to a less-than-significant level.) (See DEIR page 3.4-25 and responses to comments 8.2, 8.3 and 13.7 in the FEIR).

Impact TR-9: As noted above, implementation of mitigation measures will reduce the Project's contribution towards cumulative impacts to four intersections in West Oakland to less than significant levels.

SOCIO-ECONOMIC BENEFIT REPORT

Several oral and written comments were received throughout the public review comment period regarding the need to prepare a socio-economic analysis of the proposed project. Mundie and Associates was retained to prepare the report titled, "The Proposed Wood Street Project: Policy and Planning Framework." The report focuses on the consequences of the proposed land use changes, the potential gentrification as the result of the Wood Street Project, and how to maintain the existing affordable housing.

The entire report is included in the FEIR as Appendix C. Major conclusions from the report are included in the FEIR, Master Comment 5, "Economic and Social Considerations Related to the Project."

FISCAL IMPACT REPORT

A second report by Mundie Associates is contained as Attachment J. This report pertains to the fiscal impacts and benefits of the proposed land use change from industrial to residential. The report indicates that there would be significant revenues accruing to the City in the form of increased property taxes, sales taxes, utility user taxes, etc. As a corollary, there would also be

increased expenses in order to successfully maintain the project and provide adequate public services. All told, as in most instances in California due to the property tax limitation imposed by Proposition 13, residential development turns out to be a net loss after a certain time period. In addition, the City's General Fund revenues are projected to be less due to the project being within a Redevelopment Area. In exchange for lower projected General Fund revenues, the Redevelopment Agency is expected to receive a higher proportion of property taxes, which benefit the City and the community in a variety of ways including improving infrastructure and cleaning up blighted and contaminated properties. This policy decision was previously made when the City choose to establish the OARB Redevelopment Plan. The project and projected revenues are merely a result of this previous policy decision.

STAFF RECOMMENDATIONS AND ATTACHMENTS TO THIS STAFF REPORT:

Staff recommends that the Planning Commission:

- (1) Certify the Environmental Impact Report, adopt the CEQA Findings regarding certification of the EIR, and adopt the Mitigation Monitoring Reporting Program,
- (2) Approve the five Vesting Tentative Parcel Maps and Conditions of Approval (contingent upon General Plan Amendment and Rezoning approvals),
- (3) Recommend to the City Council approval of (a) General Plan Amendment and (b) Wood Street Zoning District;
- (4) Adopt a report to the Redevelopment Agency and the City Council recommending the adoption of the amendment of the Oakland Army Base Redevelopment Plan.

In approving the vesting tentative parcel maps and recommending approval of the General Plan amendments, the Wood Street Zoning District and the amendments to the OARB Redevelopment Plan, the Planning Commission would be taking a major and positive leap toward:

- revitalizing the West Oakland community through new infrastructure, public improvements and private development
- restoring, preserving and reusing the 16th and Wood Street Train Station that has remained vacant and severely damaged by years of neglect
- reinvesting major private capital in a historically disinvested community
- constructing up to 1,557 new housing units, serving the first time buyer's market where there is huge, unmet demand in Oakland and throughout the Bay Area
- demonstrating that a large scale, "smart growth" infill project can work in a historically disinvested community
- generating tens of millions of dollars in tax increment that can be used to further improve the community

Although there have been some comments made about other exactions and benefits that should be required of this project, these requests for community benefits, further affordable requirements, use of local hiring policies and the like must be weighed against what has been included and incorporated into the project through the public review process. The commitments of the project sponsors, the requirements for phased public improvements and integrated, consistent development, the restoration and reuse of the Train Station and the contribution to

major capital infrastructure needs such as West Grand and frontage road intersection all have great long term value to the West Oakland community, the City and the region. To further place requirements on the developer would likely impact overall feasibility. The land use change from industrial to residential in this area represents a more integrated and complimentary redevelopment scheme than large scale industrial use. Therefore, the success of this project at this time is a more important value than getting further exactions.

Approval would entail adoption of many documents. Documents that encompass the range of issues relevant to each of the recommended project approvals has been prepared for consideration by the Planning Commission and is attached to this staff report as Attachments L and M. This was done to avoid confusion, to reduce the number of separate documents to be reviewed and to enable staff to reproduce and attach the same exhibit to each approval document.

1. Certification of EIR and Approval Of Five Vesting Tentative Parcel Maps.

Staff recommends that the Planning Commission certify the EIR and approve each Vesting Tentative Parcel Map (VTPM), conditioned upon adoption of the proposed General Plan Amendment and the Wood Street Zoning District. Documents included in Attachment L attached to this staff report regarding approval of the VTPMs are as follows:

Exhibit A – CEQA Findings. These contain the findings regarding certification of the EIR, impacts of the project, mitigation measures, and other CEQA issues.

Exhibit B – Mitigation Monitoring and Reporting Program (MMRP). This chart indicates how mitigation measures would be monitored, cross-references mitigation measures to conditions of approval, and indicates the resulting level of significance.

Exhibit C – Conditions of Approval. Given the volume of documents associated with the Project, and for the convenience of the Planning Commission, staff has produced a single document that includes all conditions applicable to all VTPMs. All conditions apply to each of the VTPMs unless a condition clearly indicates otherwise. If the Commission approves the VTPMs as directed, staff would, as a clerical matter, break out the conditions applicable to each VTPM and attach only those conditions to the relevant VTPM.

Exhibit D – General Findings. These contain findings under the Planning and Zoning Law and the Oakland Municipal Code regarding general plan consistency and other land use issues. Again, given the volume of documents associated with the Project, and for the convenience of the Planning Commission, staff has produced a single document that contains the findings relevant to all levels of approval required to implement the Project. Staff proposes that these findings remain in a single document, to be attached to each approval granted for the Project by the Planning Commission and the City Council.

2. Recommendation to the City Council Regarding General Plan Amendment, Wood Street Zoning District, Zoning Map, and Redevelopment Plan Amendment.

Staff recommends that the Planning Commission recommend to the City Council that it enact the General Plan Amendment and Rezone for the Project, and that the City Council and Redevelopment Agency enact the Redevelopment Plan Amendment for the Project. Documents included in Attachment M to this staff report relevant to these recommendations are as follows:

Exhibit A – CEQA Findings. Staff recommends that the Commission recommend to the Council and/or Redevelopment Agency adoption of the CEQA findings attached as Exhibit A, as the CEQA findings for the General Plan Amendment, Rezone and Redevelopment Plan Amendment.

Exhibit B – Mitigation Monitoring and Reporting Program (MMRP). Staff recommends that the Commission recommend to the Council and/or Redevelopment Agency adoption of the MMRP attached as Exhibit B, as the MMRP for the General Plan Amendment, Rezone and Redevelopment Plan Amendment.

Exhibit C - Conditions of Approval- The conditions contained within Exhibit C are detailed, site-specific and pertain to a level of project design that is only relevant at the stage of a map or development plan approval. Therefore, staff recommends that these conditions not be attached to the General Plan Amendment, Rezone or Redevelopment Plan Amendment.

Exhibit D – General Findings. Staff recommends that the Planning Commission recommend to the City Council and/or Redevelopment Agency adoption of the General Findings attached as Exhibit D, as the findings for the General Plan Amendment, Rezone and Redevelopment Plan Amendment.

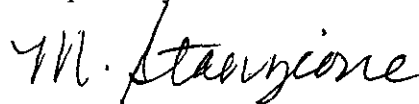
Exhibit E – Proposed Zoning Ordinance and District Regulations. This is the language for adoption of the ordinance enacting the zoning regulations. Attached to this Ordinance is the language staff recommends to be incorporated into the Oakland Municipal Code. Staff recommends that the Planning Commission recommend to the City Council enactment of this ordinance and the language of the “Wood Street Zoning District – Zoning Regulations, Standards, and Guidelines for Development and Use of Property within the Wood Street Zoning District.”

Exhibit F - Proposed Zoning Ordinance Amending the Zoning Map. This is the ordinance that amends the zoning map from General Industrial, Light Industrial, and Industrial-Residential Transition Combining Zone to the Wood Street Zoning District.

Exhibit G – Proposed General Plan Resolution. This is the resolution staff recommends for adoption of the proposed General Plan Amendment. Staff recommends that the Commission recommend to the City Council adoption of this resolution

Exhibit H-1 and H-2 – Proposed Redevelopment Plan Ordinance and Resolution. This is the ordinance and resolution by which staff recommends the amendments to the Redevelopment Plan be enacted. Staff recommends that the Planning Commission recommend to the City Council and to the Redevelopment Agency enactment of this ordinance and adoption of this resolution.

Prepared by:



Margaret Stanzione, Planner IV
Major Projects

Approved for forwarding to the
City Planning Commission:

Cappio ms

CLAUDIA CAPPIO
Director of Development

ATTACHMENTS:

- A. *Project Location, Figure S-1*
- B. Proposed Development Areas, Figures S-2
- C. Illustrative Concept Plan, Figure S-3
- D. Project Area Land Use and Development Program by Development Area, Table S-1
- E. Example of Financial Impact of Inclusionary Requirement
- F. Options for Meeting Redevelopment Agency Affordable Housing Obligations
- G. Landmarks Preservation Advisory Board Minutes - February 28, 2005
- H. Information and Analysis Pertaining to the Reuse of the 16th and Wood Train Station
- I. Financial and Appraisal Information Demonstrative Infeasibility of Preserving the Baggage Wing and Portion of the Tracks and Platform for the 16th and Wood Train Station
- J. The Proposed Wood Street Project: Fiscal Impact Analysis
- K. Correspondence

- L. Documents - Certifying of the EIR and Approval of Five Vesting Tentative Parcel Maps
 - Exhibit A - CEQA Findings
 - Exhibit B - Mitigation Monitoring and Reporting Program (MMRP)
 - Exhibit C - Conditions of Approval
 - Exhibit D - General Findings

- M. Documents - Recommendation to the City Council Regarding General Plan Amendment, Wood Street Zoning District, Zoning Map, and Redevelopment Plan Amendment.
 - Exhibit A - CEQA Findings
 - Exhibit B - Mitigation Monitoring and Reporting Program (MMRP)
 - Exhibit C - Conditions of Approval
 - Exhibit D - General Findings
 - Exhibit E - Proposed Zoning Ordinance and District Regulations
 - Exhibit F - Proposed Zoning Ordinance Amending the Zoning Map
 - Exhibit G - Proposed General Plan Resolution
 - Exhibits H-1 and H-2 - Proposed Redevelopment Plan Ordinance and Resolution

Five Vesting Tentative Parcel Maps 8551, 8552, 8553, 8554, 8555

Final Environmental Impact Report, published February 7, 2005 (delivered separately)

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development
DATE: April 12, 2005

RE: **WOOD STREET DEVELOPMENT PROJECT**

Report and recommendation regarding the Wood Street Development Project and a request for the City Council to 1) take testimony concerning the proposed Wood Street Project; 2) review and consider the proposed Wood Street Development Project; and 3) provide any comments, recommendations or requests for follow-up information so that they can be incorporated into the staff report for the May 3, 2005 public hearing on the two filed appeals and on the project itself. The Wood Street Development Project would result in the construction of up to 1,557 residential units, including live/work units in converted warehouses; 13,000 square feet of neighborhood-serving commercial uses; and approximately 24,000 square feet of civic/community uses associated with the historic 16th Street Train Station. The 16th Street Train Station, the Signal Tower, the Baggage Wing and a portion of the elevated tracks will be restored if Redevelopment Agency funding is available. The 29.2 acre site is located in West Oakland between 10th Street to the south, West Grand Avenue to the north, Wood Street to the east, and the I-880 frontage road to the west.

SUMMARY

An application for the Wood Street Development Project, consisting of a mix of residential, commercial, and community uses, was submitted to the City in October 2003. The proposed project requires the approval of a General Plan Amendment from "Business Mix" to "Urban Residential," adoption of the Wood Street Zoning District, approval of amendments to the Oakland Army Base Redevelopment Plan, and approval of five vesting parcel maps. Additionally, approval is required from the Bay Conservation Development Commission and the Regional Water Quality Control Board.

An Environmental Impact Report was prepared for the project and the Final EIR was published on February 7, 2005.

On March 16, 2005 the Planning Commission held a public hearing on the proposed project. The Commission (1) certified the Environmental Impact Report, adopted the CEQA Findings

Item: _____
Community and Economic Development Committee
April 12, 2005

ATTACHMENT B

regarding certification of the EIR, and adopted the Mitigation Monitoring Reporting Program; (2) approved the five Vesting Tentative Parcel Maps and conditions of approval, with amendments, (discussed further in this staff report), contingent upon General Plan Amendment and Rezoning approvals, and subject to any changes that the City Council may make when it considers the proposed General Plan Amendment and Rezoning; (3) recommended to the City Council approval of (a) General Plan Amendment and (b) Wood Street Zoning District; and (4) adopted a report to the Redevelopment Agency and the City Council recommending the adoption of the amendment of the Oakland Army base Redevelopment Plan.

The City has received two appeals of the Planning Commission's decision. An appeal was filed by Arthur D. Levy, representing himself, on March 25, 2005. Another appeal was filed by Margaretta Lin, representing Just Cause and the Coalition for West Oakland Revitalization on March 28, 2005. The appeals will be heard before the City Council at the May 3, 2005 public hearing. At this time, the CED Committee is requested to review the proposed project, the major issues pertaining to the project and the Planning Commission's March 16, 2005 actions. The results of the CED Committee's discussion and any recommendations concerning the project will be reported to the full Council as part of the May 3, 2005 public hearing.

If the City Council chooses to uphold the Planning Commission's March 16, 2005 approval, the following set of actions will be requested of the Council to approve the project:

- (1) Certify the Environmental Impact Report, adopt the CEQA Findings regarding certification of the EIR, and adopt the Mitigation Monitoring Reporting Program;
- (2) Approve the Vesting Tentative Parcel Maps, as amended by the Planning Commission, and approve the Conditions of Approval and the General Findings, as amended by the Planning Commission and as may be further amended by the City Council;
- (3) Adopt the Resolution approving the General Plan Amendment;
- (4) Adopt the Ordinances approving the "Wood Street Zoning District" and amending the zoning map; and
- (5) Adopt the Resolution and Ordinance amending the Oakland Army Base Redevelopment Plan and land use map.

FISCAL IMPACT

The proposed changes to the General Plan, zoning regulations, zoning map, and redevelopment plan will not result in any direct fiscal impacts for the City of Oakland. Staff costs related to the rezoning and General Plan Amendment and rezoning, as well as future planning entitlements for the project area, are cost covered. These entitlements are subject to the applicable fees established in the Master Fee Schedule.

There are indirect costs that may impact the General Fund and the City from this project. Housing developments typically do not generate enough tax revenue (from direct and indirect sources, including property taxes, sales and use taxes, motor vehicle in lieu fees, utility consumption taxes, real estate transfer taxes, fines and penalties) to offset the costs of City services. The "Proposed Wood Street Project: Fiscal Impact Analysis" report estimated that the costs for City services are approximately \$1.3 million per year higher than the revenue from this project (\$2.6 million versus \$1.3 million). But these costs are only prorated costs and the marginal costs to the City for the development can be significantly lower. If there is no need for an additional fire station in this area, based on this and other projects, then the estimated costs would be \$775,000 less. The same goes for the other services, including General Government, Police, Cultural Arts and Marketing, Library, etc.

The project will generate direct property tax revenue for the City (\$36.2 million in AB1290 "pass throughs"), Low and Moderate Income Housing Fund (\$79.2 million) and the Oakland Army Base Redevelopment Area (\$111.3 million) during the life of the redevelopment plan through year 2045. The project will also draw upon the Low and Moderate Income Housing Fund and the Oakland Army Base Redevelopment Area to fund affordable housing and the renovation of the historic 16th Street Train Station if the Agency decides to implement these portions of the project. The Agency's revenue will be significantly higher than the costs, but the expenditures will be incurred prior to receipt of the funds. The Agency may need to issue a bond and/or use Low and Moderate Income Housing Funds from outside the Oakland Army Base Redevelopment Area to fund these projects.

BACKGROUND AND PROJECT DESCRIPTION

A mixed-use residential, commercial, civic use project has been proposed on a 29.2 acre site in West Oakland located approximately two miles from downtown Oakland. The site is surrounded by the I-880 freeway to the west; the elevated portion of Grand Avenue to the north; a mixture of single family homes, warehouses, and Raimondi Park across Wood Street to the east; and the California Waste Solutions directly to the south. The existing neighborhood between the project site and downtown Oakland can be described as a mixture of historic Victorian homes, small cottages, multifamily housing, warehouses, heavy industrial/commercial uses, light industry, parks, schools, religious facilities, community centers, and the West Oakland BART Station. Refer to Attachment A, Project Location, Figure S-1, DEIR p. S-2.

The project sponsors are proposing to construct 1,557 residential units, including 186 live/work units, some in converted warehouses. Commercial space would include 13,000 s.f. of neighborhood-serving commercial uses, including possibly some office space, plus approximately 24,000 s.f. of space for civic or community uses associated with the historic Southern Pacific 16th Street Train Station. The historic 16th Street Train Station, a City of Oakland landmark, and most of the elevated tracks are proposed to be restored to Secretary of Interior Standards. The signal tower to the north of the train station will also be restored and preserved. The 0.75 acre area in front of the 16th Street Station will be improved as a large plaza available for use as public gathering space.

Three separate developers are proposing to divide the 29.2 acre site into nine different development areas (as described in the Wood Street Zoning District), including five individual vesting tentative parcel maps containing a total of fifteen parcels or lots. The table below summarizes the relationships of the property owners to the development areas and parcel maps. Refer to Attachment B, Proposed Development Areas, Figure S-2, DEIR, p. S-3. Although the project will be developed in phases, by separate property owners, the projects together will have the overall appearance of a planned development. Refer to Attachment C, Illustrative Concept Plan, Figure S-3, DEIR, p. S-7.

Project Sponsor	Development Area	Parcel Map No.
BUILD West Oakland, LLC	1	8551
PCL Associates LLC	2	8552
BUILD West Oakland, LLC	3	8551
HFH Central Station Village, LLC	4	8553
BUILD West Oakland, LLC	5	8554
BUILD West Oakland, LLC	6	8554
Central Station Land, LLC	7	8555
Central Station Land, LLC	8	8555
BUILD West Oakland, LLC	9	8554

DEVELOPMENT AREAS – EXISTING USES AND PROPOSED DEVELOPMENT

The attached Planning Commission report dated March 16, 2005 summarizes the existing uses and proposed developments for each of the Development Areas (see pages 4-7). A summary of the proposed developments for each Development Area is also shown in Attachment D, Project Area Land Use and Development Program by Development Area, Table S-1, DEIR, p. S-9.

These descriptions are based on the “Proposed Project” analyzed in the EIR (and not the “Maximum Residential Scenario” or “Maximum Commercial Scenario” or “Maximum Trips Scenario” discussed in the DEIR). Pages 2-13 to 2-21 of the Draft EIR include a more extensive description of each development area.

The Maximum Residential Scenario includes up to 1,557 dwellings and 27,847 square feet of commercial buildings. An alternative scenario, called the Maximum Commercial Scenario, would substitute commercial activities for dwellings in three Development Areas: in Development Area 2, instead of 189 dwellings, 220,779 square feet of commercial building area would remain in commercial use, predominantly as storage space; in Development Area 4 the ground floor, street-facing dwellings would become commercial spaces, resulting in 33 fewer dwellings and 33,000 square feet more commercial space; in Development Area 8, instead of

building 251 dwellings, 258,000 square feet of commercial building(s) would be constructed, predominantly as offices.

AREA CIRCULATION, ACCESS, AND PARKING

Vehicular Access, Circulation, and Emergency Access

Vehicular access to the 29.2 acre project site is from Wood Street and a frontage road that is owned and controlled by Caltrans. The project site is also currently accessible from surrounding neighborhood streets including 10th through 20th Streets and Pine Street. Although the project area is bounded by West Grand Avenue, there is no direct access to the project site from this street because West Grand Avenue is elevated and runs along the edge of the project area.

Improvements will be made to several streets surrounding the project site: Wood Street between 12th Street and West Grand Avenue, 12th Street between Wood and Pine Streets, and Pine Street between 12th and 11th Streets. Improvements would include roadway resurfacing, new curbs and gutters (as necessary), new sidewalks, street trees, and street lighting. To further improve access to each of the various development areas, and to provide public pedestrian and bicycle access through the Wood Street District area, several of the east-west streets (14th, 16th, 18th and 20th Streets) that currently terminate at Wood Street or just west of Wood Street would be extended through the project area but would not connect to the frontage road. Pocket parks are proposed where the streets terminate within the development area providing additional public open space within the project.

Emergency access would be provided at street frontages along all public streets, and emergency vehicles would be the only vehicles that would have through access on 14th, 16th, 18th, and 20th Streets throughout the project area.

Pedestrian and bicycle circulation would be provided along all public streets. Pedestrian access through the project area would occur along all east-west streets and along the public streets bordering the project area. Bicycle traffic would share the public streets in the project area. Roadway, curb and gutter, sidewalks, landscaping, and lighting would be improved on these streets.

Parking

Parking is proposed throughout the project areas and along the public streets surrounding the project sites. The off-street parking standard proposed in the Wood Street Zoning District is 1.1 spaces per dwelling unit (du) with no designated on-site parking for visitors. Parking for Development Area 3 will be provided at 1.7 spaces/du and for Development Area 4 at 1.8 spaces/du. Visitor parking is expected to be provided on the public streets being created within the project areas and on surrounding streets. Parking for private residents would be provided in on-site parking structures incorporated into the design of the residential structures or on surface lots. Parking for commercial uses will be provided along the edges of the commercial areas.

OPEN SPACE AND LANDSCAPING

Private open space is proposed for each residential development as discussed above. These areas would be designed as courtyards or group areas for project residents. Public open space areas include 0.64 acres of pocket parks and the 0.75 acre plaza in front of the 16th Street Train Station.

Landscaping is proposed throughout the project areas. New street trees are proposed along Wood Street and the frontage road, as well as the project area boundaries along 11th, 12th, and Pine Street in accordance with the proposed Wood Street Zoning District.

CREEK DETERMINATION

The project sponsors submitted an application for an official determination regarding the verification of a creek on the property. The City's Public Works Agency, Environmental Services Division, has determined that the project area does not contain any creekside properties and the project does not require a creek protection permit.

OTHER AGENCY ACTIONS

In addition to obtaining project approval from the City and the Redevelopment Agency, the project sponsors will also need approval from other agencies as summarized below:

San Francisco Bay Conservation and Development Commission Bay Plan and Seaport Plan

A portion of the Project Area affecting Development Areas 6, 7 and 8 is included in the "Port Priority Use" designation on the BCDC Bay Plan and Seaport Plan. This designation does not allow residential land uses. The removal of this designation by the BCDC Board would need to be approved for this part of the site to be used as requested by the project sponsors.

Regional Water Quality Control Board

The RWQCB is the approving agency for clean up of soil contamination. A Remedial Action Plan for soil remediation will need to be approved prior to any work being done on the site.

PROJECT PHASING

While the project sponsors intend to develop each parcel map area independently so that each project can stand on its own, there is agreement that the entire area should have the look and feel of an integrated mixed-use residential addition to the West Oakland community. The proposed Wood Street Zoning District will guide the overall development of the entire project area through the application of design and development standards to assure consistency in a coordinated manner throughout the 29.2 acre site. Each individual development area will be processed much like a Planned Unit Development (PUD) and will require approval of a Planned Development Permit and Final Development Permit as defined in the Wood Street Zoning District. Consistent public improvements will be installed along with each phase of development as specified on the

vesting tentative parcel maps and the conditions of approval for the vesting tentative parcel maps.

Construction is likely to occur over a ten year period (2005 to 2015) in four phases, although actual phasing may vary, depending upon the timing of development by each project sponsor. See pages 8 and 9 of the 3/16/2005 Planning Commission report for a description of the phasing.

LANDMARKS PRESERVATION ADVISORY BOARD REVIEW AND RECOMMENDATIONS

Two meetings were held before the Landmarks Preservation Advisory Board regarding the historic resources in the project. The meeting on October 18, 2004 was a public hearing about the draft EIR. At that meeting, the LPAB requested that the Final EIR provide more information about the history of the 16th Street Train Station and expand the mitigation measures for preservation of the resources. In response, the Final EIR includes Master Response 4 which responds to the issues raised in the Draft EIR including additional mitigation measures for preservation of the historic resources.

A Special Landmarks Preservation Advisory Board public hearing was held on February 28, 2005. Board members commented on the Final EIR, reviewed the proposed mitigation measures, and discussed the cultural and historic resources in the Project Area. Board members then reviewed the project and made recommendations to the Planning Commission regarding the proposed changes to historic resources in the Project Area (see Attachment E, LPAB Minutes, February 28, 2005).

Following is a summary of the LPAB's recommendations to the Planning Commission:

- Prefer not to demolish the baggage wing and the elevated tracks and platform behind the train station. The baggage wing is an important cultural resource to the African American culture and the history of West Oakland and the labor movement. African Americans traveled west to the end of the railroad line and found employment working as porters and baggage handlers at the train station. Removing the baggage wing would eliminate an important symbol of this important era.
- The entire Train Station (Main Hall, Baggage Wing, and Elevated Tracks) should remain intact until a use for the Train Station is identified. Board members requested that feasibility reports be prepared that show why all the features of the Train Station cannot be preserved (elevated tracks; baggage wing); that show what the Train Station and the Baggage Wing can be used for; and what the Main Hall could be used for without the baggage wing.
- Try to retain a larger portion of the elevated tracks and platform behind the Train Station while still accommodating the new internal roadway and desired surface parking spaces. The Project Sponsors should include feasibility analysis and show what would be lost if

the tracks and platform were to be retained. Also, schematic drawings developed for the restoration of the Main Hall should include the incorporation of this track and platform area into the project for active and passive uses (observation deck, etc.)

- A well-developed interpretative program should be included in the schematic plans for the Main Hall and surrounding area, including exhibit space and other presentation space for photographs, train cars, etc. This work is included as a part of Mitigation Measure CR-2.1 and 2.2.
- Until the feasibility/infeasibility reports are submitted to the Planning Commission for review, Parcel Map 8554 showing a parcel line through the Train Station separating the Main Hall from the baggage wing, should not be approved.
- If it is demonstrated that it is financially infeasible to retain the baggage wing, and the Planning Commission approves the request to demolish the baggage wing, then no demolition should occur until there is a plan for the restoration and use of the Train Station. Board members expressed concern about removing a section of the building because it could limit the future options for leasing the building if there were not enough service areas to support a civic or community use.
- Removing any portion of a historic resource could jeopardize its historic integrity and make it more difficult to apply for historic tax credits for restoration.
- The elevated tracks and platform to the south of the station extending above the emergency access area where 16th Street extends to the frontage road could be removed.
- The Board had no objections to the demolition of Bea's Hotel.
- The renovation of the Pacific Coast Cannery for live/work lofts should be reviewed by the LPAB as the warehouse is part of the Pacific Coast Canning District, designated an Area of Secondary Importance.
- The view shed of the Train Station from Wood Street and through the public plaza should be increased by increasing the width of the open area by approximately 2.4 feet around the public plaza. (Staff believes that the plaza area is wide enough and does not need to be increased. The Planning Commission agreed with staff's recommendation. Instead, conditions of approval and design standards have been included to require consideration of the views of the Train Station during the design review process for the projects surrounding the project.)

PLANNING COMMISSION REVIEW AND RECOMMENDATIONS

Previous meetings were held before the Planning Commission on December 17, 2003 (EIR Scoping Meeting), October 20, 2004 (Public Hearing on the Draft EIR), and January 26, 2005 (during which staff presented the results of the draft environmental impact report and discussed major policy issues regarding the proposed project). In addition, there have been several community meetings sponsored by the developers as well as meetings of the West Oakland Project Area Committee (WOPAC) about this proposal.

At the January 26, 2005 Planning Commission public hearing, staff presented the project and discussed the major issues and review process, project sponsors described the proposed project in more detail, over 60 public speakers spoke about the proposed development, and staff requested that the Commission address several policy issues discussed in the staff report. In general, the Planning Commission appeared to find the project acceptable and offered specific comments regarding the preservation of the 16th Street Train Station and affordable housing.

March 16, 2005 Planning Commission Actions

At the March 16, 2005 public hearing, the Planning Commission took action on the proposed project. The Commission considered the recommendations of the Landmarks Preservation Advisory Board and listened as over 75 people testified about the proposed project. Speakers were roughly evenly divided between those in favor and those who expressed opposition to various aspects of the project. We note that many speakers expressed concern about the proposed demolition of the baggage wing. No other physical or design aspects appeared to be at issue. Other key comments were policy related, including local hiring policies, incorporating affordable housing into the project, the need for a project labor agreement with the labor unions, and the need to comply with other City policies on a project wide basis due to the potential use of tax increment for renovation and restoration of the 16th Street Train Station.

As recommended by the Landmarks Preservation Advisory Board, the project sponsors produced the feasibility and infeasibility studies for use of the train station and the financial infeasibility of the baggage wing (see Attachments F and G). The Project Sponsors also demonstrated that the reuse of the baggage wing for commercial or residential development would not be financially feasible.

After considering all the information before them, the Commission:

- 1) Certified the Environmental Impact Report, adopted the CEQA Findings regarding certification of the EIR, and adopted the Mitigation Monitoring Reporting Program.
- 2) Approved the five Vesting Tentative Parcel Maps with the exception of Map 8554. As proposed, Map 8554 shows the creation of four new parcels. Parcel 1 is the Plaza Area in front of the 16th Street Train Station; Parcel 2 is the Main Hall of the Train Station; Parcel 3 contains the baggage wing of the train station, the elevated tracks, the signal tower, and a warehouse proposed for demolition; and Parcel 4 contains a portion of the elevated tracks that sit above the

proposed 16th Street extension. The parcel line between Parcels 2 and 3 was proposed through the train station separating the baggage wing and elevated tracks from the Main Hall of the station. The Planning Commission approved VTPM 8554 without the parcel line drawn through the train station.

3) Recommended that the baggage wing and as much of the elevated track and platform behind the baggage wing as practical be retained, and directed that Map 8554 be amended so that the entire 16th Street Train Station, including the baggage wing and the elevated tracks behind the station, be included within Parcel 2. By redrawing the parcel lines, the entire Train Station will remain together in one larger parcel, and the size and development potential of Parcel 3 will be reduced (housing units were proposed in the location of the baggage wing).

4) Recommended that the Redevelopment Agency or another non-profit purchase the land where the baggage wing sits and reimburse the project sponsors for the cost of acquiring that portion of the building, due to the lost development potential on the surrounding parcel as the result of the recommended retention of the baggage wing.

5) Recommended that funding the restoration of the baggage wing be considered along with the overall restoration plan for the Train Station and the project sponsor's request to use tax increment funds generated by the Wood Street Project pay for the restoration. The use of these funds is discretionary, and cannot be assumed at this time because they require independent action of the Redevelopment Agency. The budget developed for the restoration work should include other specific means of funding, such as private foundation grants, philanthropic contributions, use of historic preservation tax credits, or other funding sources, in order to assure that this restoration work is successfully completed. In addition, the Planning Commission amended the conditions of approval to include a performance measure that this restoration work be substantially completed within 7 years to assure that efforts to restore the Train Station run concurrently with the residential construction. In short, the Planning Commission required that the project sponsors be responsible for assuring that, subject to available financing, the Train Station restoration will be implemented.

6) Incorporated the project sponsor's voluntary series of commitment to provide affordable housing at the site (please refer to specific proposal in the Redevelopment Plan Amendment Section of this staff report and the attached March 16, 2005 letter from BUILD to the Planning Commission.)

7) Recommended to the City Council approval of the General Plan Amendment, Redevelopment Plan Amendments, the Wood Street Zoning District, and amendments to the rezoning map.

As a part of its action, the Planning Commission approved the Conditions of Approval presented in Exhibit C, the amended conditions of approval submitted as an Errata Sheet for the March 16, 2005 public hearing, and an amended condition of approval #59 (regarding the rehabilitation and reuse of the Main Hall, Platform and Signal Tower) submitted by the project sponsor, and accepted the Affordable Housing Plan proposed by BUILD to be included with Condition of

Approval #100 pertaining to Affordable Housing. The changes to the Conditions of Approval are shown in Exhibit C to this report, with new language as part of the Planning Commission March 16, 2005 underlined and deleted language shown as ~~strikethrough~~.

CITY COUNCIL ACTIONS NECESSARY TO APPROVE THE PROJECT

~~As previously outlined, in order to approve the Wood Street Development Project, the City Council will need to approve all of the following actions:~~

(A) Certify the Environmental Impact Report, adopt the CEQA Findings regarding certification of the EIR, and adopt the Mitigation Monitoring Reporting Program;

(B) Approve the Vesting Tentative Parcel Maps, as amended by the Planning Commission, and approve the Conditions of Approval and the General Findings, as amended by the Planning Commission and further clarified by staff;

(C) Adopt the Resolution and Ordinance amending the Oakland Army Base Redevelopment Plan and land use map.

(D) Adopt the Resolution approving the General Plan Amendment;

(E) Adopt the Ordinances approving the "Wood Street Zoning District" and amending the zoning map.

The following section of this report presents the Planning Commission's recommendation for each proposed Council Action above, followed by a more detailed description and discussion. In addition, staff has included key issues, concerns and impacts that have been presented during the course of project review, along with staff recommendations now before the Council. The staff report discussion is organized by each action that the City Council must consider in order to approve the project, as listed above.

A. ENVIRONMENTAL REVIEW UNDER CEQA

Planning Commission Recommendation: Certify the Environmental Impact Report, adopt the CEQA Findings regarding certification of the EIR, and adopt the Mitigation Monitoring Reporting Program.

Summary of the EIR Process

The environmental review process was completed by the City of Oakland to disclose potential environmental effects of the proposed Wood Street Project. The Draft Environmental Impact Report (DEIR) was published on September 21, 2004, and the public review period for the DEIR ended on November 15, 2004. The Landmarks Advisory Board and the Planning Commission held public hearings to solicit comments on the DEIR on October 18, 2004 and October 20,

2004, respectively. Responses to the written and oral comments that were received during the public review and comment period were compiled and are contained in the Final Environmental Impact Report (FEIR), along with changes and clarifications to the DEIR. The FEIR was published on February 7, 2005. The FEIR, together with the DEIR, comprise the Environmental Impact Report (EIR). The EIR studies a collection of development proposals being pursued by various developers, described below. The City Council is requested to certify the EIR as complete and in compliance with CEQA before deciding whether to approve the Vesting Tentative Parcel Maps subject to the City Council approval of the proposed General Plan Amendment and the proposed Wood Street Zoning District.

Environmental Review Process

As the principal public agency responsible for approving the Wood Street Project, the City of Oakland is the Lead Agency in the preparation of the Environmental Impact Report (EIR). Given the size, scale and potential impacts resulting from the Wood Street Project, the City determined that an EIR should be prepared for the Project. The City distributed an initial Notice of Preparation on December 2, 2003 and a revised version on January 21, 2004, announcing its intent to prepare and distribute an EIR on the Project. The City conducted a public scoping meeting before the Planning Commission on December 17, 2003. The purpose of this meeting was to provide the community with an opportunity to ask questions about the Project and to voice concerns or identify issues that should be discussed in the EIR.

On September 21, 2004, the DEIR for the Wood Street Project was published, and circulated for public review and comment. The public review and comment period ended on November 15, 2004 for a total period of 54 days. Responses to the written and oral comments that were received during the public review and comment period were compiled, and are contained in the FEIR, along with changes and clarifications to the DEIR. The FEIR was published on February 7, 2005 and was delivered to the Planning Commission and City Council separately. The FEIR is available to members of the public at the Community and Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 5:00 p.m.

Structure of the Wood Street Project EIR

The Project studied in the EIR is a collection of development proposals being pursued by various developers. While the development proposals are being pursued by different applicants and along different timelines, each project is separate and able to be accomplished independently of the others. The applicants have jointly proposed a General Plan amendment for the Project Area and a new zoning district to accommodate the proposed uses in order to assure an integrated, internally consistent development framework, and a comprehensive analysis of all the potential environmental impacts. Each one of these development proposals could comprise a separate project under CEQA, and could have been studied in a separate EIR. However, because the City and the Project Sponsors have coordinated in proposing a single zoning district for all of the properties located within the proposal areas, and in order to ensure a comprehensive review of

the collection of development proposals, the proposed zoning district and all the development proposals are studied together in one EIR and are collectively referred to in the EIR as "the Project." The zoning district identifies uses and development standards that define the physical aspects of the Project. These standards and an illustrative concept of how development might be organized in the Project Area are described in Section 2, Project Description, of the DEIR, and in Section 3 (Master Response 1) of the FEIR.

The EIR comprehensively analyzed the potential physical impacts of the range of development that would be permitted under the Wood Street Zoning District. The EIR evaluates the basic framework proposed for future development of the Project Area, as well as the various development scenarios that may emerge from the application of the proposed zoning district, and the potential environmental impacts the Project would cause if it were approved. The EIR acknowledges that the Project is flexible in the types of uses that would be permitted, and that different types of impacts would be generated by residential uses than would be generated by commercial uses. The EIR therefore studies a range of potential impacts by projecting various scenarios that could be developed in response to the Wood Street Zoning District. The EIR evaluates both a Maximum Residential Scenario and a Maximum Commercial Scenario. It also studies a Maximum Trips Scenario to ensure that maximum traffic impacts were identified.

The EIR provides a project-level analysis of the environmental impacts the Project would cause if it were approved, and is intended to support all levels of approval required to build and operate all aspects of the development proposals that comprise the Project.

Comments on the Wood Street Project DEIR

Fifty-seven comment letters on the Wood Street Project DEIR were received during the comment period. Fifteen comment letters were from government agencies, 27 were from organizations, and 15 were from individuals. Oral comments were received at the Oakland Planning Commission Public Hearing held on October 20, 2004. Oral comments also were received at the Landmarks Preservation Advisory Board Public Hearing held on October 18, 2004.

A number of comments address specific topic areas that, taken together, warranted comprehensive responses that clarify and elaborate upon the analysis in the DEIR. In response to these comments, five Master Responses are included in the FEIR, which address the following topic areas:

- Master Response 1: Description of the Project and its Components
- Master Response 2: Circulation and Safety Around the Project Area Vicinity
- Master Response 3: Air Quality and Public Health Concerns
- Master Response 4: Cultural Resources; and

- Master Response 5: *Socioeconomic Considerations Related to the Project*

The master responses are located in Section 3 of the FEIR.

Other important and frequently raised comments concern land use, transportation, noise, air quality and historic resources. Responses addressing these issues, as well as all other comments, are located in Section 4 of the FEIR.

The FEIR includes minor revisions 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. Finally, the report on social and economic aspects of the Project is included in Appendix C to the FEIR, so that the public and the decision makers can consider these issues in deciding the merits of the Project.

Certification of the EIR

The City Council is asked to certify the EIR for the Wood Street Project. The Planning Commission certified the EIR at the March 16, 2005 public hearing. Certification does not imply endorsement of the proposed project, nor that the permit application(s) for the project will be approved. Rather, in considering certification of the EIR, the City Council's focus should be placed on confirming that:

- The discussion in the EIR represents a good faith effort to disclose all the City reasonably can regarding the physical impacts which may result from the Project;
- There is an adequate consideration and evaluation of measures and changes to the Project that would eliminate or lessen the potentially significant physical impacts associated with the Project;
- The process for considering the EIR complied with all applicable provisions of CEQA and the Municipal Code; and
- The significant environmental issues raised in the comments received about the DEIR were adequately responded to in the FEIR.

The findings required to certify the EIR can be found in the March 16, 2005 Planning Commission report on page 32.

SUMMARY OF SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

The EIR identifies several impacts and mitigation measures that can be incorporated to lessen or eliminate the potential environmental impacts of the Wood Street Project. Seven impacts are significant unavoidable impacts, and eight potentially significant impacts would be mitigated to a less than significant level through the imposition of conditions and requirements on the project.

All feasible mitigation measures have been incorporated into the proposed Conditions of Approval for the project. Each of these impacts is summarized as follows:

Significant, Unavoidable Impacts

The following seven significant unavoidable project impacts were identified in the DEIR.

CULTURAL RESOURCES

Impacts CR-2 and CR-3: The Project would involve demolition of portions of the 16th Street Train Station, a City landmark and a designated historic structure. Loss of these portions would diminish the historical significance of the structure as a whole and would constitute a significant impact. In addition, the Project would adversely affect the historical setting and views of the Station and the 16th Street Signal Tower. The DEIR identified mitigation measures that would reduce the impacts and Mitigation Measures CR-2.1 through CR-2.8 have been revised, *augmented and strengthened in the FEIR.* The measures now require Historical American Building Survey (HABS) recordation; salvage of materials during demolition; stabilization of the retained structures (which include the Main Hall, portions of the Elevated Tracks, and the Signal Tower) to hinder further deterioration through weather damage or vandalism; restrictions prohibiting alteration of the buildings in a way that would preclude restoration; and enhancement of the train station setting through construction and landscaping of the public plaza in front of the Station.

In addition, the revised measures would require that the Project Sponsor submit a proposal to the Redevelopment Agency for tax increment funding to restore the Main Hall and the retained portion of the Elevated Tracks. The proposal must include a financial plan showing a *commitment to maximize the leverage of the tax increment funds by seeking additional public funding, tax credits, private financing and philanthropic grants.* The measures provide for input from the community on the most appropriate reuse of the facility. *The reuse of the Main Hall would include exhibit space commemorating the site's cultural history.* Rehabilitation of the facility would be required to conform to the Secretary of the Interior's Standards and the General Standards referenced in the Dreyfus report.

Both the Landmarks Preservation Advisory Board and the Planning Commission recommended that elevated tracks to the south of the Train Station be removed and that the baggage wing, the elevated tracks and platform behind the Train Station be retained if financially feasible. The Planning Commission recommended that the Redevelopment Agency purchase the baggage wing as part of the restoration of the remainder of the train station. The Agency and the Project Sponsors are considering this recommendation.

However, even with the proposed mitigation, the impacts cannot be fully mitigated, and remain significant and unavoidable. (See DEIR pages 3.7-21 to 3.7-26 and FEIR, Section 3, Master Response 4).

See Exhibit C, Conditions of Approval. Conditions #50 to #61 in the "Historic, Cultural and

Archaeological Resources” section address the impacts identified in the EIR.

TRANSPORTATION

Impacts TR-8, TR-12 and TR-13: The Project would increase peak-hour average ridership at the West Oakland BART Station. The Project would also contribute toward cumulative impacts that could increase the overall passenger volume such that BART standing capacity would be exceeded, peak-hour average ridership would be increased, and waiting time at fare gates could exceed one minute. Mitigation measures would require the Project Sponsors to contribute towards gate capacity improvements. However, BART does not currently have a mechanism in place to allocate the costs or collect fees to implement improvements. Therefore, the impacts remain significant and unavoidable. (See DEIR pages 3.4-28 to 3.4-29 and 3.4-38 to 3.4-40).

Impact TR-9: The cumulative impact of the Project and other proposed development would cause potentially significant impacts at the following intersections: West Grand Avenue/frontage road; West Grand Avenue/Mandela Parkway; 7th Street/Mandela Parkway; West Grand Avenue/Maritime Street and 3rd Street/Market Street. Mitigation measures are proposed to provide fair share funding of certain improvements. The mitigation measures would reduce impacts at most intersections to less than significant levels. The construction of improvements at the West Grand Avenue/frontage road requires approval from Caltrans, and the EIR cannot reasonably predict that Caltrans would expend the fees to make the improvements. Accordingly, the impact to that one intersection remains significant and unavoidable. However, one of the conditions of approval requires the project sponsors to contribute their share of funding for these improvements if Caltrans approves them. (See DEIR pages 3.4-30 to 3.4-34).

Impact TR-10: The cumulative impact of the Project and other proposed development would cause cumulative traffic levels on a segment of northbound I-880 to exceed the City’s threshold for freeway operations. The mitigation measures proposed to reduce the cumulative freeway impact would reduce freeway operations. Additions were made to Mitigation Measures TR-10.1 (in response to comment 8.3) and TR-10.2 (in response to comments 8.2 and 13.7) to strengthen and clarify the measures, and to provide more detail regarding a proposed shuttle service for which the Project would be responsible. However, even with the proposed mitigation, the impact to the roadway segment remains significant and unavoidable. (See DEIR pages 3.4-35 to 3.4-37).

See Exhibit C, Conditions of Approval, “Fair Share Improvements, #25 to #30.

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

The following eight significant project impacts were identified as being able to be mitigated to a less-than-significant level. Each of these mitigation measures has been incorporated into the Conditions of Approval, as set forth in Exhibit C, and as specifically noted under each topic area.

AIR QUALITY

Impact AQ-1: Construction activities for the Project could result in short-term increases in

emissions that could violate City and BAAQMD air quality standards. Best Management Practices recommended by the BAAQMD are proposed as mitigation measures identified to reduce construction emissions to a less-than-significant level. (See DEIR pages 3.6-12 to 3.6-14).

See Exhibit C, Conditions of Approval, #9, 15 and 34.

BIOLOGICAL RESOURCES

Impact BR-2: Demolition of structures and removal of vegetation from the Project Area could result in destruction of bird nests. Implementation of mitigation measures identified in the DEIR to remove vegetation outside of the nesting season, and to conduct surveys and develop buffer zones when this is not possible, would reduce the impacts to a less-than-significant level. (See DEIR pages 3.11-6 to 3.11-7).

See Exhibit C, Conditions of Approval, #3.

HAZARDOUS MATERIALS

Impact HM-2: Construction activities associated with the Project could entail exposure to hazardous materials. Implementation of mitigation measures identified in the DEIR to establish a site health and safety plan and compliance with soil remediation standards would reduce the impacts to a less-than-significant level. (See DEIR pages 3.8-13 to 3.8-16).

See Exhibit C, Conditions of Approval #44 to 49.

LAND USE

Impact LU-3: The Project could not be approved or developed under the current General Plan land use classification and zoning districts for the Project Area. Accordingly, the Project includes amendments to the City's General Plan and Zoning Code. (See DEIR pages 3.2-26 to 3.2-27).

NOISE

Impact NO-1: Construction activities associated with the Project would result in short-term increases in noise and vibration levels. The implementation of mitigation measures identified in the DEIR to reduce construction related noise and vibration would reduce the impacts to a less-than-significant level. (See DEIR pages 3.5-12 to 3.5-18).

See Exhibit C, Conditions of Approval, #67 to 68.

TRANSPORTATION

Impact TR-1: Construction-related traffic delays, detours, utility improvements, and activities could adversely affect local circulation. The implementation of the construction traffic

management plan identified in the DEIR would reduce the impacts to a less-than-significant level. (See DEIR pages 3.4-17 to 3.4-19).

See Exhibit C, Conditions of Approval, #9 to 11.

Impact TR-4: The Project could substantially increase traffic hazards to motor vehicles, bicycles or pedestrians due to a design feature. The design of turn-arounds identified in the DEIR would allow vehicles to enter Wood Street in a front-end first manner reducing the impact to a less-than-significant level. (See DEIR pages 3.4-22 to 3.4-24).

See Exhibit C, Condition of Approval #31.

Impact TR-5: Development of the Project could fundamentally conflict with alternative transportation plans, policies and programs. The installation of bicycle parking, in conjunction with participation in a transportation demand management program and provision of shuttle service between the Project Area and West Oakland BART, as identified in the EIR, would reduce the impact to a less-than-significant level.) (See DEIR page 3.4-25 and responses to comments 8.2, 8.3 and 13.7 in the FEIR).

See Exhibit C, Conditions of Approval, #2, #75, #76.

Impact TR-9: As noted above, implementation of mitigation measures will reduce the Project's contribution towards cumulative impacts to four intersections in West Oakland to less than significant levels.

See Exhibit C, Conditions of Approval, #25 - #30.

The Planning Commission and staff recommend certification of the EIR as supported in Exhibit A, CEQA Findings, and Exhibit B, the Mitigation Monitoring Reporting Program.

B. VESTING TENTATIVE PARCEL MAPS

Planning Commission Recommendation: Approve Vesting Tentative Parcel Maps 8551, 8552, 8553 and 8555. Revise Vesting Tentative Parcel Map 8554 so that the entire train station, including the baggage wing, elevated tracks and platform behind the train station, are contained with Parcel 2 of Map 8554.

The project sponsors are proposing five vesting tentative parcel maps, which would subdivide the 29.2-acre project area into 15 separate developable parcels. (Generally, "vesting tentative maps" expressly confers a vested right to proceed with a development in substantial compliance with the ordinances, policies, and standards in effect at the time the application for approval of the vesting tentative map is deemed complete.¹) The Property within each parcel map is owned

¹ Curtin's *California Land Use and Planning Law*, p. 100

by a separate project sponsor. The five parcel maps include the nine development areas, as shown in the table on page 3 of this report. All development within the nine development areas, and on the fifteen individual development parcels, is required to comply with the Wood Street Zoning District. (See Exhibit E)

The five vesting tentative parcel maps have been reviewed by the City's Planning and Zoning Division, Building Division, the Public Works Agency and a consulting Civil Engineer retained by the City. An Engineers Report was prepared that showed that the maps, for the most part, complied with City of Oakland Subdivision Ordinance Chapter 16.08.010 (Contents), Chapter 16.16 (Design Standards), and Chapter 16.20 (Improvements). Several modifications have been made to the plans based on the review comments. The revised plans meet the City's design standards for streets, sidewalks, parking and landscaping. Utility requirements will need to be further refined as preliminary and final development plans are reviewed for each parcel. Conditions of Approval for the Wood Street Development Project have been placed on the Vesting Tentative Parcel Maps. A master set of conditions has been prepared for all of the maps with specific notations for individual maps or parcels if a specific condition applies only to a certain area or parcel. The development of the public improvements (streets, utilities, pocket parks, landscaping) is governed by the conditions of approval that are placed on the individual vesting tentative parcel maps as well as the graphic depictions and notes on the maps. The March 16, 2005 Planning Commission report describes each of the parcel maps in detail (see pages 19-24). The discussion focuses on access to the individual parcels, circulation, and provision and timing of public improvements.

The Planning Commission approved Vesting Tentative Parcel Maps 8551, 8552, 8553, and 8555. The Commission approved Vesting Tentative Parcel Map with the amendment to redraw the parcel line between Parcels 2 and 3 so that the entire Train Station, including baggage wing, elevated tracks and platform behind the train station, is included in Parcel 2.

Phasing of Public Improvements

As part of the vesting tentative map review, staff was concerned about the provision and timing of the public improvements as individual development projects were implemented. As mentioned in the description of each vesting tentative parcel map, each project sponsor is responsible for construction of a certain portion of the public improvements depending on the sequencing of development. The project sponsors have assured the City that as individual development projects are approved, the project sponsor will be responsible for construction of the public improvements as well as the internal improvements associated with the development. Agreements will need to be made among the project sponsors regarding reimbursement for improvements. The City's main interest in phasing of the public improvements is to ensure that they are phased properly to serve each development as well as around the entire site when all developments are completed.

Subdivision Findings

The Planning Commission made the following Tentative Map Findings (Section 16.08.030 O.M.C. & California Government Code Section 66474 when approving the Vesting Tentative Parcel Maps:

A. That the proposed map is consistent with applicable general and specific plans

Subdividing the 29.2-acre site into five vesting parcel maps and 15 individual developable parcels is consistent with the proposed "Urban Residential" General Plan designation. With the amendment of the General Plan land use map, the land uses in the proposed project are consistent with those described in the "Urban Residential" General Plan land use category and those specified in the proposed "Wood Street Zoning District."

B. That the design or improvements of the proposed subdivision is consistent with applicable general and specific plans

The illustrative concept plan and the Wood Street Zoning District Regulations (Appendix H in the DEIR) studied in the Environmental Impact Report is consistent with the density and intensity standards of the "Urban Residential" General Plan land use designation. The parcel maps do not include a specific development proposal. The public improvements depicted on the vesting tentative parcel maps, however, will be consistent with the City's street, parking, utility, and landscaping standards when amended according to the comments received during map review. The final vesting parcel maps will be prepared in accordance with City standards.

C. That the site is physically suitable for the type of development

The topography of the project area is relatively flat making it suitable for residential development. The street extensions are a continuation of an existing circulation pattern thereby allowing many points of access to the project area.

D. That the site is physically suitable for the proposed density of development

The 29.2-acre project area can accommodate a variety of housing types and densities.

E. That the design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat

The mitigation measures proposed in the Environmental Impact Report will be made conditions of approval for the project thereby reducing any potential impacts to biological resources (removal of trees and destruction of bird nests) to less than significant.

F. That the design of the subdivision or the type of improvements is not likely to cause serious public health or safety problems

The design of the public improvements is not likely to cause any public health or safety problems. The circulation pattern has been designed to City street and emergency access standards thereby eliminating any traffic safety problems. Pedestrian and bicycle improvements will be constructed with each of the individual developments thereby improving non-vehicular movements.

During the EIR review, many comments were received about air quality issues and public health concerns during construction. Master Response 3 of the Final EIR discusses additional studies that were carried out to determine the significance of diesel fuel and particulate matter emissions during construction. Using a model recommended by BAAQMD, the results showed that PM₁₀ generated by project construction would be considered less-than-significant. Therefore, no further mitigation measures would be required.

Even though PM₁₀ emissions would be considered less than significant, there are other measures that could further reduce the generation and dispersion of particulate matter during construction. Because the construction period for the project could last ten years, PM₁₀ construction emission for the project would occur for a long period, rather than the short-term construction impacts assumed for most projects. As a result, the project sponsors could further minimize PM₁₀ emissions by following the Bay Area Air Quality Management District (BAAQMD) guidelines for operating construction equipment. These will be considered during preparation of the Construction Traffic Management Plan.

G. That 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.

The community has requested that extension of the existing street pattern from 10th Street to 20th Street not be permitted to connect to the frontage road. All pocket parts terminating at the ends of the streets will be open to the public as well as the 16th Street Train Station Plaza to be improved in front of the station. Commercial development constructed within the project will be available to both project residents and other neighborhood residents.

H. That the design of the subdivision does not provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

The individual residential developments proposed in the future will, to the extent feasible, maximize passive or natural heating or cooling opportunities in the subdivision. These design features will be assessed during application review for future projects.

The Planning Commission approved the Vesting Tentative Parcel Maps, as amended, contingent on approval of the General Plan Amendment to change the land use designation to "Urban

Residential” and the approval of the Wood Street Zoning District. All Conditions of Approval placed on the Vesting Tentative Parcel Maps and contained in Exhibit C will be attached to the Vesting Tentative Parcel Maps.

C. OAKLAND ARMY BASE AREA REDEVELOPMENT PLAN AMENDMENT

Planning Commission Recommendation: recommend to the Redevelopment Agency and the City Council the adoption of a text amendment to the Oakland Army Base Redevelopment Plan and an amendment to the land use map. The Commission also recommended the Affordable Housing Plan proposed by BUILD.

The project site is within the Oakland Army Base (OARB) Redevelopment Project Area. Other properties within the Oakland Army Base Project Area include: (1) the former Oakland Army Base property; (2) the Port of Oakland’s maritime area west and south of the Base, including the existing marine terminal facilities and related infrastructure along the Outer and Inner Harbors channels, as well as the former U.S. Fleet Industrial Supply Center Oakland (FISCO) property; and (3) non-residential property generally bounded by the realigned I-880 Freeway, and Pine and Wood Streets between 7th and 26th Streets.

The Planning Commission is the body that reviews the proposed amendments to the Redevelopment Plan and makes a recommendation to the City Council. The City Council is the approving authority for the land use change and other amendments to the Redevelopment Plan. To facilitate the Wood Street project (as well as to clarify provisions of the Redevelopment Plan as they relate to this and subsequent development projects) staff is recommending the following changes to the Redevelopment Plan:

- 1) Amend the Redevelopment Plan Land Use Map (Attachment No.3C) from “Business Mix” to “Urban Residential” in the 16th and Wood Street sub-district, and
- 2) Make minor text changes to clarify that, in addition to the Oakland Army Base Reuse Plan, the City’s General Plan governs development, particularly in portions of the Redevelopment Area not covered by the Reuse Plan (i.e., the 16th and Wood Street area).

It should be noted that, while not under consideration at this time, the OARB Implementation Plan will be amended and re-adopted this summer to reflect the Wood Street Project.

Redevelopment Plan Map Amendments

The Redevelopment Plan currently includes three Land Use Maps; they are cited as Attachments 3A, 3B and 3C, and collectively illustrate the preferred land uses for the OARB, Maritime (or “Port of Oakland”), and 16th and Wood Street portions of the Redevelopment Area, respectively. For the 16th and Wood Street area in particular, the OARB Redevelopment Plan does not mandate a specific development program for the project site; instead, it defers to the range of land use activities that are allowed by the Oakland General Plan and Zoning requirements. The

General Plan land use designation currently assigned to the project site is "Business Mix," the same designation in the LUTE. Because residential uses are being proposed, it is necessary to amend the Redevelopment Plan land use map to "Urban Residential," consistent with the General Plan LUTE. Hence, the revised General Plan map referenced earlier in this report would now also serve as new Attachment 3C of the OARB Redevelopment Plan.

Redevelopment Plan Text Amendments

The Wood Street Project is the first major development that will be subject to the OARB Redevelopment Plan. In reviewing the Redevelopment Plan for its implications on the project, it became apparent that incorporation of a few minor text amendments to the Plan would better clarify the local planning provisions that apply to the project. In summary, the proposed text amendments:

1. add references to the City's General Plan (in addition to the existing Reuse Plan references) as being the document that governs development within the Redevelopment Area;
2. provide clarifying information about the Reuse Plan; and
3. remove the requirement for development plans, signs, variations from the controls specified in the Redevelopment Plan, and building permits to be submitted to the Redevelopment Agency for approval (these features would be reviewed by the appropriate City body as applicable, consistent with other projects in the City)

The proposed amended Redevelopment Plan for the Oakland Army Base Project is included as Attachment A to Exhibit H-2, the Ordinance adopting the second amendment to the Plan. New language is underlined; deleted text is shown as ~~strikethrough~~.

Other provisions of the OARB Redevelopment Plan that could apply to the proposed project include:

1. Property Acquisition ("Eminent Domain")

The Redevelopment Plan allows for acquisition by the Redevelopment Agency of any real property in the Redevelopment Project Area by any means authorized by law, including use of eminent domain. Eminent domain, or condemnation, is the right of a government to take private property for a public purpose. The Redevelopment Agency may exercise eminent domain if it can be shown that such a taking is necessary for a public purpose, including implementation of the Redevelopment Plan; the property owner has been given an opportunity to participate in redeveloping the property; and the Agency has offered just compensation (including fair market value and loss of business goodwill, if any) to the property owner. To date, the project sponsors of the Wood Street Development Project have submitted no formal requests for the Agency's use of eminent domain, although it is a tool available for the acquisition of Bea's Hotel. It is

expected that the project sponsors will pay the full costs of the Eminent Domain process, if deemed necessary.

2. Affordable Housing

The OARB Redevelopment Plan, per Redevelopment Law, contains three provisions related to affordable housing: Replacement Housing, Inclusionary Housing, and the Low and Moderate Income Housing Set-Aside (Sections 330, 331 and 332 of the Redevelopment Plan, respectively).

Replacement Housing

The Redevelopment Plan requires the replacement of any low and moderate-income units removed from a project site. The Redevelopment Agency has also adopted a supplemental replacement housing policy for Single Room Occupancy (SRO) facilities. No low- and moderate-income units, or single room occupancy facilities, will be removed from the Project Area.

Inclusionary Housing Requirements

The California Community Redevelopment Law (Health & Safety Code Section 33000, et seq.) requires redevelopment agencies to ensure that affordable housing is developed as part of any housing developed in a redevelopment project area.² For privately-developed housing, the law requires that at least 15% of all new and substantially rehabilitated housing units developed within a redevelopment project area must be affordable to low and moderate income households. At least 40% of these units (or 6% of the total) must be affordable to very low income households.

These affordable housing obligations must be met by an Agency for each project area over the life of the redevelopment plan, and for each 10-year period during the plan's life. The law requires that the five-year implementation plan for each project area include a plan to comply with these affordable housing requirements over the 10-year compliance period.

The law does not require that an agency impose the 15% obligation on each housing project (although the law and the OARB Redevelopment Plan permit the Agency to do this). Rather, the redevelopment agency is required to meet this obligation for the project area as a whole during the compliance period. If the requirements are not met during a 10-year compliance period, the agency must meet the goals on an annual basis until the requirements for the 10-year period are met. If the agency has exceeded the requirements, any excess units can be counted toward satisfying the requirements for the next 10-year period.

The Oakland Army Base (OARB) Redevelopment Plan was adopted in July, 2000, so the 10-year compliance period runs from 2000 to 2010. The current Implementation Plan for the Army Base Project Area expires in July of this year, so the Agency will need to adopt a new

² The inclusionary requirement only applies to project areas adopted during or after 1976.

Implementation Plan this year that includes a plan showing how the Agency will comply with the affordable housing requirements through 2010.

Low and Moderate Income Housing Set-Aside

Pursuant to redevelopment law, the Redevelopment Plan stipulates that “not less than twenty percent (20%) of all taxes allocated to the Agency³...shall be used by the Agency for purposes of increasing, improving, and preserving the City’s supply of housing for persons and families of very low, low, or moderate income.” The Redevelopment Agency by resolution has raised the low and moderate income housing set-aside to 25%. These funds can be used to meet “in whole or in part” the replacement housing and inclusionary housing provisions of Sections 330 and 331 above, and can be used inside or outside the Project Area.

The housing units developed as part of the Wood Street project will be included in the pool of privately-developed residential units within the OARB Project Area of which 15% must be affordable to low and moderate income families. Since the Wood Street project will develop a total of up to 1,557 new units, the obligation will be to provide up to 234 low and moderate income units, with 94 units affordable to very low income households.

The BUILD Proposal

At the Planning Commission public hearing on March 16, 2005, BUILD made a voluntary proposal for meeting the Agency’s affordable housing obligation within the Wood Street District. A summary of the Affordable Housing Plan is described below. See Attachment I for a copy of the letter submitted at the Planning Commission meeting.

- Wood Street project sponsors will fund a Homeownership Center located at Mandela Gateway Retail center to provide information on housing opportunities within each of the Wood Street developments.
- BRIDGE Housing will commit \$2.5 million of its private Mortgage Assistance Program funding to borrowers with incomes at or below 120% of the median income to assist in purchasing a home at one of the Wood Street developments. Specifically, BRIDGE will commit up to \$25,000 per borrower as a second mortgage with a below-market 4%, interest only, payment for the first 5 years, and the remaining payments amortized for 15 years at 4% interest. This is a program recently established by BRIDGE to assist potential homeowners throughout the state. A portion of the funds are reserved for homebuyers within the Wood Street development.
- Each of the Wood Street developers will set aside 10% of the homes within each for-sale project (“Reserved Homes”) for 6 months prior to the anticipated completion date of each Reserved Home in its development and will hold such Reserved Homes for an additional 90 days after completion, to enable buyers to have adequate time to utilize the BRIDGE Housing program as well as the many other programs available to them

³ These resources are referred to as Tax Increment Funds.

such as the state CalHFA programs and any mortgage assistance that might be available through the Redevelopment Agency's programs.

- BUILD will set aside a 1.5 acre parcel within Development Area 3 of the Wood Street District for one year following the City Council's approval of the District. The parcel will be made available to BRIDGE for purchase at fair market value for development of stand-alone Affordable Housing Development of approximately 90 units (depending on unit sizes and configurations), provided that the Redevelopment Agency provides the financial assistance necessary to make such a development economically viable. The units could be either rental or homeownership, and could be affordable to families with very low incomes, depending upon the level of assistance provided by the Agency. BRIDGE will work with the Agency and the community to determine and then diligently seek the most appropriate funding package, balancing available tax increment funds, other sources of funding, and the City's housing goals.
- The Wood Street developers will agree to voluntarily incorporate and abide by provisions in tenant leases which would require cause before a tenant could be evicted from rental units within the Wood Street District.

Redevelopment law also provides several other options to the Redevelopment Agency to ensure that the affordable housing obligations resulting from the Wood Street project are met. These options are as follows:

1) Impose an inclusionary setaside of affordable units on the Wood Street project

This option can be required of the developers by the Agency. It would require the developers to set aside a portion of the units for sale or lease to qualified residents. The developers have stated that this option is not feasible given development costs and required return on investment. They have submitted an example of the financial impact of this inclusionary requirement as Attachment J.

2) Ensure that the required numbers of units are developed elsewhere within the OARB Project Area

This option would require increasing the amount of residentially zoned land to the OARB Project Area.

3) Ensure the required numbers of units are developed outside the OARB Project Area at a 2-to-1 ratio for each unit not provided within the OARB Project Area

This option could be used with the approval of the Agency.

4) Merge the OARB and West Oakland Project Areas to allow the obligation to be met across the merged area

Similar to Option 3, this would allow the Agency to meet all or a portion of the affordable housing obligation within a larger geographic area.

5) Aggregate the number of affordable units required of the OARB Project Area with one or more other project areas and make the findings that doing so would not cause or exacerbate racial, ethnic or economic segregation

This option would provide an even larger geographic area to be considered for meeting the affordable housing requirement. See Attachment K for additional detail about redevelopment law requirements and these available options.

3. Oakland Army Base Redevelopment Plan Environmental Impact Report (EIR) Mitigation Measures and Fair Share Requirements

In July 2002, the Planning Commission certified the OARB Redevelopment Plan EIR. The EIR identified a package of environmental mitigations associated with the entire OARB project area; Wood Street was identified, at that time, as a Sub-Area. These mitigation measures relate primarily to traffic improvements, including Fair Share issues, and are referenced in the current Wood Street Development Project DEIR as Appendix I. The OARB mitigation measures must be incorporated on a proportional basis to the proposed project, and therefore are included, as applicable, in the Conditions of Approval for all of the Vesting Tentative Parcel Maps.

Specific fair share requirements will be identified at the time of approval of Planned Development Permits, Final Development Permits, or final maps, as appropriate, for the fair share cost of the proposed transportation improvements and other measures. The City and Port have been working on an overall methodology to distribute the costs based on trip generation projections based on an analysis of cost estimates for the key improvements required to mitigate cumulative impacts. A proportional share has been assigned to the Wood Street Project as follows:

West Grand/Frontage	\$1.596 million
West Grand/Maritime	\$180,000
All other intersections	\$180,000

The Planning Commission and staff recommend adoption of the text and map amendments to the Oakland Army Base Redevelopment Plan and recommend to the City Council adoption of the amendments to the Redevelopment Plan for the reasons stated above. Exhibits H-1 and H-2, the Resolution and Ordinance amending the Oakland Army Base Redevelopment Plan, contain the findings to support this recommendation. The Planning Commission recommended approval of the affordable housing program submitted by BUILD.

D. GENERAL PLAN ANALYSIS AND THE PROPOSED GENERAL PLAN AMENDMENT

Planning Commission Recommendation: Approve the request to amend the General Plan Land Use Map from "Business Mix" to "Urban Residential."

The project sponsors have requested to amend the General Plan land use map to "Urban Residential" to accommodate residential development on the site. The intent of this land use category is to

"create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services."

While the primary use is residential, mixed use buildings with ground floor commercial uses and public facilities of compatible character are also encouraged. The maximum allowable density in these areas is 125 units per gross acre. Although the EIR studied environmental impacts including 264 dwellings in 2.01 acre Development Area 8, this would produce 131 dwellings/acre, so the maximum number of dwellings in this Area would be limited to 251 because of the General Plan maximum density limit. The Maximum Residential Scenario results in an actual yield of 1,557 dwellings instead of the 1,570 studied in the EIR.

The current General Plan designation of "Business Mix" does not allow residential uses. Because the proposed project includes approximately 1,557 residential units and neighborhood-serving commercial uses in the Maximum Residential Scenario, and warehouse and office building uses in the Maximum Commercial Scenario, the General Plan land use map for this site will need to be amended to "Urban Residential," a designation that allows both higher density residential and some commercial uses. This is a significant land use change from what was originally designated in the General Plan for this area. While residential land uses do not meet the intent of the existing "Business Mix" land use designation, this residential, mixed-use development in this location is supported by other policies in the General Plan (refer to pages 3.2-11 to 3.2-18 in the DEIR for a discussion of policies that are consistent with the proposed Project).

The request to amend the General Plan is supported for a number of reasons. The full discussion can be found on pages 10-12 in the 3/16/05 Planning Commission report. Following is a brief summary:

- *Growth and Change* - The *Land Use and Transportation Element* of the General Plan identifies certain areas in West Oakland for "growth and change." The large sites are generally situated along major transit corridors and near mass transit facilities, such as the BART station. Due to its proximity to the freeway, and convenient access to the North Bay, South Bay, areas further inland and San Francisco, property within the Wood Street Zoning District is considered an attractive place to provide infill housing and mixed use development.
- *Inconsistency of Existing Land Uses* - The continuation of land uses that rely on warehouse and truck transport does not meet the intent of other West Oakland policies

that support the reduction of truck uses in the area and call for the buffering of such uses from residential areas.

- *Demand for Housing* – The growing and consistent demand for housing throughout the Bay Area region is causing developers to consider infill sites that would not have appeared marketable for such use five years ago. This site represents a solid opportunity for infill development given the existing stable neighborhood context, available infrastructure, and close proximity to services and transit. The site abuts existing residential development on some of its boundaries and would extend the residential uses even further. Also, the residential land use would have fewer health impacts on the West Oakland neighborhood than the existing industrial uses and would reduce the number of trucks associated with existing businesses. It is a good example of “smart growth.”
- *Air Quality and Public Health Concerns* - Many comments were received about the air quality and public health concerns affecting West Oakland residents. Under the current Industrial zoning, the industrial businesses would continue to operate. The industrial and manufacturing processes, and the related truck activity, would produce more particulate emissions than the proposed project. With the buildout of the proposed project, there would be “fewer small particulate emissions and lesser potential health effects for West Oakland than if the Project Area were developed in accordance with its current designation for a mix of businesses” (Master Response 3, FEIR, p. 3-12).
- *Elimination of Blight* – New development in this location would improve the underutilized and blighted area. The tax increment generated by the mixed-use residential project could be used to restore the Main Hall of the 16th Street Train Station and used elsewhere in the Oakland Army Base Redevelopment Area to foster further public improvements.

The Planning Commission and staff support the request to amend the General Plan land use designation to “Urban Residential” for the reasons summarized above. New residential development would be an extension of existing residential neighborhoods, would reduce the amount of truck traffic associated with existing businesses, would improve the underutilized and blighted area, and would generate tax increment to be used in the Oakland Army Base Redevelopment Area to foster further improvements. Exhibit G, the Resolution Amending the General Plan Land Use Designation, contains the findings to support this recommendation.

E. ADOPTION OF THE WOOD STREET ZONING DISTRICT

Planning Commission Recommendation: Recommend adoption of the Wood Street Zoning District and an amendment to the zoning map to apply the Wood Street Zoning District.

The Oakland Zoning Code, Chapter 17 of the Municipal Code, as written, does not contain the appropriate land use regulations and development standards in one zoning district to address large, mixed use projects. There are several planning and zoning tools available to implement

such projects but to date Oakland has not adopted a Planned Development zone, and the existing Planned Unit Development zone is awkward because it must rely on an underlying zoning district. In this case, the underlying zones are Light Industrial (M-20), General Industrial (M-30), and Industrial-Residential Transition Combining Zone (S-16), none of which are appropriate for residential development and all of which are inconsistent with the proposed "Urban Residential" General Plan land use designation. To address this issue, staff and the project sponsors have prepared a district unique to this site called the "Wood Street Zoning District." (See Exhibit E).

Although the proposed development allowed by the Wood Street Zoning District involves three property owners, and is divided into five vesting tentative parcel maps and nine development areas, the intent is that all future projects in the area be consistent with the Wood Street Zoning District regulations and standards to ensure that the larger site is developed in a coordinated and cohesive manner.

The proposed zoning district is based on regulations from the existing zoning code with variations or modifications to the existing regulations to accommodate a large, coordinated, mixed-use group of developments. Most of the land use classifications are defined the same as in the existing zoning code. The land use regulations are proposed in the table format that is being drafted for the re-organization and update of the City's existing zoning code. The land use table shows land uses that are permitted, are limited (those that are permitted up to a certain threshold, usually size), are conditionally permitted, or are prohibited. These uses have been crafted to avoid future land use conflicts and inconsistencies given the essentially residential character of most development areas.

Residential standards in the Wood Street Zoning District are based on existing multifamily zoning district standards (R-50, R-60, R-70, R-80). Because of the variety of housing types proposed within the development, the standards vary from one development area to another. Commercial land uses identified in the Wood Street Zoning District are based on a combination of land uses from different commercial zones in the existing zoning code. The land uses proposed are a mixture of neighborhood-serving commercial uses, including retail, office, food sales, restaurants, and various civic activity types.

Development standards are specified for each Development Area as specified in Table 5-10.1 in the proposed Wood Street Zoning District. These include a maximum and minimum density; floor area ratios; height limits; setbacks; parking; and standards for designing street-level structures and street front openings. Densities range from 29 dwelling units/acre (du/ac) in Development Area 1 to 131 du/ac in Development Area 8. Generally, height limits range from 40 to 65 feet throughout the project area, with the tallest buildings (up to 90 feet) permitted in Development Area 8, adjacent to the elevated freeway and elevated Grand Avenue, and the reduced heights of buildings along the Wood Street frontage. Floor area ratios for the commercial developments range from 1.38 in Development Area 2 and almost 3.0 in Development Area 8 under the Maximum Commercial Scenario. Front setbacks throughout the project site are 10 feet and side and rear setbacks vary within the development from 0 to 10 feet.

The key issue here is that these development standards will be followed to ensure an overall framework for the entire 29.2 acres.

These standards are further enhanced with design guidelines that will be applied to future development throughout the project area. While no specific architectural style is recommended, there are guidelines for how certain architectural features should be designed. Special attention is given to new structures along Wood Street, the 16th Street Train Station Plaza and the frontage road. Overlay zones have been created which specify increased setbacks and reduced heights to minimize the impact of the higher density residential structures along the street frontages. By concentrating the bulk and height of the structures toward the center of the site, the contrast between the proposed residential structures and the existing residential and commercial neighborhood surrounding the site is less pronounced. Parking structures are screened, or tucked behind buildings, to encourage pedestrian activities along the street frontages. The guidelines emphasize physical design features that promote interaction with the surrounding neighborhoods by addressing building massing and articulation, street front openings and entries, building frontages, setback and height requirements, particularly along Wood Street. These design features are intended to promote a lively pedestrian street environment.

Each of the conditions of approval on the vesting tentative parcel maps is included as a development standard in the Wood Street Zoning District. This means that compliance with these conditions is part of the zoning regulations just like the standards regulating maximum height, setback, or densities.

Development applications for proposals within the Wood Street Zoning District will be processed similarly to the City's current PUD, Planned Unit Development permit requirements using the Wood Street Zoning District as the underlying zone. Preliminary Development Plans and Final Development Plans would be submitted for each development proposal and would be processed according to the requirements specified in the Wood Street Zoning District.

Planning Commission and staff recommend adoption of the Wood Street Zoning District for the proposed mixed-use residential, commercial, community use projects in the Wood Street Development Project Area. Exhibits E and F, the Ordinances approving the Wood Street Zoning District, and amending the zoning map to include the Wood Street Zoning District, contain the findings to support this recommendation.

KEY ISSUES AND IMPACTS

Four key issues were raised throughout the public review process:

1) Preservation of Cultural Resources. The 16th Street Train Station is an important part of the City's history and is a City landmark. The project sponsors have agreed to the preservation of the historic 16th Street Train Station, including the baggage wing, a portion of the elevated tracks including the platform behind the Train Station, and the historic signal tower. In addition, they

have agreed to the following other commitments which have been incorporated into the Conditions of Approval for the project (Exhibit C):

a. Within six (6) months of approval of the Wood Street Zoning District, the project sponsor will establish a 501(c)(3) nonprofit organization to oversee the rehabilitation and reuse of the historic Train Station.

b. Within twelve (12) months of approval of the Wood Street Zoning District, the project sponsor and/or new nonprofit corporation for the historic train station will prepare a business plan for the retention of historic resources and the reuse of the 16th Street Train Station. The business plan will establish a framework for the funding of rehabilitation efforts and identify the grant source(s) and other funding mechanisms for the work. The business plan will also establish the information needed for requesting tax increment financing and the timing and sequencing of such funding in relation to the phasing of the historic restoration efforts.

c. Within two (2) years of approval of the Wood Street Zoning District, the project will complete a schematic set of plans and specifications for the restoration of the 16th Street Train Station. The plans shall include an analysis of the feasibility of restoration and reuse of the structure and establish a budget for the project to demonstrate the viability of proposals related to possible use of historic resources and identify important details about how modifications to historic resources will be integrated into the final project.

d. The project sponsor has agreed that the public plaza in front of the Train Station will be constructed during the first phase of the project.

There are ongoing discussions with the project sponsors as to the revised wording of Conditions of Approval No. 55-61. At issue are the mechanisms that will be used to determine a value for the baggage wing, the timing of acquisition from the project sponsors, and the funding that will be used. If the Redevelopment Agency decides not to use tax increment funding for the historic preservation requirements, it is important to identify other funding sources. The CED Committee may want to give direction to staff to follow up with options for the May 3, 2005 public hearing, so that such contingencies can be incorporated into the Conditions of Approval as an option. It is important to impose these requirements as part of the Council's and Agency's actions to approve the project because of vesting tentative map approval. Under such vesting maps, the City's discretion to impose future conditions and requirements is strictly limited.

As part of the May 3, 2005 staff report on the appeals, staff will present specific options available to the City Council and the Agency concerning the retention and acquisition of the baggage wing, the best way to adjust the lot lines to account for the baggage wing being retained as part of the 16th Street Train Station, and the funding options available for the preservation work.

2) The provision of affordable housing. This issue has been discussed in detail in the Redevelopment Plan Amendment section of this staff report. Staff is presently working with the

project sponsors to more specifically frame BUILD's affordable housing framework into a revised Condition of Approval #100. There are a number of practical and policy considerations about how 1.5 acre parcel would be developed, as well as the manner and timing of how the affordable units would be offered to the City.

3) The potential for gentrification in West Oakland. The scale of this project will likely result in significant, future reinvestment in this part of West Oakland. In fact, even without this project, reinvestment in the West Oakland community is evident with rehabilitation of existing homes and new construction. This likely reinvestment has triggered concerns that West Oakland residents who have lived in the community will be forced to move due to increasing prices of land, home prices and rents. In response to this concern, as a part of the Commission's review, a policy and planning framework paper was undertaken by a land use economics firm (please refer to FEIR –Appendix C – Mundie and Associates Report). This report reviewed and considered the historic, geographic and economic setting and the potential for gentrification. The report authors note that there likely will be gentrification but that it is difficult to quantify given assumptions used, data, and various analytical approaches. Rather than spending time measuring the extent of potential gentrification, staff directed the report preparers to identify measures that the City could take to protect and strengthen affordable housing in West Oakland. These options are presented as Chapter 5 of the Policy Framework Report.

4) Project labor agreement, requiring prevailing wages for the project and assuring jobs for local residents. Numerous comments about the requirement for a project labor agreement, the payment of prevailing wages, and jobs for local residents were mentioned at the Planning Commission. The Commission did not include any of these issues as part of project approval.

These issues are not a standard part of a land use entitlement process such as a zoning or General Plan change. Prevailing wage, local hiring and other City policies can be viewed in relation to whether or not a portion of the project will receive a subsidy from the City. In this case, there has been discussion of using future tax increment gained from the project to undertake the historic preservation work for the 16th Street Train Station and in compensation for the baggage wing. The project sponsors understand that as part of this work in VTPM 8554, if City funds are used to help preserve the Train Station, then all City policies must be met, including living wage, equal benefits, local hiring, etc. However, there is no requirement to impose such policies on the entire Wood Street Zoning District because each development project is distinct, separately owned, and can be fully developed to stand on its own without any relationship to any other development.

SUPPLEMENTAL REPORTS PREPARED AS PART OF THE PROJECT CONSIDERATION

Socio-Economic Benefit Report

As previously noted, several oral and written comments were received throughout the public review comment period regarding the need to prepare a socio-economic analysis of the proposed project. Mundie and Associates was retained to prepare the report titled, "The Proposed Wood Street Project: Policy and Planning Framework." The report focuses on the consequences of the

proposed land use changes, the potential gentrification as the result of the Wood Street Project, and tools available to maintain the existing affordable housing.

The entire report is included in the FEIR as Appendix C. Major conclusions from the report are included in the FEIR, Master Comment 5, "Economic and Social Considerations Related to the Project."

Fiscal Impact Report

A second report by Mundie Associates is contained as Attachment H. This report pertains to the fiscal impacts and benefits of the proposed land use change from Industrial to Residential. The report indicates that there would be significant revenues accruing to the City in the form of increased property taxes, sales taxes, utility user taxes, etc. As a corollary, there would also be increased expenses in order to successfully maintain the project and provide adequate public services.

All told, as in most instances in California due to the property tax limitation imposed by Proposition 13, residential development results in a net loss after a certain time period. In addition, the City's General Fund revenues are projected to be less due to the project being within a Redevelopment Area. In exchange for lower projected General Fund revenues, the Redevelopment Agency is expected to receive a higher proportion of property taxes, which benefit the City and the community in a variety of ways including improving infrastructure and cleaning up blighted and contaminated properties. This policy decision was previously made when the City chose to establish the OARB Redevelopment Plan. The project and projected revenues are merely a result of this previous policy decision.

Options for Preservation of Historic Resources

A third report by Mundie and Associates is being prepared and will be available for the May 3, 2005 public hearing. This report concerns economic considerations pertaining to the preservation of the 16th Street Train Station. In particular, the report addresses issues regarding the retention of the baggage wing and the potential economic impacts to the surrounding proposed development.

SUSTAINABLE OPPORTUNITIES

The approval of the Wood Street Develop Project includes many economic, environmental and social equity benefits for the West Oakland neighborhood and the City of Oakland.

Economic: There are many economic benefits of the proposed project to the local economy. The housing proposed in the project will be available to a range of income levels including very low, low, moderate, and above-moderate income families. The neighborhood commercial businesses and the project development maintenance and landscaping that are part of the development may include jobs for local residents.

Environmental: The project area has been used for industrial purposes for many years. The soils reports indicate that portions of the site have contaminated soil to a depth of 3 feet in the worst locations. The project sponsors are remediating the soil with the approval of the Regional Water Quality Control Board.

Social Equity: The proposed project will improve an area that is considered blighted under the Oakland Army Base Redevelopment Plan. The residential development will extend an existing residential neighborhood, will introduce more people to the area with an assumed mix of incomes, and will provide some neighborhood commercial services where none exist today.

DISABILITY AND SENIOR CITIZEN ACCESS

The proposed Wood Street Development includes a number of public pocket parks and a circulation system that focuses on pedestrian and bicycle amenities. The proposed public amenities will be constructed to standards that can accommodate disabled and senior citizens.

RECOMMENDATION(S) AND RATIONALE

At this time, the CED Committee is requested to review and consider the proposed project, the March 16, 2005 Planning Commission actions and the key issues and impacts associated with the development. In addition, staff requests that the CED Committee provide any comments, recommendations or follow up questions that can then all be incorporated as part of the May 3, 2005 staff report on the two appeals that have been received in opposition to the Planning Commission's March 16, 2005 recommendations.

ACTION REQUESTED OF THE CITY COUNCIL

It is recommended that the Community and Economic Development Committee:

- 1) Take testimony concerning the proposed Wood Street Project;
- 2) Review and consider the proposed Wood Street Project; and
- 3) Provide any comments, recommendations or requests for follow-up information so that they can be incorporated into the staff report for the May 3, 2005 public hearing on the two filed appeals and on the project itself.

Respectfully submitted,

CLAUDIA CAPPIO
Community and Economic Development
Director of Development, Building Services,
and the Oakland Army Base Reuse Authority

Item: _____
Community and Economic Development Committee
April 12, 2005

Prepared by:
Margaret Stanzione
Planner IV, Major Projects
Planning & Zoning

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:

**OFFICE OF THE CITY ADMINISTRATOR
ATTACHMENTS**

- A. Project Location, Figure S-1
- B. Proposed Development Areas, Figure S-2
- C. Illustrative Concept Plan, Figure S-3
- D. Project Area Land Use and Development Program by Development Area, Table S-1
- E. Landmarks Preservation Advisory Board Minutes – February 28, 2005
- F. Information and analysis pertaining to the reuse of the 16th and Wood Street Train Station
- G. Financial and Appraisal Information Demonstrating Infeasibility of Preserving the Baggage Wing and Portion of the Tracks and Platform for the 16th and Wood Street Train Station
- H. The Proposed Wood Street Project: Fiscal Impact Analysis
- I. Letter from BUILD dated March 16, 2005 regarding a proposal for providing affordable housing within the Wood Street District
- J. Example of Financial Impact of Inclusionary Requirement
- K. Options for Meeting Redevelopment Agency Affordable Housing Obligations
- L. Correspondence
- M. Documents Relevant to Project Approval:

Exhibit A – CEQA Findings

Exhibit B – Mitigation Monitoring and Reporting Program (MMRP)

Exhibit C – Conditions of Approval

Exhibit D – General Findings

Exhibit E – Proposed Zoning Ordinance and District Regulations

Exhibit F – Proposed Zoning Ordinance Amending the Zoning Map

Exhibit G – Proposed General Plan Resolution

Exhibits H-1 and H-2 – Proposed Redevelopment Plan Ordinance and Resolution

Five Vesting Tentative Parcel Maps 8551, 8552, 8553, 8554 (amendments not shown), 8555
March 16, 2005 Planning Commission Report + Attachments
Final Environmental Impact Report, published February 7, 2005 (delivered separately)

Item: _____
Community and Economic Development Committee
April 12, 2005

**Councilmember Brunner's Questions Regarding the Wood Street Project
Asked at the 4/12/05 Community and Economic Development Committee hearing**

1. Please provide a clear list of what the Planning Commission decided at the March 16 hearing.

At the Planning Commission hearing on March 16, 2005, the Commission passed four motions:

- Motion 1 certified the Environmental Impact Report, adopted the CEQA Findings, and adopted the Mitigation Monitoring and Reporting Program.
- Motion 2 approved the five Vesting Tentative Parcel Maps (VTPMs) and the Conditions of Approval. The Commission modified VTPM 8554 to include, as part of Parcel 2 of that map, the property containing the Baggage Wing. It also recommended that the Redevelopment Agency purchase the property containing the Baggage Wing, subject to confirmation that such ownership will not jeopardize potential funding sources for the rehabilitation of the entire train station project, considering that the Main Hall would be owned by a separate non-profit entity. Approval of the maps and the conditions was made contingent on approval of General Plan Amendment and the Wood Street Zoning District and also subject to any changes that the City Council may make. The Commission included the affordable housing proposal from BUILD as part of Condition of Approval #100. Finally, it adopted an errata sheet and directed that references to the terminology of the Project Sponsor in the Conditions of Approval be made consistent.
- Motion 3 recommended approval of the General Plan Amendment and the Wood Street Zoning District to the City Council.
- Motion 4 adopted the report to the Redevelopment Agency and recommended adoption of the Redevelopment Plan Amendment.

2. What are the actual issues being appealed?

Two appeals of the Planning Commission's decision were filed on March 25, 2005. The first, by Appellant Arthur Levy, appealed the five Vesting Tentative Parcel Maps, the certification of the Environmental Impact Report, and the CEQA Findings. Appellant asserts that the demolition of the Baggage Wing and the elevated tracks is not legally supported under CEQA or under the CEQA Findings and Statement of Overriding Considerations adopted by the Planning Commission. Appellant also asserted that the CEQA Findings and Statement of Overriding Considerations adopted by the Planning Commission are not legally supported as to the infeasibility of the project without the proposed demolition, and the mitigation measures relating to the demolition. Appellant further asserted that the tentative parcel maps are not justified under CEQA because they define property lines that facilitate demolition of the Baggage Wing and the elevated tracks. Finally, appellant asserted that the City's appeal procedures are preempted under CEQA and illegal to the extent that they limit the scope of the

Council's CEQA compliance, and/or limit appellant's right to a full *de novo* review of CEQA compliance by the City Council and/or otherwise violate CEQA.

A second appeal was filed by Appellant Margaretta Lin representing Just Cause and the Coalition for West Oakland Revitalization and appealed the certification of the EIR. Appellant asserted that the Maximum Commercial Scenario presented in the EIR is inadequate because it assumes too much warehouse space. Appellant also asserted that the Planning Commission committed a prejudicial abuse of discretion by issuing the Statement of Overriding Considerations to demolish portions of the train station because the Baggage Wing and the elevated platform are integral to the historic *significance of station, demolition of the Baggage Wing and elevated platform would jeopardize eligibility for historic tax credits, and the finding of economic infeasibility of retaining these portions of the station was not adequately supported.* Appellant also asserted that the EIR is inadequate due to a failure to mitigate infrastructure impacts, hazardous materials and contamination, and air quality, and that the EIR does not adequately address transportation, circulation and parking issues and the potential displacement of West Oakland residents. Finally, appellant asserted that the City failed to honor its commitment to conduct a socio-economic impact study.

3. How much money will be generated by tax increment revenue?

An analysis prepared by Conley Consulting Group (Tax Increment and Bonding Capacity Supported by Wood Street Projects, prepared February 2005) indicates that the projects within the Wood Street Zoning District will generate \$147 million in tax increments, including \$36.8 million in Housing Set Aside funds and \$55 million in discretionary funds, over the life of the Redevelopment Project Area. AB 1290 pass-through and ERAF payments to the state account for the remainder of the \$147 million in total tax increment generated by the projects. The Conley Consulting Group study assumes a project with a residential build out of 1,400 units which is more than 150 fewer units than the EIR's Maximum Residential Scenario.

4. What is the cost to rehabilitate the 16th Street Train Station?

BBI Construction has estimated the cost of renovating the Main Hall of the 16th Street Train Station at \$10.3 million, including structural stabilization and all exterior and interior finishes and improvements. Addition of the Baggage Wing increases renovation costs by an estimated \$2.0 million to approximately \$12.3 million.

5. What is the source of the money to rehabilitate the 16th Street Train Station?

BUILD will request that the Redevelopment Agency provide a portion of the \$55 million tax increment funds generated by the Wood Street projects to support renovation of the 16th Street Train Station, including, if retained as part of the project, the Baggage Wing. Additional public funding such as California Proposition 40 funds, historic tax credits, private financing sources, and private philanthropic grants will be sought as well in order to maximize the leveraging of tax increment funds. An Assessment District (such as Mello-Roos) can also be established that could provide funding for the preservation and

acquisition of the Baggage Wing. An estimate of the per unit cost of such an assessment would be \$800 to \$900 per unit. This estimated cost could increase or decrease depending on the amount financed and the number of units constructed. This estimate is based on a \$12.3 million cost and is assumed to be distributed among 1,500 units.

BUILD's application to the Redevelopment Agency for tax increment funds will include: 1) a finance plan to maximize tax increment fund leveraging with additional sources, 2) a management plan demonstrating the ability to provide continued stewardship of the historic structure, 3) a community participation plan providing for input regarding the renovation and reuse of the station, 4) a development plan demonstrating consistency with a range of design standards and city policies, and 5) a business plan identifying renovation costs and a specific funding framework. BUILD's commitment to provide this set of planning documents is incorporated into the project's Conditions of Approval. \$10.9 million in bonding capacity from discretionary (non housing set-aside) tax increment funds from Wood Street will be available by 2009. In combination with leveraging from other sources, adequate funding is expected to be available for renovation of the 16th Street Train Station, including the Baggage Wing.

6. Is there a full rehabilitation plan for the 16th Street Train station?

Along with the finance, management, community participation, development and business plans described above, BUILD will complete a schematic set of plans and specifications for the restoration of the 16th Street Train Station as described in the Conditions of Approval.

7. Is there an operational plan for the 16th Street Train Station?

As described above, as a condition of applying to the Redevelopment Agency for tax increment funds, a management plan will be prepared by BUILD in order to establish a sound operational structure for the station.

8. Please address the issues of transferring the 16th Street Train Station to a non-profit.

BUILD proposes to transfer those portions of the 16th Street Train Station property that are preserved to a non-profit entity created to own and operate the building once renovation of the structure has been completed. Transfer of the 16th Street Train Station would be technically feasible following recordation of a final map depicting the station building on a separate parcel, contingent upon approval of the site's Final Development Plan. BUILD intends to maintain ownership of the station through completion of renovation activities in order to ensure timely and effective use of funds, consistency with renovation plans, and effective transfer of ongoing management to the non-profit entity.

9. Who will maintain ownership of the 16th Street Train Station if there is no clear renovation and finance plan?

As described in #8 above, BUILD will maintain ownership of the 16th Street Train Station in order to ensure adequate continued stewardship of the property while renovation and finance plans are prepared and approved, funding sources are identified and renovation work is completed. During the period when these plans are underway, continued ownership by BUILD will ensure that the building and historic resources remain adequately preserved and maintained against the elements.

10. What percent of Project jobs would already be union?

The project sponsors estimate that approximately 57% of construction at Wood Street will be provided by union contractors. This figure includes 100% union participation on both the train station renovation project and a 90-unit affordable project supported by redevelopment funds.

11. Is this one project or five separate projects? The Councilmember requests an opinion from the City Attorney.

The City Attorneys' office has provided an opinion that each of the Project Sponsors' five Vesting Tentative Parcel Maps constitutes a separate project. Please refer to Attachment 1 to this summary for the opinion dated May 3, 2005.

12. If the baggage wing not demolished who pays for it and how much will it cost?

BUILD has proposed that if the Baggage Wing is to be retained and restored with the Main Hall, the Redevelopment Agency should fund the purchase of the property now occupied by the Baggage Wing at fair market value (currently appraised at \$37 per square foot with residential entitlements), as well as the cost of renovation (estimated to be \$2 million), in combination with other sources described in the response to question 5 above. BUILD has provided evidence that development of Parcel 3 is economically infeasible if the land is not purchased at fair market value.

13. What happens if the 16th Street Train Station is not rezoned to the Wood Street Zoning District?

The Wood Street Zoning District permits certain uses within designated areas of the District. The permitted uses within the parcel that contains the Main Hall (Parcel 2 of VTPM 8554) are limited to uses that are consistent with the preservation and restoration of the Main Hall. (See Wood Street Zoning District, section 5.80) At this time, the Project Sponsor of VTPM 8554 proposes that the parcel currently containing the Baggage Wing (Parcel 3) be permitted for development of up to 215 residential units, subject to an agreement by BUILD that the Redevelopment Agency may fund the acquisition of the Baggage Wing and then include such property within Parcel 2. If the Redevelopment Agency did not fund such acquisition, then BUILD proposes to proceed with development of its proposed residential project, thereby resulting in the demolition of the Baggage Wing.

14. What are the options for keeping the baggage wing and how much would it cost?

See responses to Numbers 5 and 12 above.

15. Please provide a good explanation of what 15% affordable housing means under redevelopment law.

Over a redevelopment project area's term (typically 30 years), for privately developed residential units built in the redevelopment project area, 15 percent of such units must be developed as affordable. At least 40 percent of those (i.e. 6 percent of the total) must be made available to "very low income households" while the rest (i.e. 9 percent of the total) may be made available to "low and moderate income households." Low and moderate income households are households with incomes at or below 120 % of area median income, adjusted for family size. (For Alameda County, the moderate income limit for a family of four currently is \$98,650.) Very low income households are households with incomes at or below 50 % of area median income, adjusted for family size. (For Alameda County, the very low income limit for a family of four currently is \$41,400.) The 15 percent requirement need not be met by any specific individual development within a redevelopment project area, but may be satisfied elsewhere within the redevelopment project area, or outside the redevelopment project area, either at the same rate or a two-for-one ratio depending upon certain findings.

16. What are the options for meeting 15% affordable housing within the project?

The options for meeting the 15% affordable housing requirement of the Oakland Army Base Redevelopment Area Plan are set forth in Attachment 7 to the staff report for the March 16, 2005 meeting of the Planning Commission. In summary, the 15 percent could be included within the area of the Wood Street Zoning District as well as other land throughout the Oakland Army Base Redevelopment Project Area, including several acres immediately south of the Wood Street Zoning District (though such areas would have to be rezoned). Alternatively, the Redevelopment Agency could merge the Oakland Army Base Project Area and West Oakland Project Area into a single project area. Such a merger would allow the expenditure of tax increment funds and the statutory 15 percent affordable housing requirements to be satisfied by reference to the merged project area. Another option includes the aggregation of affordable units across redevelopment project area lines in meeting the 15 percent requirement, so long as the agency finds, based on substantial evidence, that aggregation will not cause or exacerbate racial, ethnic, or economic segregation. As noted in Number 3 above, development projects within the Wood Street Zoning District are expected to generate \$36.8 million in housing set aside funds. (For a further discussion, see Attachment 7 to the staff report for the March 16, 2005 Planning Commission meeting and the "Key Issues and Impacts" section of the May 3, 2005 City Council staff report.)

If the 15% requirement were to be satisfied entirely by the Wood Street project, then the maximum number of affordable units that would need to be built would be 234, with approximately 94 of these units made available to very low income households. These

totals would be necessary only if the maximum allowable number of residential units, 1,557, is constructed; if fewer residential units are constructed, the affordable requirement would be corresponding lower. The project applicant's proposal regarding affordable housing on site is discussed elsewhere in these responses (see the response to question No. 24).

17. What are the options for meeting 30% affordable housing offsite?

To the extent the 15% affordable requirement is not satisfied within the redevelopment plan area, or aggregated in any other redevelopment plan area within the City, redevelopment law allows the shortfall to be made up outside of the redevelopment area but at a two-to-one ratio, i.e. two affordable units built for each unit not provided inside the project area, depending upon certain findings. The agency may only use tax increment funds outside the redevelopment project area upon a resolution of the agency and the legislative body that the use will be of benefit to the redevelopment project. As noted in response No. 3 above, the Wood Street developments are expected to generate \$36.8 million in housing set aside funds. (For a further discussion, see Attachment 7 to staff report for March 16, 2005 Planning Commission meeting, Attachments G and H to the May 3, 2005 City Council staff report.)

18. Please analyze the developers' proposals for affordable housing, including clarification of the \$2.5 million, whether intended to meet the 15% legal requirement, percent of median incomes targeted, and proposal to hold units for 6 months and 9 days.

The five elements of the project sponsor's affordable housing proposal are discussed below:

(1) The Wood Street developers will fund a Homeownership Center to be located at the Mandela Gateway Retail Center. This Center, to be established no later than January 2006, will provide information on housing opportunities within each of the Wood Street developments for a two-year period and will be funded by the Wood Street developers with budget of \$60,000 per year for staffing, utilities, and related operating costs. Home counseling agencies currently serving the Oakland community will be invited to provide outreach services at the Center, and the Center's staff will refer potential homebuyers or renters to these agencies. Financial institutions will also be invited to provide information on their mortgage services and various assistance programs.

(2) BRIDGE Housing will commit \$2.5 million of its available private Mortgage Assistance Program funding to borrowers with incomes at or below 120% of the median income to assist in purchasing a home at one of the Wood Street developments. Specifically, BRIDGE will commit up to \$25,000 per borrower as a second mortgage with a below market 4%, interest only, payment for the first 5 years and the remaining payments amortized for 15 years at 4% interest. Such funds will be available consistent with the conditions imposed upon BRIDGE by the source of the funds (i.e., per unit maximums, credit criteria, etc.). BRIDGE will present a binding commitment letter to the City prior to approval of the individual Wood Street

projects. Private mortgage assistance funds could be used in conjunction with other resources such as CalHFA first-time homebuyer programs. Private mortgage assistance funds would aid households who might otherwise be unable to qualify for a sufficient mortgage to purchase a home by minimizing the debt service payments associated with a \$25,000 portion of the debt and thereby leveraging the household's income more effectively to support a larger mortgage. Provision of mortgage assistance funds does not represent a guarantee of affordability at 120% of median income or lower, but through use of the funds a household will be able to afford a larger mortgage than would otherwise be possible and would do so without increasing the household's monthly debt servicing costs.

(3) Each of the Wood Street developers will set aside 10% of the homes within each for-sale project for 6 months prior to the anticipated completion date of each Reserved Home in its development and will hold such Reserved Homes for an additional 90 days after completion, to enable buyers earning 120% of median income or lower to have adequate time to utilize the BRIDGE Housing program as well as the many other programs available to them such as the state CalHFA programs and any mortgage assistance that might be available through the Redevelopment Agency's programs. The Redevelopment Agency may also, at its discretion, set aside funds specifically dedicated to assisting moderate and lower income families in purchasing homes within the Wood Street District. In such event, the Wood Street developers will cooperate with the Redevelopment Agency to record longer term price restrictions (45 years) upon resale by such buyers should the Redevelopment Agency elect to require such restrictions as a condition to providing buyers with mortgage or other home buying assistance. The reservation period does not represent a guarantee of affordability, but it does provide additional support for lower income households by allowing more time to prepare and finalize a purchase package without the risk of having the purchase preempted by other buyers.

(4) BUILD will set aside an approximate 1.5 acre area within Development Area 3 of the Wood Street District for one year following the City Council's approval of the District ("Set Aside Property"), for development of approximately 90 units of housing affordable to low and very low income households. BUILD will negotiate in good faith with the Redevelopment Agency to enter into a purchase and sale agreement ("Sale Agreement"), pursuant to which the parcel will be sold within such one year period at fair market value to BRIDGE or another nonprofit developer selected by BUILD with comparable experience developing affordable housing. The Sale Agreement shall provide that the Agency will provide the funds necessary to acquire and develop the site, shall include customary terms and conditions of sale, and shall require that the nonprofit developer comply with all regulatory and development standards imposed by the City on similar affordable housing projects in the City which receive Agency assistance, including compliance with the developer guidelines contained in the Notice Of Funding Availability Rules. The Sale Agreement also will provide that the units may be either rental or homeownership, and may be affordable to families with very low incomes, depending upon the level of assistance provided by the Agency. BUILD and the nonprofit developer will work with the Agency and the community to determine and then diligently seek the most appropriate funding package- balancing

available tax increment funds, other sources of funding, and the City's housing goals. The nonprofit developer will have three years from the date it acquires the site to obtain all planning approvals and financial commitments and to commence construction of the affordable housing.

In the event BUILD and the Agency are unable to agree upon the fair market value purchase price for the Set Aside Property within the one year period, BUILD and the Agency will each hire an MAI appraiser within 30 days, the two hired appraisers will then hire a third appraiser within 30 more days; and all three appraisers then will determine such purchase price within 30 days after that. The three resulting purchase price conclusions will then be averaged to arrive at the purchase price; provided, however, that if the high and/or low purchase price varies from the middle purchase price by more than 20%, such high and/or low purchase price will be disregarded in establishing the averaged purchase price. The project sponsors of the Wood Street Zoning District development shall pay for each of the appraisals noted above.

In the event the Agency elects not to assist the nonprofit in developing such affordable housing and elects to use housing set aside tax increment elsewhere within the Redevelopment Plan area or offsite to satisfy its affordable housing requirements, the Agency shall notify BUILD within the one year period described above and neither the Agency nor BUILD will be obligated to enter into the Sale Agreement.

In the event BUILD or its selected nonprofit do not negotiate the Sale Agreement in good faith or otherwise do not proceed with the development with diligence and in good faith, the Agency may acquire the Set Aside Property for fair market value and transfer it to another developer for development of affordable housing.

(5) Although the units built within the Wood Street Zoning District will be exempt from the provisions of Oakland's Just Cause Eviction Ordinance because they will be new construction, the Wood Street developers will agree to voluntarily incorporate and abide by provisions in tenant leases which would require cause before a tenant could be evicted from rental units within the Wood Street District. The inclusion of just cause eviction provisions within Wood Street leases represents an expansion of tenant protections in rental units at Wood Street which would not otherwise exist.

While this proposal does not meet the Agency's 15% requirement, if the Redevelopment Agency elects to (a) use its tax increment funding to assist in making sufficient units deed restricted, (b) provides mortgage assistance, and (c) helps fund the construction of very low income affordable units, then the 15% requirement could be achieved on the site of the Wood Street project. Further, the requirement could be met through the aggregation of units constructed in other Oakland Redevelopment Project Areas, such as the West Oakland Redevelopment Project Area, which recently added affordable units as part of the Mandela Gateway project, and/or the Coliseum Project Area.

19. How long does the housing have to stay affordable under redevelopment law?

Units must remain affordable for the longest feasible time, but not less than 45 years for owner-occupied units and 55 years for rental units.

20. Please analyze the developers' proposals for affordable housing.

See Response to question 18.

21. Were impacts to air quality studied?

The Final EIR included Master Response #3 to respond to comments on the Air Quality section of the Draft EIR. The concerns of most commentors related to particulate matter and therefore, Master Response #3 included substantial discussion regarding construction equipment and the generation of fine particles associated with increased health risk (e.g., incidence of cancer) and believed by many to correlate with the incidence of asthma. Also considered were the effects of existing and future outside sources of air pollution on new residents of the proposed housing. Draft Condition of Approval #15 sets construction requirements designed to minimize air pollution generation during construction work at all the Wood Street construction projects.

22. Please address any issues around air quality.

Please refer to the above response for a discussion of air quality issues.

23. Please create a chart that breaks down the cost of rehabilitating the 16th Street Train Station and indicates who pays for all the pieces.

Component	Proposed Cost/Source of Funds
Main Hall and Plaza Site Acquisition	Funded by the Developer
Plans for Main Hall Renovation	Funded by the Developer
Signal Tower Renovation	Funded by the Developer
Baggage Wing Acquisition	Cost to be determined, funded by RDA using TIF from Wood Street
Main Hall Renovation	\$10.3 million cost estimate funded by RDA using TIF from Wood Street and other sources such as grants and tax credits
Baggage Wing Renovation	\$2 million cost estimate funded by RDA using TIF from Wood Street and other sources such as grants and tax credits
Removal of Platform Portion	Funded by the Developer
Plaza Construction	\$1 million cost estimate, funded by the Developer

24. How is the Redevelopment Agency going to buy the baggage wing and will there be enough money to fix it?

Please refer to Response No. 23 above, response No. 12 and the "Key Issues and Impacts" section of the May 3, 2005 City Council staff report.

25. Please explain paragraph 4 on p. 34 of the 4/12/04 CEDA staff report, specifically the statement that residential development results in a net loss after a certain time period.

This question (or, more accurately, the paragraph it references) presents two key pieces of information. First, it says that general fund revenues generated by the proposed project are expected to fall short of general fund costs, and that this relationship between revenues and costs is true for most residential development in California since the passage of Proposition 13. Second, it says that because the project is in an adopted redevelopment project area, most of the property tax revenue from the new development goes to the Redevelopment Agency and not to the general fund. As a result of this allocation of property tax increments, the General Fund has less revenue to cover operating costs (which contributes to the negative fiscal balance). The trade-off is that the Redevelopment Agency has money to use for infrastructure improvements and other actions that will alleviate the blight that the redevelopment project is intended to address. This diversion of property tax increments occurs in every redevelopment project area. The policy decision to accept this diversion in this location was made when the City chose to adopt the OARB Redevelopment Area Plan.

**Councilmember Chang's Questions Regarding the Wood Street Project
Asked at the 4/12/05 CEDA hearing**

1. Where is public money going on this project?

There is no public money going to the privately-developed parcels, i.e. market-rate residential and commercial. The only public money that may be used within the Wood Street Zoning District is for the rehabilitation of the 16th Street Train Station (including acquisition of the baggage wing), potential affordable housing assistance to assist low and moderate income homebuyers and to assist in the acquisition and development of the proposed 90 unit affordable housing project. Commitment of such public funds would be in the Redevelopment Agency's discretion.

2. Is the action before the Council an approval of a General Plan Amendment and Zoning or of funding as well?

The City Council is being asked to approve a General Plan Amendment, the Wood Street Zoning District, and a parallel Redevelopment Plan Amendment, and five Vesting Tentative Parcel Maps. The Council will also hear an appeal of the Planning Commission's approval of the Project and certification of the EIR. While no final funding approvals would be given at the May 3rd hearing, the Redevelopment Agency may indicate its willingness to consider providing some or all of the assistance described in

the immediately prior response. None of the Project Sponsors have requested any funding as part of their application.

- 3. Would the City impose the 15% housing requirement on individual developers or on the project as a whole so together they can meet the 15% requirement?**

Redevelopment law does not require each individual development to satisfy affordable housing requirements; rather a redevelopment agency must satisfy those requirements across the entire redevelopment area. See responses to Councilmember Brunner's questions 15 and 16.

- 4. Please explain how the developer will meet the 15% requirement.**

See responses to Numbers 16, 18 and 20.

- 5. How much money would go to acquisition of the station, the station renovation, and for the affordable housing subsidy?**

Please see response Number 20 above for a discussion of the funding sources for affordable housing. Please see the response to Number 23 for a breakdown of the costs to rehabilitate the 16th Street Train Station. Finally, please see the response to Number 24 above for a discussion of the baggage wing purchase.

CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

May 3, 2005

OAKLAND CITY COUNCIL/REDEVELOPMENT AGENCY
Oakland, California

Re: Wood Street project

Dear President De La Fuente and members of the Council/Agency:

At the April 12 Community and Economic Development Committee, Vice-Mayor Brunner asked this Office for a public opinion on whether the Wood Street development should be considered a single project or multiple projects. That is, would City or Redevelopment Agency financial assistance to one development phase or development area of the Wood Street development, such as the train station renovation, trigger the City's employment and contracting requirements for all phases and development areas?

The City/Agency imposes its employment and contracting requirements -- local construction employment, local and small local business contracting, apprenticeship, prevailing wage, equal benefits, and living wage -- on projects developed by a private developer when there has been a City or Agency "subsidy" to the "project." A "subsidy" could be in the form of direct financial assistance, such as a grant, below-market rate loan, or tax rebate, or in the form of indirect or in-kind financial assistance, such as the sale of City- or Agency-owned real property at less than fair market value or the installation of off-site improvements that would normally be the responsibility of the developer. (Council policy is less clear whether the forgoing of revenue by the City, such as a fee waiver or a tax abatement, to encourage a project would also constitute a project "subsidy" for purposes of the requirements.)

Since none of the Wood Street developers have as yet formally applied for a City or Agency subsidy, it is premature to definitively address how the City or Agency would apply its requirements. The resolution of this question will depend in part on the source of the financial assistance and the method in which the assistance is granted. However, this Office can provide some general observations. First, the employment and contracting programs were adopted as

City/Agency policy and thus the City/Agency has broad discretion in applying these programs. Second, the written guidelines and policies for the programs adopted by Council and the City Administrator provide little or no guidance to this Office on this question. The guidelines simply state that the requirements will be applied to subsidized “projects,” and do not address whether a development with multiple phases, multiple owners, or multiple development areas would be considered a *single project or multiple projects*.¹ Third, there are no Council precedents that would guide us here. There have been few if any developments similar in scale or structure to Wood Street that have received a City/Agency subsidy since these requirements were adopted. Therefore, since there are no written guidelines or past Council practices that would dictate how the requirements would be applied in this context, Council will have the discretion to determine how its employment and contracting programs should be imposed on Wood Street if and when it authorizes the City or Agency financial assistance. Council would be free to treat each development phase or development area of Wood Street as a *separate project, and impose its requirements only on the phase or development area that receives the financial assistance*; or Council could treat the entire Wood Street development as one integrated project and impose its requirements on the project as a whole as a condition of receiving the City/Agency financial assistance.

Please note that state law also separately imposes prevailing wage requirements on projects that are “paid for in whole or in part out of public funds,” including most forms of City or Redevelopment Agency financial assistance. (Cal. Labor Code Section 1720.) The Labor Code prevailing wage requirement is a separate requirement from the City and Redevelopment Agency’s own prevailing wage policy, and would be applied independently, whether or not the City/Agency chooses to impose its own prevailing wage requirement.² The California Department of Industrial Relations (“DIR”) is responsible for determining how state prevailing wage requirements are imposed. The DIR has developed and applied a test to determine when a “construction

¹ The program guidelines for the Local and Small Local Business Enterprise Program (“L/SLBE”) and the Apprenticeship Workforce Development Partnership System focus on construction contracts, not projects. The L/SLBE and apprenticeship requirements are imposed on any “Public Works Contract,” defined as including “any construction, alteration, demolition, or repair work done under contract and paid for in whole or in part with public funds, or by a developer who receives any type of government subsidy.” A “developer” is defined as a “person, entity or business that prepares or develops real property for new development or redevelopment and receives a city subsidy.” A “subsidy” is defined as a “grant, loan, credit, tax rebate, or any other way that provides a measure of value to the developer from the City.” This would suggest that, for the L/SLBE/apprenticeship analysis, a key factor would be whether the work on the various phases or development areas of the Wood Street project is done through one construction contract or through separate contracts. By contrast, the guidelines for the Local Employment Program focus on projects as well as contracts. The Local Employment requirement is imposed on any “Public works project,” defined as “any construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds, or by a developer who receives a City subsidy for the project.” Both programs still leave open the question of how to define the scope of the covered project in the case of developments with multiple components.

The Redevelopment Agency resolution that created the prevailing wage policy (Resolution No. 87-4 C.M.S.) also focuses on “projects,” not “contracts.” The resolution simply states that the prevailing wage requirement should be applied to all of “its projects” but begs the question of what constitutes a “project.” The Living Wage Ordinance and its implementing regulations are equally non-specific.

² The Agency prevailing wage resolution makes reference to the Labor Code for purposes of determining what the prevailing wage rates are for the various trades, but does not on its face incorporate the Labor Code definition of “project.”

undertaking” should be considered a single integrated project or a series of separate projects. The DIR will consider the following factors on a case-by-case basis: (1) the manner in which the construction is organized in view of, for example, bids, construction contracts and workforce; (2) the physical layout of the project; (3) the oversight, direction, and supervision of the work; (4) the financing and administration of the construction funds; and (5) the general interrelationships of the various aspects of construction. (*Vineyard Creek Hotel and Conference Center*, Public Works Case No. 2000-16, Oct. 16, 2000.) In applying these factors to the Wood Street development, some aspects of the development (such as the single land use designation) would favor treating the development as one integrated project, while other aspects (such as multiple developers) would favor treating the development as separate projects. Ultimately this would be a determination made by the DIR, not the City.

In applying the Agency’s own prevailing wage policy to an Agency-subsidized project, the Agency is not bound to apply the DIR test, since the Agency’s policy is created and imposed by Agency resolution, not by the Labor Code. The Council is of course free to use the DIR test as instructive in applying its own policy; but the DIR test is not dispositive.

Finally, because of liability concerns, the City Attorney’s Office strongly urges the City to refrain from any statements on the applicability of the Labor Code prevailing wage law to this or any other private project. Labor Code Section 1726(c) creates a cause of action on the part of a contractor against the “awarding body” (presumably the Redevelopment Agency in this context) to recover the difference between prevailing wages and actual wages paid, if the awarding body either (1) affirmatively represented to the contractor in writing (erroneously) that the project was not a “public work” for purposes of prevailing wages, or (2) received notice from the DIR that the project was a “public work” and failed to disclose this to the contractor. Therefore, the City/Agency should avoid making any affirmative representations to any of the Wood Street developers or contractors as to the applicability of the Labor Code prevailing wage requirement, in order to avoid the possibility of City/Agency liability for payment of prevailing wages under section 1726(c).³

Very truly yours,



JOHN A. RUSSO
City Attorney

³ In any event, as a condition of the funding and development approval, the Agency and City will require the Wood Street developers to indemnify the City/Agency for any liability that arises from the prevailing wage statute. The proposed project conditions of approval currently before the Council/Agency require developer indemnity for any claims related to the project approvals, and this Office has recommended adding a further requirement that any future City/Agency subsidy would be conditioned upon developer indemnification.



REQUEST FOR APPEAL OF DECISION TO PLANNING COMMISSION OR CITY COUNCIL

(REVISED 8/14/02)

PROJECT INFORMATION Wood Street Development Project

Case No. of Appealed Project: ER 03-0023; GP 04-545; RZ 04-544; CDET 04-032;
Vesting TPM 8551-8555

Project Address of Appealed Project: Approximately 29.7 acres between 10th Street to the south, West Grand Avenue to the north, Wood Street to the east, and the I-880 frontage road to the west.

APPELLANT INFORMATION:

Printed Name: Arthur D. Levy Phone Number: (415) 433-4949

Mailing Address: 4179 Greenwood Ave Alternate Contact Number: _____

City/Zip Code Oakland, CA 94602 Representing: self

An appeal is hereby submitted on:

AN ADMINISTRATIVE DECISION (TO THE CITY PLANNING COMMISSION)

YOU MUST INDICATE ALL THAT APPLY:

- Approving an application for an Administrative Project
- Denying an application for an Administrative Project
- Administrative Determination or Interpretation by the Zoning Administrator
- Other (please specify) _____

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- Determination of General Plan Conformity (OPC Sec. 17.01.080)
- Design Review (OPC Sec. 17.136.080)
- Small Project Design Review (OPC Sec. 17.136.130)
- Minor Conditional Use Permit (OPC Sec. 17.134.060)
- Minor Variance (OPC Sec. 17.148.060)
- Tentative Parcel Map (OMC Section 16.304.100)
- Certain Environmental Determinations (OPC Sec. 17.158.220)
- Creek Protection Permit (OMC Sec. 13.16.450)
- Hearing Officer's revocation/impose or amend conditions (OPC Secs. 15.152.150 & 15.156.160)
- Other (please specify) _____

RECEIVED

MAR 25 2005

CITY PLANNING COMMISSION
ZONING DIVISION

A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL) Granting an application to: OR Denying an application to:

Certifying Environmental Impact Report; and
Approving tentative parcel maps; and CEQA Findings

(continued on reverse)

A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL)

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) CEQA Findings

An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or a abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision.

You must raise each and every issue you wish to appeal on this Request for Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Request for Appeal Form (or attached additional sheets), and provide supporting documentation along with this Request for Appeal Form, may preclude you from raising such issues during your appeal and/or in court.

The appeal is based on the following: *(Attach additional sheets as needed.)*

See attached

Supporting Evidence or Documents Attached. *(The appellant must submit all supporting evidence along with this Appeal Form.)*

Arthur D. Jy
Signature of Appellant or Representative of
Appealing Organization

3/25/05
Date

Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:

Addendum to Appeal of Arthur D. Levy
Re Wood Street Development Project
Planning Dep't Case Nos. ER 03-0023; GP 04-545; RZ 04-544; CDET 04-032; and Vesting TPM
8551-8555

1. The demolition of integral parts of the historically and architecturally significant 16th Street Station, namely the baggage wing and portions of the elevated tracks, is not legally supported under CEQA by the evidence on the record before the Planning Commission and the City Council.
2. The CEQA Findings and Statement of Overriding Considerations adopted by the Planning Commission are not legally supported under CEQA by the evidence on the record before the Planning Commission and the City Council as to "overriding considerations" purportedly warranting demolishing the baggage wing of the 16th Street Station and most of the elevated tracks, which are integral parts of the train station.
3. The CEQA Findings and Statement of Overriding Considerations adopted by the Planning Commission are not legally supported under CEQA by the evidence on the record before the Planning Commission and the City Council as to the "infeasibility" of proceeding with the project without demolishing the baggage wing of the 16th Street Station and most of the elevated tracks, which are integral parts of the train station.
4. The CEQA Findings and Statement of Overriding Considerations adopted by the Planning Commission are not legally supported under CEQA by the evidence on the record before the Planning Commission and the City Council as to "mitigation measures" relating to demolishing the baggage wing of the 16th Street Station and most of the elevated tracks, which are integral parts of the train station.
5. The CEQA Findings and Statement of Overriding Considerations adopted by the Planning Commission are otherwise not legally supported under CEQA by the evidence on the record before the Planning Commission and the City Council.
6. The tentative parcel maps approved by the Planning Commission are a discretionary element of the Project and therefore subject to CEQA; the tentative parcel maps are not legally supported under CEQA by the evidence on the record before the Planning Commission because they draw lot lines in such a manner as to justify and facilitate the unjustified demolition of portions of the train station. See items 1 through 5, above.
7. The City's appeal procedures are preempted and therefore illegal under CEQA to the extent the City may interpret or apply them to (a) limit the scope of the City Council's CEQA compliance in any fashion; and/or (b) limit appellant's right to a full, de novo determination of the City's CEQA compliance by the City Council; and/or (c) otherwise violate CEQA, including but not limited to the statutory right of appeal to the elected body under Public Resources Code section 21151(c).



REQUEST FOR APPEAL OF DECISION TO PLANNING COMMISSION OR CITY COUNCIL

(REVISED 8/14/02)

PROJECT INFORMATION

Case No. of Appealed Project: ER03-0023; GP04-545; RZ04-544; CDET 04-032

Project Address of Appealed Project: ~~Wood Street Development Project~~

APPELLANT INFORMATION:

Printed Name: Margaret Lin Phone Number: 510-548-4040, x316

Mailing Address: 3130 Shattuck Ave Alternate Contact Number: _____

City/Zip Code Berkeley 94705 Representing: Just Cause & CWOR

An appeal is hereby submitted on:

AN ADMINISTRATIVE DECISION (TO THE CITY PLANNING COMMISSION)

YOU MUST INDICATE ALL THAT APPLY:

- Approving an application for an Administrative Project
- Denying an application for an Administrative Project
- Administrative Determination or Interpretation by the Zoning Administrator
- Other (please specify) _____

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- Determination of General Plan Conformity (OPC Sec. 17.01.080)
- Design Review (OPC Sec. 17.136.080)
- Small Project Design Review (OPC Sec. 17.136.130)
- Minor Conditional Use Permit (OPC Sec. 17.134.060)
- Minor Variance (OPC Sec. 17.148.060)
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- Creek Protection Permit (OMC Sec. 13.16.450)
- Hearing Officer's revocation/impose or amend conditions (OPC Secs. 15.152.150 & 15.156.160)
- Other (please specify) _____

A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL) Granting an application to: OR Denying an application to:

Build West Oakland; HFH Central Station Village; Central Station Land

(continued on reverse)

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) _____

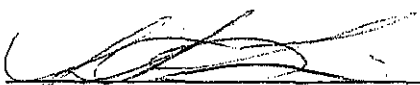
An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or a buse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision.

You must raise each and every issue you wish to appeal on this Request for Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Request for Appeal Form (or attached additional sheets), and provide supporting documentation along with this Request for Appeal Form, may preclude you from raising such issues during your appeal and/or in court.

The appeal is based on the following: *(Attach additional sheets as needed.)*

Please see attached.

Supporting Evidence or Documents Attached. *(The appellant must submit all supporting evidence along with this Appeal Form.)*



Signature of Appellant or Representative of
Appealing Organization

3/25/05
Date

Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:

March 25, 2005

Via Hand Delivery

Mayor Jerry Brown
Oakland City Council
1 Frank H. Ogawa Plaza
Oakland, California 94612

**Re: Comments to the Environmental Impact Report for the Wood Street Project,
Oakland, California**

Dear Mayor Brown and Members of Oakland City Council:

We write to you on behalf of Just Cause Oakland ("JCO") and the Coalition for West Oakland Revitalization ("CWOR") with regard to the Environmental Impact Report ("EIR") prepared by the City of Oakland for the Wood Street Project (the "Project"). JCO is a member based non-profit organization whose purpose is to help Oakland tenants advocate for, among other things, safe and affordable housing. CWOR is an organization comprised of West Oakland residents working to advance the economic, environmental, and other conditions of West Oakland. While JCO and CWOR support the Wood Street Project in concept, they cannot support the certification of the EIR for this Project since the EIR fails, in very important and fundamental ways, to meet the requirements of the California Environmental Quality Act ("CEQA") and thereby insure acceptable review and mitigation of the environmental impacts of the Project. Therefore, JCO and CWOR hereby appeal the City of Oakland Planning Commission's decision on March 16, 2005 to certify the EIR.

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 Cal. Code Regs. ("CEQA Guidelines") § 15002(a)(1).) The EIR is the "heart" of this requirement. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84 [118 Cal.Rptr. 34].) The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810 [108 Cal.Rptr. 377].) An EIR must disclose all potentially significant adverse environmental impacts of a project. (Pub. Res. Code § 21100(b)(1).) Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3). See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d

March 25, 2005

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553, 564 [276 Cal.Rptr. 410, 416]; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400 [253 Cal.Rptr. 426, 436].)

The EIR fails to satisfy either of these requirements. Specifically, as explained below, it does not reveal all the potential impacts of the Project related to traffic, air quality, public health, infrastructure and other issues. The document further fails to adequately mitigate the impacts it does reveal.

In appealing the Planning Commission's certification of the EIR, we incorporate by reference comments submitted by JOC, CWOR, et al., to the Draft Environmental Impact Report dated September 21, 2004 (the "DEIR Comments"). We note that a significant number of the DEIR Comments were not adequately addressed in the Final EIR. Most notably, these include the following:

The Maximum Commercial Scenario as Presented in the EIR is Not Credible, Rendering Analysis of Impacts Inaccurate

The EIR assumes that the Maximum Commercial Scenario will include 220,000 square feet of warehouse space and only 33,000 square feet of retail space. This is an unrealistic estimation, one which must be corrected before the EIR can be certified. *Kings County Farm Bureau v. City of Hanford*, (1990), 221 Cal.App.3d 692 (agency must produce a credible analysis and substantial evidence before determining impacts to be insignificant). The more likely outcome is that a substantial portion of the proposed warehouse space will be used as retail space, which is a higher impact use. Consequently, the EIR should have addressed higher traffic and air pollution impacts based on greater retail use, including the cumulative impacts of those effects taking into account other proposed and reasonably foreseeable projects in the Project area.

The Planning Commission Committed a Prejudicial Abuse of Discretion by Issuing a Statement of Overriding Consideration to Demolish Parts of the Historic 16th Street Train Station

The City finds that retention of the entire 16th Street Train Station is not economically feasible. There is no dispute that the portions of the 16th Street Train Station proposed for demolition, namely, the baggage wing and elevated platform, are integral to the historic significance of the 16th Street Train Station.¹ A broad consensus among community members,

¹ "Loss of portions of the 16th Street Train Station would diminish the historical significance of the structure as a whole and would constitute a significant impact." DEIR §§3.7-21.

March 25, 2005

Page 3

historic preservationists, the Landmarks Advisory Board, and the Planning Commission agreed that restoring Oakland's 16th Street Train Station in its entirety is a public goal.²

Evidence submitted into the record shows that the demolition of the baggage wing and elevated platform would jeopardize the 16th Street Train Station's eligibility for historic tax credits which may be needed for the feasibility of its renovation and preservation.³ There is no feasibility plan in place securing the preservation of the 16th Street Train Station in light of the proposed demolition. Alternatives to demolition were also not adequately considered as required under CEQA.⁴

In addition, the City's finding that it is economically infeasible for the developers to preserve the Train Station intact is not adequately supported. The City relies only on financial and appraisal information submitted by Build West, the developer owning the 16th Street Train Station parcel.⁵ Build West claims that the full preservation of the Station is infeasible based on their purchase price of \$3,056,534. Build West claims that retaining the baggage wing in the proposed residential property development would result in a \$2 million loss based on this purchase price and related development costs. The purchase price appears significantly higher than the land value as currently zoned and with current improvements, and is significantly higher than the adjoining parcels owned by the other developers.⁶

Build West does not provide the City with a real estate appraisal for the property under its current entitlements (M-30 zoning) and with the current land improvements, if any. The City should obtain an independent assessment of the current market value of the land under the current entitlements. The current land value, not the developers' purchase price, should be used to support the feasibility of retaining the baggage wing, especially given that the current developers have expressed interest in selling the land to other developers once they receive City entitlements. While the absence of information in an EIR does not per se constitute a prejudicial abuse of discretion, "a prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby

² See, e.g., public testimony, comment letters, and proceedings of the Landmarks Board Hearing (2/28/05) and Planning Commission Hearing (3/16/05).

³ See, e.g., Letter to the Planning Commission, Naomi Schiff, President of the Oakland Heritage Alliance (3/14/05); Testimony of Betty Marvin, City of Oakland Cultural Heritage Survey Coordinator, Landmarks Board Hearing (2/28/05); Testimony of Naomi Schiff and Arthur Levy, Oakland Heritage Alliance, Planning Commission Hearing (3/16/05). See also e-mail communication from Betty Marvin, City of Oakland Cultural Heritage Survey Coordinator, Exhibit A (10/18/04).

⁴ See, e.g., *League for Protection of Oakland's etc. Historic Resources v. City of Oakland*, 52 Cal. App (1997) 4th 896.

⁵ Staff report to Planning Commission Hearing on Wood Street Approvals, 3/16/05, Attachment I.

⁶ Testimony of Elizabeth Hinkle, Researcher, East Bay Alliance for a Sustainable Economy, Planning Commission Hearing (3/16/05).

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thwarting the statutory goals of the EIR process.” *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1355.

Given the historic significance of the 16th Street Train Station and its significance to telling the history of the African American community in Oakland, the City should conduct an independent financial feasibility study that includes review of property sales history, proposed plans for the 16th Street Train Station’s preservation and reuse (including financial feasibility studies), any intra-developer agreements regarding the preservation and restoration of the 16th Street Train Station, and written communications between city staff and current and past developer(s) regarding the 16th Street Train Station.

The EIR Fails to Mitigate Infrastructure Impacts

The EIR fails to mitigate the cumulative impacts on public services. The EIR makes the circular argument that *because this Project’s incremental contribution is less than significant, no mitigation for these otherwise significant cumulative impacts is necessary*. This analysis defeats the entire purpose of the cumulative impact analysis requirement, as explained by recent caselaw:

Cumulative impact analysis is necessary because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.

Communities for a Better Environment v. Cal. Resources Agency, (2002) 103 Cal.App.4th 98, 114. CEQA requires the lead agency to adopt feasible mitigation measures that will substantially lessen or avoid the Project’s potentially significant environmental impacts (Pub. Res. Code §§ 21002, 21081(a)) and describe those mitigation measures in the DEIR. (Pub. Res. Code § 21100(b)(3); CEQA Guidelines § 15126.4.) A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (CEQA Guidelines § 15364.) Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (*Id.* at § 15126.4(a)(2).)

The EIR Does Not Adequately Address or Mitigate Hazardous Materials and Contamination.

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The mitigation measures proposed in the EIR are inadequate to reduce the impact of existing soil and groundwater contamination to a level of insignificance. An EIR must propose and describe mitigation measures sufficient to minimize the significant adverse environmental impacts identified in the EIR. (Pub. Res. Code §§ 21002.1(a), 21100(b)(3)). Also, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines § 15370.) Where several mitigation measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. (*Id.* at § 15126.4(a)(1)(B).) The Project area historically has had significant groundwater contamination issues. The contaminants existing in the Project area, if not adequately addressed and mitigated in the EIR, will cause health risks to people living and working in the Project area. This includes the potential exposure of residents to indoor air contamination from high levels of chlorinated solvents in the shallow groundwater below the Project. This failure to adequately address these issues in the EIR is further described in the opinion of Clearwater Revival Company attached hereto as Exhibit B, which is incorporated herein. We have also attached relevant reports and studies regarding hazardous materials on Project lands, attached hereto as Exhibits C & D, which are incorporated herein.

The EIR Fails to Adequately Address Transportation, Circulation, and Parking Issues

The EIR must disclose all potentially significant adverse environmental impacts of a project. (Pub. Res. Code § 21100(b)(1).) Numerous transportation, circulation, and parking issues associated with the Project have not been adequately addressed in the EIR. Indeed, in some instances, impacts have not been disclosed at all. Consequently, proposed mitigation measures are not adequate to address these impacts. The opinion of Tom Brohard and Associates, attached hereto as Exhibit E and incorporated herein, highlights a number of inconsistencies, calculation errors, and other defects in the EIR as it relates to transportation, circulation, and parking issues. In particular, this opinion notes that the Project, if used for retail, rather than warehouse, use (a likely scenario), will generate *10,339 more daily trips* than are analyzed in the EIR. As the opinion makes clear, the EIR fails in many respects to adequately address impacts of the Project relating to transportation, circulation, and parking issues.

The EIR Fails to Provide Proper Mitigation Measures Relating to Air Quality Issues

The EIR does not adequately address air quality issues. As discussed in the opinion of SBF Consulting, attached hereto as Exhibit F and incorporated herein, there are a number of deficiencies in the EIR as it relates to air quality issues. See also Letter from Rajiv Bhatia, MD, MPH; Paul English, PhD, MPH; and Rick Kreutzer, MD to City Council, incorporated herein and attached hereto as Exhibit G. For example, the EIR should include a full copy of the air quality modeling and analysis in order to be complete. Diesel and construction emissions must also be addressed before the EIR can be certified. Additionally, proper mitigation measures, a number of which are outlined in the SBF Consulting opinion, should be provided for in the EIR.

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but are not. We have also attached relevant reports and studies regarding air quality issues on the Project, attached hereto as Exhibit H, which are incorporated herein.

The FEIR Failed to Adequately Study the Indirect Displacement of West Oakland Residents

In an attachment to the Final EIR, the Policy and Planning Framework for the Wood Street Project prepared for the City by Mundie and Associates (“Mundie Report”), the City found that the Project would lead to indirect and exclusionary displacement of West Oakland residents.

*Simply put, the construction of 1100 to 1600 market-rate housing units on the project would establish a critical mass of new development that would **change the character of the neighborhood**, making it a more attractive place for middle-income households. As the project becomes fully occupied, additional households may become willing to buy or rent housing in the blocks nearby. This increased demand for existing West Oakland housing will drive up the prices of units that are not price-controlled, **leading to indirect and exclusionary displacement**.* Mundie Report, p. 41., *emphasis added*.

The City, however, failed to study the details of such displacement, as well as mitigate for the displacement impacts. See Comments submitted by Dr. Rajiv, University of California, San Francisco; Jeremy Hays, Urban Strategies Council; and Howard Greenwich, East Bay Alliance for Sustainable Economy, attached hereto as Exhibit I. CEQA requires the study of displacement impacts from a development project.⁷

There are substantial community concerns about the Project creating indirect displacement of West Oakland residents.⁸ Public comments and testimony also include the consequences of displacement, including stress, substandard replacement housing, crowding, loss of social support, homelessness, longer commutes and the need to mitigate displacement through the provision of permanent affordable housing.⁹

⁷ CEQA Guidelines, Appendix G, XII (b).

⁸ See, e.g., Comments to the DEIR from: 16th and Wood Train Station Coalition, 7th Street McClymond’s Leadership and Engagement Initiative, A. Philip Randolph Institute, Alameda County Public Health Department, Building and Trades Union, Central Labor Council of Alameda County, Citizens for West Oakland Revitalization, East Bay Alliance for a Sustainable Economy, East Bay Community Law Center, Greenbelt Alliance, Just Cause Oakland, Ladd Baldwin, Margaret Gordon, Oakland Coalition of Congregations, Oakland Tenant’s Union, Pacific Institute, Policy Link, Rajiv Bhatia, MD, MPH, Sierra Club, St. Mary’s Center, Steven Pitts, PhD, Urban Ecology, Urban Habitat, Urban Strategies Council, West Oakland Environmental Indicators Project, Wilson, Sonsini, Goodrich, and Rosati.

⁹ Id.

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Under CEQA, the *environment* includes both natural and man-made conditions.¹⁰ A mandatory finding of significance occurs when a project has "...environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly." For the Project, the development is itself an effect--a physical change in the environment. An indirect effect of this physical effect on the environment is the displacement of people, particularly low-income tenants.

Whether one views displacement as an indirect physical change in the environment (understanding the human species to be part of the environment) or as an indirect social effect, displacement will result in adverse human impacts on West Oakland Residents. Expected human health costs of displacement include increased chronic disease hospitalizations and infections, fear and stress, injuries, crowding, the loss of social support, and homelessness.¹¹

The City contends that displacement and its human impacts cannot be quantified. (Final EIR, page 3-52) No evidence from experts who study displacement supports this claim. The City then uses its claimed inability to quantify harms as the basis for saying that adverse outcomes themselves are speculative. Not being able to quantify harm is not the same as being unable to foresee harm. More importantly, the inability to quantify harms is not a reason to not act to prevent harm.

West Oakland has working families struggling under high rent burdens. These residents are part of the cultural fabric of West Oakland and also deserve rental and homeownership opportunities in their communities. Solutions that mitigate gentrification in West Oakland by asking people to move to affordable housing elsewhere undermine the policy and purpose of CEQA and redevelopment laws.

The City Failed to Honor Its Commitment to Conduct a Socio-Economic Impact Study

The City has failed to honor its commitment to conduct a socio-economic impact study with respect to the Project. Planning Commissioners at the October 20, 2004 hearing on the Draft EIR directed the Planning Director to conduct a separate socio-economic impact study in response to concerns raised by JCO and CWOR members and other community residents, organizations, and experts regarding Project impacts. JCO pointed out areas of impact including poverty, housing conditions, access to jobs, community amenities and services, access to open space, etc. This socio-economic impact study on the impact areas and alternatives identified by JCO and CWOR members and others was never conducted, however. See Comments submitted by Dr. Rajiv, University of California, San Francisco; Jeremy Hays, Urban Strategies Council;

¹⁰ CEQA Guidelines §15360.

¹¹ See Appendix B of the Final EIR. This evidence is also cited in written comments on the Draft EIR.

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and Howard Greenwich, East Bay Alliance for Sustainable Economy, attached hereto as Exhibit I.

Both the community and the underlying purposes of CEQA are ill-served when such a large-scale project is approved without adequate understanding and mitigation of its many impacts, most of which will be irreversible. Indeed, the very notion of public accountability and good government are compromised when commitments by public servants are publicly made and then later broken.

For the foregoing reasons, the Planning Commission committed a prejudicial abuse of discretion by failing to proceed in a manner required by law in approving the EIR. The EIR should not be certified and the other approvals sought by the developers should not be issued for the Project pending the preparation and re-circulation for public review of an EIR that meets the requirements of CEQA and appropriately mitigates the potential harm to the citizens of West Oakland.

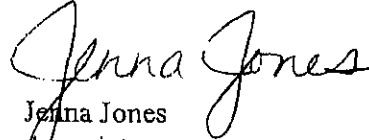
Sincerely,



Margaretta Lin
Staff Attorney
East Bay Community Law Center



Marc Gottschalk
Partner
Wilson Sonsini Goodrich & Rosati,
Professional Corporation



Jenna Jones
Associate
Wilson Sonsini Goodrich & Rosati,
Professional Corporation

INDEX
EXHIBITS AND ATTACHMENTS TO APPEAL OF WOOD STREET FEIR
CERTIFICATION

Exhibit	Title	Author	Date
A	Email to Elois Thornton, City of Oakland Redevelopment Agency Re Train Station Preservation	Betty Marvin, City of Oakland Cultural Heritage Survey Coordinator	Oct 18, 2004
B	Expert Comment Letter on Hazardous Materials	Patrick Lynch, Clearwater Revival Co.	March 24, 2005
C	Hazardous Materials Reports & Studies		
<i>Attachments to Exhibit C</i>			
1	<i>Environmental Site Assessment Update, Six Properties along Wood Street from 13th to 20th Streets, Oakland, CA, including Plates, Appendix A (Historical Maps), Appendix B (EDR Report)</i>	Harding Lawson Associates	November 16, 1999
2	<i>Phase I Environmental Site Assessment, Union Pacific Railroad Parcel, 1401 Wood Street, Oakland, California.</i>	Terranext	May 20, 1997
3	<i>Request for Site Closure, Southern Pacific Transportation Company, 1399 Wood Street, Oakland, California</i>	Terranext	April 24, 1997
4	<i>Remedial Site Evaluation, West Grand Station, 1399-1407 Wood Street, Oakland, California</i>	WEST	October 2000
5	<i>Remedial Site Evaluation, 20th and Wood Street Central Station Project, Oakland, California</i>	WEST	April 2001
6	<i>Sampling and Analysis Plan, Central Station, Oakland, California</i>	WEST	September 2002
7	<i>Proposed Remediation Levels "Central Station" Wood Street between 10th Street and West Grand Ave., Oakland, CA</i>	Geomatrix	October 20, 2003
8	<i>Review of Tier 1 Environmental Risk Assessment, Central Station, Wood Street, Oakland, CA and correspondence</i>	California Regional Water Quality Control Board	May 5, 2004
9	<i>Asbestos Survey Report, Old Amtrak Station, 16th Street and Wood Street, Oakland, CA</i>	ACC Environmental Consultants	April 11, 1997
10	<i>Summary of Environmental Investigation, 1111 to 1199 Pine Street, Oakland, California,</i>	Geomatrix	September 3, 2003

	<i>including Tables 1, 2 and 3, Figures, Attachment A (Boring Logs), and Attachment B (Laboratory Analytical Results and Chain-of-Custody Documents)</i>		
11	<i>Well Development Log, Purge Characterization and Sample Logs, and Chain-of-Custody Logs</i>	Industrial Compliance	1994
12	<i>Rationale for Using U.S. EPA Region 9 Preliminary Remediation Goals (PRGs) as the Proposed Soil Remediation Standards; Tier 1 Environmental Risk Assessment</i>	Geomatrix	February 9, 2004 and March 25, 2004
13	<i>Phase I Environmental Site Assessment, including Table, Figures, Appendix A (Sanborn Fire Insurance Maps), Appendix B (Historical Aerial Photographs), Appendix C (Historical Topographic Maps), Appendix D (ESA Questionnaire) and Appendix E (Environmental Data Resources Report)</i>	Geomatrix	July 2003
14	<i>Draft Sampling and Analysis Plan, Central Station, Oakland, CA, including Tables and Figures</i>	World Environmental Services & Technology (WEST)	August 2002
15	<i>September 2002, Sampling and Analysis Plan, Central Station Site, Wood Street, Oakland, CA</i>	California Regional Water Quality Control Board	December 27, 2002
16	<i>Summary of Environmental Investigation, 14th and Wood Streets, Oakland, California including site maps, Attachment A (Boring Logs), and Attachment B (Laboratory Analytical Results and Chain-of-Custody Documents)</i>	Geomatrix	January 16, 2003
17	<i>Soil Remediation and Ground Water Investigation Report, Southern Pacific Transportation Company, 1399 Wood Street – Oakland, California</i>	Industrial Compliance	August 30, 1994
18	<i>Revised Soil Remediation and Ground Water Investigation Workplan, Southern Pacific Transportation Company, 1399 Wood Street – Oakland, California</i>	Industrial Compliance	April 22, 1994
19	<i>Globe Metals, 1820-10th St., Oakland, Ca. 94607: letter re: lead contamination; Work Plan, Soil Remediation Activities, Globe Metals Facility, Oakland, California; letter re: soil removal; Work Plan Amendment, Globe Metals Facility, Oakland, California; Billing Adjustment Form; Hazardous Waste Generator Inspection</i>	Alameda County Health Care Services Agency; Applied Remedial Services Inc.; Alameda County Department of	October 1, 1993, January 31, 1993, September 1, 1993, April 27, 1993,

	<i>and Compliance Report; Business Plan – Part I; Monitoring Well Destruction letters and documents; Contaminated Site Case Transfer Form; Soil Remediation Report Appendices D – F (cover pages only); Memorandum</i>	Environmental Health; AEI Consultants; City of Oakland Fire Department	July 6, 1992, March 7, 1986, March 16, 1989, April 4, 2001, June 5, 2001, March 13, 2001
20	<i>1199 Pine St, Oakland, CA, 94607, CHECKER VAN & STORAGE: Hazardous Materials Inspection Report; 1199 Pine St, Oakland, CA, 94607, CHECKER VAN & STORAGE: Standard Industrial and Commercial Business Follow-up Inspection Report and Standard Industrial and Commercial Business Follow-up Inspection Report Checklist A</i>	Oakland Fire Department/ Office of Emergency Services; Alameda County Urban Runoff Clean Water Program	April 18, 1996, May 2, 1995, and June 10, 1994; December 20, 1993
21	<i>Completion of Underground Storage Tank Removal, 1111-1199 Pine St., Oakland, California, including Project Report Underground Storage Tank Removal</i>	City of Oakland Fire Services Agency and Aqua Science Engineers Inc.	November 6, 1998
22	<i>Change in Underground Storage Tank Regulations, All Container Service, Inc, 1301 Wood St., Oakland, Ca 94607</i>	Alameda County Health Care Services Agency	August 5, 1992
23	<i>Hazardous Waste Generator Inspection Report, Lodi Truck Service, 1301 Wood; 1301 Wood St, Lodi Truck Service, Inc.: Standard Industrial and Commercial Business Checklist A</i>	Alameda County Environmental Health/ Hazardous Materials Division; Alameda County Urban Runoff Clean Water Program	December 12, 1995 and December 10, 1993
24	<i>Hazardous Waste Generator Inspection Report, GMC Freight & Repair, 1401 Wood</i>	Alameda County Environmental Health/ Hazardous Materials Division	December 7, 1995

25	<i>111 Pine St., Oakland, CA, Bonelli Windows & Rooms: Annual Bill; letter re: not occupying space; Hazardous Materials Business Plan – Part I; Oakland Hazardous Materials Inspection Report; Hazardous materials Inspection Report; Hazardous Materials Inspection Form; Hazardous Materials Business Plan – Part I, Enrollment; Business Plan – Part I</i>	O.F.D. – Office of Emergency Services; Bonelli Windows & Doors; Alameda County, Department of Environmental Health	October 9, 1996, October 23, 1996, April 13, 1995, June 2, 1993, March 3, 1989
D			
<i>Attachments to Exhibit D</i>			
1	<i>1401 Wood St, GMV Equipment Repair: Standard Industrial and Commercial Business Checklist A</i>	Alameda county Urban Runoff Clean Water Program	December 21, 1993
2	<i>Bonelli Windows & Doors, 1111 Pine: Hazardous Materials Inspection Forms (6/2/93 and 10/9/96), Underground Storage Tank Permit Application Forms A and B (one of each on 8/12/93 and 5/6/93), UST Tank Test Results, Hazardous Materials Division Inspection Form, Underground Storage Tank Program Facility/ Site, Information and/or Permit Application</i>	Alameda County Department of Environmental Health, State of California State Water Resources Control Board, Testing and Technology	June 2, 1993, August 12, 1993, June 19, 1991, April 8, 1998, May 6, 1993, October 9, 1996
3	<i>Adelphi Aluminum Co. Application and Interem Permit to operate underground storage tank</i>	Alameda County Health Care Services Agency	February 29, 1988
4	<i>Continuance of Hazardous Materials Billing, Adelphi Aluminum Co., 1111 Pine</i>	Alameda county Health Care Services Agency	May 29, 1985
5	<i>Standard Industrial and Commercial Business Inspection Report, Bonelli Windows & Doors, 1111 Pine</i>	Alameda County Urban Runoff Clean Water Program	May 31, 1994
6	<i>Hazardous Materials Business Plan and Inspection Report, Nautical Electric Inc./ Nautical Engineering, 1790 11th St., Oakland, CA 94609; letter re: no longer in business</i>	Oakland Fire Services Agency, Del Gavio Marine Hydraulics, Inc.	July 20, 1999 and December 5, 1989
7	<i>Semiannual Project Status Report and Distribution List, Central Station, Oakland, California</i>	Geomatrix	October 11, 2004
8	<i>Approval of Remediation Cleanup Levels, Central Station Site, Wood Street between 10th Street and West Grand Avenue, Oakland,</i>	California Regional Water Quality Control	May 21, 2004

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	<i>California</i>	Board	
9	<i>October 2000, Review of Remedial Site Evaluation Report, Central Station LLC Site, Wood Street, Oakland, California</i>	California Regional Water Quality Control Board	January 8, 2002
10	<i>Historical Summary Map, West Grand Station, Oakland, California; Sampling and Analysis Plan, Central Station, fax cover sheet only</i>	World Environmental Services & Technology (WEST)	October 2000 and September 17, 2002
11	<i>Central Station Meeting, Rick Holiday, Rick Mariano, Ravi, Steve Hill</i>	Unknown	May 7, 2002 and July 23, 2002
12	<i>DTSC Comment Summary, Central Station; Data Gap Summary, Central Station; Summary of Proposed Data Gap Analyses, Central Station; letter to Regional Water Quality Control Board re: Remedial Site Evaluation; email and parcel map from Geomatrix to Regional Water Quality Control Board</i>	Department of Toxic Substances Control, Geomatrix	Unknown, March 4, 2002, July 23, 2004
13	<i>Phase II Investigation Report, Union Pacific Railroad Company, 1399 Wood Street, Oakland, California</i>	ERM	July 2, 1988
14	<i>Review of Remedial Site Evaluation, 1399-1407 Wood Street, Oakland, California</i>	California Regional Water Quality Control Board	July 3, 2001
15	<i>Proper Addresses, handwritten notes</i>	Unknown	Unknown
16	<i>Revised Remediation Levels, Central Station Sites, Wood Street between 10th Street and West Grand Avenue, Oakland, California</i>	Geomatrix	May 18, 2004
17	<i>AB 2061 Designation for West Oakland Project: Email re: Lead Agency for Central Station Land LLC, 1399-1407 Wood Street, Oakland</i>	Stephen Hill, California Regional Water Quality Control Board?	April 25, 2001
18	<i>Designation of an Administering Agency for Central Station Land, LLC, Oakland, California; Request for Designation of Administering Agency (3 documents with this title)</i>	California Environmental Protection Agency; California Regional Water Quality Control Board; World Environmental Services & Technology	April 17, 2001, March 6, 2001, and January 19, 2001

		(WEST)	
19	<i>Site Designation Applications for the Month of February, Pursuant to Chapter 6.65, HSC</i>	State Water Resources Control Board	February 21, 2001
20	<i>California Environmental Protection Agency Site Designation Committee Resolution No. 01-01, March 29, 2001, Central Station Land, LLC; pages 2 and 3 of letter from Site Designation Committee</i>	California Environmental Protection Agency	March 29, 2001 and April 17, 2001
21	<i>Review of Remedial Site Evaluation, 1399-1407 Wood Street, Oakland, California</i>	California Regional Water Quality Control Board	July 3, 2001
22	<i>Letter Re: Sampling and Analysis Plan for the Central Station</i>	Department of Toxic Substances Control	November 12, 2002
23	<i>1399 Wood St., Oakland CA 94607: Intent to Make a Determination that No Further Action Is Required OR Issue a Closure Letter for Union Pacific Railroad @ 1399 Wood Street, Oakland, CA 94607; Certificate of Financial Responsibility for Underground Storage Tanks Containing Petroleum; Union Pacific Railroad Company letters in support of financial assurance/ financial responsibility; Completion of Underground Storage Tank Investigation, 1399 Wood St.; Report, Union Pacific Railroad Company, Underground Oil Sump Removal, 1399 Wood Street Site, Oakland, CA</i>	Alameda County Health Care Services; State of California Water Resources Control Board; Union Pacific Railroad Company Law Department, City of Oakland Fire Services Agency; Environmental Resources Management (ERM), Curtis & Tompkins, LTD	February 28, 2000, April 28, 2000, September 26, 2000, September 25, 2000, and September 2000
24	<i>1820 10th St, Oakland, CA, CALIFORNIA WASTE SOLUTIONS: Hazardous Materials Inspection Report; Application for Permit to Operate, Maintain or Store; Hazardous Materials Business Plan; Hazardous Materials Inspection Plan Appendix A – Page Two</i>	California Waste Solutions; Oakland Fire Department; Oakland Fire Services Agency	August 1, 2003, unknown, April 10, 2003, June 13, year unknown
25	<i>Status of Investigations and Regulatory Agency Oversight, Central Station Property, Wood Street, Oakland, California</i>	Environmental Consulting	November 18, 2002

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E	Expert Comment Letter on Transportation, Circulation & Parking, CV Caltrans Guide for the Preparation of Traffic Impact Studies, Appendix A	Tom Brohard & Associates Caltrans	March 23, 2005 December 2002
F	Expert Comment Letter on Air Quality, CV	SBF Consulting, Schuyler Fishman	March 21, 2005
G	Expert Comment Letter on Air Quality, CVs Project Planning, Development, Right of Way; Public Involvement; Mitigation and Enhancement Activities	Rajiv Bhatia, Paul English, Rick Kreutzer Caltrans	March 24, 2005
H	Reports and Studies on Air Quality		
<i>Attachments to be submitted</i>			
1	<i>2000 Bay Area Clean Air Plan</i>	BAAQMD	2000
2	<i>Neighborhood Knowledge for Change: The West Oakland Environmental Indicators Project</i>	Pacific Institute	2002
3	<i>Clearing the Air: Reducing Diesel Pollution in West Oakland</i>	Pacific Institute	November 2003
4	<i>Draft: Air Quality and Land Use Handbook: A Community Health Perspective</i>	California Environmental Protection Agency, California Air Resources Board	February 17, 2005
5	<i>Chapter 5: Toxic Air Contaminant Emissions, Air Quality, and Health Risk</i>	ARB Almanac?	2004
6	<i>Health Effects of Particulate Matter and Ozone Air Pollution</i>	American Lung Association of California	Jan 2004
7	<i>BAAQMD CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans</i>	Planning and Research Division of the Bay Area Air Quality Management District	December 1999
8	<i>Revised San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard</i>	BAAQMD	October 24, 2001

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9	<i>Final Addendum To the 1991 Clean Air Plan Environmental Impact Report (Prepared for the 2000 CAP)</i>	BAAQMD	December 20, 2000
I	Expert Comment Letter on Socio-economic Impact Study and Displacement	Rajiv Bhatia, UCSF; Jeremy Hays, Urban Strategies Council; Howard Greenwich, EBASE	March 16, 2005