

**ATTACHEMNT “P” – FINDINGS FOR APPROVAL**

**The City of Oakland Planning Commission recommends the City Council find and determine:**

**The Project is consistent with the Land Use and Transportation Element and the Redevelopment Plan for the Oak Knoll Redevelopment Project**

- General Plan Amendment (Land Use Diagram only) – Policy A3 of the General Plan LUTE

**The Project meets the required findings under the Planning Code Sections:**

- Rezoning – § 17.144.060
- Planned Unit Development – § 17.140.080
- Final Development Plan for Master Developer Site Improvements – § 17.140.040
- Final Development Plan for Club Knoll – § 17.140.040
- Design Review – § 17.136 (Regular Design Review Criteria for Residential Facilities, Non-Residential Facilities, and Designated Landmarks)
- Shared Access Facilities – § 17.102.090

**The Project meets the required findings under Oakland Municipal Code Section:**

- Vesting Tentative Tract Map Findings – § 16.08.030 and California Government Code § 66474
- Creek Protection Ordinance – § 13.16.200

Required findings are shown in bold type; explanations as to why these findings can be made are in normal type. Required findings are also contained within other sections of this report and the administrative record, including the Supplemental Environmental Impact Report (“SEIR”; hereby incorporate by reference.)

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**LAND USE AND TRANSPORTATION ELEMENT OF THE GENERAL PLAN**

**General Plan Amendment (Land Use Diagram only)**

The Oak Knoll Mixed-Use Community Project (the “Project” or the “Oak Knoll Project”) includes an amendment to the Land Use Diagram to better reflect the proposed new zoning districts and the Planned Unit Development (PUD) permit. This amendment is proposed essentially as a “clean-up” measure to better guide future development rather than to implement any change of land use policy with respect to the site. For example, the Planning Commission already found that a substantially similar project with more units and less open space conformed to the General Plan without amendment in 2007. The proposed adjustment of the Land Use Diagram is nonetheless considered good planning practice even if not legally required.

The General Plan Diagram currently designates the Project site as Hillside Residential, Community Commercial, Resource Conservation Area, and Urban Park and Open Space. With the proposed amendment, the City would add Detached Unit Residential, Neighborhood Center Mixed Use and Mixed Housing Type Residential to the diagram as well as shift the boundaries of the current designations. In addition to the fact that the Land Use Diagram is diagrammatic and conceptual and frequently does not “match” a site’s parcelization or topography, when the General Plan Land Use Diagram was first approved in 1998, it was approved with the expectation that future zoning efforts of the Project site would provide

more specificity about how the planned uses would be distributed across the site and adjustments would be made to the Land Use Diagram to provide better guidance for future planning efforts. No amendments to any of the policies of the General Plan are proposed or required,

Policy A3 of the General Plan LUTE states that the City may amend its General Plan, if deemed to be in the public interest, up to four times per year per mandatory element, subject to specific findings including: a) how the amendment advances General Plan implementation; b) how it is consistent with the policies in the LUTE; c) any inconsistencies that would need to be reconciled; and d) examination of citywide impacts to determine if the amendment is contrary to achievement of citywide goals.

**1. The Amendment of the Land Use Diagram is consistent with Policy A3 of the Land Use and Transportation Element (LUTE) of the Oakland General Plan.**

- a. The Amendment of the Land Use Diagram is consistent with and will further advance the Oakland General Plan including the LUTE. By way of example and not by limitation, the following summary lists the major goals and policies of the LUTE and discusses how the Oak Knoll Project and Related Actions are consistent with these goals and policies. In addition, the Land Use and Planning Chapter 4.9 of the SEIR for the Project includes a more detailed analysis of the Project's consistency with the General Plan's goals and policies (hereby incorporated by reference throughout these findings, as if fully set forth herein).
  - i. The General Plan LUTE's Policy Framework organizes the City into six general planning areas, each with distinct sets of key geographic areas targeted for community and economic expansion. The Policy Framework indicates where the City anticipates changes and which areas are to be maintained and enhanced. The objectives and policies for the Oak Knoll Target Area for Community and Economic Development apply to the Project. These are discussed below. The Strategy Diagram, while not a regulatory diagram, provides a graphic tool for implementing the LUTE's Policy framework. The Project site is identified as a Growth and Change area on the Strategy Diagram. This is consistent with the Oak Knoll Project, which would redevelop the mostly vacant former Naval Medical Complex of Oakland ("NMCO") site with a mix of residential, commercial, and recreational uses.
  - ii. Policy I/C5.4 applies to the Project. This policy encourages the formulation of a reuse plan that incorporates a mixture of land uses or density patterns for the NMCO site. The LUTE identifies the NMCO site as a key opportunity site for sizable new development in the South Hills area. The LUTE also identifies the NMCO site as a location of additional commercial development that can service the commercial needs of the South Hills. The Project is consistent with these policies, providing a mixture of land uses and density patterns, including a commercial center that can serve the commercial needs of residents in the South Hills (including Project residents).
  - iii. Transportation and Transit-Oriented Development objectives and policies encourage inclusion of bikeways and pedestrian walks in new streets and safe streetscape design. Applicable LUTE transportation-related policies include, but are not limited to, *Policies T3.5, T3.6, T3.7 and T4.1*. The Project's consistency with these policies is discussed in Chapter 4.13: Transportation and Circulation of the SEIR. In addition, the applicable Standard Conditions of Approval also support the LUTE policies referenced above.

- iv. Neighborhood objectives and policies ensure compatible development in terms of density, scale, design and existing or desired character of surrounding development. The General Plan's existing policy directions on compatible land uses would apply to the Project, including, but not limited to: *Policies N3.2, N3.5, N3.8, and N3.9*. The Project's consistency with these policies is discussed in Chapter 4.9: Land Use and Planning. In addition, the applicable Standard Conditions of Approval also support the LUTE policies referenced above.
- b. The Amendment of the Land Use Diagram is consistent with and will further advance the Oakland General Plan including the LUTE (as described above), Open Space, Conservation and Recreation (OSCAR), Historic Preservation, Safety, Noise and Housing Elements, as well as the Bicycle and Pedestrian Master Plans. By way of example and not by limitation, the following summary lists the major goals and policies of these elements of the General Plan and discusses how the General Plan Amendment is consistent with these goals and policies. In addition, Chapter 4.9: Land Use and Planning as well as other Chapters of the SEIR for the Project include a more detailed analysis of the Project's consistency with the General Plan's goals and policies (hereby incorporated by reference throughout these findings, as if fully set forth herein).
  - i. The Amendment of the Land Use Diagram is consistent with policies of the Bicycle Master Plan to support safe and convenient bicycle access and to ensure that the needs of bicyclists are considered in the design of new development. Applicable Bicycle Master Plan-related policies include, but are not limited to, Policies 1A, 1B, 1C, and 1D. The Project's consistency with these policies is discussed in Chapter 4.13: Transportation and Circulation of the SEIR (hereby incorporated by reference throughout these findings, as if fully set forth herein). In addition, the applicable Standard Conditions of Approval also support the Bicycle Master Plan policies referenced above.
  - ii. The Amendment of the Land Use Diagram is consistent with policies of the Pedestrian Master Plan including pedestrian safety and access and improving streetscapes. Pedestrian Master Plan-related policies include, but are not limited to, Policies 1.1, 1.2, 1.3, 2.1, 2.3, and 3.2. The Project's consistency with these policies is discussed in Chapter 4.13: Transportation and Circulation of the SEIR. In addition, the applicable Standard Conditions of Approval also support the Pedestrian Master Plan policies referenced above.
  - iii. The Amendment of the Land Use Diagram is consistent with the policies of the OSCAR Element of the General Plan to retain open space on the portions of the Oak Knoll site that are greater than 30 percent slope or are within the riparian zone along Rifle Range Creek. The adjustment (or swap) of the boundary of the Urban Park and Open Space designation to protect the 15-acre Hardenstine parcel in open space (which had been designated for Hillside Residential) and to designate the area nearest the corner of Mountain Boulevard and Sequoia Road as Mixed Housing Type Residential, is consistent with the OSCAR's policies. Although not specifically noted in the OSCAR Element, the Urban Park and Open Space designation near the Project entry at Mountain reflected the notion of an executive-length golf course, no longer proposed as part of the Project. Relocation and reuse of the Club Knoll building as a community center is consistent with OSCAR open space recommendations for the South Hills. The Project does not include a 10-acre community park with ball fields at the existing Club Knoll (Officer's Club) site as suggested in the OSCAR Element, but does include 61.5 acres of open space, 7.6 acres of parks and community facilities, and 16.97 acres of restored creek corridor. All open spaces and parks within the Project (including the expanded park site on Keller) will be privately owned and

developed, but open and accessible to the public. Public access will be guaranteed through recordation of a public access easement, restrictive covenant, or other similar property restriction. Additional applicable OSCAR-related policies include, but are not limited to, Policies OS-1.2, OS-1.3, OS-3.2, OS-3.6, OS-4.1, OS-4.2, OS-5.1, OS-5.3, OS-8.1, OS-8.2, OS-9.1, OS-9.2. The Project's consistency with these policies is discussed in Chapter 4.9: Land Use and Planning of the SEIR. In addition, the applicable Standard Conditions of Approval also support the OSCAR policies referenced above.

- iv. The Amendment of the Land Use Diagram is consistent with the policies of the Historic Preservation Element (HPE) to encourage the reuse of existing buildings and building materials; incentivize the preservation of historic resources; avoid or minimize adverse historic preservation impacts; encourage the relocation of structures instead of demolition; and protect archeological and paleontological resources. The amendment to the Land Use Diagram for Club Knoll and the immediately surrounding to Neighborhood Center will ensure continued, economically viable use for Club Knoll consistent with the HPE. Applicable HPE-related policies include, but are not limited to, Policies 3.1, 3.5, 3.7, 3.11, and 4.1. The Project's consistency with these policies is discussed in Chapter 4.9: Land Use and Planning and Chapter 4.4: Cultural and Paleontological Resources of the SEIR. In addition, the applicable Standard Conditions of Approval also support the HPE policies referenced above.
- v. The Amendment of the Land Use Diagram is consistent with the policies of the Safety Element to reduce structural hazards pertaining to new and existing buildings; enforce ordinances and implement programs that reduce landslide and erosion hazards; minimize the potential risks to human and environmental health and safety associated with the past and present use, handling, storage and disposal of hazardous materials; and reduce wildfire hazards. Applicable Safety Element-related policies include, but are not limited to, Policies GE-2, HM-1, HM-2, FI-3, CO-1.1, CO-2.1, CO-2.4, and CO-12.4. The Project's consistency with these policies is discussed in Chapter 4.9: Land Use and Planning, Chapter 4.5: Geology and Soils, and Chapter 4.7: Hazards and Hazardous Materials of the SEIR. In addition, the applicable Standard Conditions of Approval also support the Safety Element policies referenced above.
- vi. The Amendment of the Land Use Diagram is consistent with the goals and policies of the Housing Element to provide adequate sites for housing and promote sustainable development and sustainable communities. The Project would redevelop a site formerly used as a naval hospital that has been mostly vacant since 1996 with 918 new residential units. The amendment to the Land Use Diagram to Hillside Residential, Mixed Housing Type and Detached Unit Residential will ensure the planned mix of unit types, sizes and ownership opportunities are constructed where most topographically suitable. The City's Housing Element assumes that the site would be developed with over 900 units. Other applicable Housing Element-related policies include, but are not limited to, Policy 1.2, 1.7, and 7.4. The Project's consistency with Housing Element policies is discussed in Chapter 4.9: Land Use and Planning and Chapter 4.11: Population and Housing. In addition, the applicable Standard Conditions of Approval also support the Safety Element policies referenced above.
- vii. The Amendment of the Land Use Diagram is consistent with the policies of the Noise Element to ensure compatibility of existing and proposed development with the

surrounding noise environment and reduce the community's exposure to noise by minimizing noise levels. One of the reasons for the relocation and rehabilitation of Club Knoll was to address potential noise from a civic/commercial use on nearby residents. Applicable Noise Element-related policies include, but are not limited to, Policies 1, 2, and 3. The Project's consistency with these policies is discussed in Chapter 4.9: Land Use and Planning and Chapter 4.10: Noise and Vibration of the SEIR. In addition, the applicable Standard Conditions of Approval also support the Noise Element policies referenced above.

- viii. The proposed Project and the Amendment of the Land Use Diagram are consistent with the policies of the Scenic Highways Element to limit signage and visual intrusions and protect panoramic vistas along scenic corridors, as well as to ensure that new construction within scenic corridors demonstrates "architectural merit" and is "harmonious" with the surrounding landscape. Applicable Scenic Highways Element-related policies include, but are not limited to, MacArthur Freeway Policies 3 and 4. The Project's consistency with these policies is discussed in Chapter 4.9: Land Use and Planning and Chapter 4.1: Aesthetics of the SEIR. In addition, the applicable Standard Conditions of Approval also support the Scenic Highways Element policies referenced above.
- ix. The Sustainable Communities Development Initiative, the Energy and Climate Action Plan, the Green Building Ordinance, and Complete Streets all include provisions to make the City more sustainable and reduce energy consumption and greenhouse gas emissions. The Project will meet these goals by locating close to and encouraging travel by transit and other alternative non-vehicular methods; and providing facilities that meet the Green Building Ordinance that reduce water and energy use, increase indoor air quality, and reduce greenhouse gas emissions with efficient mechanical systems, appliances, lighting, and other means. Development of the Project, with the General Plan Land Use Diagram Amendment, would fund street, bicycle, pedestrian and sewer infrastructure upgrades, implementing capital improvement plans in the area. Applicable Greenhouse Gas Emissions-related policies in the LUTE include but are not limited to T.2.1, T2.2, T3.5, T3.6, T4.2 T4.5, and N3.2; in OSCAR include but are not limited to OS-1.1, OS-2.1, CO-12.1, CO-12.3, CO-12.4, CO-13.2, CO-13.3 and CO-13.4; in the Housing Element include but are not limited to 7.1, 7.2, 7.3, 7.4, and 7.5; and in the Climate Action Plan include but are not limited to PA7, PA15, PA10, PA31, PA37, and PA50. The Project's consistency with these policies is discussed in Chapter 4.9: Land Use and Planning and Chapter 4.6: Greenhouse Gas Emissions of the SEIR. In addition, the applicable Standard Conditions of Approval also support the policies related to sustainability referenced above.
- c. There are no inconsistencies between the Amendment of the Land Use Diagram and the Oakland General Plan that need to be reconciled. The Oak Knoll Project is consistent with and will further advance achievement of citywide goals, as detailed herein and in the June 21, 2016 Staff Report to the City Planning Commission. The site is located within the Reuse/Intensify/Transition Land Use Strategy Diagram. The City has anticipated the redevelopment of the Oak Knoll Naval Hospital property with a mixed residential and commercial project that includes parks and open space since the hospital closed in 1996. The Project is consistent with the redevelopment envisioned by the City in its General Plan for the Project site.
- d. As noted in the above findings and in the analysis contained within the SEIR, an examination of environmental and citywide impacts was conducted to determine if the amendment is contrary to

achievement of citywide goals. The Project is consistent with the policies and objectives contained with the City's adopted governing documents, including, without limitation, the General Plan. Given the conceptual nature of the General Plan's 1998 Land Use Diagram, the locations of the land use designations on the diagram are imprecise and in some cases, do not match up to the actual locations of certain topographic features of the site. For example, the location of Rifle Range Creek on the 1998 Land Use Diagram does not follow the actual contours of the creek as it exists on the site. Even though the Land Use Diagram is conceptual, the Amendment is being sought to update the Diagram so that the boundaries between the different land use designations already applied to the Project site better reflect the proposed Project's proposed zoning and actual site topography than they currently do.

The Project is consistent with the Redevelopment Plan for the Oak Knoll. The Redevelopment Plan is a framework planning document and not a specific plan for the area. The purpose of the Redevelopment Plan was to mitigate the economic and social degradation due to the closure of the NMCO, implement the Final Reuse Plan, eliminate blight, subdivide the Project site into areas suitable for development with improved pedestrian and vehicular circulation, re-plan and redesign the Project site, establish retail and other commercial functions, provide adequate land for parking and open space, establish design standards and preserve affordable housing. The Project is mitigating economic and social degradation and blight by redeveloping the site and relocating and rehabilitating a blighted historic resource. As discussed throughout the record, the Project is consistent with Final Reuse Plan. The Project will subdivide the site into parcels suitable for 918 units within a range of unit types, sizes and affordabilities. New roads following the City's "complete streets" policies will be constructed including roads, bikeways, and trails. The Project includes 72,000 sf of retail within the Retail Village and another 10,000 sf within the relocated Club Knoll. In addition, 4,000 sf of civic space is included in that building. The project includes adequate parking and open space including five new City parks and passive open space totaling 56 acres. The Project includes stringent design standards which will govern the character of the site. In addition, the Applicant will be required to pay the Affordable Housing Impact Fees which were adopted by Ordinance. Finally, it should be noted that that in 2006, the City fiscally merged the Oak Knoll Redevelopment Plan with the Central City East Plan (CCE) to pool the funds between the two redevelopment project areas. In addition, affordable housing production requirements of Oak Knoll was also merged with the CCE Plan. As part of the 2006 amendment, the City exchanged the prior land use map that had been attached to the Plan with the land use map from the General Plan and amended Sections 402, 403, 404, 405, 406 and 407 of the Redevelopment Plan to permit residential, recreational, commercial, other uses consistent with the General Plan and zoning, as they may be amended], As discussed above and throughout the Record, the June 21, 2017 staff report concluded that the current Project's proposed development plan and land use configuration differs only slightly from the 2006 Oak Knoll project, and remains in substantial conformance with that prior proposal, thereby also meeting the criteria for General Plan consistency. To reflect the boundaries of the new zones and to ensure consistency with the Zoning, a General Plan Amendment is proposed to create a parcel specific Land Use Diagram, with no text or policy amendments. The General Plan Land Use Diagram also constitutes the Redevelopment Land Use Map. In sum, the Project is in conformance with the General Plan, and the Redevelopment Plan by its terms allows residential, recreational, commercial, other uses consistent with the General Plan and zoning, as they may be amended.

- 2. Adoption of the Amendment to the Land Use Diagram meets the provisions of California Government Code Section 65351 et seq., specifically:**

- a. The City provided “opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the planning agency deems appropriate.” (Government Code section 65351.) The Diagram reflects the Project as it has been proposed throughout the City’s review process. The City held three public hearings concerning the design of the Project including two before the Landmarks Preservation Advisory Board (LPAB) and three before the Design Review Committee in May, July, October, and December of 2016. Numerous public hearings were also held related to the SEIR before the LPAB, Bike and Pedestrian Advisory Committee (now, the Oakland Bicyclist and Pedestrian Advisory Commission), and Planning Commission, including two scoping sessions in April of 2015 and three public hearings to gather comments on the Draft SEIR in September and October of 2016. The City also held a hearing on the proposed zoning map and new zoning text, which closely mirrors the proposed amendment to the Land Use Diagram on November 16, 2016.
  
- b. The City provided newspaper notice of the public hearings by the Planning Commission to consider the General Plan Amendment in the Oakland Tribune on June 1, 2017, and provided notice of the proposed action to the entities listed below via the US mail, email, Project site postings and notification on the City’s website, in compliance with Government Code Section 65352 through (1) the March 20, 2015, Notice of Preparation of the Environmental Impact Report; (2) the August 29, 2016, Notice of Availability/Notice of Release of the Draft SEIR; and (3) the April 27, 2017, Notice of Availability/Notice of Release of the Final SEIR and public hearings to consider Oak Knoll Project and related actions, which were sent to:
  - i. The neighboring cities of Alameda, Berkeley, Emeryville, Piedmont, San Francisco, San Leandro; the County of Alameda; the County of San Francisco; the Port of Oakland;
  - ii. Oakland Unified School District;
  - iii. Alameda Local Agency Formation Commission;
  - iv. Association of Bay Area Governments; Metropolitan Transportation Commission; Regional Water Quality Control Board;
  - v. East Bay Municipal Utility District (which the City consulted during the preparation of the SEIR, and which commented on the Draft SEIR);
  - vi. The Bay Area Air Quality Management District;
  - vii. Property owners both within the Project area and up to 300 feet beyond the Project area boundaries;
  - viii. Individuals who specifically requested to be notified about the Project; and
  - ix. There are no California Native American tribes with traditional lands in Oakland’s jurisdiction; however, a notice to the California Native American tribes registered in Alameda County was sent by staff. There are no Federal agencies with “operations or lands” that would be significantly affected by adopting the General Plan Amendment; there is no branch of the US Armed Forces that have military installations or airspace that could be affected by adopting the General Plan Amendment.

**OAKLAND PLANNING CODE**

**Chapter 17.144 -- Rezoning**

- 1. Proper and timely notice regarding the City’s intent to rezone the Project site was provided in accordance with Section 17.144:**

The City provided newspaper notice of the public hearings by the Planning Commission to consider the rezoning in the Oakland Tribune on June 1, 2017, and provided notice of the proposed action to the entities listed below through (1) the March 20, 2015, Notice of Preparation of the Environmental Impact Report; (2) the August 29, 2016, Notice of Availability/Notice of Release of the Draft SEIR; and (3) the April 27, 2017, Notice of Availability/Notice of Release of the Final SEIR and public hearings to consider Oak Knoll Project and related actions, which were sent via mail to property owners both within the Project area and up to 300 feet beyond the Project area boundaries, posted along the Project site boundaries, email notices were sent to interested parties and notices were also placed on the Environmental Review and Project page of the City's website.

**2. The Commission shall consider whether the existing zone or regulations are inadequate or otherwise contrary to the public interest.**

The Project includes a rezoning of the entire Project site to a site-specific zoning district, the "Oak Knoll District," which includes (7) sub-zoning districts (D-OK Zones). The intent of the D-OK Zones is to implement the Oak Knoll District Planned Unit Development (PUD) permit and Preliminary Development Plan (PDP), which would result in the creation, maintenance, and enhancement of residential areas that will provide a mix of housing densities; different types and characters of development where appropriate on the site; appropriately scaled retail and commercial uses in the village center setting; neighborhood and community-serving assembly uses in the relocated and rehabilitated Club Knoll building; and the protection of areas best suited for conservation or restoration as permanently protected open space.

Currently, the zoning for the majority of the 191-acre Project site is Hillside Residential-4 (RH-4), which is inadequate to achieve the City's vision for the Project site as described in the Oakland General Plan. The intent of the RH-4 Zone is to create, maintain and enhance areas for single-family dwellings on lots of 6,500 to 8,000 square feet. For subdivisions of 5 or more lots, the minimum lot size is 8,000 square feet. A small portion of the Project site (approximately 5 acres and owned by the City of Oakland) is currently zoned Hillside Residential-3 (RH-3), which is generally intended for areas with single-family dwellings on lots of at least 12,000 square feet. The RH-3 and RH-4 Zones are inconsistent with several of the five different General Plan land use designations on the Project site. The RH-3 and RH-4 Zones do not enable a mix of land uses and do not permit the types of commercial activities, townhomes, and smaller-lot single family residences included in the Project and contemplated by the General Plan. When the RH-4 zoning was applied to the Project site in 2011, the accompanying Planning Department's staff report acknowledged that the RH-4 zoning was "an interim measure, and that the City anticipated a subsequent rezoning when a specific development proposal came forward." The current zoning of the Project site as RH-4 and RH-3 is inadequate given that it is inconsistent with the Oakland General Plan in regards to the overall anticipated mix of land uses and with the City's vision for the use of the Project site. The rezoning to D-OK Zones implements the current and proposed General Plan designations for the Project site. As detailed above, the General Plan amendment for the Project site would amend the boundaries of different land use designations on the Land Use Diagram to better reflect the proposed zoning, but would maintain the same type of land use designations (residential, commercial and open space) across the Project site.

To provide consistency between the proposed Oak Knoll PDP land use mix and existing City zoning, the rezoning would effectuate a set of unique Project-specific zoning districts and new Planning Code text. The D-OK Zones Planning Code text includes land use regulations and development standards that are consistent with the Oak Knoll PDP and apply only to the Project and Project site. The rezoning to D-OK



Zones is adequate and promotes the public interest by establishing a pedestrian-oriented neighborhood that contains a mix of housing types, community amenities, a retail area, passive and active recreational opportunities, and open spaces.

The proposed D-OK rezoning consists of seven (7) zoning districts, described below. The provisions of the D-OK zoning districts are similar to the City's existing RH-4, RM-4, CN-4, and OS zoning districts but with development standards that better accommodate the mix of development proposed by the Project. Each D-OK zoning district was informed by or modeled after similarly situated City zoning districts, a comparison of which is provided the November 16, 2016, Zoning Update Committee staff report.

1. D-OK-1 Oak Knoll District Residential Zone - 1. The D-OK-1 Zone is intended to create, maintain, and enhance areas suitable for low-density single-family home development that responds to the site's topography and includes appropriate landscaping.
2. D-OK-2 Oak Knoll District Residential Zone - 2. The D-OK-2 Zone is intended to create, maintain, and enhance areas suitable for medium-low density single-family homes.
3. D-OK-3 Oak Knoll District Residential Zone - 3. The D-OK-3 Zone is intended to create, maintain, and enhance areas suitable for medium-density residential units, such as townhomes.
4. D-OK-4 Oak Knoll District Commercial Zone - 4. The D-OK-4 Zone is intended to create, maintain, and enhance areas that provide neighborhood-serving retail, such as supermarkets, banks, cafes, and dry-cleaners. Ground floor commercial uses and upper story office uses are encouraged in this zone.
5. D-OK-5 Oak Knoll District Amenity Community Commercial Zone - 5. The D-OK-5 Zone is intended to create, maintain, and enhance areas for community activities and commercial uses that provide a community amenity. Although this area is intended primarily to serve the community, spaces may be rented for non-community functions, including weddings and other organized events.
6. D-OK-6 Oak Knoll District Active Open Space Zone – 6. The D-OK-6 Zone is intended to create, maintain and enhance open space areas that provide opportunities for informal active recreation and park use. The programming of each individual open space will respond to its location and the needs of surrounding residents. This zone is appropriate for lawn and landscaped areas, tot lots, and street furniture, such as benches, tables, and ornamental fixtures.
7. D-OK-7 Oak Knoll District Passive Open Space Zone - 7. The D-OK-7 Zone is intended to create, maintain, and enhance open space areas that preserve natural features of the OKPUD area and provide opportunities for passive recreation and maintenance of visual buffers. The programming of each individual open space will respond to its location, natural resources, and topography. This zone is appropriate for management of vegetation and water features, hiking and walking trails, and enhancement of wildlife.

The D-OK Zone, unlike the current zones, includes a passive open space zone that will be applied to the site's most prominent natural features: (1) the knoll in the northeast corner, (2) the creek that runs through the site, and (3) the woodland on the Hardenstine parcel. These areas will be open to the public, providing a public benefit that is not available under the current zoning. In addition, the D-OK Zone allows

commercial uses, which are needed to serve the nearby area, and a range of residential densities, the variety of which is more beneficial to the community than only large-lot single-family residences.

**Section 17.140.080 -- Preliminary Planned Unit Development Permit criteria (PUD/PDP for Entire Site)**

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

- A. That the location, design, size, and uses are consistent with the Oakland General Plan and with any other applicable plan, development control map, or ordinance adopted by the City Council.**

The proposed Project includes the construction of up to 918 residential units, 72,000 square feet of commercial retail space in the retail Village Center, preservation of Club Knoll and rehabilitation of that building for community uses, including 10,000 square feet of community commercial and 4,000 square feet of community space, restoration of Rifle Range Creek and its onsite tributaries, and parks, trails, and open space. Redevelopment of the former NMCO site with commercial and residential uses and the restoration of both Club Knoll and Rifle Range Creek are consistent with Oakland's General Plan as discussed above, in the staff report and the SEIR. The City's General Plan Land Use and Transportation Element (LUTE) Land Use Diagram will designate the site for the following uses: Hillside Residential, Detached Unit Residential, Mixed-Housing Type Residential, Neighborhood Center Mixed Use, Community Commercial, Resource Conservation, and Urban Park and Open Space. The proposed Project is consistent with these uses.

The Project also conforms to the General Plan's policies for the Project site, much of which was formerly operated as the Navel Medical Center – Oakland (NMCO). The LUTE identifies the Project site as "a key opportunity site for sizable new development in the South Hills area." LUTE Objective I/C5 is to maximize the economic utility, employment generation, and citywide benefit of military facilities closed by the Federal Government, and Policy I/C5.4 envisions a reuse plan for the NMCO site that incorporates a mixture of land uses or density patterns. The LUTE further clarifies that future use of the site should emphasize the compatibility with surrounding development and include housing, recreation, small scale commercial uses. The Project provides such a mixture of uses, including a mix of residential densities and a mix of residential, commercial, community, and open space uses. The LUTE also identifies the Project site as a suitable place for commercial development that would serve South Hills' residents. The Project includes a Village Center, consisting of up to 72,000 square feet of retail uses, consistent with the General Plan's goal.

Furthermore, the Project conforms to other LUTE policies, as discussed in the Draft SEIR, and as summarized below:

*Objective N3 states: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.* The Project would meet the overall objective. As noted above, the Project would provide up to 918 residential units to meet the current and future needs of the Oakland community. The Bay Area is in the midst of an acknowledged housing crisis, which a 2015 Legislative Analyst report concluded was caused by community resistance to housing, environmental policies, lack of fiscal incentives for local governments to approve housing, and limited land for housing construction. The LUTE identified the Project site as suitable for a substantial mixed-use

commercial and residential project. The Project's proposed mix of housing meets Objective N3 and provides the City additional needed housing.

*Policy N3.1 Facilitating Housing Construction:* The proposed Project meets this policy. As noted above, the Project would provide up to an additional 918 units of housing. The residences would be designed to be compatible with the site's topography and surroundings. In addition, the residences as well as other new buildings on site would include features such as energy-efficient building envelopes, lighting, fixtures, and appliance that allow them to comply with Title 24 and the City's Green Building standards. The Project also would implement a Transportation Demand Management Program and Greenhouse Gas Reduction Plan, both of which help the City reduce its carbon footprint.

*Policy N3.2 Encouraging Infill Development:* The Project will be infill development, surrounded by other developed parcels on a previously developed site.

*Policy N3.8 Required High-Quality Design:* The Project will be of high-quality design. The Project includes very detailed Design Guidelines that address both architecture and landscaping. The Design Guidelines, along with the zoning, address issues of height, bulk, setbacks, relationship to the street, materials, color palettes, landscape palettes, streetscape requirements, and sign requirements, all of which combine to create the framework for high quality design.

*Policy N6.1 Mixing Housing Types:* The Project will provide a mix of housing types, consisting of townhomes, small-lot homes, and conventional single-family homes.

*Policy N7.1 Ensuring Compatible Development:* The Project will be compatible with its surroundings, which consist mainly of single-family home and townhome developments. New single-family homes on the Eastern Ridge that would be silhouetted against the sky from public viewing points identified in the SEIR have additional requirements to ensure the Project respects the natural topography. Those homes must be custom designed using appropriate techniques to minimize the appearance of a monotonous row of sky-lined development visible from off-site vantage points, meeting the requirements of Mitigation Measure AES-1. In addition, the Project's development would be setback from Rifle Range Creek, which would be daylighted and restored or enhanced as part of the Project.

*Policy N9.9 Respecting Architectural Integrity:* The Project would rehabilitate Club Knoll, respecting its architectural integrity through compliance with the Secretary of the Interior's Standards for Rehabilitation and the SEIR mitigation measures designed to ensure that the rehabilitation of Club Knoll preserves its integrity of character. The Project would reuse Club Knoll for community uses, including homeowner association uses and community / commercial uses. This reuse for semi-public uses respects Club Knoll's historic uses as a clubhouse for a private golf club and an officers' club.

Furthermore, as discussed in Draft SEIR Chapter 4.9, the proposed Project also is consistent with the City's Open Space Conservation and Recreation (OSCAR), Housing Element, Historic Preservation Element, Noise Element, Safety Element, Energy and Climate Action Plan, Complete Streets Policy, Green Building Ordinance, and Bicycle and Pedestrian Master Plans.

Consistent with OSCAR Policies OS-8.2 and CO-6.1, the Project would remove culverts and stabilize and enhance the creek channels (Rifle Range Creek and its two tributaries) that flow through the Project site. Under current conditions, four culverted road crossings have the potential to impede high flows in Rifle Range Creek. These crossings would be removed and replaced with two free-span structures (one vehicle bridge and one pedestrian bridge) that do not impede flows. In addition, the [Project](#) would "daylight" over 600 linear feet of Rifle Range Creek that is currently culverted under an existing parking lot. The culverted

section would be replaced by an open channel designed to accommodate the natural flow of water through the Project site. The [Project](#) also would improve and enhance the riparian habitat and correct current slope instability issues in both Rifle Range Creek and its tributaries. The two tributaries are short lengths of channel that convey water from culvert outfalls to Rifle Range Creek. Erosive flows from the outfalls have caused significant erosion, resulting in unstable channels with steep, eroding banks. The Power House Creek tributary will be realigned and stabilized to create a stable channel configuration, and both tributary outfalls will be modified to dissipate erosive flows, improve stability, and reduce erosion.

The proposed zoning is drafted specifically for the Project site and proposed uses. The Oak Knoll District zoning has seven sub-districts: D-OK-1 permits single-family homes and would cover the portion of the site's steeper topography that would be developed, D-OK-2 permits single-family homes and would cover flatter portions of the Project site, D-OK-3 permits attached dwelling units, D-OK-4 permits commercial uses and would cover the Project's Village Center, D-OK-5 applies to Club Knoll, D-OK-6 applies to the Project's active parks, and D-OK-7 applies to the Project's passive open spaces, including the riparian corridor along Rifle Range Creek and the open space on Admiral's Ridge.

The Project also is consistent with the Redevelopment Plan for the Oak Knoll Redevelopment Project. As required by Section 324, the development of the Project Area will conform to the General Plan (as discussed above) and the City's design review standards. In addition, consistent with Sections 401 through 407 of the Redevelopment Plan, the Project proposes residential, commercial, and recreational uses in conformance with the General Plan and the zoning. Consistent with Section 417, the number of dwelling units proposed by the Project does not exceed the number permitted by the proposed zoning. Consistent with Section 418, the type, size, and height of the proposed buildings meet all applicable federal, state, and local statute, ordinance, and regulations, including the proposed zoning. Consistent with Section 419, the Project proposes landscaping and sufficient open space between buildings to provide adequate light, air, and privacy. Consistent with Section 421, utilities are proposed to be placed underground whenever feasible. Also see, the discussion above.

In sum, the Project's location, design, size, and uses are consistent with the Oakland General Plan and with other applicable plans and ordinances, including the Redevelopment Plan for the Oak Knoll Redevelopment Project.

**B. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development.**

The proposed Project includes a range of residential development (traditional and small-lot single family and townhomes), and neighborhood commercial retail uses focused in a Village Center near the western, primary entrance to the site, as well as community facilities that include a clubhouse/activity space, parks, open spaces, and a network of multi-use trails and paths throughout. As described in Chapter 4.9, Land Use and Planning, of the SEIR, the surrounding uses are predominantly residential, with some nearby small neighborhood-serving commercial uses and recreational uses as well. Specifically, immediately south and east (across Sequoyah Road and upper Keller Avenue) are single family neighborhoods. Immediately north and west (across lower Keller Avenue and Mountain Boulevard) are detached single family and condominium developments. Expanses of regional open spaces exist to the northeast (Leona Regional Open Space Preserve), southeast (Knowland Park and Arboretum), and west of I-580 (King Estate Recreational Area and Open Space) of the Project site.

The Project would be well integrated in location, size, and design to its surroundings, making it compatible with its surroundings. Land uses proposed on the perimeter of the Oak Knoll Project site are primarily

residential or open space, which are consistent with land uses and development density in the areas adjacent to the Project site. On the east, southeast, and southwest areas of the Project site, the Project proposes hillside residential areas, which is compatible in design and size with the single-family neighborhood near the Project's eastern border and the expanse of regional open space existing to the northeast (Leona Regional Open Space Preserve). Furthermore, the open space area in the former Hardenstine parcel will buffer the residential uses from the proposed Project. On the south, the Project proposes single-family homes and townhomes, which would be compatible in design and size with the residential uses already located directly south of the Project site. To the north, the Project proposes townhomes, compatible in design and size to the uses of the mixed-use residential areas in the RM-2 and RM-3 zones and neighborhood commercial nodes in the CN zone located to the north of the Property. The Project is bordered on the west by I-580, and across from I-580 is the King Estate Recreational Area and Open Space. The proposed commercial area on the Project's western border is compatible in design and size with this border's adjacency to a highway and arterials (Mountain and Keller) would not conflict with King Estate Recreational Area.

The Project's Design Guidelines, which complement the Project's zoning, provide details about materials, landscaping, architectural styles, massing, fencing, and exterior lighting that would further ensure that the Project is well integrated with its surroundings. The Landscape Plan calls for the planting of over 8,500 trees, increasing the number of trees onsite by approximately 3,495. In addition, the Project would preserve 2,280 native trees, many near the Project's borders, which would help further integrate the Project with its surroundings while the trees planted as part of the Project mature. New single-family homes on the Eastern Ridge that would be silhouetted against the sky from public viewing points identified in the SEIR have additional requirements to ensure the Project respects the natural topography. Those homes must be custom designed using appropriate techniques to minimize the appearance of a monotonous row of sky-lined development visible from off-site vantage points

In sum, the location, design, and size are such that the development can be well integrated with its surroundings and is not a departure from uses existing in the immediate surroundings.

**C. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets.**

As detailed in the SEIR, the Project would bring traffic to the surrounding area, which already has intersections that are impacted under the City's thresholds. However, consistent with the requirements of the City's Standard Conditions of Approval (SCAs) described under SCA TRA-4 on page 4.13-38 of the Draft SEIR, the Project would implement a TDM program that reduces Project peak hour trips by 20%. The mix of land uses (residential with adjacent commercial and community uses) within the Project site is a vehicle miles traveled (VMT) reduction strategy identified in the *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* (California Office of Planning and Research (OPR), January 2016) and *Quantifying Greenhouse Gas Mitigation Measures* (California Air Pollution Control Officers Association (CAPCOA), August 2010) that reduces the Project's external trips by approximately 9 percent.

In addition, the Project proposes a Complete Streets Plan that would reduce Project trips by another 3 percent. The Complete Street Plan includes a network of trails, walkways, and bicycle pathways that would connect with the proposed streets and roadways within and outside the Project site to create a safe circulation system. The full circulation system will consist of streets, walks, trails, bicycle lanes and drive lanes, i.e., a system of "complete streets," which provide safe, convenient and comfortable travel and access for multiple modes of transportation including vehicles, transit, and bicycles and walking.

Elements of the proposed street system include standardized lane and sidewalk widths, curb ramps and markings at crosswalks, street trees, pedestrian and bike accommodations and stormwater control features (where feasible). Additional components of the street system include (on a case-by-case basis) street parking appropriate to the location and demand, pedestrian signalization, corner curb extensions and bulb-outs, traffic calming such as a chicane, accommodations for transit, sidewalk planters/tree grates, special paving or materials, street furnishings, lighting and signage; and additional connections to trails, parks, or other uses.

Further, the Project's TDM Program includes a menu of strategies that would allow the Project to meet the additional 9 percent reduction required by the City's SCA. This menu includes providing a BART shuttle, designating on-site car share spaces, offering carpool and ride-matching assistance, offering employee transit fair subsidies, offering a guaranteed ride home service, and the construction of additional bikeways. The Project applicant also will coordinate with City of Oakland and AC Transit to investigate the potential for re-routing existing AC Transit service or adding service through the Project site along Creekside Parkway between Mountain Boulevard and Keller Avenue, as well as the potential for providing peak period weekday shuttle service between the Project site and the Coliseum BART station. If the routes are changed, bus riders from the Project site would have shorter walks to bus stops, which should increase bus ridership by Project residents and employees.

Even with these trip reduction measures, the Project would contribute to traffic congestion. As described in Chapter 4.13, Transportation and Circulation, of the Draft SEIR, under Existing Plus Project Conditions, the majority of the 44 study intersections would continue to operate at the same LOS, but would experience slightly more delay, as compared to Existing Conditions with the addition of Project trips. All but eight intersections would continue to operate at LOS D or better during the AM and PM peak hours. The City would require that the Project implement intersection improvements to the intersections it impacts under City jurisdiction, fully mitigating the Project's impact on congestion in those locations. A number of the impacted intersections around the Project site are under Caltrans' jurisdiction, however, and the City cannot guarantee that Caltrans will approve the improvements required by the Project's mitigation measures at those intersections. Caltrans has indicated through its comments on the Draft SEIR that it would welcome working with the City and Project applicant to implement recommended improvements, but the SEIR conservatively concludes that the Project would have a significant and unavoidable impact on traffic. Staff has clarified the intent of these mitigation measures with conditions of approval that specifically require the Project Applicant to implement the recommended on- and off-site transportation-related improvements contained in the Draft SEIR, if approved and permitted by Caltrans for Caltrans facilities.

Nevertheless, traffic generated by the Project can be accommodated safely and the Project's entrances are organized to minimize the need for residents to transverse other local streets.

*Safety.* The proposed Project would include developments and changes in the public right-of-way as part of the Vesting Tentative Tract Map and Master Developer Improvements. Staff has reviewed these documents to ensure consistency with applicable design standards, such as adequate sight distance for pedestrians and vehicles at Project driveways. Final design, review and approval of the right-of-way will be part of a construction permit. The final design would minimize potential conflicts between various modes and provide safe and efficient pedestrian, bicycle, and vehicle circulation within the Project site and between the Project and the surrounding circulation systems. In addition, although there will be traffic, existing intersections would continue to operate safely, and the Project would improve certain offsite safety features.

The Project would improve the existing Project site access intersections at Mountain Boulevard and Keller Avenue. The Mountain Boulevard/Creekside Parkway intersection would be signalized and

continue to provide full access. The intersection would maintain the 200 foot left-turn lane on southbound Mountain Boulevard, which would provide adequate queue storage during the AM and PM peak hours. The Keller Avenue/Creekside Parkway intersection would continue to provide full access. The Project proposes to convert the existing intersection from a side-street stop controlled intersection to an all-way stop controlled intersection due to limited sight distance for vehicles exiting northbound Creekside Parkway and turning left onto westbound Keller Avenue, increasing safety at this intersection. The Project would also provide a side-street stop controlled intersection at Keller Avenue/Uplands Primary intersection with right-in/right-out access only, which minimizes the number of turning movement conflicts.

The proposed Oak Knoll Project would not directly or indirectly cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a safety hazard. Compliance with the City's street design standards is considered sufficient to ensure lack of a permanent and substantial transportation hazard from new or existing physical design features. In addition, the proposed uses at the Project site (residential and commercial) would be similar to and compatible with the adjacent uses. It is anticipated that future residents and employees would obey all traffic rules and would not increase hazards, despite increasing congestion, on surrounding streets. Finally, implementation of the complete streets program will reduce traffic lane widths, which is a known and viable method to reduce traffic speeds and hazards.

The Project proposes several changes to the pedestrian infrastructure within and around the site to increase pedestrian safety. The Project proposes enhancements to existing pedestrian connections at Mountain Boulevard and Keller Avenue. The Project would provide minimum six-foot sidewalk along the Project site frontage on Mountain Boulevard; a sidewalk along this segment of northbound Mountain Boulevard does not currently exist in the vicinity of the Project site. Sidewalks increase pedestrian safety by separating pedestrians from vehicular traffic. The Project would retain existing sidewalks along the Project frontage on Keller Avenue and would provide pedestrian connections to Keller Avenue from Creekside Parkway and Uplands Primary. The proposed Class I multi-use trail along Rifle Range Creek would also provide a buffered off-street pedestrian connection to Keller Avenue and Mountain Boulevard.

The Project also proposes several changes to the bicycle infrastructure within and around the site that would increase safety for bicyclists. The Project proposes a Class 1 multi-use trail along Rifle Range Creek. The Class 1 trail would provide a low-stress, safe off-street facility for bicyclists to travel across the Project site between Mountain Boulevard and Keller Avenue, removing bicyclists from other streets in the area. The Class 1 facility would connect to proposed Class 2 bicycle lanes along Mountain Boulevard. The Project would provide the Class 2 bicycle lanes along the Mountain Boulevard frontage, consistent with the City of Oakland's plan to implement Class 2 bicycle lanes along the Mountain Boulevard corridor as part of an effort to connect it to the MacArthur Boulevard bikeway at Mills College and the Bancroft Avenue bikeway at 106th Avenue and make it safer for bicyclists. Currently, there are no Class 2 bicycle lanes along Mountain Boulevard; therefore, the Project would improve off-site bicyclist safety along Mountain Boulevard in the vicinity of the site.

In addition, the Project proposes changes to bus stops that would increase the safety of bus riders. The Project would relocate the existing Mountain Boulevard bus stops at the existing site access intersection to the far-side of the proposed Creekside Parkway intersection and improve the pedestrian connections between the Project site and existing bus stops adjacent to the site. A connected sidewalk network is proposed for the site and new sidewalks along the northbound Mountain Boulevard site frontage would be implemented, enhancing safe pedestrian access to the existing bus stops. As discussed above, the Project would not create traffic hazards that would decrease bus rider safety.

*Traversing Local Streets.* Project traffic would generally use major roadways and not traverse existing local streets when getting to and from the Project site. Access to the Project site would be provided via the following five Project access points: Williams Street/Keller Avenue /Creekside Parkway; Mountain Boulevard/Main Street; Mountain Boulevard/Creekside Parkway; Mountain Boulevard/Creekside Loop; Keller Avenue/Uplands Primary. Emergency vehicle access points connect the Project to adjacent neighborhoods in case of an emergency, but will not be used for cut-through traffic. As stated on page 4.13-50 of the Draft SEIR, about 25 to 30 percent of the total Project trips are expected to access the Project site via the two access points along Keller Avenue, and about 70 to 75 percent of the total Project trips are expected to access the site via the three access points along Mountain Boulevard. These Project trips would generally continue along major City streets (see Draft SEIR Figure 4.13-5) and not traverse local streets.

In sum, the Project's location, design, size, and uses are such that traffic generated by the Project can be accommodated safely and without unsafe congestion on major streets and will mostly avoid traversing other local streets.

**D. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services.**

The Project can be adequately served by existing and proposed services and facilities. Below is a summary of the findings in the SEIR regarding the Project's impact to services and facilities, found in Chapters 4.12, *Public Services and Recreation*, and 4.14, *Utilities and Service Systems*.

*Fire Protection.* The proposed Project would be expected to result in an incremental increase in the number of emergency medical calls at the Project site, but would not require the City to construct new firehouses or expand existing firehouses. The proposed Project would be approximately 0.4 percent of the Oakland Fire Department's total residential service population in Oakland. The relatively small increase in service population from the Project would not result in the need for additional fire protection facilities to maintain acceptable performance objectives. First, pursuant to SCA PSR-1 (Compliance with Other Requirements), all appropriate building and fire code requirements would be incorporated into Project construction, and the Oakland Fire Department would review the Project for adequate on-site access, emergency access routes to the Project site as well as to the parcels not part of the Project (the Sea West Credit Union and the Seneca School administrative offices), vegetation management, and any necessary special on-site equipment to assist firefighters. Additional Conditions of Approval have been included from the Fire Department with review of the Vesting Tentative Tract Map. As part of SCA PSR-1, the Fire Department also would review the Project plans at the time of building permit issuance to ensure compliance with all applicable state and County fire safety requirements including adequate fire and life safety measures. The Project Applicant would be required to incorporate the Fire Department's recommendations into the final Project designs and final Tract Maps. Pursuant to the City's Standard Conditions of Approval, the Project also must prepare and implement a Fire Safety Plan and Vegetation Management Plan, which among other measures requires routine vegetation maintenance to reduce the risk of wildland fires.

*Police Services.* Because the Project increases the overall City population, it is anticipated that the Project could result in an incremental increase in the number of police calls, but this incremental increase would not result in the need for additional police facilities. The Project also may help reduce other crimes in the area by adding homeowners to a now vacant site that, due to its isolated nature, has attracted trespassers and vandalized Club Knoll. The Project would relocate Club Knoll to the center of the Project site and rehabilitate it for commercial and civic uses. Adding activity to the Project, and specifically Club Knoll, likely will reduce trespassers and property crime at the Project site and the associated need for police services to deal with those issues.



*Public Schools.* The Project sponsor would be required to pay fees to the public school district under Senate Bill 50. These fees are required to ensure that public schools have funding sources for new and improved facilities.

*Parks and Recreation.* The Project would provide adequate parks and open spaces to meet the needs of both new and adjacent residents. The proposed Project would include a series of parks, plazas, open spaces, as well as a communitywide system of parks, trails and walkways. The Project proposes over 85 acres of parks and open spaces, which together would provide opportunities for passive and active recreation. The Project also would include a new 4,000 square-foot community center/clubhouse within Club Knoll, which would be sited in a park adjacent to the restored Rifle Range Creek.

*Sanitary Wastewater.* The Draft SEIR, Chapter 4.14, Utilities and Service Systems (hereby incorporated by reference throughout these findings, as if fully set forth herein) found EBMUD has sufficient treatment capacity to serve the Project. The Project would involve construction of a new sanitary sewer collection and conveyance system onsite that would be of adequate size to meet the Project's needs. City of Oakland SCA UTIL-4 (Sanitary Sewer System) will be incorporated into the Project to ensure adequate service design and capacity of the collection system for the Project, as well as to specify and implement mechanisms to control or minimize increases in infiltration/inflow associated with the proposed Project. The Project also would comply with EBMUD's RPSL Ordinance through existing regulatory requirements and incorporation of SCA UTIL-4. EBMUD has indicated it has capacity to provide wastewater treatment services to the Project. EMBUD will thus ensure that the Project's wastewater would be treated to meet applicable San Francisco Bay Regional Water Quality Control Board standards. The quality and quantity of the wastewater that would be generated by the Project would not contain any unusual constituents that would require alterations to the EBMUD wastewater treatment facilities or which would conflict with the wastewater treatment standards under which the plant must operate.

*Potable Water.* The Draft SEIR, Chapter 4.14, Utilities and Service Systems found EBMUD has sufficient water supply to serve the Project's demand. EBMUD would serve water to the Project and concluded it has sufficient supplies to meet Project demands. Additionally, the City found the proposed Project to be generally consistent with the 1996 Final Base Reuse Plan and the 1998 General Plan Land Use Diagram, and EBMUD considered these plans when preparing its Urban Water Management Plan. The Project would comply with the Water Efficiency Landscape Ordinance and the City's Green Building Standards and Title 24, both of which require use of water efficient fixtures.

*Solid Waste.* The Draft SEIR, Chapter 4.14, Utilities and Service Systems found that the landfills that serve the City have sufficient capacity to serve the Project.

In sum, the location, design, size, and uses of the Project are such that the residents and establishments to be accommodated will be adequately served by existing or proposed facilities and services.

**E. That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations.**

Project's location, design, size and uses will result in an attractive, healthful, efficient and stable environment for living, shopping and working. As discussed in the General Plan findings, the Project brings to fruition the long-planned redevelopment of the former NMCO property with a mix of uses and residential densities, enhancement and restoration of Rifle Range Creek and its onsite tributaries, and the preservation and rehabilitation of Club Knoll. The Project is in a mainly residential area, and would develop residences appropriately sized for the area and the site's topography. The Project also would supply a much needed

shopping area to the South Hills Area, which the General Plan identified in Key South Hills Implementation Strategies (and more specifically in the paragraph under the heading South Hills Commercial Needs) as an area that now lacks sufficient retail. Compliance with the City's requirements and the Project's proposed zoning and Design Guidelines will result in an attractive Project. In particular, the Design Guidelines are extremely detailed and will prevent monotony through the Anti-Monotony Code and ensure that builders choose recognizable, Bay Area architectural styles and construct homes and a retail center with high-quality materials, as well as appropriately landscape the site. The Project would be healthful and efficient because it would comply with all state and local laws that demand use of Green Building materials, low VOC architectural coatings, and energy-efficient buildings. Further, by providing a mix of uses, the Project would create a vibrant, livable community where residents can safely walk or bike to local-serving retail and recreational uses.

The Project site is currently zoned Hillside Residential-3 (RH-3) and Hillside Residential-4 (RH-4). The City has long recognized that the site's zoning conflicts with its General Plan land use designations and policies that promote construction of a Project that is denser than would be allowed under the existing zoning and contains uses that are not permitted under the current zoning. Specifically, the RH-3 and RH-4 zones do not permit the types of commercial activities, small-lot single-family homes, and townhomes that are permitted under the Property's various General Plan land use designations. As the Draft SEIR notes, when the City zoned the Project site in 2011, the Planning Department's Staff Report acknowledged that the RH-4 rezoning was an interim measure and that the City anticipated a subsequent rezoning when a specific development proposal came forward, as is now proposed.

The Proposed PUD permit and Project-specific zoning would replace the site's "interim" zoning and establish permanent zoning and resolve the current conflicts between the existing zoning and the site's General Plan land use designations. A PUD allows the comprehensive planning of the site, which is relatively large, and provides the flexibility required for the Project. Namely, a PUD allows the residential, commercial, community, and open spaces uses that comprise the Project to be planned in an integrated fashion that responds to the site's unique topography and preserves and enhances its natural (Rifle Range Creek and its tributaries and the steepest topography in the northeastern corner) and historic (Club Knoll) resources.

In sum, the PUD permit allows the construction of an integrated master plan community, including a mix of residential, commercial, and community uses and open spaces organized around the site's natural features and connected by Complete Streets and trails; restoration and daylighting of Rifle Range Creek; rehabilitation of Club Knoll; and offsite street and bicycle lane improvements that would not have been possible with separate development applications for each building.

**F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices.**

As noted above, the proposed Project would be well integrated into its setting, will not be visually obtrusive and will harmonize with surrounding areas and facilities. The discussion below addresses the following issues: (1) earth moving and maintenance of desirable natural features, (2) protection of major views, and (3) buffering in the form of spatial separation and vegetation.

*Earth Moving and Maintenance of Desirable Natural Features.* The Project requires substantial earth moving, but would not destroy the site's most desirable natural features. As explained in more detail below,

some of the earth moving is required to protect the site's natural features. Development of the site would involve up to 3 million cubic yards of grading, including corrective grading required for existing unstable areas and grading associated with the proposed improvements to Rifle Range Creek. The extent of corrective/remedial grading is wide-ranging and covers much of the Project site. The corrective/remedial grading is required to address unconsolidated (poorly compacted) surface soil and existing fills that do not comply with the current building code and seismic requirements for development. The Project site also has experienced several documented landslides and has landslide-prone areas, which will be corrected with remedial grading that will prevent further erosion and reduce landslide risk. Corrective/remedial grading also is required to stabilize the currently unstable, incised banks along Rifle Range Creek. The proposed grading plan balances the amount of cut and fill throughout the Project site so that the Project applicant will not need to import or export substantial amounts of soil. The Knoll and the Hardenstine parcel would be protected.

The earthwork and development would require removal of approximately 4,500 trees, of which many are non-native and/or not in good health. Of these, approximately 3,500 are protected under the City's Tree Protection Ordinance, which requires the planting of approximately 2,821 trees to mitigate for the removal of protected trees. The Project would plant over 8,500 trees, many more than required by the City's Tree Protection Ordinance. The Project would increase the number of trees on the Project site by over 1,000 from existing conditions and would relocate between 10 and 20 mature oak trees. In addition, the Project is designed to preserve the highest quality oak woodlands, Oakland star tulip and purple needlegrass on the Project site, as well as the steepest portion of the property, located in the northeastern corner. Thus, even though the Project involves earth moving, the earth moving is necessary to restore Rifle Range Creek and would not unduly adversely affect the site's other desirable natural features.

*Protection of Major Views.* The Draft SEIR, Chapter 4.1, *Aesthetics* concluded that the Project, with City SCAs and mitigation, would not adversely affect major public views. The proposed Project would visibly alter the area and is near I-580, a state scenic highway. However, most of the Project site that would be developed would not be visible from most off-site locations due to (1) intervening development; (2) the site's topography, which is higher at the edges and lower in the middle, where the majority of development is proposed; and (3) the dense vegetation along segments of the site perimeter, which would be retained. The proposed Project would be visible from certain public vantage points, but would be comparable to surrounding existing development, and thus, would not have a substantially adverse effect on scenic vistas. The Project also would not damage the on-site scenic resources of the Eastern Knoll and ridgeline, its lower grasslands, the Hardenstine parcel or Rifle Range Creek. Once the Project's street trees mature, there will be additional vegetative screening of the new development.

Club Knoll is a scenic historic building that is visible for a brief moment from I-580. The Project would rehabilitate and relocate Club Knoll to a more central and visually prominent location, and it would remain visible from I-580 (although likely still only fleetingly). Thus, the Project would protect the view of Club Knoll and enhance it by restoring Club Knoll.

*Buffering through Spatial Separation and Vegetation.* As discussed above, due to topography, much of the Project development is not visible from public offsite viewpoints. The Project proposes keeping many perimeter trees and planting over 8,500 additional trees, which would provide a visual barrier between public viewpoints and the Project. Much of the Project development also would be substantially set back from property line, allowing space for multiple rows of perimeter trees. For example, the shortest distance from the back of the townhouse closest to Mountain Boulevard and the edge of the sidewalk along Mountain Boulevard would be approximately 260 feet. The shortest distance from the back of the townhouse closest to Keller Avenue and the edge of the sidewalk along Keller Avenue would be approximately 179 feet. The

Project also proposes development compatible in scale and use to the existing development, so even where the Project is visible, it would blend with the existing surrounding development.

In sum, the Project will be well integrated into an existing residential setting that already includes single-family homes, townhomes, and a small amount of neighborhood-service commercial uses. The proposed Design Guidelines will ensure compatible architecture with Oakland and Bay Area styles.

**Section 17.140.040 -- Final Development Plan Findings for Master Developer Site Improvements**

**1. The final plan shall conform in all major respects with the approved preliminary development plan.**

The final development plan (FDP) for the Master Developer Site Improvements (“Master Developer FDP” or “FDP”) conforms in all major respects with the preliminary development plan (PDP). The PDP outlines development of approximately 184 acres with 918 residential units of varying types, 72,000 square feet of neighborhood commercial, a 14,000 square foot community center/accessory commercial use building, approximately 87 acres of open space, parks and trails including the restoration of Rifle Range Creek, and roads, infrastructure, and landscaping. According to the PDP, there would be phased FDPs. The first two FDPs would be for the Master Developer Site Improvements (discussed here) and Club Knoll Relocation and Rehabilitation (discussed below). The PDP states that the Master Developer Site Improvements FDP would include the following: (1) streets, street lighting and streetscape plantings for Creekside Parkway, Creekside Loop, and local street extensions; (2) site grading and retaining walls; (3) master utilities including sewer, water, storm drainage and franchise utilities; (4) Rifle Range Creek restoration; (5) public parks, open space planting, and trails; (6) monuments and signs; and (7) slope erosion control/planting.

The Master Developer FDP includes the seven items listed in the PDP.

1. The FDP contains schematic final designs for streets, sidewalks, street lighting, and streetscape planting for the following streets: Creekside Parkway, Creekside Loop, and portions of Uplands Primary and Creekside Village Primary local streets necessary for future home builder access to development parcels. The FDP also provides final schematic design for two bridges planned for the site that will cross Rifle Range Creek. One bridge is vehicular (multi-modal) and the other is pedestrian only. The schematic designs include streetscape plantings. The streetscape designs conform in all major respects with the PDP.

2. The FDP includes final schematic designs for grading, including corrective grading due to soil conditions, creek corridor restoration, building pads, and associated embankments and retaining walls. Detailed site grading information is provided in the Vesting Tentative Tract Map (VTTM), No. 8320, dated January 27, 2017, on Sheets C2.0–C2.5 and C5.0–C5.5, which have been incorporated by reference into the FDP. In addition, Sheets C001–C003 address grading and retaining walls. The grading plans conform in all major respects with the grading described in the PDP.

3. The FDP provides information about the Project site’s master utilities, and references VTTM Sheets C6.0–C6.5 and C7.0 for additional detail regarding utilities and storm drain designs. The utilities in the FDP conform in all major respects with the PDP and would support the development proposed by the PDP.

6. The FDP includes information about monuments and signage. Traffic control and directional signage will be standard and follow City of Oakland guidelines. Final schematic monuments designs are included for the two major and two secondary Project entries. Final schematic designs are also provided for three local street monuments. The information and design about monuments and signage conforms in all major respects to the PDP and Design Guidelines.

4. The FDP includes information about the restoration of Rifle Range Creek that conforms in all major respects to the information in the PDP. Additional information is found in the Project's Creek Restoration Plan.

5. The FDP contains final schematic design for the publically accessible parks, open space areas where new trees would be planted, and the Project's trail network. The FDP provides more detail on the park layouts, trail locations, hardscape, park furniture and play equipment, and type and location of landscape materials. The information included in the FDP about parks and open space areas conforms in all major respects with the information in the PDP.

- 2. The final plan shall include the following: the location of water, sewer, and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; plans for street improvements; and grading or earth-moving plans.**

As described above, the Master Developer FDP contains all the required information related to water, sewage and drainage, character and general location of residential signage monuments, street improvements and grading. The FDP does not include detailed building and private landscaping plans and elevations (plans for public landscaping, including street trees and parks are included in the FDP). Detailed building plans and elevations and private landscaping plans would be submitted in later FDP's by merchant builders, who would construct the buildings proposed by the Project.

- 3. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.**

The Master Developer FDP, in conjunction with the VTTM, is sufficiently detailed to indicate how the Project's backbone infrastructure would operate and, to the extent it is visible, appear after development. The FDP, with the VTTM, has detailed grading plans; shows the location of all required retaining walls; generally shows the locations of where the storm drains will go and where the onsite treatment areas would be located; indicates the location of the primary streets, height of streetlights, and types and locations of street trees; location of monuments; location and materials of sidewalks; location, material, elevations, and renderings of the proposed bridges; renderings of crosswalks, tactile curb warning surfaces, concrete sidewalks, and retaining walls; renderings of planting strips as well as the specified sod and seed mix; rendering, plan, and elevation of infiltration bulb-outs/rain garden planters; images of the mix of plants that could be planted in the rain garden planters; plans and sections of the proposed monument signs, and a rendering of the monument signs at the entry; pictures for plants included in the entry monument plant palette; and plans and renderings of the proposed parks and open spaces, including trails, as well as images of the plants included in each of the parks/open spaces planting palette and if applicable, playground equipment and site furnishings; and sections of the typical grading and planting along Rifle Range Creek.

**Section 17.140.040 -- Final Development Plan Findings for Club Knoll Relocation & Rehabilitation**

- 1. The final plan shall conform in all major respects with the approved preliminary development plan.**

The PDP discusses the relocation and rehabilitation of Club Knoll. According to the PDP, the proposed Project would relocate and restore the key historic portions of Club Knoll in a central and publicly prominent portion of the site and reuse it as a community center with accessory commercial uses. Major portions of the building to be relocated include the main hall, dining hall, lobby/mezzanine areas, building wings, courtyard and cupola. The components of the building proposed for demolition include the

basement, and the additional third wing used for administrative/office purposes. The garage, which is not a historic resource, also would be demolished.

The Club Knoll FDP conforms in all major respects with the PDP. The Club Knoll FDP has the location as the PDP for the relocated Club Knoll. In addition, the Club Knoll FDP shows that all the portions of Club Knoll that the PDP described as being relocated would be moved. Finally, the plan and renderings of the relocated Club Knoll in the Club Knoll FDP match in all major respects the plan and renderings of the relocated Club Knoll in the PDP.

- 2. The final plan shall include the following: the location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; the character and location of signs; plans for street improvements; and grading or earth-moving plans.**

The location of water, sewerage, and drainage facilities, plans for street improvements, and grading and earth-moving plans are located in the Master Developer FDP discussed above. The Club Knoll FDP has detailed building plans and elevations and landscaping plans. There are no new signs associated with Club Knoll. Specifically, the Club Knoll FDP includes images of Club Knoll's existing condition and site; the proposed site plan, building plan, and tree plan; building sections; rendered building elevations; pictures of the buildings' materials; a detailed landscape plan and images of plants proposed; and a detailed plan for relocation and rehabilitation; and additional exterior and interior building renderings showing the post-rehabilitation building. The relocation and rehabilitation plan includes a proposed schedule, images showing different aspects of the proposed work, the proposed travel route, and a matrix of approximately what percent of each building element would be relocated and what percent may need to be replaced, and how that would be done.

- 3. The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.**

As discussed above, the Club Knoll FDP has a detailed description of how Club Knoll would be relocated and rehabilitated, including an illustrated step-by-step guide and numerous building renderings, providing sufficient detail to indicate fully the ultimate operation and appearance of Club Knoll.

**Section 17.136 -- Regular Design Review Criteria for Residential Facilities, Non-Residential Facilities, and Designated Landmarks**

**Residential Design Review**

The Project includes, in part, 918 residences, which are divided amongst three general housing types: townhome, small lot single-family detached homes, and more conventional single-family homes. The Project requires approval of the Oak Knoll PDP for the Planned Unit Development Permit, which incorporates the Oak Knoll Design Guidelines. The Oak Knoll Design Guidelines provide planning, architectural, and landscape design guidance for the overall character and intent of development, which will inform the Final Development Plans submitted to the City.

- 1. The proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures.**

As described in the Oak Knoll Design Guidelines, the residential design of the Project is intended to create functional and pedestrian friendly streetscapes. Overall, the design of the residential component of the Project would create a set of new residential neighborhoods that relate well to the surrounding area in

their setting, scale, bulk, height, materials, and textures. As referenced, the design proposes a number of different types of residential structures. The commercial buildings and townhome units would be near commercial uses and the I-580 freeway, and the scale would be consistent with such a location. The density of the residences decreases moving east across the site such that the residences closest to existing residential uses would be similar in scale, bulk, and height. The materials and textures within the proposed development would relate well to each other. The Project incorporates a “Bay Area” regional architectural style, which seeks to incorporate residential design that connects to and is inspired by the natural setting; uses simple building mass with additive elements; incorporates natural materials such as wood, stone, terra cotta, and stucco; and uses subdued earth-tone paint color and light colored stuccos.

**2. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.**

The majority of the Project site was previously developed with a large medical facility, which has since been demolished, but some utility infrastructure, roadways, and parking areas that supported the former NMCO facilities remain onsite – features that the Project would remove. Other portions of the Project site contain a creek or hilly, vegetation terrain, both of which are desirable neighborhood characteristics. The Project would protect, preserve, and enhance these features through implementation of a landscaping concept that is consistent with maintaining and enhancing the natural coastal woodland that is the dominant character of the existing community landscape, and linking the open space areas, parks, neighborhoods and Village core through that character in a manner that will preserve and enhance natural outcroppings of rock, specimen trees or group of trees, creeks or other amenities. The landscaping concept for the Project integrates the new community into an existing context of hillsides, creeks and drainages, and oak woodlands, as well as addresses the unique landscape conditions for certain Oak Knoll housing types and lots.

**3. The proposed design will be sensitive to the topography and landscape.**

The proposed design of the residential portion of the Project is driven by the topography of the landscape. The density of the proposed residential units varies based on topography, with the least dense, largest lots in the steeper areas and the denser clusters of residential units on flatter terrain. The Project includes development of residential units in an area referred to as the “Upland neighborhood.” In this specific area, the Project would incorporate corrective grading to eliminate unstable slopes and grading necessary to meeting acceptable roadway grades, and to create individual flat pad lots for the proposed home sites. With respect to the development of residential units proposed at the upper Eastern ridgeline near Keller Avenue, referred to as the “Admiral’s Ridge Focus Area,” the Project would provide custom home designs that seek to minimize grading along the length of the ridge, and better relate to the existing grade of the hill and to minimize loss of mature native trees and imposes special height standards that will be applied to two lot conditions; “terraced” lots and “sloped” lots. The landscaping plan for this area would visually buffer new homes using quantities of vegetation beyond the basis landscaping requirements. Overall, the design of the various types of residential units of the Project responds to and is suitable for the topography and landscape of the site.

**4. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.**

As stated above, the proposed design of the residential portion of the Project is driven by the topography of the landscape. The density of the proposed residential units varies based on topography, with the least dense, largest lots in the steeper areas and the denser clusters of residential units on flatter terrain. The

Project includes development of residential units in an area referred to as the “Upland neighborhood.” In this specific area, the Project would incorporate corrective grading to eliminate unstable slopes and grading necessary to meeting acceptable roadway grades, and to create individual flat pad lots for the proposed home sites. With respect to the development of residential units proposed at the upper Eastern ridgeline near Keller Avenue, referred to as the “Admiral’s Ridge Focus Area,” the Project would provide custom home designs that seek to minimize grading along the length of the ridge, and better relate to the existing grade of the hill and to minimize loss of mature native trees and imposes special height standards that will be applied to two lot conditions; “terraced” lots and “sloped” lots.

**5. The proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council:**

The Project would be designed in conformance with the PDP for the PUD and the development standards of the applicable residential D-OK Zones (D-OK-1; D-OK-2; D-OK-3), as well as the Oak Knoll Design Guidelines, which together set forth the design and development criteria for the Project. The Project will also be consistent with the Oakland General Plan and the Redevelopment Plan for the Oak Knoll Redevelopment Project, as discussed above.

**Additional criteria for retaining walls:**

**6. The retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas:**

Retaining walls will be needed due to the sloping topography of the Project site and sloping topography on individual lots. Retaining walls will be minimized and designed to fit the topography. To ensure the retaining walls are consistent with the overall building and site design and respect the natural landscape and topography of the surrounding area, the Project will incorporate the following plantings: low shrubs where space between the face of retaining walls and right of way or swale exceeds 2’; top of wall plantings where retaining walls are greater than 4’ tall; and vines planted on the face of walls in drifts of single species where retaining walls are greater than 6’ tall. Residential lots located on streets with slopes greater than 10 percent will use a combination of low retaining walls and plantings; retaining walls will be integrated with shrub planting to soften and screen walls. The Oak Knoll Design Guidelines establish the list of approved plants to be used in these retaining wall plantings. Appendix B of the Oak Knoll Design Guidelines provides details regarding the approved standard retaining wall systems that may be used on lots.

**7. The retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or undesigned vertical surfaces:**

As described above, the retaining walls implemented by the Project will incorporate natural plantings that will maintain a sustainable and natural landscape environment. The Oak Knoll Design Guidelines provide that retaining walls, where used, should be terraced where possible and not exceed a maximum height as set forth in the D-OK Zone.

**8. The retaining wall respects the natural topography, avoiding obvious scars on the land:**



As described above, the retaining walls implemented by the Project be minimized and designed to fit the topography. Where possible on the Project site, tiered retaining walls would be integrated into the surrounding landscape design.

### Nonresidential Design Review

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

The Project includes 72,000 square feet of neighborhood commercial development (“Village Center”) and a 14,000 square foot community center/accessory commercial use building (“Club Oak Knoll”). The Project responds to the surrounding facilities and Project context by locating the commercial uses near the freeway and away from the site's prominent natural resources.

The Village Center commercial area represents a focal point of the Oak Knoll community and provides retail, services, a plaza, and space for community events. It is connected to both transit, trails, and bike trails. The Village Center will provide parking for commercial and public use. Village Center commercial area will provide public gathering spots and convenience shopping for local residents. It is envisioned as urban in character similar to other local neighborhood commercial corridors (such as sections of Park Boulevard or Lakeshore Avenue). The Village Center will implement the Oak Knoll Design Guidelines, which encourage the following design standards: building placement that reinforces the concept of the Plaza and orients service areas away from the Plaza while keeping them screened from view from Mountain Blvd; 70% glazing on facades directly fronting the plaza and 50% glazing on facades fronting pedestrian pathways; awnings and trellis overhead canopies to provide outdoor shade and shaded gathering areas; sidewalk widths at primary retail facades sufficient to provide tree planting, signage, furnishings, lighting and outdoor seating areas where appropriate to adjacent retail use; and hardscape and Planting that reinforces the outdoor pedestrian realm, but provides equal access to vehicular traffic. The final design for the retail village will be submitted by a retail developer. Retail signage locations and design shall be reviewed at the Final Development Plan submittal stage, and a Signage Master Plan will be submitted as part of that application. Per the City of Oakland’s Public Art Ordinance, the Project will also include a public art component.

Club Knoll is currently in disrepair, having been vacant for many years; the building will be rehabilitated for community, HOA, and community commercial uses. The Project would relocate and restore it in a central and publicly prominent portion of the site and reuse it as a community center with accessory commercial uses.

- 2. The proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area:**

The Project would be of a quality and character that harmonizes with, and service to protect the value of, private and public investments in the area. The Project would replace the vacant NMCO site with a walkable collection of neighborhoods anchored by a village commercial center, neighborhood parks, a relocated and rehabilitated Club Knoll building, and natural accessible open space. Non-residential

elements of the Project would be built using high-quality architectural materials and provide amenities, including community amenities and retail amenities such as a grocery store that are missing from the area and would complement and add to the value of investments in the area.

3. The proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City Council.

As discussed above, the Project is consistent with the General Plan and the Redevelopment Plan for the Oak Knoll Redevelopment Project. Further, the Project would be designed in conformance with the PDP for the PUD and the development standards of the project-specific applicable D-OK Zones (D-OK-1; D-OK-2; D-OK-3; D-OK-4; D-OK-5; D-OK-6; D-OK-7) and Oak Knoll Design Guidelines, which set forth the design and development criteria for the Project.

4. **That the retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas.**

Retaining walls would not be required in the Village Center or Club Knoll parcel.

#### **Eligible Historic Property**

Club Knoll – The Project includes the relocation and rehabilitation of Club Knoll, which has been given a rating of “B” by the City of Oakland’s Cultural Heritage Survey evaluation, meaning that it is considered of major importance at the local level. Furthermore, the City’s Landmark Preservation Board found Club Knoll to be eligible for Landmark status with an “A” rating in June of 1995 and placed it on the Preservation Study List as a Designated Historic Property.

The relocation and rehabilitation of Club Knoll are described in the PDP and the Club Knoll Final Development Plan (Club Knoll FDP) for the Project. The Club Knoll FDP was produced by Architectural Dimensions, an architectural firm with an experienced portfolio of historic preservation projects in the City of Oakland, including the Rotunda Building and the Fox Theatre. Architectural Dimensions provided City Staff and the Landmark Preservation Board with examples of other nationally-recognized historic buildings and structures in their portfolio that have been successfully relocated and rehabilitated. Further, Carey & Company, a national architectural firm specializing in restoring and rehabilitating historic buildings for contemporary use, and the City have separately reviewed the Club Knoll FDP, and recommended a number of measures to better ensure success during the relocation and rehabilitation of Club Knoll. These measures have been incorporated into the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP), which will be implemented by the Project.

The SEIR evaluated impacts to Club Knoll (see Chapter 4.4, *Cultural and Paleontological Resources*). As stated in the SEIR, Club Knoll will be rehabilitated according to the Historic American Building Standards. The relocation and rehabilitation of Club Knoll would be subject to the SCAMMRP.

1. **The proposal will not adversely affect the exterior features of the designated historic resource nor, when subject to control as specified in the designating ordinance for a publicly owned landmark, its major interior architectural features.**

Club Knoll is a three-story, tile-roofed, stucco-clad building designed in a Spanish Colonial/Mission Revival style. The current condition of the building is poor both internally and externally due to

abandonment and vandalism. Club Knoll had not been used or occupied for almost 20 years prior to that portion of the Project site being acquired by the OKVA in 2014. OKVA has secured the building to prevent further vandalism and damage due to rainfall but the building remains vacant. The Project would rehabilitate Club Knoll in a manner designed to protect the exterior and interior features, while also providing critical repairs to ensure that Club Knoll is structurally sound. The relocation and rehabilitation of Club Knoll are fully described in the PDP and the Club Knoll FDP.

The portions of the building to be relocated include the main hall, dining hall, lobby/mezzanine areas, building wings, courtyard and tower. The components of the building proposed for demolition include the basement and the additional third wing used for administrative/office purposes. Demolition of the basement is proposed because it is not practical to excavate and relocate a structure that is predominantly built into the hillside and which is exposed only on one side. The office wing is not proposed for relocation because it is not a significant contributor to the historic significance of the building and relocation of the building without this component will not cause a substantial adverse impact to the building as a historic resource. The relocation of Club Knoll as described in the Club Knoll FDP requires moving components of the building by taking the building apart in a manner that allows saving the components for lifting and transportation to the new site. The relocation efforts would seek to transfer the largest components of the building as possible intact to avoid full dismantlement of the building and any resultant substantial adverse changes.

To ensure that the exterior and interior architectural features of Club Knoll are preserved, the Club Knoll FDP includes procedures to ensure that many parts of the building as feasible will be salvaged, restored and reassembled in the building. For those architectural and design elements of Club Knoll that are not able to be preserved, replacement elements will be marked with a date stamp in an inconspicuous location to ensure that they are not confused with original elements.

**2. The proposal will not adversely affect the special character, interest, or value of the historic resource and its site, as viewed both in themselves and in their setting.**

The PDP and Club Knoll FDP demonstrate that the relocated Club Knoll would be appropriately situated in its new setting on the Project Site, providing a distinctive feature as the centerpiece of the Project in a prominent and important location.

Club Knoll is currently located in the southwestern part of the Project site near Sequoyah Road (the site's southern boundary) and is currently in disrepair, having been vacant for many years. The Project would relocate and restore the key historic portions of Club Knoll in a central and more publicly prominent portion of the Project site. The new site of Club Knoll will preserve the openness around the building in a setting comparable to the existing one where the front of the building faced a large landscaped area (a former golf course) and the rear faced a parking lot. While the historic golf course on the Project site was eliminated years ago and is not being replicated, the orientation of the building on the new site puts the front of the building facing a large landscaped and restored creek area that is lower in grade than the building, much like the existing setting. The new site will have a large, uninterrupted expanse that allows viewing of the building from all sides, an improvement over the existing site. Access to the front of the building will be pedestrian-oriented, where visitors will traverse along a path then up a staircase to the main entry, similar to the existing condition. Further, the landscape surrounds will provide trees and plants consistent with the heritage of the region, unlike the existing site that contains non-native species. Overall, the relocation of Club Knoll to the middle of the Project site, and in close proximity to the residential and commercial uses of the Project will allow for greater enjoyment of Club Knoll by the residents of Oak Knoll and the broader community.

The Project would also rehabilitate Club Knoll for uses as a community center, an HOA clubhouse, and for community commercial uses, which would greatly improve the current state of structure and use of Club Knoll, which is poor both internally and externally due to abandonment, vandalism, and lack of maintenance; and which has been vacant for almost 20 years prior to that portion of the Project site being acquired by the OKVA in 2014.

**3. The proposal conforms with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and, as applicable for certain federally related projects, with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.**

The relocation and rehabilitation of Club Knoll will be conducted in accordance with the plans and guidelines described in the PDP and the Club Knoll FDP for the Project, which has been reviewed by the City’s architectural consultants and found to comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (see Appendix I to the Final SEIR, which is incorporated as if fully set forth herein).

**Section 17.102.090 – Conditional Use Permit for Shared Access Facilities**

**A. The location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effects, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

The location, design, and operating characteristics of the Project’s shared access facilities will be compatible with and will not adversely affect the livability or appropriate development of the surrounding homes in the Project. The shared access facilities provide an environmentally superior design for residential unit access by clustering homes around the shared access area. With this design, the shared access facilities allow the Project to maximize the amount of open space to be preserved by the development and so provide a benefit to the neighborhood as a whole. Therefore, the shared access facilities enhance the overall livability of the new community and provide a desirable neighborhood character. The shared access facilities are designed to be visually compatible with the surroundings and will look similar to the driveways for other homes in the neighborhood that are accessed individually from a public street. The shared access facilities also would not impact traffic generation or street capacity because the facilities do not provide for more housing or more intense uses than are otherwise included as part of the overall Project.

**B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The location, design, and site planning of the shared access facilities provide a convenient and functional alternative to traditional private home access facilities that would require each home to have a separate access point from streets and more curb cuts which would disrupt the street experience. Clustering homes around the shared access facilities allows the Project to maximize the amount of open space that is

retained by the development, providing a more attractive and environmentally superior site plan and Project design, while still including adequate access to residential units and sufficient parking for each unit. The clustering also results in additional buffering for Rifle Range and Powerhouse Creeks. Thus, the functionality of the shared access facilities is not diminished as compared to traditional individual home access facilities, and the shared access facilities provide added benefits to the neighborhood character, overall aesthetic appeal of the development, and a reduction of impacts to the natural environment from the overall Project.

**C. The proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The shared access facilities enhance the successful operation of the Project by clustering homes around the facilities, which will maximize the amount of open space to be retained by the development. This additional open space will provide for an environmentally superior Project and will also provide Project users with a more aesthetically pleasing Project design with enhanced neighborhood character and appeal. The shared access facilities provide similar functionality as traditional private home access facilities while providing these added essential benefits to the environment and to the development as a whole.

**D. The proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050.**

- a. The proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures.** The shared access facilities are well related to the surrounding area because the facilities are designed to be visually compatible with the surroundings and will look similar to the driveways for other homes in the neighborhood that are accessed individually from a public street.
- b. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.** The facilities protect, preserve, and enhance desirable neighborhood characteristics because the shared access facilities allow the Project to maximize the amount of open space to be preserved by the development and so provide a benefit to the neighborhood as a whole. Therefore, the shared access facilities enhance the overall livability of the new community and provide a desirable neighborhood character. In this way, the shared access facilities are designed to be more sensitive to the topography and landscape than traditional private access facilities.
- c. The proposed design will be sensitive to the topography and landscape; If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.** The shared access facilities allow for the maximum preservation of open space and, in this way, are more sensitive to the topography and landscape of the area. The proposed design of the residential portion of the Project, which includes residential uses clustered around shared access facilities in some areas, is driven by the topography of the landscape. The density of the proposed residential units varies based on topography, with the least dense, largest lots in the steeper areas and the denser clusters of residential units on flatter terrain. By allowing for residential units to be clustered around shared access facilities in areas of the development planned for higher densities, the shared access

facilities facilitate an overall Project design that is best related to the grade of the hills and the site topography.

- d. **The proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.** The Project's shared access facilities comply with the applicable Planning Commission Guidelines for access facilities. The proposed shared access facilities provide adequate width for maneuverability for emergency and non-emergency vehicles and therefore meet the Planning Commission Guidelines' requirements. The shared access facilities also facilitate the development of areas of the Project identified for higher density residential development, consistent with Objective N3 (*Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community*) and Policies N3.1 (*Facilitating Housing Construction*), N3.2 (*Encouraging Infill Development*), N3.8 (*Encouraging High-Quality Design*), N6.1 (*Mixing Housing Types*), and N7.1 (*Ensuring Compatible Development*) of the City's General Plan Land Use and Transportation Element (LUTE).

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

The Project's shared access facilities comply with the applicable Planning Commission Guidelines for access facilities. The proposed shared access facilities provide adequate width for maneuverability for emergency and non-emergency vehicles and therefore meet the Planning Commission Guidelines' requirements. The shared access facilities also facilitate the development of areas of the Project identified for higher density residential development, consistent with Objective N3 (*Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community*) and Policies N3.1 (*Facilitating Housing Construction*), N3.2 (*Encouraging Infill Development*), N3.8 (*Encouraging High-Quality Design*), N6.1 (*Mixing Housing Types*), and N7.1 (*Ensuring Compatible Development*) of the City's General Plan Land Use and Transportation Element (LUTE). The Project also is consistent with the Redevelopment Plan for the Oak Knoll Redevelopment Project, which permits residential, commercial, recreational, and other uses consistent with the General Plan and zoning,

#### **Section 17.102.090 – Additional Conditional Use Permit Findings for Shared Access Facilities**

- A. **Compliance with Guidelines.** Each shared access facility proposal shall be in compliance with all applicable City standards, including but not limited to the City Planning Commission guidelines for development and evaluation of shared access facilities.

The Project's shared access facilities comply with the Planning Commission Guidelines. The proposed shared access driveway has adequate width (20') and meets the minimum width required in the Planning Code for driveways. In addition, the driveway is less than 100' from the street and so an on-site turnout is not required. Therefore, the project is consistent with the guidelines for development and evaluation of shared access facilities. The proposed shared access facilities would be integrated into the project through compliance with the Landscape Plan, meet the minimum width requirements, comply with the City's roadway standards, and meet the City's grading standards, thereby also meeting the requirements in the guidelines.

- B. Public Safety. The width of the proposed shared access facilities shall be adequate to ensure unimpeded emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to city standards for roadway layout and design.**

The width of the proposed shared access facility is 20 feet. A 20-foot travel width provides adequate emergency and non-emergency ingress and egress (See Also Attachment T, Fire Memo). The relatively short lengths of the shared access facilities also provides easy access to all units served. The shared-access facilities also conform to City standards for roadway layout and design. The shared access will have either standard asphaltic concrete paving or decorative unit pavers rated for heavy fire/emergency vehicles, meeting the City's roadway design requirements.

- C. Aesthetics. A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; necessary retaining walls shall not be of excessive height and shall not be visibly obtrusive, as such are defined in the City Planning Commission guidelines.**

The shared access facilities are designed to provide an environmentally superior alternative to other approaches for the development of the property because clustering small-lot homes around a shared access facility requires less paved road area and allows more open space to be preserved than if the homes were not clustered, and instead set in a line along a public roadway. The shared access facilities are designed to be visually compatible with its surroundings and will look similar to the driveways for homes in the neighborhood accessed from a public street, but will be slightly wider to allow emergency vehicle access. The proposed shared access facilities will be located on relatively flat portions of the site and will not involve any retaining walls.

- D. On-Going Owner Responsibility. Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the City thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.**

As a Condition of Approval, the developer constructing the shared access facilities is required to prepare and submit a maintenance agreement as part of the CC&R's. The Developer would submit these documents to the Bureau of Planning and the City Attorney's Office for review and approval prior to the issuance of building permits for those individual merchant builders, that would be accessed from a shared access facility. Parking will be restricted per the Fire Memo (Attachment T)

- E. Certification. Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain**

**a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan.**

As a Condition of Approval, the Project applicant is required to have certify that the shared access facilities have been constructed in accordance with the approved plans and construction standards. The Project applicant also is required to have a landscape architect inspect the landscaping and certify that it was installed in accordance with the portions of the approved landscape plan that relate to the shared access facilities.

**Section 16.08.030 & California Government Code Section 66474 -- Vesting Tentative Map Findings**

**1. The proposed map is consistent with applicable general and specific plans as specified in the State Government Code Section 65451.**

The VTTM is consistent with the General Plan and Land Use Diagram as proposed for amendment. The General Plan Land Use Diagram will apply seven different land use designations to the Project site including Hillside Residential, Community Commercial, Detached Residential, Mixed Housing Type Residential, Neighborhood Center Mixed Use, Urban Open Space, and Resource Conservation. In May of 2007, the City reviewed the Oak Knoll Mixed Use Community Plan (2006 Plan) as was then proposed, and issued a written determination concluding that the 2006 Plan was in substantial compliance with the General Plan, that the land uses and facility types conformed to the LUTE land use plan and diagram, and that the 960 residential units were within the maximum density limits set forth in the General Plan. The Project differs slightly from the 2006 Plan but remains substantially similar, therefore also meeting the same criteria for General Plan consistency. As noted above, the proposed amendment to the Land Use Diagram is a clean-up measure and not a change in land use policy. As permitted by the General Plan land use designations, the Project includes the development of 918 residential units, 72,000 square feet of primarily neighborhood-serving commercial uses (Village Center), and approximately 14,000 square feet of a combination of commercial and civic uses within the relocated Club Knoll. The VTTM for the Project creates up to 416 separate individual parcels throughout the Project site, inclusive of all residential lots, the Village Center, open space parcels, and relocated Club Knoll, as described in the Oak Knoll PDP.

The density of the Project is within the maximum limits set forth in the General Plan as the currently proposed 918 residential units is less than the 960 units previously found to be within the maximum limits set forth in the General Plan by the Planning Commission in 2007. To reconcile the specific boundaries of different land use designations on the Land Use Diagram to better reflect the specific locations of the proposed land uses on the Project site and the site's actual topography, the Project includes a General Plan amendment that will amend the boundaries of different land use designations. As such, the Project conforms with the General Plan to same extent as the 2006 Oak Knoll Plan. The proposed VTTM is consistent with the General Plan and the Land Use Diagram.

The Project also is consistent with the Redevelopment Plan for the Oak Knoll Redevelopment Project. The Redevelopment Plan "does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of any area within the [Redevelopment Plan] Area." (Redevelopment Plan, § 100.) Instead, the Redevelopment Plan states that it provides a framework for implementation of goals and policies. It also states that residential, commercial, and recreational uses may be developed on the Project site consistent with the General Plan and subject to the zoning, as those regulations may be amended from time to time. (Id., §§ 402–407.) The City has determined that the Project is consistent with that General Plan. The City is now also adopting zoning to implement the



Project. Because the Redevelopment Plan permits uses consistent with the General Plan and zoning, the Project is consistent with the Redevelopment Plan.

The SEIR evaluated the Project's impact on land use and planning and found that the Project would not conflict with any applicable land use plan, policy, or the regulation of an agency with jurisdiction over the Project (including, but not limited to the General Plan, Planning Code, and Municipal Code) adopted for the purpose of avoiding or mitigating an environmental effect.

**2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.**

As detailed above, the proposed VTTM effectuates the development of the Project as described in the Oak Knoll PDP by allowing for the phasing and financing of the Project. As stated above, the SEIR evaluated the Project's impact on land use and planning and found that the Project would not conflict with any applicable land use plan, policy, or the regulation of an agency with jurisdiction over the Project (including, but not limited to the General Plan, Planning Code, and Municipal Code) adopted for the purpose of avoiding or mitigating an environmental effect. Although not required for consistency purposes, the Project would amend the General Plan Land Use Diagram to refine the borders between the site's land use designations to reflect the proposed Project and the site's actual topography. Accordingly, the design and improvement of the proposed subdivision established by the proposed VTTM is consistent with the Oakland General Plan. With this amendment, the Project also is consistent with the Redevelopment Plan, which permits development consistent with the General Plan.

**3. The site is physically suitable for the type of development.**

The Project site is located within the Reuse/Intensify/Transition Land Use Strategy Diagram under the Oakland General Plan. The City has anticipated the redevelopment of the NMCO property with a mixed residential and commercial project that includes parks and open space since the hospital closed in 1996. The Project is consistent with the redevelopment envisioned by the City for the Project site.

Overall, the types of development as reflected in the proposed VTTM respond to and are suitable for the physical features of the site. The Project site has varied terrain and features, including remnants of past Navy activity as well as hilly terrain with oak, eucalyptus, Monterey pine, and riparian and annual grassland habitats. Three ridge and hillside areas distinguish the site: 1) a broad ridge situated between Mountain Boulevard and Rifle Range Creek (which includes a prominent knoll at the northwest corner of the site); 2) a narrow ridge situated near the southern property line (which includes a second prominent knoll); and 3) a prominent ridge near the Project site's eastern property line. In general, topography on the Project site is downsloping toward the west, from the Eastern Ridge. Elevations onsite range from a low of approximately 222 feet where Rifle Range Creek discharges from the site at Mountain Boulevard, to a high of about 665 feet on the Eastern Ridge. Most of the topography on the site has been altered by previous grading and slopes as steep as 1:1 (horizontal:vertical) have been created.

The development of the various aspects of the Project is designed to respond to the general topography and existing natural features of the site. The Project permanently protects Rifle Range Creek and its riparian corridor and the steepest portions of the site from development. The 72,000 square feet of neighborhood commercial in the Village Center is proposed to be located in the lower lying areas of the Project site towards the entrance on Mountain Boulevard, in close proximity to the I-580 freeway. Further, the density of the proposed residential units varies based on topography, with the least dense, largest lots in the steeper areas and the denser clusters of residential units on flatter terrain. The Project

includes development of residential units in an area referred to as the “Upland neighborhood.” In this specific area, the Project would incorporate corrective grading to eliminate unstable slopes and grading necessary to meeting acceptable roadway grades, and to create individual flat pad lots for the proposed home sites. With respect to the development of residential units proposed at the upper Eastern ridgeline near Keller Avenue, the Project would provide custom home designs that seek to minimize grading along the length of the ridge, and better relate to the existing grade of the hill and to minimize loss of mature native trees. The landscaping plan for this area would visually buffer new homes using more vegetation than required by the City’s landscaping requirements.

With specific reference to the relocation of Club Knoll, the proposed VTTM includes a new parcel (“Parcel H”) of 2.8 acres in size, which would be created for the purposes of accommodating the relocated Club Knoll. This 2.8-acre lot is sufficiently sized and dimensioned to accommodate the building in a manner that retains its historic character-defining elements. It also is graded to allow the preservation of Club Knoll’s facades, which are designed to correspond to a hillside setting.

**4. The site is physically suitable for the proposed density of development:**

The Project site is sufficiently sized and physically suitable to accommodate the proposed density of the Project. As stated above, the Project site is located within the Reuse/Intensify/Transition Land Use Strategy Diagram under the Oakland General Plan. The City has anticipated the redevelopment of the Oak Knoll Naval Hospital property with a mixed residential and commercial project that includes parks and open space since the hospital closed in 1996. The Project is consistent with the redevelopment envisioned by the City for the Project site, and the density/intensity of the Project is within the maximum limits established by the General Plan.

The LUTE Land Use Diagram designates approximately 91 acres of the Project site as Hillside Residential, which has a maximum allowable density of 5 units per gross acre, enabling development of approximately 455 residential units. The Project proposes less than 455 hillside residential units. Further, the LUTE Land Use Diagram also designates approximately 36.4 acres of the Oak Knoll property as Community Commercial, which has a maximum allowable density of as much as 125 units per gross acre, or a calculated density of approximately 167 units per net acre (using an average net-to-gross ratio of 75%). The 2006 Plan proposed 544 residential units on properties designated Community Commercial at a net density of only 19.9 dwelling units per acre, well below the maximum residential density limits under the Community Commercial General Plan land use designation. As stated above, the current 2016 Project continues to include residential, commercial and open space/resource conservation land uses and facility types, of a similar nature and density as was previously found to conform to the General Plan LUTE Land Use Diagram. The amended Land Use Diagram will even better match the proposed land use densities and open space areas across the Project site, and as such, the Project will be consistent with the Land Use Diagram as amended.

**5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The Project site is comprised primarily of the former decommissioned Naval Medical Center; it also includes the adjacent, undeveloped Hardenstine parcel, City-owned parcels and EBMUD parcels. Because the majority of the Project site was previously developed with a large medical facility, which has since been demolished, utility infrastructure, roadways, and parking areas that supported the former NMCO facilities remain onsite.

The SEIR evaluated the impact of the Project on biological resources and concluded that the Project, in combination with other past, present, existing, approved, pending, and reasonably foreseeable future projects within and around the Project area, would not have a considerable contribution to any cumulative impacts related to biological resources. Further, in regards to project-specific impacts to biological resources, the SEIR concluded that the Project would not result in any significant and unavoidable impacts to biological resources. The SEIR concluded that potential impacts to biological resources from development of the Project would be mitigated to a less-than-significant level through implementation of mitigation measures and SCAs. The Project would conform to all mitigation measures and SCAs in the SEIR, as well as other applicable federal, state, and local laws regarding protection of the environment and species' habitats.

The Project would improve the environmental integrity of the Project site and protect wildlife habitat through the restoration of approximately 17 acres of existing, degraded creek environment and riparian area associated with Rifle Range Creek. The creek restoration and enhancement is detailed in the proposed Oak Knoll Creek Restoration Plan, which is subject to review and approval by state and federal permitting agencies. As stated in the Creek Restoration Plan, Rifle Range Creek, a tributary of Arroyo Viejo Creek, flows from north to south through the central portion of the Project site, and is one of the most prominent natural features of the Project site. Currently, the northern portion of this creek lies within a pipe under abandoned parking areas and roads. The southern portion includes open creek bed and riparian vegetation, and areas that are deeply eroded with an incised creek bed and unstable banks. The Project would restore/preserve the riparian areas along Rifle Range Creek and one of the Creek's tributaries, Hospital Creek. The Project also would realign and stabilize approximately 200 linear feet of the highly incised reach of Powerhouse Creek to maintain flow function and stability. In addition, approximately 188 linear feet of Rifle Range Creek would be realigned to accommodate a new bridge crossing. Riparian habitat would be created and/or restored along the realigned segments of Powerhouse and Rifle Range Creeks. Another 34 linear feet of Rifle Range Creek would remain permanently impacted by the rebuilding of a culvert inlet and the placement of rock for erosion control at the locations of stormwater outfalls.

The Project would also provide significant preservation of natural areas through the creation of open space and parks that is intended to reflect the site's natural and indigenous character. Specifically, the Project will incorporate approximately 7.6 acres of public parks, 39 acres of undisturbed open space, 22.5 acres of revegetated slope banks, and 17 acres of restored creek corridor. Overall, the Project includes approximately 78.5 acres of permanent open space.

**6. The design of the subdivision or type of improvements is not likely to cause serious public health problems.**

The Project incorporates design and development elements that promote public health.

The Project supports public health through incorporation of design elements, including the Oak Knoll Neighborhood Complete Streets Guide, which is tailored for the Project (as provided in Draft SEIR, Appendix F) and is reflected in the proposed VTTM. The Complete Streets network includes a network of trails, walkways, and bicycle pathways that would connect with the proposed streets and roadways within the Project site to create a safe circulation system. The Complete Streets network provides safe, convenient and comfortable travel and access for users of all ages and abilities regardless of their mode of transportation. Complete streets are designed, implemented and operated to also provide health benefits and improve economic and environmental outcomes within communities, and make it easier to access

transit, bicycle to work or shopping, walk with children to parks and schools, and allow motorists to move safely and conveniently to their destination.

The SEIR (Section 4.2, *Air Quality*) evaluated the Project's impact on public health, and concluded that ROG emissions, mainly from vehicle trips associated with the Project during Project operations, would have a significant and unavoidable impact on air quality, which can impact public health. As the SEIR stated, the Project's ROG emissions (a precursor for ozone) are low enough that their regional impact on ambient ozone levels would not be detectable in the regional air quality models that are currently used to determine ozone levels. Emissions would need to be approximately an order of magnitude greater to determine the Project specific health impacts. Thus, in this case, it is infeasible to directly correlate Project emissions ROG with specific health impacts from ozone. High ozone levels can cause or increase the severity of asthma and other respiratory ailments.

In compliance with the City's SCAs, the Project would implement a TDM Program to reduce trips by 20%, as well as a Greenhouse Gas Reduction Plan. The Project also would comply with the City's Green Building Ordinance and Title 24, and would use low and super-compliance VOC architectural coatings and promote the use of green consumer products. These measures would reduce ROG emissions, but not below the level of significance. The City has authority to override this impact because the other benefits offered by the Project, including adding much needed housing, rehabilitating Club Knoll, and restoring and enhancing Rifle Range Creek, outweigh the significant and unavoidable impacts. Moreover, the Project's contribution to health risks associated with high ozone levels would be relatively small and would not cause substantial, avoidable serious public health problems.

In addition, the Project promotes public health by safely remediating existing hazardous materials under a California's Land Reuse and Revitalization Act (CLRRRA) Agreement with the Department of Toxic Substances Control (DTSC). Under the CLRRRA Agreement, residual hazardous materials from naval use of the site would be evaluated and properly cleaned and/or disposed under the oversight of DTSC.

- 7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction).**

The Project's VTTM will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, as the VTTM provides for public dedications of certain rights-of-way for street and utility purposes and public utility easements, as appropriate. The VTTM includes development of Creekside Parkway, a major project thoroughfare that connects the project gateways, Mountain Boulevard to Keller Avenue, providing site access and connectivity to Project neighborhood and community amenities. The Project will connect each lot to public road access through incorporation of six local neighborhood streets (Creekside Loop, Creekside Village Primary, Creekside Village Secondary, Uplands Primary, Uplands Secondary, Uplands North), which will connect residential areas internally and externally. Furthermore, open space areas will be publicly accessible through a conservation easement or restrictive covenant or other similar, recorded land use restriction.

- 8. The design of the subdivision provides to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

As reflected in the VTTM, the design and organization of the Project site provide for passive or natural heating or cooling opportunities. The Project is planned as a walkable system of neighborhoods anchored by a community scale retail village, neighborhood parks, and natural and accessible open space. The neighborhoods are woven together through an extensive system of trails and carefully designed streets as described in the Neighborhood Complete Streets Guide tailored for the Project (as provided in Draft SEIR, Appendix F). The local climate at the Project is characterized by temperate weather and is considered one of California's finest for habitation as well as horticulture. Because of this, the Project is organized around the outdoors and integration with the landscape. All residences will have operable windows, which allow for passive cooling. In addition to the architectural features of the homes that provide links to the outdoors (porches, stoops, verandas, courtyards, decks, etc.), the abundance of trees and plants produces a vibrant natural setting, and provide for passive and natural cooling opportunities.

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## OAKLAND MUNICIPAL CODE

### Section 13.16.200 – Creek Protection

**A. Will the proposed activity (during construction and after project is complete) (directly or indirectly) cause a substantial adverse impact on the creek?**

As explained in more detail under Findings A.1 through A.5, the Project would not cause a permanent substantial adverse impact on Rifle Range Creek (Creek) or Powerhouse and Hospital Creeks, its onsite tributaries, (Tributaries) after construction of the Project. Construction would cause temporary adverse impacts, but these impacts would occur for the purpose of enhancing and restoring the Creek and Tributaries, and for the purpose of this finding are not considered a substantial adverse impact.

*Overview:* The Project is designed to enhance the natural flow of water in the Creek and its Tributaries on the Project site by removing culverts and stabilizing and enhancing the creek channels. Under current conditions, four culverted road crossings have the potential to impede high flows in the Creek. These crossings would be removed and replaced with two free-span structures (one vehicle bridge and one pedestrian bridge) that do not impede flows. In addition, the Project would “daylight” over 600 linear feet of the Creek that is currently culverted under an existing parking lot. The culverted section would be replaced by an open channel designed to accommodate the natural flow of water through the Project site.

The Project also would improve and enhance the riparian habitat and correct current slope instability issues in both Rifle Range Creek and the Tributaries. The Tributaries are short lengths of channel that convey water from culvert outfalls to the Creek. Erosive flows from the outfalls have caused significant erosion, resulting in unstable channels with steep, eroding banks. The Power House Creek tributary will be realigned and stabilized to create a stable channel configuration, and both Tributary outfalls will be modified to dissipate erosive flows, improve stability, and reduce erosion.

For these reasons, the Project would have a beneficial impact on the Creek and would not cause permanent substantial adverse impact on the Creek.

**1. Will the proposed activity discharge a substantial amount of pollutants into the creek?**

The proposed Project would not discharge a substantial amount of pollutants into the Creek or Tributaries. The following sections describe the measures the Project would take during construction and

operations to prevent the discharge of a substantial amounts of pollutants into the Creek or Tributaries.

*Construction.* The Creek and Tributaries would be protected from substantial discharge of pollutants (including soil) during construction by the following measures that are required by law or by City standard conditions of approval or mitigation measures:

- a. Water Control Plan. A dewatering and flow bypass system is required during construction for creek restoration projects. The Project will follow a water control plan that specifies methods and locations for water diversion as well as other guidelines related to managing creek flows during construction to prevent the substantial discharge of pollutants.
- b. Storm Water Pollution Prevention Plan (SWPPP). A project will follow the requirements of its Storm Water Pollution Prevention Plan (SWPPP), which limit and control impacts to the creek from erosion and sedimentation during construction. Under its plan, the Project must:
  - Minimize Disturbed Areas: Limit clearing and grubbing activities to those that will be under construction.
  - Stabilize Disturbed Areas: Provide temporary stabilization of disturbed areas and active construction zones. Provide long-term/ permanent stabilization elements.
  - Protect Slopes and the Creek Channel: Convey runoff from top of slope, dissipate any water diverted within the Project and returned to the active channel.
  - Control Perimeter of the Project Site. Contractor must provide all necessary construction fencing, silt fences and other measures to control and protect the site.
  - Erosion Control. Contractor employees and workers on the site will follow particular requirements to protect the creek, including specified construction access areas; material loading and unloading areas and segregation of construction materials; site maintenance and 'good 'house-keeping' requirements, including cleaning up and controlling all debris and deleterious materials at the end of each working day; and follow contingency plans for cleanup of accidental spills, wet/ inclement weather, etc.

*Operations.* The Project site plan provides separation between developed areas and the restored Creek corridor. The restored Creek corridor, including Tributaries, will be defined by an open space parcel that is a minimum of 100 feet wide, with a minimum of 50 feet between the creek flow line and the boundary of the parcel. Furthermore, the Design Guidelines for the Project require planting on the development parcels to increase infiltration and reduce pollutants from entering the Creek and Tributaries. In the central part of the site, the Creek corridor is up to 250 feet wide and includes an existing oak woodland habitat that will be preserved adjacent to the Creek. Buildings and paved areas will be set back a minimum of 15 feet from the Creek parcel boundary throughout the site, including the Tributaries. On the north side of the Creek, Creekside Parkway parallels the open space parcel and provides a continuous buffer between the Creek corridor and developed areas to the northwest, which protects the Creek.

The Project includes a Preliminary Storm Drainage Master Plan (Storm Drain Plan) that includes stormwater management facilities that will treat, retain and convey runoff from the Project. The Storm Drain Plan describes long-term, post-construction strategies to treat stormwater runoff consistent with the City of Oakland's NPDES stormwater discharge permit C.3 regulatory requirements. The storm drainage

system will include street curb and gutter systems, ditches, underground storm drain lines, stormwater treatment facilities and multiple outfalls to Rifle Range Creek. In general, low impact development, stormwater Best Management Practices (BMPs) such as bio-retention areas and grass swales will intercept storm drainage flow before discharging to the Creek. Energy dissipaters will be installed at Creek outfalls, including the two Tributary outfalls, to slow the velocity of the outflow to maximize infiltration and minimize erosion. Where feasible, runoff from self-treating areas such as open spaces and landscape areas will be intercepted to bypass treatment basins. These measures protect the Creek from receiving a substantial discharge of pollutants.

**2. Will the proposed activity result in substantial modifications to the natural flow of water in the creek?**

The Project would not result in substantial modifications to the natural flow of water in the Creek. The Project would enhance the natural flow of water in the Creek by removing culverts and stabilizing and enhancing the Creek by creating a stable channel configuration and revegetating with Creek corridor with native riparian vegetation. Under current conditions, four culverted road crossings have the potential to impede high flows in the Creek. These crossings will be removed and replaced with two free-span structures (one vehicle bridge and one pedestrian bridge) that will not impede flows. In addition, the Project will “daylight” over 600 linear feet of Creek that is currently culverted under an existing parking lot. The culverted section will be replaced by an open channel designed to accommodate the natural flow of water through the Project site. During construction, water will be temporarily diverted from the channel to facilitate culvert demolition and removal as well as Creek restoration construction activities. The Power House Creek tributary will be realigned and stabilized to create a stable channel configuration, and both Tributary outfalls will be modified to dissipate erosive flows, improve stability, and reduce erosion. Energy dissipaters will also be installed at all other creek outfalls to slow the velocity of the outflow and minimize erosion.

**3. Will the proposed activity deposit a substantial amount of new material into the creek or cause substantial bank erosion or instability?**

The same measures discussed under Finding A.1 that would prevent substantial amount of pollutants from flowing into the Creek also would prevent bank erosion and instability. Additional information about how the Project would prevent and correct bank erosion and instability is discussed below.

In the downstream-most segment, the channel is actively incising and numerous headcuts are now apparent in the channel profile. The Project would correct this condition. To stabilize the incising headcuts and support a stable channel gradient, the restoration design includes grade control structures to support the channel slope and prevent the upstream migration of headcuts. Two existing culverted road crossing would be removed (daylighted) in this segment of the Creek. Grade control structures will primarily located in areas where the steepness of existing culverts (to be removed) necessitates grade control to create a stable slope. To create a stable cross section and support revegetation with native plants, existing and daylighted banks would be graded to a stable slope. In addition, the Power House Creek tributary will be realigned and stabilized to create a stable channel configuration and support revegetation.

The central section of the Creek channel, including the lower portion Hospital Creek tributary, is already relatively stable due bedrock outcroppings that control the channel gradient, and these outcroppings would be preserved. The east bank of the central section also is well vegetated with oak woodland species that will be preserved; the oak woodlands prevent soil erosion. The Hospital Creek outfall will be

modified to dissipate erosive flows, improve stability, and reduce erosion in the upper part of the tributary channel.

Over 600 linear feet of Creek that is currently contained in a culvert beneath a former parking lot will be daylighted and the culverts and fill associated with the existing parking lot will be removed and replaced with a reconstructed open channel with a stable slope supported by grade control structures. The channel and banks will be planted with native species to prevent erosion.

The upstream segment of the Creek is lined with gabions that extend under the channel bed and up both sides of the lower banks. The gabions are failing in numerous locations, exposing and releasing rock from the gabion baskets and undermining the channel stability. Remaining gabions and associated riprap will be removed from the channel and the Project will stabilize and enhance the channel and banks through bank design and vegetation.

**4. Will the proposed activity result in substantial alteration of the capacity of the creek?**

The Project would not result in substantial alteration of the capacity of the Creek. The Project is designed to enhance the flow capacity of the creek by removing existing flow constraints such as culverted road crossings and incised, narrow channels. As noted above, four existing road crossings have the potential to impede high flows in the creek, since the flow capacity of the culverts is substantially smaller than that of the creek channel. The existing road crossings will be removed and replaced with segments of open channel designed to provide continuity in the flow capacity of the Creek and create a hydrologically-stable channel regime.

The Power House Creek tributary will be realigned and stabilized to create a stable channel configuration, and both Tributary outfalls will be modified to dissipate erosive flows, improve stability, and reduce erosion.

**5. Are there any other factors that would indicate that the proposed activity will adversely affect the creek?**

As discussed above, the Project would not have permanent adverse effects on the Creek and Tributaries and instead would restore and enhance the Creek and Tributaries.

**B. Will the proposed activity substantially adversely affect the riparian corridor, including riparian vegetation, animal wildlife or result in loss of wildlife habitat?**

The Project would not have a permanent substantial adverse effect on the riparian corridor or result in permanent loss of wildlife habitat, and instead would restore and enhance riparian habitat along the Creek and Tributaries. Specifically, the Project would restore 4,342 linear feet of Rifle Range Creek and its associated riparian habitat, significantly increasing its biological habitat value. In addition, limited restoration activities will occur along 201 linear feet of Powerhouse Creek and 299 linear feet of Hospital Creek, for a total of 4,536 linear feet of creek and riparian habitat restoration. Of the 4,342 linear feet of the Creek to be restored, the Project will replace approximately 1,000 feet of culverts with an open, restored Creek channel, which will result in the creation of a continuous riparian corridor through the site and provide a significant net increase in riparian habitat. Riparian habitat and the adjacent oak woodland currently encompass 8.14 acres of the Project Area. Post restoration, total riparian habitat will increase to 16.97 acres; an increase of 8.83 acres.



To accomplish the restoration and enhancement of the riparian corridor, the Project will have temporary impacts to existing riparian habitat, but these impacts will not result in a long-term substantial adverse effect. These temporal impacts would occur from restoration activities themselves, which would disturb approximately 4.7 acres of riparian habitat, including approximately 320 native trees and 114 non-native trees, and the corrective grading needed to stabilize the Creek and Tributary banks. To reduce the temporal impact associated with riparian vegetation removal, the completion of plant and irrigation installation would occur within one year of ground disturbance in each given reach of the restoration area. Within the restoration area, over 5,300 native trees and shrubs will be planted to enhance the existing corridor and provide riparian vegetation in the 1,000 feet of daylighted stream reach. In addition, a grove of mature coast live oak trees within the restoration area will be preserved.

Finally, the Project would comply with SEIR Mitigation Measure BIO-2, which requires restoration or preservation and/or enhancement of riparian habitat or oak woodland at a ratio of 2:1 (restored/preserved area:impacted area). Mitigation Measure BIO-2 offers two alternatives, either of which would provide the required 2:1 mitigation:

1. On Site Mitigation

- a. Planting replacement trees, and
- b. Establishing a restrictive covenant or similar instrument to protect existing riparian woodland habitat.

The Project sponsor shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) for riparian and oak woodland habitat restored under the Project. The HMMP would be subject to approval by the entity with jurisdiction over the restored areas (City of Oakland). The HMMP shall include a detailed description of restoration/enhancement/preservation actions proposed such as a planting plan, a weed control plan to prevent the spread of invasive and non-native species within restored areas, and erosion control measures to be installed around the restored area following mitigation planting in order to avoid or minimize sediment runoff into the adjacent creeks [Rifle and Tributaries adjacent to restoration planting areas]; restoration performance criteria for each restored area that establish success thresholds over a specific amount of time, as determined by regulatory agencies with jurisdiction of the affected areas; and proposed monitoring/maintenance program to evaluate the restoration performance.

or

- 2. Paying an in-lieu fee to a natural resource agency or non-profit organization that would use the fees to protect or enhance oak woodland habitat of the region.

If an in-lieu fee is used for mitigation, there must be a direct nexus between the amount of fees paid and mitigation required in terms of oak tree replacement and oak woodland preservation. The amount of the in-lieu fee shall be determined either by calculating the value of the land with oak woodland habitat proposed for removal, or by some other calculation developed by a qualified biologist in collaboration with the City of Oakland. This alternate calculation shall reflect differences in the quality of habitat proposed for removal and may consider the cost of comparable habitat (fee title or easement) in nearby areas.

**C. Will the proposed activity substantially degrade the visual quality and natural appearance**

**of the riparian corridor?**

The proposed Project would not permanently substantially degrade the visual quality and natural appearance of the riparian corridor, and instead would restore and enhance the riparian corridor's visual quality and natural appearance. The proposed Creek improvements would correct previous large-scale impacts to the Creek from offsite land use changes, alterations by the United States Navy ("Navy") prior to closure of the Navy Medical Center Oakland (NMCO), and the invasion of non-native plant species. The result of the restoration and enhancement activities would be an improved visual quality and natural appearance of the Creek within the Project site.

To improve and enhance riparian habitat value and appearance along the Creek and Tributaries, the Project would plant only native species, with the overall planting palette based on three zones corresponding to elevation of the creek bank. The three zones are: riparian floodplain zone, riparian upper bank, and riparian edge/buffer zone. The riparian floodplain zone is from one to three feet above Creek thalweg (line of lowest elevation) and would be planted with willow and alder, as well as blue elderberry and creek dogwood. The riparian upper bank zone is from three to ten feet above stream thalweg and would be planted with coast live oak, California buckeye, big-leaf maple, and willow, with understory plantings consisting of California blackberry, California rose, snowberry, and native grasses. The riparian edge/buffer zone is located greater than 10 feet above stream thalweg and would be planted with oaks and native shrubs that can tolerate drier conditions, and native grasses, and would fit with existing preserved native habitat and soil and slope conditions. These plantings would improve the natural appearance and visual quality of the Creek and Tributaries, particularly as compared to existing conditions.

Construction would temporarily disrupt the visual quality and existing appearance of the riparian corridor. To minimize the disruption, the Project, restoration plantings will be phased, with plant and irrigation installation occurring no later than one year after the initial ground disturbance within each given reach of the restoration area. Within the restoration areas, over 5,300 native trees and shrubs will be planted to enhance the existing corridor and provide riparian vegetation in the 1,000 feet of daylighted stream reach. In addition, a grove of mature coast live oak trees within the restoration area will be preserved.

**D. Is the proposed activity inconsistent with the intent and purposes of OMC Chapter 13.16?**

The Project is consistent with the intent and purposes of Oakland Municipal Code (OMC) Chapter 13.16. The intent of OMC Chapter 13.16 is "to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the federal Clean Water Act." (OMC § 13.16.020.)

The Project would protect and enhance the water quality of the Creek and Tributaries in the Project area consistent with the federal Clean Water Act. Many of the enhancement and protection mechanisms proposed as part of Project construction and operations are discussed above, particularly under Finding A.1. As discussed under Finding B, creek restoration would require temporary disturbance and permanent placement of fill within jurisdictional features, but would result in a net increase in jurisdictional other waters of the U.S. Restoration of the creek and riparian corridors would improve creek conditions and functions within the Project site. For example, daylighting culverted sections of Rifle Range Creek would improve creek function and habitat condition, and create contiguous creek reaches within the Project site.

The Project also would comply with all applicable laws, regulations, and standards created to protect and

enhance water quality, including the City's standard conditions of approval (SCA) pertaining to protection of water quality throughout construction and during Project operation, compliance with an approved Creek Protection Plan, Erosion and Sedimentation Control Plan for Construction, the State Construction General Permit requirements, the Project Drainage Plan, and Provision C.3 of the City's Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES).

The purpose of OMC Chapter 13.16 is to ensure the future health, safety, and general welfare of city citizens by:

- A. Eliminating non-storm-water discharges to the municipal separate storm sewer;
- B. Controlling the discharge to municipal separate storm sewers from spills, dumping or disposal of materials other than stormwater;
- C. Reducing pollutants in stormwater discharges to the maximum extent practicable;
- D. Safeguarding and preserving creeks and riparian corridors in a natural state;
- E. Preserving and enhancing creekside vegetation and wildlife;
- F. Preventing activities that would contribute significantly to flooding, erosion or sedimentation, or that would destroy riparian areas or would inhibit their restoration;
- G. Enhancing recreational and beneficial uses of creeks;
- H. Controlling erosion and sedimentation;
- I. Protecting drainage facilities; and
- J. Protecting the public health and safety, and public and private property.

(OMC § 13.16.020.)

The Project would comply with each of the purposes of OMC Chapter 13.16. Regarding Purpose A, the Project would include a storm drainage system designed to eliminate non-storm-water discharges to the municipal separate storm sewer. This system would include treatment areas that capture and treat surface flow before it discharges into the City's storm sewer system. Treatment areas would consist of grass swales and bio-treatment basins that remove contaminants (including trace metals commonly found in stormwater runoff from roads and sidewalks) and sedimentation from stormwater runoff. In addition, the Project would use low-impact development (LID) features that allow stormwater to permeate into the ground rather than into the City's storm sewer. LID features would include pervious areas that break up impervious areas, down spouts that drain to landscaped areas, permeable pavement and pavers, rain gardens, and tree wells.

Regarding Purposes B and C, the same features that eliminate non-stormwater discharges to the municipal separate storm sewer also act to control the discharge to the municipal separate storm sewer from spills and other non-storm-water materials and reduce pollutants in stormwater discharges to the maximum extent practicable.

Regarding Purposes D and E, the Project would not only preserve Rifle Range Creek and its onsite tributaries, including creekside vegetation and habitat value, but would restore and enhance them. Specific enhancement measures are discussed under Findings A, B, and C, above.

Regarding Purpose F, the Project would not contribute significantly to flooding, erosion or sedimentation,

or destroy riparian areas or inhibit their restoration. As for flooding, the Project would be constructed in a previously developed area and would result in a slight increase of impervious surfaces onsite (from 40 to 41 percent of the total area). The Project would include LID design features that increase the time that stormwater is detained onsite, allowing it greater opportunity to infiltrate into the ground before reaching the receiving creek and flowing offsite, which decreases peak flow rates for the 5-year, 10-year, 25-year, and 100-year storm events from existing conditions. In addition, the proposed restoration activities would not disrupt channel velocities, flow stability, adequate freeboard, and floodplain width and flows would continue to comply with FEMA criteria. According to the Hydrology Report, Creek Restoration Plan and Creek Protection Plan prepared for the Project (incorporated by reference), the Project would slightly decrease the water surface level in the Creek. Once the restoration activities are complete the risk of flooding would decrease both from the Project's LID design features and from creek restoration. Creek restoration which would replace existing restrictive road crossings with crossing that would allow a 100-year flow to be fully contained in the creek channel with adequate freeboard, and increase the width of the existing channel cross-section area and remove undersized culverts, thereby increasing the creek's flow capacity from existing conditions, which is beneficial as related to flood prevention.

The Project also would not contribute significantly to erosion or sedimentation, and would include bank stabilization and correction to decrease the potential for erosion and sedimentation from existing conditions. (See Finding A, above.) In addition, the Project would result in a net beneficial impact on riparian areas. (See Findings B and C, above.)

Regarding Purpose G, the Project would enhance the recreational and beneficial uses associated with the creek. First, the Project would give more people access to Rifle Range Creek by redeveloping a closed naval hospital site with commercial and residential uses. Second, the Project proposes trails open to the public that would run along Rifle Range Creek, providing a new place for creekside recreation, including hiking, walking, jogging, and bike riding. The Project also proposes a pedestrian bridge across Rifle Range Creek, giving pedestrians a closer view of the Creek than they could get from the Creek trail.

Regarding Purpose H, the Project includes multiple construction and operational features that would control erosion and sedimentation. (See Finding A.)

Regarding Purpose I, the features discussed above that eliminate non-stormwater discharges to the municipal separate storm sewer also protect existing drainage facilities.

Regarding Purpose J, the Project would have a net beneficial impact on Rifle Range Creek and its tributaries in the Project site by, for example, restoring and enhancing riparian habitat, correcting unstable and incised banks, removing restricting culverts, daylighting large sections of Rifle Range Creek, reducing flood flows, and installing LID features and bio-treatment areas. By protecting and restoring the creek, these activities indirectly improve public health and safety, and public and private property, by creating a new amenity in the City and preventing further degradation of the creek and its riparian habitat.

**E. Will the proposed activity substantially endanger public or private property?**

For the reasons stated under Finding D, the proposed activity will not endanger public or private property, but would instead protect it by removing unstable and incised bank conditions along Rifle Range Creek, Power House Creek and Hospital Creek and decreasing flood flows across the Project site.

**F. Will the proposed activity (directly or indirectly) substantially threaten the public's health or safety?**

For the reasons stated under Findings D and E, the Project would not threaten the public's health or safety.