

March 24, 2015

Title 17 PLANNING

Chapters:

Chapter 17.73 - CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

Chapter 17.101G - D-LM LAKE MERRITT STATION AREA DISTRICT ZONES REGULATIONS

Chapter 17.103 - SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE
CLASSIFICATIONS

Chapter 17.104 - GENERAL LIMITATIONS ON SIGNS

Chapter 17.108 - GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Chapter 17.110 - BUFFERING REGULATIONS

Chapter 17.116 - OFF-STREET PARKING AND LOADING REQUIREMENTS

Chapter 17.120 - PERFORMANCE STANDARDS

Chapter 17.128 - TELECOMMUNICATIONS REGULATIONS

Chapter 17.134 - CONDITIONAL USE PERMIT PROCEDURE

Chapter 17.135 - SPECIAL USE PERMIT REVIEW PROCEDURE FOR THE OS ZONE

Chapter 17.136 - DESIGN REVIEW PROCEDURE

Chapter 17.142 - MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS

Chapter 17.73 CIX, IG AND IO INDUSTRIAL ZONES REGULATIONS

Sections:

17.73.015 Required design review process.

17.73.020 Permitted and conditionally permitted activities and facilities.

17.73.015 Required design review process.

- A. In the CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones: Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility,

March 24, 2015

Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

B. In the CIX-1, CIX-2, IG, and IO Zones: Except for projects that are exempt from design review as set forth in Section 17.136.025, no Residential Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

CB. No facility located within one hundred fifty (150) feet of any Residential zone boundary and accommodating the following activities shall be constructed, established, or expanded in size unless plans for the proposal have been approved pursuant to the Regular Design Review procedure in Chapter 17.136.

1. Automobile and Other Light Vehicle Gas Station and Servicing Activity.
2. Automobile and Other Light Vehicle Repair and Cleaning Activity.
3. Freight/Truck Terminal.
4. Truck Yard.
5. Truck Weigh Stations.
6. Truck and Other Heavy Vehicle Sales, Rental, and Leasing.
7. Truck and Other Heavy Vehicle Service, Repair, and Refueling.

DG. Establishment of a work/live unit shall only be permitted upon determination that the proposal conforms to the regular design review criteria set forth in the Regular Design Review procedure in Chapter 17.136 and to all of the additional criteria set forth in Subsection 17.73.040.D.

17.73.020 Permitted and conditionally permitted activities and facilities.

The following table lists the permitted, conditionally permitted, and prohibited activities and facilities in the CIX, IG, and IO Zones. The descriptions of these uses are contained in Chapter 17.10.

"P" designates permitted activities and facilities in the corresponding zone.

"C" designates activities and facilities that are permitted only upon the granting of a conditional use permit (see Chapter 17.134) in the corresponding zone.

"L" designates activities and facilities subject to certain limitations listed at the bottom of the Table.

"—" designates activities and facilities that are prohibited in the corresponding zone.

March 24, 2015

Table 17.73.020: Permitted and Conditionally Permitted Activities and Facilities

Uses	Zones									Additional Regulations
	CIX-1A	CIX-1B	CIX-1C	CIX-1D	CIX-1	CIX-2	IG	IO	T	
<u>Accessory off-street parking serving prohibited activities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>17.116.075</u>
<u>Additional activities that are permitted or conditionally permitted in an adjacent zone, on lots near the boundary thereof</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>17.102.110</u>

Chapter 17.101G D-LM LAKE MERRITT STATION AREA DISTRICT ZONES REGULATIONS Sections:

17.101G.050 Property development standards.

17.101G.050 Property development standards.

A. Zone Specific Standards. Table 17.58.03 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.101G.03: Property Development Standards

Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
Design Regulations						
Ground floor commercial facade transparency	55%	65%	55%	55%	55%	5
Minimum height of the ground floor	15 ft	15 ft	15 ft	15 ft	15 ft	6
Minimum width of storefronts	15 ft	15 ft	15 ft	15 ft	15 ft	7

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Development Standards	Zones					Additional Regulations
	D-LM-1	D-LM-2	D-LM-3	D-LM-4	D-LM-5	
—Minimum depth of storefront bay	50 ft	50 ft	50 ft	50 ft	50 ft	7
Minimum separation between the grade and ground floor living space	2.5 ft	Not Applicable	Not Applicable	2.5 ft	Not Applicable	8

B. Height, Bulk, and Intensity Area Specific Standards. Table 17.101G.04 below prescribes height, bulk, and intensity standards associated with the height/bulk/intensity areas described in the Zoning Maps. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table.

Table 17.101G.04 Height, Density, Bulk, and Tower Regulations

Regulation	Height/Bulk/Intensity Area				Notes
	LM-45	LM-85	LM-175	LM-275	
Maximum Height					
Building base	45 <u>ft</u>	45 <u>ft</u>	45 <u>ft</u> ; 85 ft upon granting of CUP and additional findings in Note 2.a, b, c	45 <u>ft</u> ; 85 ft upon granting of CUP and additional findings in Note 2.a, b, c	1
Tower	—	85 <u>ft</u>	175 <u>ft</u>	275 <u>ft</u>	2
Exceptions Allowed With Conditional Use Permit (CUP)	Not applicable	5 bldgs. total (2 on east side and 3 on west side of Lake Merritt Channel) – LM-175 standards apply; 3 bldgs. total (1 on east side and 2 on west side of Lake Merritt Channel) – LM-275 standards apply	3 bldgs. total – LM-275 standards apply	Not applicable	2
Minimum Height					

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Regulation	Height/Bulk/Intensity Area				Notes
	LM-45	LM-85	LM-175	LM-275	
New principal buildings	25 <u>ft</u>	35 <u>ft</u>	35 <u>ft</u>	35 <u>ft</u>	3
Maximum Residential Density (Square Feet of Lot Area Required Per Unit)					
Dwelling unit	450	225	110	110	2, 4
Rooming unit	225	110	55	55	2, 4
Maximum Nonresidential Intensity (Floor Area Ratio)					
Maximum Nonresidential Floor Area Ratio (FAR)	2.5	5	8	12	2, 4
Tower Regulations					
Setback of Tower from building base	Not applicable	0 ft, for buildings not exceeding 85ft in height; 10 ft, along at least 50% of the perimeter length of base for buildings exceeding 85 ft in height	20 ft, along at least 50% of the perimeter length of base; 10 ft, along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2.a, b, c	20 ft, along at least 50% of the perimeter length of base; 10 ft, along at least 50% of the perimeter length of base upon granting of CUP and additional findings in Note 2.a, b, c	See additional CUP findings in Note 2 below
Maximum average per story lot coverage above building base	Not applicable	Not applicable to buildings 85 ft or less in height	65% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater	2, 5
Maximum tower elevation length	Not applicable	Not applicable to buildings 85 ft or less in height	150 ft	150 ft	2, 5
Maximum diagonal length	Not applicable	Not applicable to buildings 85 ft or less in height	180 ft	180 ft	2, 5
Minimum distance between towers on the same lot	Not applicable	Not applicable to buildings 85 ft or less in height	50 ft	50 ft	2

March 24, 2015

Notes:

1. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.

2. Exceptions to Height/Bulk/Intensity Area Standards. In Height/Bulk/Intensity Areas LM-85 and LM-175, a limited number of buildings, as prescribed above in Table 17.101G.04, may be allowed to utilize the same height/bulk/intensity standards that typically apply to either Height/Bulk/Intensity Area LM-175 or LM-275 upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

a. The proposal is consistent with the intent and desired land use character identified in the Lake Merritt Station Area Plan and its associated policies; ~~and~~

b. The proposal will promote implementation of the Lake Merritt Station Area Plan;

c. The proposal is consistent with the desired visual character described in the Lake Merritt Station Area Plan and Lake Merritt Station Area Design Guidelines, with consideration given to the existing character of the site and surrounding area; and.

d. —The following application process is followed:

i. Applications for any of the height/bulk/intensity exceptions shall be reviewed on a first come, first served basis.

ii. A project shall secure a position as one of the specified height/bulk/intensity exceptions following final Conditional Use Permit approval. Such Conditional Use Permits shall include a condition of approval that establishes a schedule for: submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and commencement of construction. The process for allowing extension of the timeline requirements, if any, shall be specified in the condition.

iii. Failure of a permittee to strictly comply with the schedule established by the Conditional Use Permit shall be grounds for revocation of the Conditional Use Permit pursuant to Chapter 17.134.

3. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030.

4. For mixed use projects in the Lake Merritt Station Area Plan District (D-LM) Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.

5. The maximum tower elevation length, diagonal length, and average per story lot coverage above the base may be increased by up to thirty percent (30%) upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to the following additional use permit criteria:

a. The proposal will result in a signature building within the neighborhood, City, or region based on qualities including, but not limited to, exterior visual quality, craftsmanship, detailing, and high quality and durable materials.

March 24, 2015

Chapter 17.103 SPECIAL REGULATIONS AND FINDINGS FOR CERTAIN USE CLASSIFICATIONS

Sections:

Article III - Commercial Activities

Article III Commercial Activities

17.103.030 Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities.

17.103.030 Fast-Food Restaurant, Convenience Market, and Alcoholic Beverage Sales Commercial Activities.

- A. Use Permit Criteria for Fast-Food Restaurants, Convenience Markets, and Establishments Selling Alcoholic Beverages. A conditional use permit for any conditionally permitted Fast-Food Restaurant, Convenience Market, or Alcoholic Beverage Sales Commercial Activity may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:
1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;
 2. That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;
 3. That the proposal will not interfere with the movement of people along an important pedestrian street;
 4. That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;
 5. That the design will avoid unduly large or obtrusive Signs, bleak unlandscaped parking areas, and an overall garish impression;
 6. That adequate litter receptacles will be provided where appropriate;
 7. That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m. The same criteria shall apply to all conditional use permits required by Subsection B. of this Section for sale of alcoholic beverages at full-service restaurants;

March 24, 2015

8. That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant—Guidelines for Development and Evaluation" (OCPD 100-18).

B. Special Restrictions on Establishments Selling Alcoholic Beverages.

1. No Alcoholic Beverage Sales Commercial Activity or sale of alcoholic beverages shall be located closer than one thousand (1,000) feet to any other Alcoholic Beverage Sales Commercial Activity measured between closest building walls, except:
 - a. On-sale retail licenses located in the Central District (defined for the purposes of this Chapter) only as within the boundaries of 1-980 and Brush street to the west; both sides of 27th Street to the north; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south); or
 - b. Off-sale retail licenses located in the Jack London district (defined for the purposes of this Chapter only as within the boundaries of Martin Luther King Jr. Way to the west, I-880 to the north; the Lake Merritt Channel to the east; and the Estuary to the south); or
 - c. If the activity is in conjunction with a Full-Service Restaurant Commercial Activity; or
 - d. Establishments with twenty-five (25) or more full time equivalent (FTE) employees or a total floor area of twelve thousand (12,000) square feet or more.
 - e. If the activity is in conjunction with the on-sale and/or off-sale of alcoholic beverages at an alcoholic beverage manufacturer:
 - i. For the purposes of this Chapter only, an "alcoholic beverage manufacturer" means a Custom or Light Manufacturing Activity producing alcoholic beverages as a principal activity, with a State of California Department of Alcoholic Beverage Control (ABC) license type that includes, but is not limited to, a Type 02 (Winegrower) or Type 23 (Small Beer Manufacturer). The ABC license type shall not consist solely of a bar or liquor store license type, such as a Type 48, 20, or 21. The on-sale and/or off-sale of alcoholic beverages at such an alcoholic beverage manufacturer are excluded from the definition of Alcoholic Beverage Sales Commercial Activities, as specified in Section 17.10.300.
 - ii. The sale of alcoholic beverages at an alcoholic beverage manufacturer is only permitted upon the granting of a Minor Conditional Use Permit, regardless of whether such Custom or Light Manufacturing Activity is otherwise allowed by right in the underlying zone (see Chapter 17.134 for the CUP procedure).
 - iii. Also, no additional CUP findings are required, regardless of whether such sale of alcoholic beverages at an alcoholic beverage manufacturer meets normally required separation requirements, and/or is located in an over-concentrated area.
2. Sale of alcoholic beverages in conjunction with a Full Service Restaurant Commercial Activity and located within any of the following restricted street areas applied to a depth of two hundred (200) feet on each side of the identified streets and portions of streets, as measured perpendicularly from the right-of-way line thereof: International Boulevard; Foothill Boulevard; MacArthur Boulevard and West MacArthur Boulevard;

March 24, 2015

that portion of San Pablo Avenue lying between Highway 1-980 and 1-580; that portion of Edes Avenue lying between Clara Street and Bergedo Drive, shall require a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134

3. In addition to the criteria prescribed elsewhere in the zoning regulations, a land use permit for an Alcoholic Beverage Sales Commercial Activity located within an Alcoholic Beverage Sales license overconcentrated area shall only be granted, and a finding of Public Convenience or Necessity made, if the proposal conforms to all of the following three (3) criteria:
 - a. That a community need for the project is clearly demonstrated. To demonstrate community need, the applicant shall document in writing, specifically how the project would serve an unmet or underserved need or population within the overall Oakland community or the community in which the project is located, and how the proposed project would enhance physical accessibility to needed goods or services that the project would provide, including, but not limited to alcohol; and
 - b. That the overall project will have a positive influence on the quality of life for the community in which it is located, providing economic benefits that outweigh anticipated negative impacts, and that will not result in a significant increase in calls for police service; and
 - c. That alcohol sales are customarily associated with, and are appropriate, incidental, and subordinate to, a principal activity on the lot.
4. In addition to the above criteria, projects outside of the Central District, the and Hegenberger Road Corridor, and the D-CO-2 and D-CO-3 Zones shall meet all of the following criteria to make a finding of Public Convenience or Necessity, with the exception of those projects that will result in twenty-five (25) or more full time equivalent (FTE) employees and will result in a total floor area of twelve thousand (12,000) square feet or more:
 - a. The proposed project is not within one thousand (1,000) feet of another alcohol outlet (not including Full Service Restaurant Commercial Activities), school, licensed day care center, public park or playground, churches, senior citizen facilities, and licensed alcohol or drug treatment facilities; and
 - b. Police department calls for service within the "beat" where the project is located do not exceed by twenty percent (20%), the average of calls for police service in police beats Citywide during the preceding one (1) calendar year.
5. See Chapter 17.156 for Deemed Approved Alcoholic Beverage Sale regulations.

C. Special Restrictions Applying to Fast-Food Restaurants.

1. No Fast-Food Restaurant Commercial Activity shall be located within a one thousand (1,000) foot radius of an existing or approved Fast-Food Restaurant, as measured from the center of the front property line of the proposed site, except in the Central District (defined for the purposes of this Chapter only as within the boundaries of 1-980 and Brush Street to the west; both sides of 27th Street to the North; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south), within the main building of Shopping Center Facilities, and in the D-CO-2 and D-CO-3 Zones. ~~CR-1 Regional Commercial Zone.~~

March 24, 2015

2. Fast-Food Restaurants with Drive-Through Facilities shall not be located within three hundred (300) feet of a lot line adjacent to the Hegenberger Road or Oakport Street right-of-way, or five hundred (500) feet of a public or private elementary school, park, or playground.
3. Access. Ingress and egress to Fast-Food Facilities shall be limited to commercial arterial streets rather than residential streets. No direct access shall be provided to adjacent residential streets which are less than thirty-two (32) feet in pavement width. Exceptions to either of the requirements may be obtained where the City Traffic Engineer determines that compliance would deteriorate local circulation or jeopardize the public safety. Any such determination shall be stated in writing and shall be supported with findings. Driveway locations and widths and entrances and exits to Fast-Food Facilities shall be subject to the approval of the City Traffic Engineer.
4. Trash and Litter. Disposable containers, wrappers and napkins utilized by Fast-Food Restaurants shall be imprinted with the restaurant name or logo.
5. Vacated/Abandoned Fast-Food Facilities. The project sponsor of a proposed Fast-Food Facility shall be required to obtain a performance bond, or other security acceptable to the City Attorney, to cover the cost of securing and maintaining the facility and site if it is abandoned or vacated within a prescribed high-risk period. As used in this code, the words "abandoned" or "vacated" shall mean a facility that has not been operational for a period of thirty (30) consecutive days, except where nonoperation is the result of maintenance or renovation activity pursuant to valid City permits. The defined period of coverage is four (4) years following the obtaining of an occupancy permit. The bond may be renewed annually, and proof of renewal shall be forwarded to the Director of City Planning. The bond amount shall be determined by the City's Risk Manager and shall be adequate to defray expenses associated with the requirements outlined below. Monitoring and enforcement of the requirements set forth in this Section shall be the responsibility of the Building Official, pursuant to Chapter 8.24 of the Oakland Municipal Code (O.M.C.) and those sections of the Oakland Building Code which are applicable. If a Fast-Food Facility has been vacated or abandoned for more than thirty (30) consecutive days, the project sponsor shall be required to comply with the following requirements, pursuant to the relevant cited City, County and State codes:
 - a. Enclose the property with a security fence and secure the facility;
 - b. Post signs indicating that vehicular parking and storage are prohibited on the site (10.16.070 O.T.C. and 22658 C.V.C.), and that violators will be cited, and vehicles towed at the owner's expense, and that it is unlawful to litter or dump waste on the site (Sections 374b.5 C.P.C. and 374b C.P.C.). All signs shall conform to the limitations on signs for the specific zone and shall be weatherproof and of appropriate size and standard design for the particular function;
 - c. Install and maintain security lighting as appropriate and required by the Oakland Police Department;
 - d. Keep the site free of handbills, posters and graffiti and clear of litter and debris pursuant to Section 8.38.160 of the O.M.C.;
 - e. Maintain existing landscaping and keep the site free of overgrown vegetation.

March 24, 2015

Chapter 17.104 GENERAL LIMITATIONS ON SIGNS

Sections:

- 17.104.020 General limitations on signs—RU-4 and RU-5 zones, and all Commercial and Industrial zones.
- 17.104.030 General limitations on signs—S-1, S-2, S-3, D-CO-1, and S-15 zones.
- 17.104.040 Limitations on Signs within one thousand (1,000) feet of rapid transit routes.
- 17.104.060 General Limitations on Advertising Signs.

17.104.020 General limitations on signs—RU-4 and RU-5 zones, and all Commercial and Industrial zones.

C. Maximum Height.

- 1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.
- 2. Freestanding Signs. The maximum height of any freestanding sign in the CC, M-20, M-30, M-40, CIX, IG, IO, and D-CE, D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6 Zones is twenty (20) feet. The maximum height in the RU-4 and RU-5 Zones and all other Commercial and Industrial zones is ten (10) feet.

D. Limitations on Signs within Required Minimum Yards.

- 1. No business, realty, or development sign shall be located within a required minimum yard.

E. Special Limitations Near Boundaries of Residential Zones, Except the RU-4 and RU-5 Zones. The following special limitations shall apply to the indicated signs within the specified distances from any boundary of a Residential zone, except the RU-4 and RU-5 Zones. For the purposes of this Subsection, a Sign shall be deemed to face a zone boundary if the angle between the face of its display surface and said boundary is less than ninety (90) degrees; and a sign shall be considered visible from a zone boundary if it may be seen from any point located along such boundary within the following indicated distances from the sign and at a height equal to or less than that of the sign.

- 1. Within twenty-five (25) feet from any boundary of a Residential zone, except the RU-4 and RU-5 Zones, no business sign shall face said boundary if it is visible therefrom.

F. Development Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial zones, the maximum aggregate area of display surface of all development signs on any one lot shall be either seventy-five (75) square feet or one (1) square foot for each two (2) feet of street line abutting the lot, whichever is greater. However, a greater area of display surface may be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

G. Realty Signs. In the RU-4 and RU-5 Zones and all Commercial and Industrial zones, the maximum aggregate area of display surface of all Realty Signs on any one lot shall

March 24, 2015

be one (1) square foot for each two (2) feet of street line abutting the lot; provided that such area shall not exceed twenty-five (25) square feet along any consecutive fifty (50) feet of street line; and farther provided that a sign with a display surface of twelve (12) square feet or less shall be permitted for each lot, or for each building or other rentable unit thereon.

- H. Signs Within One thousand (1,000) Feet of Rapid Transit Routes. Signs within one thousand (1,000) feet of the centerline of rapid transit routes shall be subject to the applicable limitations set forth in Sections 17.104.040 and 17.114.150.
- I. Permitted Projection Over Sidewalk. An awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building may project up to two-thirds (66.7%) of the distance from the lot line to the curb, but cannot extend more than seven (7) feet from the face of building or closer than two (2) feet to the curb. Any awning, canopy, marquee, or single sign that is attached perpendicularly to the face of a building shall provide eight (8) feet minimum clearance above a sidewalk for framed or rigid portions, and seven (7) feet minimum clearance for any unframed valance.

17.104.030 General limitations on signs—S-1, S-2, S-3, D-CO-1, and S-15 zones.

The following limitations shall apply to the specified signs in the S-1, S-2, S-3, D-CO-1, and S-15 Zones, and are in addition to the limitations, if any, prescribed for signs in the applicable individual zone regulations or development control maps:

- A. Design Review. No business, civic, or residential sign shall be constructed or established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136.
- B. Permitted Aggregate Sign Area. S-1, S-2, S-3, D-CO-1, and S-15 Zones. The maximum aggregate area of display surface of all business, civic, and residential signs on any one lot shall be one (1) square foot for each one foot of lot frontage in the case of an interior lot, or one-half (0.5) square feet for each one (1) foot of lot frontage in the case of a corner lot. The aggregate shall include only one (1) face of a double-faced sign. The total amount of aggregate sign area shall not exceed two hundred (200) square feet on any one property. Exceptions to the total amount of aggregate sign area normally allowed on any one property may be approved pursuant to the regulations in Subsection B.1. below.
 - 1. Exception to Aggregate Sign Area Limits. The following exceptions to the aggregate sign area limits may be approved:
 - a. In cases in which the maximum aggregate sign area for a property is already being utilized by a portion of the existing tenant spaces in a multi-tenant building or complex, twenty (20) square feet of sign area for each tenant space in the multi-tenant building or complex without existing signage on site is allowed if approved pursuant to the small project design review procedure in Chapter 17.136.
 - b. Signs conforming to a Master Sign Program approved pursuant to Section 17.104.070.
- C. Maximum Height.

March 24, 2015

1. Attached Signs. The maximum height of any sign that is attached to a building may not exceed the height of the building wall that it is attached to.
2. Freestanding Signs. The maximum height of any freestanding sign in the S-1, S-2, S-3, D-CO-1, and S-15 Zones is ten (10) feet.

17.104.040 Limitations on Signs within one thousand (1,000) feet of rapid transit routes.

The following limitations shall apply in all zones, within one thousand (1,000) feet of the centerline of every rapid transit route, after the date of official determination thereof and except where the route is underground. The distance shall be measured perpendicularly from said centerline, i.e., at right angles to said centerline. These provisions shall not prohibit a sign identifying an on-premises business or naming the product manufactured thereon, except to the extent of requiring design review approval.

- A. Design Review for Certain New or Altered Signs the Advertising Material of Which Is Primarily Viewable from the Transit Route.
 1. No sign the advertising material of which is or has become primarily viewable by the passengers on the transit route shall be constructed, established, reoriented, changed as to illumination, or otherwise altered or painted a new color unless plans for such Sign have been approved pursuant to the regular design review procedure in Chapter 17.136.
 2. The Director of City Planning shall determine which signs are or have become primarily viewable by the passengers on the transit route, subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.
- B. Removal of Nonconforming Existing Signs. See Section 17.114.150.

17.104.060 General Limitations on Advertising Signs.

Notwithstanding any provisions to the contrary contained within the Planning Code, advertising signs are not permitted in Oakland except (1) as otherwise provided for in this Code; or (2) pursuant to a franchise agreement or relocation agreement authorized by the Oakland City Council, which expressly allows advertising signs and then only under the terms and conditions of such agreements.

Chapter 17.108 GENERAL HEIGHT, YARD, AND COURT REGULATIONS

Sections:

- 17.108.020 Different maximum height in certain situations.
- 17.108.080 Minimum side yard opposite living room windows.
- 17.108.140 Fences, dense hedges, barrier, and similar freestanding walls.

March 24, 2015

17.108.020 Different maximum height in certain situations.

General Height for Civic Facilities with Increased Yards. On parcels in the RH, RD, RM, RU, CN, CC, CR, HBX, M-20, S-15, OS, D-CO, and D-CE Zones that have a height limit of less than seventy-five (75) feet, a facility accommodating or serving any Civic Activity may, notwithstanding the maximum height prescribed for facilities in general in the applicable individual zone regulations, have a height of up to seventy-five (75) feet upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 if the minimum depth or width, as the case may be, of each front, side, and rear yard, if any, otherwise required is increased for such facility by one (1) foot for each foot by which the facility exceeds the aforesaid maximum height. To the extent allowed by the conditional use permit, the greater height authorized by this Subsection may be exceeded by the projections allowed by Section 17.108.030.

17.108.080 Minimum side yard opposite living room windows.

On each lot containing Residential Facilities with a total of two (2) or more living units, except in the case of a One-Family Dwelling with Secondary Unit, a side yard with the minimum width prescribed hereinafter shall be provided opposite any legally required window of a living room in a Residential Facility wherever such window faces any interior side lot line of such lot, other than a lot line abutting an alley, path, or public park. The side yard prescribed by this Section is not required on other lots or in other situations. Such yard shall have a minimum width of eight (8) feet, plus two (2) feet for each story at or above the level of the aforesaid window; provided, however, that such side yard width shall not be required to exceed ten percent (10%) of the lot width in the RU-3, RU-4, RU-5, R-80, CN, CC, C-40, C-45, CBD, D-LM, D-CO, S-1, S-2, S-15, and D-KP Zones and fifteen percent (15%) of the lot width in all other zones, except that in no case shall such side yard width be less than five (5) feet. The side yard required by this Section shall be provided opposite the legally required window and opposite that portion of the wall containing such window, or of any extension of such wall on the same lot, for a distance of not less than eight (8) feet in both directions from the centerline of such legally required window, and at and above finished grade or the floor level of the lowest story containing such a window, whichever level is higher. Such yard shall be provided unobstructed except for the accessory structures or the other facilities allowed therein by Section 17.108.130.

17.108.140 Fences, dense hedges, barrier, and similar freestanding walls.

C. Commercial zones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones. The provisions of this Subsection apply to all properties located in all commercial zones and in the OS, S-1, S-2, S-3, D-CO-1, and S-15 Zones.

1. Height.

- a. The height of any fence, dense hedge, barrier or similar freestanding wall located within ten (10) feet of any abutting property located in a residential zone shall not exceed eight (8) feet. A fence higher than eight (8) feet but no more than ten (10) feet may only be permitted in these locations upon the granting of small project design review pursuant to the small project design review procedure in Chapter 17.136

March 24, 2015

- b. The maximum height of any fence, dense hedge, barrier, or similar freestanding wall elsewhere on a lot shall be ten (10) feet.
2. Restricted Materials. In any location visible from the adjacent public right-of-way, no barbed wire or razor wire shall be permitted as part of or attached to fences or walls, or attached to the exterior of any building or similar facility.
 - a. Exceptions. Fences enclosing the following activities shall be exempted from the above limitation on barbed wire and razor wire where the Director of City Planning determines that trespassing could present a public safety hazard and/or disruption of public utility, transportation, or communication services:
 - i. Public utility installations, including but not limited to electrical substations and gas substations.
 - ii. Rights-of-way and transit routes.

Chapter 17.110 BUFFERING REGULATIONS

Sections:

17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS zones.

17.110.030 General buffering requirements —Commercial and Industrial zones.

17.110.040 Special buffering requirements.

17.110.020 General buffering requirements—Residential and S-1, S-2, S-3, S-15, D-CO-1, and OS zones.

The following regulations shall apply in all residential zones and in the S-1, S-2, S-3, S-15, D-CO-1, and OS zones, and are in addition to the provisions set forth in Section 17.110.040:

17.110.030 General buffering requirements —Commercial and industrial zones.

- C. Restrictions on Storage, Repair, and Production in Certain Required Yards. See subsections H and K of Section 17.108.130.

17.110.040 Special buffering requirements.

- B. Screening of Open Parking, Loading, and Storage Areas in the CN, CR-1, M-20, D-CE-3, D-CO-1, and S-15 zones. In the CN, CR-1, M-20, D-CE-3, D-CO-1, and S-15 zones, open parking, loading, and storage areas shall be subject to the same screening and setback requirements as are set forth in subsections A and B of Section 17.110.020. Existing nonconforming storage areas in said zones shall be subject to the provisions of Section 17.114.140.

March 24, 2015

Chapter 17.116 OFF-STREET PARKING AND LOADING REQUIREMENTS

Sections:

Article I - General Provisions

Article II - Off-Street Parking Requirements

Article IV - Standards for Required Parking and Loading Facilities

Article I General Provisions

17.116.020 Effect on new and existing uses.

17.116.020 Effect on new and existing uses.

- D. Parking to be Provided for Existing Residential Facilities. When a conditional use permit is required by Section 17.102.300 for the alteration of, or addition to, an existing Residential Facility in order to create a total of five (5) or more bedrooms in any dwelling unit, the off-street parking requirement of Section 17.102.300C shall apply to the entire facility, including the existing facility and any alteration or addition.

Article II Off-Street Parking Requirements

17.116.060 Off-street parking—Residential Activities.

17.116.070 Off-street parking—Civic Activities.

17.116.080 Off-street parking—Commercial Activities.

17.116.090 Off-street parking—Industrial Activities.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

17.116.060 Off-street parking—Residential Activities.

- A. Permanent and Semi-Transient Residential Activities. Except as otherwise provided in Section 17.44.200, Chapter 17.94, Sections 17.102.300, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities and shall be developed and maintained pursuant to the provisions of Article IV of this chapter:

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Residential Facility Type	Zone	Requirement
Two-Family Dwelling _{7.2} Multifamily Dwelling.	RD-2, RM-1, RM-2 zones, except when combined with the S-12 zone.	One and one-half (1½) spaces for each dwelling unit, <u>except for the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), where the minimum parking requirement shall be only one (1) space for each dwelling unit.</u>
	CBD-P zone (when combined with the S-7 zone), except when combined with the S-12 zone.	No spaces required.
	S-15 and D-CO zones, except when combined with the S-12 zone.	One-half (½) space for each dwelling unit.
	D-BV-1 and D-BV-2 zones.	One-half (½) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to unbundling of parking and allowances for an in-lieu fee.
	D-BV-3, D-BV-4, and D-LM zones.	Three-quarters (¾) space for each dwelling unit. See Section 17.116.110 for further regulations, including but not limited to unbundling of parking and allowances for an in-lieu fee.
	Any other zone, except when combined with the S-12 zone.	One (1) space for each dwelling unit.
	Any zone combined with the S-12 zone.	See Section 17.94.040
Bed and Breakfast _{7.2}	<u>Any zone.</u>	<u>One (1) space for each two units plus the required parking for a One-Family dwelling in the underlying zone.</u>
	D-LM zones _{7.2}	Required parking for a One-Family dwelling in the underlying zone only.
	<u>Any other zone.</u>	<u>One (1) space for each two units plus the required parking for a One-Family dwelling in the underlying zone.</u>

March 24, 2015

17.116.070 Off-street parking—Civic Activities.

Except as otherwise provided in Sections 17.44.200, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Civic Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated numbers of employees or doctors, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. Essential Service. Limited Childcare.	S-15 and D-CO zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	—	No spaces required.
B. Community Assembly and Recreational Assembly: playgrounds and playing fields; concessions located in public parks; temporary nonprofit festivals.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	S-15 and D-CO zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
Private non-profit clubs and lodges.	S-15 and D-CO zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	—	No spaces required.
Churches and all other.	CBD-P zone (when combined with the S-7 zone).	—	No spaces required.
	C-45, CBD-P (except when combined with the S-7 zone), CBD-C, CBD-X, D-LM and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 20 seats or for each 150 square feet area where seats are not fixed, in principal meeting rooms.

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	CN zones	Total of 75 seats or 750 square feet of floor area where seats are not fixed, in principal meeting rooms.	One (1) space for each 15 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
	<u>S-15 and D-CO</u> zones.	—	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	Total of 75 seats, or 750 square feet of floor area where seats are not fixed in principal meeting rooms.	One (1) space for each 10 seats, or for each 100 square feet of floor area where seats are not fixed, in principal meeting rooms.
C. Community Education: high schools.	CBD-P, CBD-C, CBD-X, and D-LM zones.	-	No spaces required.
	<u>S-15 and D-CO</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each 10 students of planned capacity.
All others.	CBD-P, CBD-C, CBD-X, and D-LM zones.	-	No spaces required.
	<u>S-15 and D-CO</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees.

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
D. Nonassembly Cultural Administrative.	CBD-P, CBD-C, CBD-X, and D-LM zones	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
E. Health Care: hospitals.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	C-45, CBD-P (only if not combined with the S-7 zone), CBD-C, CBD-X, D-LM, and S-2 zones.	No minimum	One (1) space for each staff or regular visiting doctor.
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each four beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
Clinics.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15, <u>D-CO</u> , and D-LM zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	Three (3) spaces for each staff or regular visiting doctor plus one (1) space for each two other employees.
All other.	CBD-P zone (only when combined with the S-7 zone).	-	No spaces required.
	C-45, CBD-P (only when not combined with the S-7 zone), CBD-C, CBD-X, D-LM and S-2 zones.	No minimum.	One (1) space for each staff or regular visiting doctor.
	S-15 and <u>D-CO</u> zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each six beds, plus one space for each four employees other than doctors, plus one space for each staff or regular visiting doctor.
F. Utility and Vehicular.	CDB-P, CBD-C, CBD-X and D-LM zones.	-	No spaces required.
	C-45, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each vehicle used in connection with the activities.

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Civic Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	3,000 square feet of floor area.	One (1) space for each three employees plus one space for each vehicle used in connection with the activities.
G. Extensive Impact: colleges and universities.	CBD-P, CBD-C, CBD-X, and D-LM zones.	-	No spaces required.
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	One (1) space for each three employees plus one space for each six students of planned capacity.
All other.	CBD-P zone (only when combined with the S-7 zone)	-	No spaces required.
	S-15 and D-CO zones.	-	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040
	Any other zone.	No minimum.	A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040

17.116.080 Off-street parking—Commercial Activities.

Except as otherwise provided in Sections 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for the specified Commercial Activities when located in the indicated

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

zones and occupying facilities of the specified sizes, or having the indicated numbers of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter. (See illustration I-18.)

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
A. General Food Sales. Full Service Restaurant. Limited Service Restaurant and Cafe. Convenience Market. Alcoholic Beverage Sales.	C-55, CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required.
	C-45, C-51, S-2.	3,000 square feet of floor area.	One space for each 450 square feet of floor area.
	C-5, C-10, C-28, C-31, C-35.	3,000 square feet of floor area.	One space for each 300 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet.	One space for each 200 square feet of floor area.
B. Mechanical or Electronic Games. Medical Service. General Retail Sales, except when sales are primarily of bulky merchandise such as furniture or large appliances.	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required
	C-45 and S-2 zones.	1,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	CN zones.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
<p>Consumer Service.</p> <p>Consumer Cleaning and Repair Service, except when services consist primarily of repair or cleaning of large items such as furniture or carpets.</p> <p>General Wholesale Sales, whenever 50 percent or more of all sales on the lot are at retail.</p> <p>Undertaking Service.</p>	Any other zone.	3,000 square feet of floor area.	One (1) space for each 400 square feet of floor area.
<p>C. Consultative and Financial Service.</p> <p>Administrative.</p> <p>Business, Communication and Media Service.</p> <p>Broadcasting and Recording Services.</p> <p>Research Service.</p>	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,400 square feet of floor area.
	CN zones.	3,000 square feet of floor area.	One (1) space for each 900 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 600 square feet of floor area.
<p>D. General Wholesale Sales, whenever less than 50 percent of all sales on the lot are at retail.</p> <p>Building Material Sales.</p> <p>Automotive Sales and Service.</p> <p>Automobile and Other Light Vehicle Sales and</p>	S-15 and <u>D-CO-1</u> zones.	—	No spaces required.
	<u>D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6</u> zones.	<u>10,000 square feet of floor area.</u>	<u>A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040</u>
	C-45, CBD-P, CBD-C, CBD-X, D-LM, and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
Rental.	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area, or for each three (3) employees, whichever requires fewer spaces.
E. Group Assembly. Personal Instruction and Improvement Services.	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO-1</u> , and S-15 zones.	—	No spaces required.
	<u>D-CO-2, D-CO-3, D-CO-4, D-CO-5, and D-CO-6</u> zones.	<u>10,000 square feet of floor area.</u>	<u>A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040</u>
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 16 seats in indoor places of assembly with fixed seats, plus one space for each 160 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly area.
	CN zones.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one (1) space for each 80 square feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	Total of 75 seats in indoor places of assembly with fixed seats, or 750 square feet of floor area in dance halls or other indoor places of assembly without fixed seats, or 5,000 square feet of outdoor assembly areas.	One (1) space for each eight seats in indoor places of assembly with fixed seats, plus one space for each 80 feet of floor area in indoor places of assembly without fixed seats, plus a number of spaces to be prescribed by the Director of City Planning, pursuant to Section 17.116.040, for outdoor assembly areas.
F. Transient Habitation.	CBD-P (only when combined with the S-7 zone), <u>D-CO-1</u> , and S-15 zones.	—	No spaces required.
	<u>D-CO-2</u> , <u>D-CO-3</u> , <u>D-CO-4</u> , <u>D-CO-5</u> , and <u>D-CO-6</u> zones.	<u>No minimum.</u>	<u>A number of spaces to be prescribed by the Director of City Planning pursuant to Section 17.116.040</u>
	CBD-P, CBD-C, CBD-X, and D-BV zones.	No minimum.	One (1) space for each unit in a motel and one (1) space for each two units in a hotel.
	Any other zone.	No minimum.	One (1) space for each unit in a motel and three (3) spaces for each four units in a hotel.
G. General Retail Sales, whenever sales are primarily of bulky merchandise such as furniture or large appliances. Consumer Cleaning and Repair Service,	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
whenever services consist primarily of repair or cleaning of large items such as furniture or carpets. Animal care and Animal boarding.	Any other zone.	5,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
H. Automobile and Other Light Vehicle Gas Station and Servicing. Automotive and Other Light Vehicle Repair and Cleaning. Automotive Fee Parking.	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required.
	C-45 and S-2 zones.	10,000 square feet of floor area.	One (1) space for each 1,000 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	No minimum.	One (1) space for each 1,000 square feet of floor area.
I. Transport and Warehousing. Taxi and Light Fleet-based Service.	CBD-P, CBD-C, CBD-X, <u>D-CO</u> , and D-LM zones.	—	No spaces required.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing, or sales area.	One (1) space for each three employees.
J. Scrap Operation.	CBD-P, CBD-C, CBD-X, <u>D-CO</u> , and D-LM zones.	—	No spaces required.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

Commercial Activity	Zone	Minimum Total Size for Which Parking Required	Requirement
	Any other zone.	10,000 square feet of floor area and outdoor storage, processing or sales area.	One (1) space for each 2,000 square feet of floor area, or for each three employees, whichever requires more spaces; provided that in the case of Scrap Operation Commercial Activities whenever storage and sale, from the premises, or dismantling or other processing of used or waste materials which are not intended for reuse and their original form, when the foregoing are not a part of a manufacturing operation, occupy less than 50 percent (50%) of the floor and open area of the firm on a single lot, the parking requirement shall be as prescribed for the other activities engaged in by the same firm on the same lot.
K. Fast-Food Restaurant.	CBD-P, CBD-C, CBD-X, D-LM, <u>D-CO</u> , and S-15 zones.	—	No spaces required.
	C-45 zone.	10,000 square feet of floor area.	One (1) space for each 450 square feet of floor area.
	CN and S-2 zones.	2,000 square feet of floor area.	One (1) space for each 300 square feet of floor area.
	D-BV zones.	See Section 17.116.082.	See Section 17.116.082.
	Any other zone.	3,000 square feet of floor area.	One (1) space for each 200 square feet of floor area.

17.116.090 Off-street parking—Industrial Activities.

Except as otherwise provided in Sections 17.101.090, 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.040, the following amounts of off-street parking are required for all Industrial Activities when located in the indicated zones and occupying facilities of the specified sizes or having the indicated number of employees, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

March 24, 2015

Zone	Minimum Total Size for Which Parking Required	Requirement
CBD-P, CBD-C, CBD-X, <u>D-CO</u> , and S-15 zones.	—	No spaces required.
Any other zone.	10,000 square feet of floor area.	One (1) space for each 1,500 square feet of floor area or for each three (3) employees, whichever requires more spaces.

17.116.100 Off-street parking—Agricultural and Extractive Activities.

Except as otherwise provided in Sections 17.116.020, 17.116.030, and 17.116.110, and subject to the calculation rules set forth in Section 17.116.050, the following amounts of off-street parking are required for all Agricultural and Extractive Activities when located in the indicated zones and occupying facilities of the specified sizes, and shall be developed and maintained pursuant to the provisions of Article IV of this chapter: (See illustration I-18.)

Zone	Minimum Total Size for Which Parking Required	Requirement
CBD-P, CBD-C, CBD-X, <u>D-CO</u> , and D-LM zones.	-	No spaces required.
C-45; and S-2 zones.	10,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.
Any other zone.	5,000 square feet of floor area and outdoor sales or display area.	One (1) space for each 1,000 square feet of floor area and outdoor sales or display area.

Article IV Standards for Required Parking and Loading Facilities

17.116.170 Property on which parking and loading must be provided.

17.116.290 Special requirements applying in some zones.

17.116.170 Property on which parking and loading must be provided.

- A. Parking Spaces and Loading. Off-street parking spaces and loading berths required by the zoning regulations shall be located as set forth below for the specified activities except as otherwise provided in Section 17.116.290B. When a maximum distance from the lot

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

containing the activity served to another lot is prescribed, it shall be measured along a permanently accessible pedestrian route between a lot line of the former lot and the nearest boundary of the offsite parking or loading area.

Required Facility and Activity it Serves	Zone	Location
Parking spaces for any Residential Activity.	CN, C-45, CBD-R, CBD-P, CBD-C, CBD-X, <u>D-CO</u> , and D-LM zones.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Industrial	Any other zone.	On the same lot as the activity served, but for One- and Two-Family Residential Facilities on any lot with a street-to-setback gradient that exceeds twenty percent (20%), required parking stalls may be permitted to extend into the public right-of-way of an adjoining street subject to the following standards (see illustration I-20c):
		1. The required parking stalls shall be located perpendicular to and the edge of the curb, pavement, or sidewalk;
		2. The parking stalls shall be set back a minimum of five (5) feet from the edge of street pavement including any curbs or sidewalks; and
		3. The parking stalls extending into the street right-of-way shall not constitute more than fifty percent (50%) of the required residential parking.
Parking spaces for any Industrial Activity; Administrative or Utility and Vehicular Civic Activities; or Administrative, Research Service Commercial Activities.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within five hundred (500) feet and having at least one owner in common with the former lot.
Parking spaces for any activity not listed above.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on another lot located within three hundred (300) feet and having at least one owner in common with the former lot.
Loading berths for any activity.	Any zone.	On the same lot as the activity served; or, subject to the provisions of Section 17.116.180, on an abutting lot having at least one owner in common with the former lot, except that a jointly owned off-street loading facility for nonresidential activities in any zone, or for

March 24, 2015

Required Facility and Activity it Serves	Zone	Location
		Residential Activities in the <u>D-CO</u> , D-LM, CBD, CN, and C-45 zones, may, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134, and subject to the provisions of Section 17.116.180, be located on a lot which does not abut all the lots containing the activities served.

- B. Maneuvering Aisles and Driveways. Required maneuvering aisles and driveways shall be located as specified in subsection A of this section for required spaces or berths serving the same activity, except as follows:
1. A required driveway may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if it leads to parking spaces or loading berths on both lots.
 2. A required maneuvering aisle or portion thereof may, subject to the provisions of Section 17.116.180, straddle the lot line of abutting lots in separate ownership if there are on both sides of such aisle, or portion thereof, parking spaces or loading berths which are directly opposite each other.
- C. Upon the granting of a conditional use permit pursuant to the conditional use permit procedure, and subject to the provisions of Section 17.102.090 and Section 17.116.180, any required driveway or maneuvering aisle may be located entirely on another lot or lots in separate ownership.

17.116.290 Special requirements applying in some zones.

- A. Whenever required off-street parking or loading facilities are located where the applicable individual zone regulations or development control maps require a conditional use permit for parking or loading or prescribe other special controls thereon, such regulations shall be complied with in addition to the standards prescribed above for required parking and loading.
- B. In the S-15 and D-CO-1 zones:
1. Location of Parking. All off-street parking may be provided anywhere on the lot, or on a separate lot which is not in common ownership with the subject lot, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.
 2. Parking Serving Nonresidential Uses. Off-street parking serving nonresidential uses may only be permitted upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134.
 3. Ground Floor Parking and Loading. Off-street parking, loading, and driveway located within twenty (20) feet from all pedestrian walkways and plazas may only be permitted

March 24, 2015

upon the granting of a conditional use permit pursuant to the conditional use permit procedures in Chapter 17.134 and Section 17.100.100.

4. Provisions for Shared Parking. Off-street parking may be shared amongst daytime activities between the hours of business operation and between the hours of nighttime activities. The number of required parking spaces for daytime use may be transferable to required parking or nighttime use, provided that a long-term lease agreement or comparable binding agreement is provided, pursuant to Section 17.116.180.
5. Exceptions to Parking Requirement. The number of parking spaces provided may exceed the number required upon the granting of a conditional use permit pursuant to Section 17.100.100 and the conditional use permit procedure in Chapter 17.134.

C. In the RU-4, RU-5, CN, CC, CR, CBD, D-CO-1, or S-15 zones, the required number of parking spaces may be reduced by up to fifty percent (50%) upon the granting of a conditional use permit (see Chapter 17.134). The conditional use permit may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and the following criterion: The Planning Director has determined that there will not be a significant parking impact on the surrounding neighborhood through a combination of a parking demand management plan, transit availability, and other factors.

Chapter 17.120 PERFORMANCE STANDARDS

Sections:

17.120.050 Noise.

17.120.060 Vibration.

17.120.070 Smoke.

17.120.080 Particulate matter and air contaminants.

17.120.090 Odor.

17.120.110 Humidity, heat, cold, and glare.

17.120.120 Electrical disturbance.

17.120.050 Noise.

All activities shall be so operated that the noise level inherently and regularly generated by these activities across real property lines shall not exceed the applicable values indicated in subsection A, B, or C as modified where applicable by the adjustments indicated in subsection D or E. Further noise restrictions are outlined in Section 8.18.010 of the Oakland Municipal Code.

March 24, 2015

- A. Residential Zone Noise Level Standards. The maximum allowable noise levels received by any residential zone are described in Table 17.120.01.

Table 17.120.01 establishes the maximum allowable receiving noise levels:

TABLE 17.120.01

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, RESIDENTIAL AND CIVIC

Cumulative Number of Minutes in Either the Daytime or Night time One Hour Time Period	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
20	60	45
10	65	50
5	70	55
1	75	60
0	80	65

- B. Commercial Noise Level Standards. The maximum allowable noise levels received by any land use activity within any Commercial Zone (including the Housing and Business Mix (HBX) Zones, and the Central Estuary District D-CE-3 and D-CE-4 Zones) are described in Table 17.120.02.

17.120.060 Vibration.

All activities, except those located within the M-40 Zone, the D-CE-1, D-CE-2, D-CE-5, or D-CE-6 Zones, or in the D-CO, IG, M-30, or CIX Zones more than four hundred (400) feet from any Residential Zone boundary, shall be so operated as not to create a vibration which is perceptible without instruments by the average person at or beyond any lot line of the lot containing such activities. Ground vibration caused by motor vehicles, trains, and temporary construction or demolition work is exempted from this standard.

17.120.070 Smoke.

All Commercial and Industrial Activities located in a Residential Zone or in any HBX, D-CO, D-CE, CIX, or M Zone shall be so operated as not to emit visible smoke as dark as Ringelmann number 2 or its equivalent opacity for more than three minutes in any one-hour period, and visible smoke as dark as Ringelmann number 1 or its equivalent opacity for more than an additional seven minutes in any one-hour period. Darker or more opaque smoke is prohibited at any time.

March 24, 2015

17.120.080 Particulate matter and air contaminants.

All Commercial and Industrial Activities which are located in a Residential Zone or the M-20, S-3, CIX, HBX, D-CO, D-CE-3, or D-CE-4 Zones, or which are located in the D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, M-40, IG, or IO Zones within four hundred (400) feet of any boundary of a Residential Zone, shall be so operated as not to emit particulate matter or air contaminants which are readily detectable without instruments by the average person at or beyond any lot line of the lot containing such activities.

17.120.090 Odor.

When located in the zones specified below, all Commercial and Industrial Activities shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at the following point of determination described in Table 17.120.05. Table 17.120.05 establishes the maximum allowable receiving noise level standards.

Table 17.120.05: Points of Determination for Odor

Zone in Which Activities are Located	Point of Determination
Any Residential Zone, M-20, S-3, the HBX Zones, D-CE-3, D-CE-4, CIX-1, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zone.	At or beyond any lot line of the lot containing the activities.
D-CO, D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, M-40, CIX-2, IG or IO Zones if within four hundred (400) feet of any boundary of a Residential Zone.	At or beyond any boundary of a Residential Zone.

17.120.110 Humidity, heat, cold, and glare.

When located in the zones specified below, all Commercial and Industrial Activities shall be so operated as not to produce humidity, heat, cold, or glare which is perceptible without instruments by the average person at the points of determination described in Table 17.120.06. Table 17.120.06 establishes the maximum allowable receiving noise level standards.

Table 17.120.06: Points of Determination for Humidity, Heat, Cold and Glare

Zone in Which Activities are Located	Point of Determination
Any Residential Zone, M-20, S-3, HBX Zones, D-CE 3, D-CE-4, CIX-1, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zones.	At or beyond any lot line of the lot containing the activities.
D-CO, D-CE-1, D-CE-2, D-CE-5, D-CE-6, M-30, M-40, CIX-2, IG or IO Zones if within four hundred (400) feet of any boundary of a Residential Zone.	At or beyond any boundary of a Residential Zone.

March 24, 2015

17.120.120 Electrical disturbance.

All Commercial and Industrial Activities located in a Residential Zone or the M-20, S-3, HBX, D-CE-3, D-CE-4, CIX-1, CIX-1A, CIX-1B, CIX-1C, or CIX-1D Zone, or located in the D-CO, D-CE-1, D-CE-2, D-CE-5, D-CE-6, CIX-2, IG, M-30, or M-40 Zones and within four hundred (400) feet of any boundary of a Residential Zone, shall be so operated as not to cause electrical disturbance adversely affecting the operation of any equipment on any other lot.

Chapter 17.128 TELECOMMUNICATIONS REGULATIONS

Sections:

17.128.025 Restrictions on telecommunications facilities.

17.128.060 Mini Facilities.

17.128.080 Monopoles.

17.128.100 Regulations apply to parks and other similar open spaces.

17.128.110 Site location preferences.

17.128.025 Restrictions on telecommunications facilities.

- A. Any Telecommunications Facility shall not be permitted in, or within one hundred (100) feet of the boundary of, any residential zone, HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- B. Any Monopole Telecommunications Facilities shall not be permitted in, or within three hundred (300) feet of the boundary of, any residential zone, HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.
- C. Any Telecommunications Facility whose antennas and equipment are not fully concealed from view shall not be permitted within three hundred (300) feet of the boundary of residential zones RH-1 through RU-1 inclusive, any HBX Zone, or D-CE-3 or D-CE-4 Zone, except upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

17.128.060 Mini Facilities.

- C. Conditional Use Permit Criteria for Mini Facilities. In addition to the conditional use criteria listed in Chapter 17.134, the following specific additional criteria must be met before a conditional use permit can be granted:

March 24, 2015

1. The project must meet the special design review criteria listed in Subsection B of this section.
2. The proposed project must not disrupt the overall community character.
3. In the Residential RH, RD, RM, RU-1, or RU-2 Zones, HBX Zones, and in the D-CE-3 and D-CE-4 Zones, the project must not have any visual impact.

17.128.080 Monopoles.

A. General Development Standards for Monopoles.

1. Applicant and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the monopole unless specific technical or other constraints, subject to independent verification, at the applicant's expense, at the discretion of the City of Oakland Zoning Manager, prohibit said collocation. Applicant and other wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards. Construction of future facilities shall not interrupt or interfere with the continuous operation of applicant's facilities.
2. The equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained.
3. When a monopole is in a Residential zone or adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.
4. In all zones other than the D-CE-5, D-CE-6, IG, CIX-2, and IO Zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to forty-five (45) feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit Procedure).
5. In the D-CE-5, D-CE-6, CIX-2, and IO Zones, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may be increased from the otherwise required maximum height to eighty (80) feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the Conditional Use Permit Procedure).
6. In the IG Zone, the maximum height of Monopole Telecommunications Facilities and connecting appurtenances may reach a height of forty-five (45) feet. These facilities may reach a height of eighty (80) feet upon the granting of Regular Design Review approval (see Chapter 17.136 for the Design Review Procedure).
7. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the Federal Communications Commission.
8. Antennas may not extend more than fifteen (15) feet above their supporting structure.

March 24, 2015

17.128.100 Regulations apply to parks and other similar open spaces.

Telecommunications Facilities proposed in parks and other similar open spaces land shall be subject to the same regulations as set forth in the nearest Rresidential zone.

17.128.110 Site location preferences.

New wireless facilities shall generally be located on the following properties or facilities in order of preference:

- A. Co-located on an existing structure or facility with existing wireless antennas.
- B. City-owned properties or other public or quasi-public facilities.
- C. Existing commercial or industrial structures in non-Rresidential zones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- D. Existing commercial or industrial structures in Rresidential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- E. Other non-residential uses in Rresidential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.
- F. Residential uses in non-Rresidential zones (excluding all HBX Zones and the D-CE-3 and D-CE-4 Zones).
- G. Residential uses in Rresidential zones, HBX Zones, or the D-CE-3 or D-CE-4 Zones.

Facilities locating on an A, B or C ranked preference do not require a site alternatives analysis. Facilities proposing to locate on a D through G ranked preference, inclusive, must submit a site alternatives analysis as part of the required application materials. A site alternatives analysis shall, at a minimum, consist of:

- a. The identification of all A, B and C ranked preference sites within one thousand (1,000) feet of the proposed location. If more than three (3) sites in each preference order exist, the three such closest to the proposed location shall be required.
- b. Written evidence indicating why each such identified alternative can-not be used. Such evidence shall be in sufficient detail that independent verification, at the applicant's expense, could be obtained if required by the City of Oakland Zoning Manager. Evidence should indicate if the reason an alternative was rejected was technical (e.g. incorrect height, interference from existing RF sources, inability to cover required area) or for other concerns (e.g. refusal to lease, inability to provide utilities).

March 24, 2015

Chapter 17.134 CONDITIONAL USE PERMIT PROCEDURE

Sections:

17.134.020 Definition of major and minor conditional use permits.

17.134.020 Definition of major and minor conditional use permits.

A. Major Conditional Use Permit. A conditional use permit is considered a major conditional use permit if it involves any of the following:

1. Thresholds. Any project requiring a conditional use permit that meets any of the following size thresholds:
 - a. The actual project site (including only portions of the lot actually affected by the project) exceeds one (1) acre;
 - b. Nonresidential projects involving twenty-five thousand (25,000) square feet or more of floor area, except in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, S-15, D-CO, or D-LM Zones;
 - c. Residential projects requiring a conditional use permit for density resulting in a total number of living units as follows:
 - i. Three (3) or more dwelling units in the RM-2 Zone,
 - ii. Seven (7) or more dwelling units in the RM-3 or RM-4 Zone.
 - d. Residential projects requiring a conditional use permit to exceed the basic or permitted density which results in seven (7) or more living units in the RU or CBD-R Zone.
 - e. Large Scale Developments. Any development which is located in the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, S-15, D-CO, or D-LM Zone and results in more than one hundred thousand (100,000) square feet of new floor area.
 - f. Projects that request to be considered for an exception to standards in the D-LM Height/Bulk/Intensity Area standards.
2. Uses. Any project requiring a conditional use permit that involves any of the following activity or facility types except where the proposal involves only accessory parking, the resumption of a discontinued nonconforming activity, or an addition to an existing activity which does not increase the existing floor area by more than twenty percent (20%):
 - a. Activities:
 - i. Residential Care Residential,
 - ii. Service Enriched Housing Residential,
 - iii. Transitional Housing Residential,
 - iv. Emergency Shelter Residential,

ATTACHMENT C to Community and Economic Development Committee Agenda Report of

March 24, 2015

- v. Extensive Impact Civic,
 - vi. Fast-food Restaurant Commercial,
 - vii. Convenience Market Commercial,
 - viii. Alcoholic Beverage Sales Commercial or sale of alcoholic beverages at any full-service restaurant in a location described by Subsection 17.103.030.B,
 - ix. Heavy/High Impact Industrial,
 - x. Small Scale Transfer and Storage Hazardous Waste Management,
 - xi. Industrial Transfer/Storage Hazardous Waste Management,
 - xii. Mining and Quarrying Extractive,
 - xiii. Special Health Care Civic Activities.
- b. Facilities:
- i. Drive-Through,
 - ii. Advertising Sign, except when the facility meets the requirements of Section 17.11.090.
3. Special Situations. Any project requiring a conditional use permit that involves any of the following situations:
- a. A project requiring development of an Environmental Impact Report (EIR);
 - b. A single establishment containing a Commercial or Industrial Activity, or portion thereof, which is located in any Residential zone and occupies more than five thousand (5,000) square feet of floor area, except where the proposal involves only the resumption of a nonconforming activity;
 - c. Off-Street Parking Facilities in the C-40, CBD-P, CBD-C, CBD-X, S-2, and D-LM Zones serving fifty (50) or more vehicles;
 - d. Transient Habitation Commercial Activities in the C-40 and C-45 Zones;
 - e. Monopole Telecommunications Facilities in, or within three hundred (300) feet of the boundary of, any Residential or HBX Zone;
 - f. A project in the OS Zone listed as requiring a major conditional use permit in Chapter 17.11;
 - g. A electroplating activity as defined in Section 17.09.040 subject to the provisions of Section 17.102.340;
 - h. A Telecommunications Facility in or within one hundred (100) feet of the boundary of any Residential zone, HBX Zone, or the D-CE-3 or D-CE-4 Zone;
 - i. A Telecommunications Facility whose antennas and equipment are not fully concealed from view within three hundred (300) feet of the boundary of the RH, RD, RM, RU-1, or RU-2 Zones, HBX Zone, or the D-CE-3 or D-CE-4 Zone.
- B. Minor Conditional Use Permit. A minor conditional use permit is a conditional use permit which does not involve any of the purposes listed in Subsection A. of this section.

March 24, 2015

Chapter 17.136 DESIGN REVIEW PROCEDURE

Sections:

- 17.136.025 Exemptions from design review.
- 17.136.030 Small project design review.
- 17.136.038 Special project design review.
- 17.136.040 Regular design review.
- 17.136.075 Regulations for demolition or removal of CIX-1A zoned properties, designated historic properties, and potentially designated historic properties.
- 17.136.130 Limitation on resubmission—Small project design review and Special project design review.

17.136.025 Exemptions from design review.

- B. Definition. The following types of work are exempt from design review, pursuant to all provisions in Section 17.136.025(A):
 - 1. Additions or Alterations.
 - a. Projects not requiring a building permit, except if otherwise specified below;
 - b. Repair or replacement of existing building components in a manner that visually matches the existing or historical design of the structure;
 - c. After notice to the Director of City Planning, demolition or removal of either:
 - i) Structures declared to be unsafe by the Building Official or the City Council. "Unsafe structures" means structures found by the Building Official or the City Council, to require immediate issuance of a demolition permit to protect the public health and safety; or
 - ii) Structures declared to be a public nuisance by the Building Official or City Council that are not Designated Historic Properties or Potentially Designated Historic Properties.
 - d. Secondary Units of five hundred (500) square feet or less on a lot with only one existing or proposed primary dwelling unit, pursuant to all regulations in Section 17.103.080
 - e. Floor area additions within the existing building envelope not involving the creation of a dwelling unit;
 - f. Except as otherwise specified in Subsection B.1.g for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D West Oakland Plan Area CIX-Zones, cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal no more than ten percent (10%) of the total floor area or footprint on site;

March 24, 2015

- g. For Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D West Oakland Plan Area CIX Zones, cumulative additions over a three (3) year period that are outside the existing building envelope and equal no more than fifty percent (50%) of the total floor area or footprint on site or three thousand (3,000) square feet, whichever is less;
- h. For Commercial, Civic, or Industrial Facilities and the Non-residential Portions of Mixed-Use Development Projects, any addition or alteration on a roof that does not project above the existing parapet walls; and any addition or alteration not otherwise exempt which is used as a loading dock, recycling area, utility area, or similar open structure addition that is no higher than six (6) feet above finished grade, less than five hundred (500) square feet in floor area or footprint, and is visually screened from neighboring properties; such exemptions shall only be permitted where the proposal conforms with all Buffering regulations in Chapter 17.110 and all Performance Standards in Chapter 17.120;
- i. Areas of porch, deck or balcony with a surface that is less than thirty (30) inches above finished grade.

17.136.030 Small project design review.

- A. Applicability. "Small Project Design Review" shall apply to proposals that do not qualify for an exemption from design review as set forth in Section 17.136.025, or require Special Project Design Review as set forth in Section 17.136.038 or Regular Design Review as either determined by the Director of City Planning or as set forth in Section 17.136.040. "Small Project Design Review" proposals shall meet all of the following provisions:
 - 1. The proposal is limited to one or more of the types of work listed as a "Small Project" in Section 17.136.030(B);
 - 2. The proposal does not require a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 - 3. The proposal is determined exempt from the California Environmental Quality Act (CEQA); and
 - 4. The proposal will not have a significant effect on the property's character-defining elements. "Character-defining elements" are those features of design, materials, workmanship, setting, location, and association that identify a property as representative of its period and contribute to its visual distinction or historical significance.
- B. Definition of "Small Project". Small Projects are limited to one or more of the following types of work:
 - 1. Additions or Alterations.
 - a. Repair or replacement of existing building components in a manner that is compatible with, but not necessarily identical to, the property's existing or historical design;
 - b. Except as otherwise specified in Sections 17.136.025, 17.136.038, and 17.136.040, demolition or removal of structures not involving a Designated Historic Property or Potential Designated Historic Property, on a site where the zoning

March 24, 2015

regulations require design review to alter the exterior appearance of the applicable building facility, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080;

- c. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D West Oakland Plan Area CIX-Zones, cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and equal more than ten percent (10%) of the total floor area or footprint on site, but do not exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
 - d. Secondary Units of more than five hundred (500) square feet in floor area, but not exceeding nine hundred (900) square feet or fifty percent (50%) of the floor area of the primary dwelling unit, whichever is less, pursuant to all regulations in Section 17.103.080;
 - e. For commercial, civic, or industrial facilities and the non-residential portions of mixed-use development projects, changes to storefronts or street-fronting facades, such as: (i) replacement or construction of doors, windows; bulkheads and nonstructural wall infill, or (ii) restoration of documented historic fabric.
2. Fences, barriers, and similar freestanding walls.
- a. For Residential Zones and Residential Facilities, any fence, barrier, or similar freestanding wall exceeding forty-two (42) inches in height in the front yard and street-side yards, but not exceeding six (6) feet in height, pursuant to Section 17.108.140;
 - b. For Commercial Zones, Industrial Zones, and S-1, S-2, S-3, and S-15, and D-CO-1 Zones, any fence, barrier, or similar freestanding wall exceeding eight (8) feet in height within ten (10) feet of any abutting property in a Residential zone, but not exceeding ten (10) feet in height, pursuant to Section 17.108.140.

17.136.038 Special project design review.

- A. Applicability. "Special Project Design Review" shall apply to Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C and CIX-1D West Oakland Plan Area CIX-Zones that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for design review exemption as set forth in Section 17.136.025 or Small project design review as set forth in Section 17.136.030; or require Regular Design Review as either determined by the Director of City Planning or as set forth in Chapter 17.73.

"Special Project Design Review" proposals shall meet all of the following provisions:

1. The proposal is limited to one or more of the types of work listed as a "Special Project" in Section 17.136.038(B);
2. The proposal does not require a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
3. The proposal is determined exempt from the California Environmental Quality Act (CEQA). and

March 24, 2015

4. The proposal does not involve the demolition or removal of structures on a site in the CIX-1A Zone as specified in Section 17.136.075, regardless of whether the owner intends to create a surface parking lot or a vacant lot pursuant to Section 15.36.080.
- B. Definition of "Special Project". Special Projects are limited to one or more of the following types of work:
1. Cumulative additions to Non-residential Facilities in the D-CO-5, D-CO-6, West Oakland Plan Area CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones over a three (3) year period that are outside the existing building envelope and exceed three thousand (3,000) square feet or fifty percent (50%) of the total floor area or footprint on site, whichever is less;
 2. New construction of principal Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D Zones.
- D. Design Review Criteria—Special Project Design Review. A Special project design review approval shall be granted for proposals that conform with the adopted checklist criteria for Non-residential Facilities in the Coliseum Specific Plan Area D-CO-5 and D-CO-6 Zones or West Oakland Specific Plan Area CIX-1A, CIX-1B, CIX-1C and CIX-1D CIX-Zones, as may be amended, based on applicable design review guidelines or criteria which have been adopted by the Planning Commission or City Council as part of the Coliseum Area Specific Plan or the West Oakland Specific Plan.

17.136.040 Regular design review.

- A. Applicability. "Regular design review" shall apply to proposals that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but do not qualify for a design review exemption as set forth in Section 17.136.025, small project design review as set forth in Section 17.136.030, or special project design review as set forth in Section 17.136.038. Except as otherwise specified in Section 17.136.038 for Non-residential Facilities in the D-CO-5, D-CO-6, CIX-1A, CIX-1B, CIX-1C, and CIX-1D West Oakland Plan Area CIX-Zones, projects requiring regular design review include, but are not limited to, the following types of work:
1. Any proposal involving one or more of the facility, activity, building, structure, or development types that require design review pursuant to the zoning regulations of Title 17 of the Oakland Planning Code, but does not qualify for a design review exemption as set forth in Section 17.136.025, small project design review as set forth in Section 17.136.030, or special project design review as set forth in Section 17.136.038;
 2. Any construction, addition or alteration of structures requiring a conditional use permit or variance, pursuant to the zoning regulations of Title 17 of the Oakland Planning Code;
 3. New construction of one (1) or two (2) dwelling units, other than a secondary unit;
 4. New construction of three (3) or more dwelling units, or adding units to a property for a total of three (3) or more dwelling units on site;
 5. New construction of principal facilities in the HBX or D-CE Zones;

March 24, 2015

6. The creation of any new HBX work/live unit or HBX live/work unit (see Sections 17.65.160 and 17.65.170); ~~or the creation of any new D-CE work/live unit or D-CE live/work unit (see Sections 17.101E.070 and 17.101E.080);~~ or the creation of any new CIX, IG, or IO work/live unit (see Section 17.73.040). This requirement shall apply for both: a) conversions of existing facilities to contain either of these unit types, and b) the construction of new buildings that contain either of these unit types;
 7. Cumulative additions over a three (3) year period not involving the creation of a dwelling unit that are outside the existing building envelope and exceed one thousand (1,000) square feet or one hundred percent (100%) of the total floor area or footprint on site, whichever is less;
 8. Exceptions to the parking accommodation requirements for one- and two-family Residential Facilities in Section 17.116.075;
 9. New or modified Signs not qualifying for a design review exemption as set forth in Section 17.136.025 or small project design review as set forth in Section 17.136.030;
 10. Proposals for new or modified Telecommunications Facilities, pursuant to Chapter 17.128, but excluding those alterations to existing Telecommunications Facilities listed as a Small Project in Subsection 17.136.030.B.;
 11. Demolition or removal of any structure, or portion thereof, where the replacement project requires Regular Design Review, Conditional Use Permit or Variance;
 12. Demolition or removal of any ~~structure in the CIX-1A Zone, Designated Historic Property (DHP), or Potential Designated Historic Property (PDHP),~~ structure in the CIX-1A Zone pursuant to Section 17.136.075.
- D. Procedure for Consideration of Regular Design Review Proposals which Involve an Initial Decision by the City Planning Commission—Decisions Ultimately Appealable to City Council.
1. Decision by the City Planning Commission. The Director of City Planning may, at his or her discretion, refer an application for regular design review to the City Planning Commission for an initial decision rather than acting on it himself or herself. In this case, the application shall still be considered a minor permit, but shall be processed according to the procedure in this Subsection. In these instances, any other minor permits associated with the application shall be considered concurrently by the Planning Commission, pursuant to Section 17.130.090. However, if the project involves a major variance or major conditional use permit; requires an Environmental Impact Report (EIR); or results in twenty-five thousand (25,000) square feet or more of new nonresidential floor area and is located in any zone other than the R-80, CBD-R, CBD-P (when not combined with the S-7 Zone), CBD-C, CBD-X, S-2, D-LM, D-CO, or S-15 Zones, the Director of City Planning shall refer the application to the City Planning Commission for an initial decision rather than acting on it himself or herself.
 2. Notification Procedures. Notice shall be given by posting an enlarged notice at a location on the project site that is clearly visible from the street, alley, or private way providing access to the subject lot. Notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within three hundred (300) feet of the project site; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given

March 24, 2015

not less than seventeen (17) days prior to the date set for a hearing before the Commission. During the required noticing period, the planning department shall receive and consider comments from any interested party.

3. The Planning Commission may seek the advice of outside design professionals. While the hearing is open, any interested party must enter into the record any issues and/or oral, written, and/or documentary evidence to the Commission for its consideration; failure to do so will preclude the party from raising such issues and/or evidence during the appeal hearing and/or in court. The Commission shall determine whether the proposal conforms to the applicable design review criteria, and may approve or disapprove the proposal or require such changes therein or impose such reasonable conditions of approval as are in his or her or its judgment necessary to ensure conformity to said criteria.
4. Finality of Decision. The initial decision of the Planning Commission shall become final ten (10) days after the date of decision unless appealed to the City Council in accordance with Section 17.136.090. Any party seeking to appeal the determination will be limited to issues and/or evidence presented to the Commission prior to the close of the Commission's public hearing on the matter, in accordance with the above procedures. In the event that the last day of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal.

17.136.075 Regulations for demolition or removal of CIX-1A zoned properties, designated historic properties, and potentially designated historic properties.

- C. Regular Design Review Approval for the demolition or removal of any structure in the CIX-1A Zone, or an S-7 or S-20 Zone or Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and the following additional criteria:
 1. For the demolition of ~~structures Non-residential Facilities~~ in the ~~West Oakland Plan Area~~-CIX-1A Zone, or contributors to an S-7 or S-20 Zone or API:
 - a. The applicant demonstrates that: i) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generates such return, or ii) the applicant demonstrates that the structure constitutes a hazard and is economically infeasible to rehabilitate on its present site. For this criterion, a hazard constitutes a threat to health and safety that is not immediate; and
 - b. It is economically, functionally, architecturally, or structurally infeasible to incorporate the historic structure, or existing structure in the CIX-1A Zone, into the proposed development.
- D. Regular Design Review Approval for the demolition or removal of any structure rated "C" by the ~~by the~~ Oakland Cultural Heritage Survey or contributes to an Area of Secondary Importance (ASI) as determined by the Oakland Cultural Heritage Survey may be granted only if the proposal conforms to the general design review criteria, all other applicable design review criteria, and to either: 1., 2., or 3., below:

March 24, 2015

1. The design quality of the proposed replacement project is at least equal to that of the original structure and the proposed replacement project is compatible with the character of the neighborhood; or
2. The public benefits of the proposed replacement project outweigh the benefit of retaining the original structure and the proposed replacement project is compatible with the character of the neighborhood; or
3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

17.136.130 Limitation on resubmission—Small project design review and Special project design review.

Whenever an application for small project design review or special project design review has been denied by the Director of City Planning, no small project design review application or special project design review application for essentially the same proposal affecting the same property, or any portion thereof, shall be filed within one (1) year after the date of denial; provided, however, that such proposal may be resubmitted as an application for regular design review.

The limitation of this section on resubmitting an application for small project design review or special project design review shall not apply in instances where the applicant can show, on the face of any subsequent application, changed circumstances sufficient to justify reconsideration of denial of the original application for small project design review or special project design review. Applications pursuant to this section shall be considered by the Director of City Planning. A determination by the Director shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission. In event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Any such decision by the Planning Commission shall be final.

Chapter 17.142 MINI-LOT AND PLANNED UNIT DEVELOPMENT REGULATIONS

Sections:

Article III - Planned Unit Developments

Article III Planned Unit Developments

17.142.080 Zones in which bonuses may be granted.

March 24, 2015

17.142.080 Zones in which bonuses may be granted.

The bonuses set forth in Section 17.142.100 may, upon approval pursuant thereto and except as otherwise specified therein, be permitted for a planned unit development in any Residential or Commercial zone, or in the S-1, S-2, ~~or~~ S-15, or D-CO-1 Zones.

--

ATTACHMENT D. TO MARCH 24, 2015 CED REPORT

Oakland Planning Commission

February 4, 2015

Case File Numbers ZS13-103 / ER13-0004 / SP14001 / GP14002 / ZA14001

Page 1

4.

Location:

The Coliseum Area Specific Plan area ("Plan Area") is located in East Oakland and covers an area of approximately 800 acres bounded by 66th Avenue to the north, San Leandro Street on the east, Hegenberger Road on the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area includes the Oakland Alameda County Coliseum and Arena and the Oakland Airport Edgewater Business Park.

Proposal:

Conduct a public hearing to hear public comment and receive Planning Commission recommendations on the final Draft Coliseum Area Specific Plan, and associated General Plan and Planning Code amendments (text and map changes) along with Design Guidelines (collectively called "Related Actions"). A second Planning Commission hearing will be held on February 18, 2015 (and separately noticed) to consider certifying the Final Environmental Impact Report and recommending the City Council adopt the Coliseum Area Specific Plan.

Applicant:

City of Oakland

Case File Numbers:

ZS13103 / ER130004 / SP14001 / GP14002 / ZA14001

Planning Permits Required:

Zoning Study (ZS), Environmental Review (ER), Specific Plan (SP), General Plan Amendment (GP), and Zoning Amendment (ZA) related to the review of the Draft Coliseum Area Specific Plan, proposed General Plan Amendments, and proposed Planning Code amendments.

General Plan:

Land Use and Transportation Element (LUTE) Areas: Regional Commercial, Community Commercial, Business Mix; Estuary Policy Plan Areas: General Commercial 2, Light Industry 3, Parks

Zoning:

CR-1, IO, M-40, S-15, CIX-2

Environmental Determination:

An Environmental Impact Report (EIR) has been prepared for the Coliseum Area Specific Plan. The Draft EIR (DEIR) was published on August 22, 2014; the comment period ended October 6, 2014.

Historic Status:

CEQA historic resources currently identified in the Plan Area (resources that are on or may be eligible for National, California, or Local Registers of Historical Resources), include the Coliseum and Arena (individually rated A and B by the Oakland Cultural Heritage Survey and together constituting an Area of Primary Importance) and the Warehouse Union Local 6 building at 99 Hegenberger Road (PDHP, preliminary rating *c3, of potential future significance; now over 50 years old). Portions of the Project Area contain other older buildings and structures not currently evaluated as significant but of possible future interest.

Service Delivery District:

5, 6

City Council Districts:

7 (with CCD 6 representing 66th Avenue frontage of the Plan Area)

Actions to be Taken:

No decision at this hearing. The purpose of this meeting is to receive public and Planning Commission comments on the final Draft Coliseum Area Specific Plan, and on the proposed Planning Code and General Plan Amendments.

For Further Information:

Contact project planner Devan Reiff at 510-238-3550 or dreiff@oaklandnet.com
Project website: www.oaklandnet.com/coliseumcity

SUMMARY

Since 2012, the City has been working on preparation of the Draft Coliseum Area Specific Plan (Draft Specific Plan) — a new, forward-looking vision for the 800-acre area between 66th Avenue and Hegenberger Road, including the Oakland-Alameda County Coliseum complex, the Coliseum BART station and adjoining parking lots, the Oakland Airport Business Park, and environs. The Draft Specific Plan supports the City's efforts to retain Oakland's three major professional sports teams, and allow for significant new residential and commercial development near a major Bay Area transit node. The City of Oakland's Bureau of Planning prepared a Draft Environmental Impact Report (DEIR) on the Draft Specific Plan that evaluates its potential environmental impacts.

The City has released its Final Draft Coliseum Area Specific Plan (Final Draft Specific Plan), revised from its initial release in August 2014¹. In addition, the City prepared draft General Plan and Planning Code amendments (text and map changes), to accompany and implement the concepts and policies contained in the (Final Draft Specific Plan). These implementation regulations will help establish the future character of the Coliseum Plan Area, by providing detailed regulations on land use activities, along with guidance on the design of buildings, streets, and public spaces.

The Draft Coliseum Area Specific Plan was discussed at the October 1, 2014 Planning Commission. A summary of the proposed General Plan amendments and proposed new Zoning Code amendments can be found in Chapter 7 of the final Draft Specific Plan. On January 21, 2015, the Zoning Update Committee (ZUC) of the Planning Commission held a public hearing to discuss and hear public comment on the proposed new Zoning (see ZUC staff report, **Attachment A** to this report). For clarity, the proposed new zoning map and proposed draft Planning Code amendments are included in **Attachment B** to this report. The Draft Specific Plan and related actions can also be viewed online at: www.oaklandnet.com/coliseumcity, (under the section called 'Plans, Documents and Media'), and is available for review at the Oakland Public Library, Social Science and Documents, 125 14th Street, Oakland CA 94612 and at the City of Oakland Planning Department (250 Frank Ogawa Plaza, Suite 3315).

The purpose of this public meeting is to inform the Planning Commission and the public on the final draft Specific Plan, and hear comments on the proposed amendments to the Oakland General Plan, the Oakland Planning Code, and to the Zoning Maps. Staff will clarify that proposed City zoning changes will not supersede the Port of Oakland's Land Use Development Code (LUDC) in areas under the land use jurisdiction of the Port of Oakland (i.e. the majority of the Oakland Airport Business Park). A separate public hearing on February 18, 2015, is scheduled at the Planning Commission to hear public comments and consider certifying the Final Environmental Impact Report (FEIR), to be released on February 6, 2015, and recommending the City Council adopt the Coliseum Area Specific Plan.

PLAN BOUNDARY

The Coliseum Area Specific Plan Area (Plan Area) covers approximately 800 acres, and is generally bounded by 66th Avenue and East Creek Slough to the north, San Leandro Street and Hawley Street to the east, Hegenberger Road to the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area is divided for Specific Plan purposes into five Sub-Areas, A through E (see **Attachment C to this report**). For ease of comprehension:

- **Sub-Area A** applies to the current Coliseum/Arena site and Coliseum BART station area;

¹ The Final Draft Plan was provided to the Planning Commissioners under a separate distribution. Copies are available to the Public at the Bureau of Planning, 250 Frank Ogawa Plaza, Suite 3315, or on the City's webpage, www.oaklandnet.com/coliseumcity.

- **Sub Areas B, C & D** spans the Oakland Airport Business Park; and
- **Sub-Area E** contains the East Bay Municipal Utility District-owned and City of Oakland-owned lands between Damon Slough and East Creek Slough.

The term “Coliseum District”, as used in the Draft Specific Plan and in this report, describes a Plan focus area - which includes both the current Coliseum/Arena complex in Sub-Area A, and a portion of Subarea B on the west side of I-880 between Oakport Street and Edgewater Drive, from Damon Slough to Elmhurst Creek.

BACKGROUND

For over 15 years, the City’s General Plan has envisioned a transformed Coliseum Area. In 1998, the Land Use and Transportation Element (LUTE) of the Oakland General Plan identified the Coliseum Area as a “Showcase District.” The proposed Coliseum Area Specific Plan is intended to implement the following General Plan vision for the Coliseum Area from the General Plan LUTE:

The number of visitors that come to the Coliseum, its excellent transportation access and the availability of land nearby combine to offer a superb prospect for the area’s future as regional center of entertainment and commercial recreation. The General Plan envisions the Coliseum Complex at the center of a regional shopping, entertainment and recreation district....Linkages between the Coliseum and Airport and the Coliseum and Waterfront are critical to the future economic potential of this area, and a special plan is needed to guide development of the Coliseum showcase to maximize its potential.²

In 2011, the City issued a Request for Proposals (RFP), seeking a team of consultants and developers who could create a new vision for the Coliseum area. In March of 2012, the Oakland City Council entered into an Exclusive Negotiating Agreement (ENA) with a team of urban designers, architects and developers led by the Oakland-based firm of JRDV Urban International, with an environmental and planning team led by Lamphier-Gregory (also an Oakland-based company). In 2013, the City issued a Notice of Preparation (NOP) of a Draft EIR and held two scoping sessions, before the Landmarks Preservation Advisory Board and the Planning Commission.

In 2014, as administrative drafts of the Specific Plan and the CEQA analysis for the EIR were being prepared, the City held three public workshops to hear comments and make further refinements to the Draft Specific Plan. On August 22, 2014, the Draft Specific Plan and Draft EIR were released. On September 8, and on October 4, 2014, the City held public hearings before the Landmarks Preservation and Advisory Board, and the Planning Commission³. Also in the fall and winter of 2014, the City held three additional public workshops and staff attended community meetings to discuss and hear public comments on the Plan and EIR.

PROJECT DESCRIPTION

The Draft Coliseum Area Specific Plan is intended to provide both a short-term development plan for the accommodation of up to three new venues for the City’s professional sports teams, and a longer term, 20- to 25-year planning document providing a roadmap for land use policy, regulatory requirements and public and private investment that coordinates future development of new residential, retail, hospitality, office, and science and technology uses, to create significant long-term value for the City of Oakland and Alameda County. The Draft Specific Plan envisions a comprehensive transformation of what is currently

² LUTE, pages 44-45. (emphasis added).

³ A full list of public meetings and hearings, see Table 4 to this report, or on the City’s website, www.oaklandnet.com/coliseumcity.

one of the largest under-developed, inner-urban, transit-served redevelopment opportunities in California. The City sees implementation of the Draft Specific Plan as a critical opportunity to revitalize some of Oakland's most important physical assets, and transform these assets into an area that generates long-term economic growth for the City.

The Draft Specific Plan includes the following six goals to achieve this transformation:

1. Retain Oakland's existing professional sports teams, and maximize the economic value for Oakland and Alameda County from these sports facilities.
2. Create a regionally significant jobs and employment area that can expand Oakland's ability to attract new businesses and supports existing businesses, given the area's available land and its prime transit-oriented and airport-adjacent location. Participate in the Bay Area's dynamic "innovation economy", and attract new businesses and job opportunities to the surrounding East Oakland area.
3. Improve the area's existing investments in transit and transportation infrastructure; create a Transit Oriented Development (TOD) of new housing and commercial uses which advances regional and state growth policies; increase Oakland's ability to leverage its central position in the Bay Area, and capture a larger share of regional housing growth, job growth and economic investment.
4. Create a vibrant urban mixed-use district, attracting a significant community of residential and commercial uses. The Coliseum area will feature active streets and public spaces that provide an enhanced pedestrian experience, site security and innovative urban place-making.
5. Create enhanced open space, Bay access, and natural habitat opportunities that will restore natural habitat, and create public educational and Bay accessibility opportunities for Oakland and Bay Area residents.
6. Build upon and promote Oakland's recognized leadership and policies in protecting the urban environment, through the use of building techniques which require fewer natural resources, and create a place which is committed to sustainability.

The approximately 800-acre Plan Area is divided for Specific Plan purposes into five "Sub-Areas" (see **Attachment C**):

Sub-Area A

Sub-Area A is approximately 243 acres, and contains the Coliseum sports complex, surface parking, industry, and transportation infrastructure. The Coliseum sports complex is jointly owned by the City of Oakland and Alameda County; it consists primarily of the existing Arena venue for professional basketball and special events (Oracle Arena), and the Coliseum venue for professional football, baseball and special events (O.co Coliseum). Sub-Area A also includes City-owned land, additional private properties to the east along both sides of San Leandro Street, and the existing Coliseum BART Station and surface parking lot. The Draft Plan addresses Sub-Area A in a greater level of detail, being the most likely area for early phase of development.

Sub-Area B

Sub-Area B is approximately 127 acres, and contains the northerly portion of the Oakland Airport Business Park, freeway-oriented retail and office buildings along the Oakport Street frontage of I-880, and an aging, but well-maintained light industrial and office park district (Oakland Airport Business Park) along Edgewater Drive. The shoreline consists of the MLK Shoreline Park, which features a

vegetated pedestrian trail and bike path with views looking across San Leandro Bay, as well as property the City of Oakland leases from the Port of Oakland for the City's Public Works Corporation Yard.

Sub-Area C

Sub-Area C is approximately 189 acres in size and contains the eastern portion of the Oakland Airport Business Park. Currently, this Sub-Area contains 2.25 million square feet of building space, largely made up of an inter-related mix of light industrial, and office uses, as well as a Walmart store and adjacent retail shopping center off Hegenberger Road at Edgewater Drive. Sub-Area C continues the light industrial and office park district along Edgewater Drive and the shoreline park.

Sub-Area D

Sub-Area D is approximately 136 acres in size and includes the southern portion of the Oakland Airport Business Park nearest to the Oakland International Airport. It contains approximately 1.66 million square feet of building space, including large logistics and distribution businesses and activities, as well as light industrial, hotel, and retail and restaurant uses along Hegenberger Road. The western edge of Sub-Area D abuts, but does not include Arrowhead Marsh and the Martin Luther King Jr. Shoreline Park.

Sub-Area E

Sub-Area E is approximately 105 acres in size, and is located on the westerly or water-side of I-880, between Damon Slough and East Creek Slough. The uses consist of East Bay Municipal Utility District (EBMUD) facilities and corporation yard; City of Oakland Oak Port recreation fields for soccer and open space; and land leased to the East Bay Regional Parks District for MLK Shoreline Park trails.

A summary of the Draft Specific Plan build-out includes up to three new sports facilities totaling nearly 4.25 million square feet of building space for 47,000 new seats; an increase of up to 8 million square feet of Science & Technology, office, light industrial, logistics and retail space; and 5,750 new residential units, as shown in **Table 1**. The Draft Specific Plan buildout accommodates up to 14,000 structured parking spaces, and 4,000 surface parking spaces on the Coliseum site.

The Draft Specific Plan will also evaluate the feasibility of creating nearly 34 acres of new, publically accessible open space within Sub-Areas A and B, and additional acres of restored open space in Sub-Area E.

The Draft Specific Plan has been prepared with sufficient flexibility to allow for a number of alternative development scenarios, and the continued guidance of future development in the Plan Area even if one or more of the sports teams were to relocate out of the Coliseum Area. Therefore, the DEIR also studies the environmental effects of a two-team, a one-team, and a no-team project alternative.

A summary of the net change in land uses within the Plan Area is shown in the following **Table 1**.

Table 1: Net Change in Land Use at Plan Buildout (in square feet)						
Land Use Type:	Sub-Area A	Sub-Area B	Sub-Area C	Sub-Area D	Sub-Area E	Total
Total Acres	243	127	189	136	105	800
Stadium (seats)	72,000					72,000
Ballpark (seats)	39,000					39,000
Arena (seats)	20,000					20,000
Event-Based Retail	225,000					225,000
Retail	183,050	58,800	43,280	17,800		302,930
Auto Retail	(89,000)		29,000			(60,000)
Hotel	598,500					598,500
Office	(82,500)		98,970	68,000		84,470
Science and Tech.	1,500,130	2,817,570				4,317,700
S&T/ Off. /Light Industrial	-		3,101,520			3,101,520
Light Industrial	-	(676,800)	(21,300)			(845,700)
Logistics/ Distribution				286,710		286,710
Institutional	(7,750)		(8,000)			(15,750)
Government/ Utility ⁴	(62,400)	(15,800)				(78,200)
Total Square Feet	2,117,430	2,183,770	3,243,470	372,510		7,917,180
Residential Units	4,000*	1,750				5,750

*Includes 2,300 new residential units built on the current Coliseum BART parking lots.

The Draft Specific Plan provides separate development concepts for each of the Plan Sub-Areas, as described below. Each of these development concepts require further, more detailed planning and analysis, as well as investigation into financing strategies necessary for implementation. None of these Draft Specific Plan concepts currently represent a definitive end-state, or an obligation on the part of either the City or the sports franchises, but are instead a statement of the area's potential.

⁴ These figures do not include the Zhong Technologies building, which, as of September 2014, the Alameda County General Services Agency was in contract to purchase with the intention of centralizing some County offices.

Because of the complexity of the Draft Specific Plan's development program for the Plan Area's 800 acres, this report will focus on selected goals for both the "Coliseum District" (which consists of Subarea A [the site of the current Coliseum and Arena, and their surrounding surface parking lot] and a portion of Subarea B on the west side of I-880), and the Oakland Airport Business Park and environs.

A. Selected goals for the Coliseum District:

- **New Sports Venues:** Development of up to three (3) new multi-purpose sports/entertainment facilities that retain the City's professional sports teams in Oakland, provide attractions that bring people to the area, and facilitate the development of other uses nearby. This development program includes a proposed new National Football League (NFL) stadium for the Oakland Raiders; a new Major League Baseball (MLB) ballpark for the Oakland A's; and the potential for a new National Basketball Association (NBA) arena for the Golden State Warriors. Under a number of the Draft Specific Plan scenarios, the current Arena would remain as a multi-purpose event venue.
- **Housing:** Development of new housing: 2,300 units at the BART-adjacent Transit Oriented Development district (primarily the BART parking lots, and parcels on San Leandro Street); and up to 1,700 units in a proposed "ballpark village" near the sports facilities.
- **Pedestrian access:** proposed new elevated pedestrian concourse that would connect from the Coliseum BART station to the new sports/entertainment areas at the current Coliseum site. This elevated connector could potentially extend over I-880 and link BART to San Leandro Bay; and is envisioned to include a potential streetcar line that uses the elevated concourse to connect from BART to the Oakland Airport Business Park.
- **Open Space and Parks:** The Draft Plan proposes a total of 26.5 acres of open space within the Coliseum district, consisting of a proposed 2-acre "Grand Plaza" pedestrian streetscape; 10-acre pedestrian elevated concourse and linear open space; and 7- acres of open space and natural habitat improvement along Damon Slough near the Union Pacific/Amtrak railroad tracks and along 66th Avenue.

B. Selected goals for the Oakland Airport Business Park:

- **New office space:** Creation of a new Science and Technology District of regional significance that expands opportunities for companies in the tech economy to locate in Oakland, in up to 1.5 million square feet of new and renovated buildings.
- **New Arena:** The Draft Plan proposes a location for a new NBA arena for the Golden State Warriors, should the team decide to remain in Oakland and not move to San Francisco.
- **Potential New Residential district:** Development of a potential new mixed-use waterfront residential district between Edgewater Drive and the San Leandro Bay shoreline, bracketed by Damon Slough and Elmhurst Creek Slough, with up to 1,750 new residential units. This would be primarily on the location of the existing City of Oakland Corporation Yard, which is on leased land owned by the Port of Oakland.

CHANGES MADE TO FINAL SPECIFIC PLAN

During the City's public review process, following the August 22, 2014 release of the draft Coliseum Area Specific Plan, numerous suggestions to change or amend the Plan were made by the public, outside agencies, Planning Commissioners, community groups, and other interested parties. Staff has made some

of the suggested changes, and not others. This section of the report will highlight the following significant changes:

- Addition of new policies on Affordable Housing, local hiring, anti-displacement protections, community benefits, and community health (see pages 74-79).
- Edgewater Seasonal Wetland and "Bay Inlet"
- Revised policies to address the effects of sea level rise

New Policies added to the Plan

New policies Land Use and Employment Policies #40-48 were added to ensure a level of community benefit from the future development at the Coliseum:

- **LU Policy 3-40:** Encourage a mix of land uses and development that will provide job and career opportunities for local residents, with permanent, well-paying jobs (including short-term construction jobs) at the new sports facilities, at the new science and technology businesses, and in the future hotel and retail establishments.
- **LU Policy 3-41:** The City supports and encourages local hiring and training of Oakland residents, including residents from the adjacent East Oakland neighborhoods, for the new jobs envisioned in the Plan.
- **LU Policy 3-42:** Support local and/or targeted hiring for contracting and construction jobs, including pathways to apprenticeships for local residents during the buildout of the Plan (e.g. construction of new infrastructure, sports facilities, new residential and commercial buildings).
- **LU Policy 3-43:** Continue to support job training and readiness services through the Oakland Workforce Investment Board, by providing information about resources that are available, and encourage that these services are publicized in a manner that accessible to East Oakland residents, such as in an "East Oakland Training Center".
- **LU Policy 3-44:** Consider Project Labor Agreements (PLAs) for developments in the Plan which include City of Oakland subsidy.
- **LU Policy 3-45:** The Plan can support healthy recreation and the social lives of neighborhood youth of all ages, with the inclusion of a youth/ teen center, or other innovative spaces that could be programmed by local youth and providers in or near the Plan Area; also, by the improvement of existing recreation facilities.
- **LU Policy 3-46:** To accommodate the educational needs of children in the Plan Area and in the surrounding neighborhoods, allow for a new school or education facility in or near the Plan Area; also, support the improvement of existing neighborhood schools.
- **LU Policy 3-47:** Encourage future development of a full-service grocery store in, or near, the Plan area to meet the needs of East Oakland residents.
- **LU Policy 3-48:** Consider including a health center (such as a YMCA) in, or near, the Plan Area to support the health and fitness of the East Oakland community and new residents. Similarly, the Plan supports the inclusion of a new medical facility in, or near, the Plan Area.

New affordable housing policies were added to the Plan:

Coliseum Plan Area Affordable Housing Goals and Land Use Policies # 49-54:

- **LU Policy 3-49:** Encourage a diversity of housing types, including a mixture of both rental and ownership housing.
- **LU Policy 3-50:** Encourage the development housing that addresses the needs of a diverse population, including individuals and households of all ages, sizes and income levels.
- **LU Policy 3-51:** Encourage at least 15 percent of all new units built in the Plan Area be affordable to low- and moderate-income households in mixed income developments, as well as in developments that are 100 percent affordable housing units. According to the Coliseum Specific Plan EIR, the Plan Area is projected to add between 4,000 and 5,750 new housing units over the next 20-25 years; so of the total number of units, the affordable housing target will be 600 to 860 units.
- **LU Policy 3-52:** Encourage the development of family housing (i.e. units which are larger than two-bedrooms).
- **LU Policy 3-53:** Consider the creation of a land banking program for the Coliseum Plan Area, should funding become available, that would set aside money, or dedicate public land, for sites for affordable housing.
- **LU Policy 3-54:** Continue to explore, in coordination with affordable housing stakeholders, innovative and creative ways to support the production of new housing that is affordable to low- and moderate-income households within the Plan Area. In addition, the City of Oakland will advocate for increases to federal/state/local funding for affordable housing, to support affordable housing development and for new sources of funding at the federal/state/local level, including funding the completion of the City's nexus study and the consideration of a housing impact fee on new development.

New anti-displacement policies were added to the Plan:

- **LU Policy 3-55:** The City will use all existing housing programs to attempt to minimize secondary displacement in East Oakland, with programs such as: Housing rehabilitation programs; first-time home buyer programs; housing development programs to construct or rehabilitate affordable housing; programs to provide assistance to Oakland's homeless; and funds that assist non-profit service providers and housing developers to support Oakland residents in a variety of housing related activities.
- **LU Policy 3-56:** Continue and consider expanding Rent Adjustment outreach to tenants, enforcement of Rent Adjustment regulations regarding rent increases, and Just Cause eviction regulations.
- **LU Policy 3-57:** Ensure access to home improvement/blight reduction programs for existing small properties by exploring ways to preserve and expand funding to existing Residential Rehabilitation programs to provide funds for low- to moderate-income homebuyers.
- **LU Policy 3-58:** Review the Condominium Conversion Ordinance for possibilities to strengthen protections for renters, including a potential requirement for replacement rental units for conversions in buildings with 2-4 units.

- **LU Policy 3-59:** Strengthen local relocation policies to ensure that any resident displaced as a result of a no-fault eviction, including building closure due to uninhabitable conditions, or publicly funded development activity, receives just compensation and comprehensive relocation assistance.
- **LU Policy 3-60:** Continue to promote and fund the City's loan programs to assist with the rehabilitation of owner-occupied and rental housing for very low- and low-income households and assist senior citizen and disabled population with housing rehabilitation so that they may remain in their homes.
- **LU Policy 3-61:** Expand opportunities for homeownership by low- to moderate-income homebuyers by seeking expanded funding for the First-Time Homebuyers Mortgage Assistance program, "sweat equity" housing programs (e.g. Habitat for Humanity), and Limited Housing Equity Cooperatives.

Policies which have been revised to address sea level rise:

PI Policy 6-10:

- a. Design flood protection against a nearer-term potential 16-inch sea level rise above current Base Flood Elevation for mid-term planning and design (2050); and design gravity storm drain systems for 16 inches of sea level rise;
- b. Provide a mid-term adaptive approach for addressing sea level rise of greater than 18 inches, including incorporation of potential retreat space and setbacks for higher levels of shoreline protection, and design for livable/floodable areas along the shoreline in parks, walkways, and parking lots;
- c. Develop a long-term adaptive management strategy to protect against even greater levels of sea level rise of up to 66 inches, plus future storm surge scenarios and consideration of increased magnitude of precipitation events.

PI Policy 6-11: Include a suite of shoreline protection measures, protective setbacks and other adaptation strategies, to be incorporated into subsequent development projects. These could include:

- a. Building a shoreline protection system within Sub-Areas B, C and D to accommodate a mid-term rise in sea level of 16 inches, with development setbacks to allow for further adaptation for higher sea level rise, with space for future storm water lift stations near outfall structures into the Bay and Estuary.
- b. Considering incorporation of a seawall along the rail tracks, east of the new Stadium and/or Ballpark sites.
- c. Considering designing temporary floodways within parking lots, walkways and roadways.
- d. Constructing the storm drainage system to be gravity drained for sea level rise up to 16 inches, and pumped thereafter. Pumping should be secondary to protection.
- e. Requiring that all critical infrastructure sensitive to inundation be located above the 16-inch rise in base flood elevation.
- f. Designing buildings to withstand periodic inundation, and prohibiting below grade habitable space in inundation zones.

- g. Where feasible, constructing building pads and vital infrastructure at elevations 36- inches higher than the present day 100- year return period water level in the Bay, and add a 6- inch freeboard for finish floor elevations of buildings; and
- h. Considering construction of a protection system, such as a “living levee”, (similar to the design presented in the MTC Climate adaptation Study, 2014), along Damon Slough in Sub Area A, from its entry into the Plan Area at San Leandro Bay to its upstream confluence at Lion’s Creek.

PI Policy 6-12: Re-evaluate both Bay flooding and watershed flooding potential at key milestones in the Project’s design, to manage for changing sea level rise projections.

PI Policy 6-13: A sea level rise strategy for the Plan Area should be prepared as part of the City’s updates to the Energy and Climate Action Plan.

PI Policy 6-14: The City should carefully consider the long-term implications of new traditional development in waterfront areas, including the impacts to other Bay cities of additional levees, etc., which may be needed to protect waterfront development.

PI Policy 6-15: Throughout the City, new development should seek to provide retreat space around new waterfront development.

PI Policy 6-16: The City’s overall adaptive management strategies should be based on the latest sea level rise projections, with recommendations for regular re-analysis as climate science evolves; and done in coordination with BCDC’s Adapting to Rising Tides program.

Edgewater Seasonal Wetland and Bay Inlet proposals

The initial public review draft of the Coliseum Area Specific Plan included the conceptual proposals in Sub-Area B for development on the East Bay Regional Park’s 8- acre Edgewater Seasonal Wetland, in exchange for a swap of twice as much vacant land on the other side of Damon Slough, which could be converted to a wetland habitat, and function as does the Seasonal wetland. There was also a proposal in the draft Plan that a “Bay Inlet” would be made near Damon Slough, to allow bay waters to inundate land that could then be used as open space and new shoreline. Both of these concepts were studied in the EIR, and both require significant acquisition costs, regulatory permitting and additional environmental study to be realized. As such, the final Plan and proposed zoning for this Sub Area are effectively silent on both of these proposals. If they are pursued in the future, they will require additional CEQA review, beyond the Coliseum DEIR.

REGULATORY AND POLICY FRAMEWORK

Land Use and Transportation Element (LUTE)

The Oakland General Plan Land Use and Transportation Element (LUTE) identifies policies for utilizing Oakland’s land as change takes place and sets forth an action program to implement the land use policy through development controls and other strategies. The LUTE identifies five “Showcase Districts”, each representing a dynamic area of regional importance in the City Of Oakland targeted for continued growth. As noted previously, the Coliseum Plan Area falls within Oakland’s Coliseum Showcase District, envisioned as a regional center for entertainment and shopping.

Most of the Coliseum Plan Area currently falls within the Community Commercial, Regional Commercial and Business Mix General Plan land use designations (see map in **Attachment A**). As described in the General Plan LUTE, the Community Commercial land use designation is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the

City's major corridors and in shopping districts or centers. Smaller portions of the Plan Area are within the Estuary Policy Plan designations "Light Industry 3" and "Parks".

GENERAL PLAN – Proposed Amendments

To effectively implement this Specific Plan, amendments to both the City's current Land Use and Transportation Element (LUTE) and the Estuary Policy Plan (EPP) are recommended. One General Plan correction is also proposed. These General Plan amendments and corrections will help to better clarify the anticipated character and scale of future development, and will enable future development that is consistent with the Draft Plan to move forward in a timely and efficient manner. **Attachment A** shows the full map of proposed General Plan Amendments. **Table 2** lists the proposed General Plan Amendments.

Sub-Area A (Site of the Current Coliseum Sports Complex and BART Station)

For the expected development at Sub-Area A (the site of the current Coliseum), the City is proposing the following General Plan amendments and corrections to the LUTE:

- Amending the land use designation for the area along San Leandro Street, between the Coliseum BART station and the Union Pacific/Amtrak railroad tracks, from 66th to 76th Avenues, from "Regional Commercial" to "Community Commercial". The new "Community Commercial" land use designation will allow residential and/or commercial development more similar in character to that envisioned for the remainder of the Coliseum BART station TOD area to the east;
- Correcting the land use designation for the strip of railroad right of way in front of Lion Creek Crossings apartments, along the BART tracks, between 66th and 69th Avenues, from "General Industrial" to "Community Commercial". The purpose of this General Plan correction is to make this Union Pacific right of way area consistent with the General Plan designations for both the adjacent Lions Creek crossing development and the Coliseum BART station TOD area.
- Amending the land use designation for the two blocks on the east side of the Hegenberger overpass, at San Leandro Street, between 75th Avenue and Hawley Street. Proposed to be amended from "Business Mix" to "Community Commercial" to incentivize the private redevelopment of a two-block section of 75th Avenue which forms the gateway and a street entrance into the Coliseum BART parking lots.

These General Plan amendments and corrections are consistent with the Land Use and Transportation Element (LUTE) of the Oakland General Plan and its vision for the Coliseum/Airport transit-oriented development (TOD). They provide for mixed-use residential and commercial development in a pedestrian-oriented setting with structured parking, and aid in the transition between the surrounding single-family home neighborhoods and the regional attractions at the Coliseum District. The LUTE also calls for this transit-oriented development area to provide additional public space, to strengthen surrounding neighborhoods and to be compatible with adjoining housing, all of which could and would be achieved under these amendments.

The majority of Sub-Area A (the site of the current Coliseum) is already designated "Regional Commercial", and will not need a General Plan amendment to allow development under this Plan. Today, the Oakland Planning Code does not permit residential activities in the Regional Commercial- 1 (CR-1) zone, and creating new zoning which allows housing at the Coliseum site is proposed as part of the Specific Plan (see below).

Sub-Area B, C and D (Airport Business Park)

For the expected development within Sub-Area B, C and D, the City proposes several amendments to the General Plan Land Use Diagram (see also **Attachment A**). These amendments include:

- Amending the land use designation for the majority of Sub-Area B from “Business Mix” to “Regional Commercial”;
- Adding and adjusting the “Urban Park and Open Space” land use designation along the edges of Damon Slough, Elmhurst Creek, San Leandro Creek and the San Leandro Bay shoreline; and
- Amending the land use designations for the following list of properties, from “Business Mix” to “Regional Commercial”:
 - Properties fronting along Oakport Street, between Elmhurst Creek and Hegenberger Road;
 - Properties fronting along Pendleton Way (backing to the properties on the Hegenberger Road corridor); and
 - Properties fronting along a portion of Pardee Drive nearest to Hegenberger Road.

The “Regional Commercial” land use designation proposed for Sub-Area B is necessary to enable development of the proposed mixed-use waterfront residential development and the development of a new Arena as envisioned under the Draft Specific Plan, neither of which are permitted under the current “Business Mix” designation. The new Regional Commercial designation would be similar to the land use designation that currently exists across I-880 at the Coliseum District, better tying these two integrated development areas together.

The other “Regional Commercial” land use amendments are consistent with the General Plan LUTE’s overall planning direction for the Airport/ Gateway Showcase, which provide for primarily airport-related support services and uses within the Airport Business Park, and visitor-serving businesses such as hotels, restaurants, and retail along the Hegenberger corridor. The additions or modifications to the “Urban Park and Open Space” land use designations clarify the expected publicly-accessible open space setback from the top-of-bank of the channels and from the high water line of the shoreline.

Sub-Area E (between Damon Slough and East Creek Slough)

Sub-Area E is the only portion of the Coliseum Area Specific Plan that is currently located within the General Plan’s Estuary Policy Plan (EPP) area, rather than the General Plan LUTE. In 2013, the City adopted the Central Estuary Area Plan, which brought many of the objectives and policies of the older Estuary Policy Plan up to date with current planning conditions. However, Sub-Area E was not included as part of the Central Estuary Area Plan update, and therefore remains one of the few “leftover” portions of the prior EPP that has not had its zoning updated as part of a Specific or Area Plan. As a result, the City is now proposing to re-designate lands within Sub-Area E to be consistent with the intent of this Specific Plan for the Coliseum Area. These new land use designations from the LUTE include:

- Amending the older EPP land use designations for those City-owned properties at Oakport Street/66th Avenue, from “General Commercial 2” and “Light Industrial 3”, to “Urban Park and Open Space”; and
- Amending the older EPP land use designations for the two EBMUD-owned Oakport Street parcels near East Creek Slough, from “Light Industrial 3” (Oakport Wet Weather Facility lot) and “General Commercial 2” (vacant lot on Oakport near 66th Avenue), both proposed to be amended to “Business Mix”.

Table 2 shows the proposed General Plan Amendments and one General Plan Correction which would enable the development program and build out of the Coliseum Area Specific Plan. All changes are to the LUTE, unless noted as “EPP” (Estuary Policy Plan).

Table 2 Coliseum Area Proposed General Plan Amendments	
ID	Existing General Plan Designation Proposed General Plan Changes
A	Existing GP: Business Mix Proposed GP: Community Commercial
B	Existing GP: Regional Commercial Proposed GP: Community Commercial
C	Existing GP: Business Mix Proposed GP: Regional Commercial
D	Existing GP: None Proposed GP: Urban Park and Open Space
E	Existing GP: Urban Park and Open Space Proposed GP: Regional Commercial
F	Existing GP: Business Mix Existing GP: Urban Park and Open Space
G	Existing GP: Urban Park and Open Space Proposed GP: Business Mix
H	Existing GP: Business Mix Proposed GP: Urban Park and Open Space
I	Existing GP: Business Mix Proposed GP: Regional Commercial
J	Existing GP: Urban Park and Open Space Proposed GP: Regional Commercial
K	Existing GP: Business Mix Proposed GP: Urban Park and Open Space
L	Existing GP: None Proposed GP: Urban Park and Open Space
M	Existing GP: None Proposed GP: Regional Commercial
N	Existing GP: EPP General Commercial 2 Proposed GP: Urban Park and Open Space
O	Existing GP: EPP General Commercial 2 Proposed GP: Business Mix
P	Existing GP: EPP Light Industrial 3 Proposed GP: Urban Park and Open Space
Q	Existing GP: EPP Light Industrial 3 Proposed GP: Business Mix
R	Existing GP: EPP Parks Proposed GP: Urban Park and Open Space

S	Existing GP: EPP Light Industrial 3 Proposed GP: Urban Park and Open Space
	General Plan Correction
A	Existing GP: General Industrial GP Correction: Community Commercial

General Plan Text Amendments

In addition to the General Plan map amendments noted above, there are two Oakland General Plan text amendments proposed as part of the Plan, to the Land Use and Transportation Element (LUTE), to the Community Commercial and Regional Commercial land use designations:

Additions to the Plan are underlined; deletions are in ~~strikeout~~.

Oakland General Plan, Land Use & Transportation Element (LUTE)

Chapter 3: Policies in Action

The Land Use Diagram

Land Use Classifications

Community Commercial

Intent: The Community Commercial Classification is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City’s major corridors and in shopping districts or centers.

Desired Character and Uses: Community Commercial areas may include neighborhood center uses and larger scale retail and commercial uses, such as auto related businesses, business and personal services, health services and medical uses, education facilities, and entertainment uses. Community Commercial areas can be complemented by the addition of urban residential development and compatible mixed use development.

Intensity/Density: Except as indicated below, the maximum FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre.

- Within the Broadway Valdez District Specific Plan area, the maximum FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.
- Within the Lake Merritt Station Area Plan area, the maximum FAR for this classification is 12.0. Maximum residential density is 250 units per gross acre.
- Within the Coliseum Area Specific Plan area, the maximum FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.

Policy Framework Basis for the Classification: Neighborhood Goals; Neighborhood Objectives N1, N2, N3, N6, N8, N9, N10, N11, and related policies. Industry and Commerce Goals; Industry and Commerce Objectives I/C 1, I/C 2, and I/C 3, I/C 5. Transportation Objective T2.

Industry, Commerce & Institutional Classifications

Regional Commercial

Intent: The Regional Commercial classification is intended to maintain, support and create areas of the City that serve as region-drawing centers of activity.

Desired Character and Uses; A mix of commercial, office, entertainment, arts, recreation, sports, and visitor-serving activities, residential mixed use development and other uses of similar character or supportive of regional drawing power.

Intensity/Density: The maximum FAR for this classification is 4.0. Maximum residential density is 125 units per gross acre, in a mixed use project.

- Within the Coliseum Area Specific Plan area, the maximum FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.

Policy Framework Basis for the Classification: Industry and Commerce Goals; Industry and Commerce Objectives I/C 1, I/C 2, I/C 32. Neighborhood Objective N1.

OAKLAND PLANNING CODE AND ZONING MAPS

The Oakland Planning Code serves to implement General Plan policies, and is found in Title 17 of the Oakland Municipal Code. The Planning Code governs land uses and development standards, such as building height, bulk and setback, for specific zoning districts within Oakland. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the project proposed conforms to the Planning Code, or an exception is granted pursuant to provisions of the Planning Code. The Zoning Maps of the Planning Code show the locations of zones districts for all land in the City of Oakland. The Existing Zoning Map, the proposed Zoning Map, and the proposed Planning Code Amendments for the Plan Area are included in **Attachment B** to this report.

The discussion below focuses only on the proposed new zones, designated “D-CO-1” through D-CO-6”, and not the ancillary changes throughout the Planning Code which must also be changed to allow for consistency with these new Coliseum area zones (see pages 23-133 of **Attachment B** to this report), such as parking regulations.

Proposed Planning Code Amendments

Several components of new development planned within the Coliseum District conflict with the City’s current Planning Code requirements and zoning map, but would be made consistent through the creation of new zoning districts and zoning changes unique to this Specific Plan. The new zoning districts (See **Attachment B**) include the following:

Coliseum District

- A new “Coliseum District-1” zone (D-CO-1) will replace the current Transit Oriented Development zone (S-15) mapped currently around the Coliseum BART station, to the centerline of Hawley Street⁵. The D-CO-1 Zone is intended to create, preserve and enhance areas devoted primarily to serve multiple nodes of transportation and to feature high-density residential, commercial, and

⁵ The east side of Hawley Street is also currently zoned S-15, and that zoning would remain unchanged in the current proposal. This area includes several light industrial properties facing Hawley Street from 71st Avenue to Hegenberger. The height limit in this section of Hawley Street is currently 60 feet, which would remain unchanged in this proposal.

mixed-use developments, to encourage a balance of pedestrian-oriented activities, transit opportunities, and concentrated development; and encourage a safe and pleasant pedestrian environment near transit stations by allowing a mixture of residential, civic, commercial, and light industrial activities. The new D-CO-1 zone would apply to all properties east of the Union Pacific Railroad (UPRR) railroad tracks that are within the Coliseum Specific Plan Area. The D-CO-1 zone will specify that buildings within 100 feet of any Residential or S-15 zone will have a maximum height limit of 85 feet. This will require any new buildings to “step down” in height near the existing single-story houses on 71st Avenue or properties on Hawley Street. This step-down height requirement will ensure that any new development on the BART parking lot is compatible with the current built character of the existing (low-rise) neighborhood. The current S-15 zoning has a height limit of 75 feet for the BART parking lots. The proposed new height for D-CO-1 would be 159 feet (unless FAA review and Conditional Use Permit (CUP) review permits taller building heights) for the portions of the BART parking lot that are farther than 100 feet from an existing Residential or S-15 zone boundary.

- A new “Coliseum District-2” zone (D-CO-2) would replace the current “Regional Commercial-1” (CR-1) zone that applies to the majority of the Coliseum District. The new D-CO-2 zone will specifically permit and encourage development of regional-drawing centers of activity such as new sports and entertainment venues, residential, retail, restaurants, and other activity generating uses, as well as a broad spectrum of employment activities. The new D-CO-2 zone will clarify that any building height over 159 feet will require FAA review and Conditional Use Permit (CUP) approval.

City Zoning – Sub-Area E and Portions of Sub-Area B

Beyond Sub-Area A, there are only a limited number of sites that are currently under the City of Oakland’s land use jurisdiction and where City zoning can effectively regulate new development consistent with the Draft Specific Plan. These areas include all of Sub-Area E, and portions of Sub-Area B which have been previously removed from the Port of Oakland’s land use jurisdiction. The remainder of Sub-Area B and all of Sub-Areas C and D remain under the land use jurisdiction of the Port of Oakland and its Land Use and Development Code (LUDC). The new City zoning that would be applied to these lands includes the following:

- A new “Coliseum District-3” zone (D-CO-3) will replace the existing “Industrial/Office” (IO) zone for properties located in Subarea B between Oakport Street and Edgewater Drive. These properties in Subarea B include lands envisioned as a potential location for a proposed new sports/special events Arena. The new D-CO-3 zone would also include the existing IO-zoned properties located along Oakport Street between Elmhurst Creek and Hegenberger Road; and the Regional Commercial (CR-1)-zoned properties along the north side of Hegenberger Road down to Earhart Drive. The D-CO-3 Zone is intended to create, maintain and enhance areas suitable for a wide variety of retail, commercial, and industrial operations along the Oakport Street and Hegenberger Road corridors, and in region-drawing centers of commercial, and light industrial activities. The D-CO-3 zone would not permit residential uses.
- A new “Coliseum District-4” zone (D-CO-4) will replace the existing “Industrial/Office” (IO) zone for those properties between Edgewater Drive and the San Leandro Bay shoreline in Sub-Area B only; primarily, the City’s Corporation Yard. The D-CO-4 Zone is intended to create, maintain and enhance a mix of activities on or near the Northwest Edgewater Drive waterfront. The D-CO-4 zone would conditionally permit residential activities between Edgewater Drive and the waterfront;

- A new “Coliseum District-5” zone (D-CO-5) will replace the existing “Industrial/Office” (IO) zone for those properties along Edgewater Drive in Sub-Area C (to Pendleton Way), and the properties in the existing CIX-2 zone in Sub-Area D (Pardee Drive). The D-CO-5 Zone is intended to create, preserve, and enhance areas near Pardee Drive and within the southern portion of the Airport Business Park that are appropriate for a wide variety of office, commercial, industrial, and logistics activities. The new D-CO-5 zone will permit a similar mix of light industrial and warehousing activities as is allowed under current city zoning, and it would not permit residential activities;
- The new D-CO-6 zone would apply to those City-owned and EBMUD-owned properties along Oakport Street from East Creek Slough to 66th Avenue within Sub-Area E (these lands are not within Port jurisdiction). The D-CO-6 Zone is intended to apply to commercial, industrial and institutional areas with strong locational advantages that make possible the attraction of higher-intensity commercial and light industrial land uses and development types. The new D-CO-6 zone would replace the existing Industrial (M-40) zoning that applies. This zone would not permit residential activities.

Proposed Zoning Map Amendments

Table 3 shows the different zoning changes proposed to amend the current Zoning Maps, which would be necessary for the full development program and build out of the Coliseum Area Specific Plan.

Table 3 Coliseum Area Proposed Zoning Amendments		
ID	Existing Zoning Proposed Zoning	Acres
1	Existing Zoning: S-15 Proposed Zoning: D-CO-1	17
2	Existing Zoning: CIX-2 Proposed Zoning: D-CO-1	4
3	Existing Zoning: CR-1 Proposed Zoning: D-CO-1	34
4	Existing Zoning: CR-1 Proposed Zoning: D-CO-2	191
5	Existing Zoning: IO Proposed Zoning: D-CO-3	31
6	Existing Zoning: CR-1 Proposed Zoning: D-CO-3	50
7	Existing Zoning: CR-1 Proposed Zoning: OS	3
8	Existing Zoning: CR-1 Proposed Zoning: D-CO-3	40
9	Existing Zoning: M-40 Proposed Zoning: D-CO-5	1
10	Existing Zoning: CIX-2 Proposed Zoning: D-CO-5	84
11	Existing Zoning: CIX-2 Proposed Zoning: OS	17
12	Existing Zoning: M-40 Proposed Zoning: D-CO-5	8

ID	Existing Zoning	ID
13	Existing Zoning: IO Proposed Zoning: D-CO-5	105
14	Existing Zoning: M-40 Proposed Zoning: OS ()	128
15	Existing Zoning: M-40 Proposed Zoning: OS	18
16	Existing Zoning: IO Proposed Zoning: OS	4
17	Existing Zoning: IO Proposed Zoning: D-CO-4	22
18	Existing Zoning: IO Proposed Zoning: D-CO-3	82
19	Existing Zoning: M-40 Proposed Zoning: D-CO-4	7
20	Existing Zoning: M-40 Proposed Zoning: OS	1
21	Existing Zoning: M-40 Proposed Zoning: D-CO-3	2
22	Existing Zoning: IO Proposed Zoning: D-CO-3	6
23	Existing Zoning: IO Proposed Zoning: OS	2
24	Existing Zoning: CIX-2 Proposed Zoning: OS	7
25	Existing Zoning: M-40 Proposed Zoning: OS	47
26	Existing Zoning: M-40 Proposed Zoning: D-CO-6	41
27	Existing Zoning: M-40 Proposed Zoning: OS	15
28	Existing Zoning: CIX-2 Proposed Zoning: D-CO-3	1
29	Existing Zoning: CIX-2 Proposed Zoning: CIX-1	11
30	Existing Zoning: S-15 Proposed Zoning: D-CO-1	2

A table which compares the existing zoning districts (S-15, CR-1, IO, and CIX-2) in the Plan Area to the six proposed new "Coliseum District zones" is included as **Attachment D** to this report.

Corrections to Proposed Planning Code Amendments made after the ZUC meeting of January 21, 2015

After the ZUC meeting of January 21st, City staff made the following corrections to the zoning which had been proposed:

- 1) In D-CO-4, "Light Manufacturing" activity is now proposed as conditionally permitted; in the ZUC proposal of January 21st, the activity was permitted with several limitations;
- 2) In D-CO-3, D-CO-5 and D-CO-6, "Satellite Recycling Collection Centers" activities are now prohibited; in the ZUC proposal of January 21st, these activities were conditionally permitted. Staff determined there is enough available land in the neighboring Central Estuary Plan area which allow this type of recycling.
- 3) In the Maximum Height section (Additional Regulations for Table 17.101H.03, note 6): a step-down height requirement was added for buildings in the D-CO-1 Zone, to ensure that new construction on the BART parking lot makes a compatible transition to the low-rise character of the surrounding neighborhood.

In addition, **Attachment B** to this report contains approximately 100 pages of ancillary proposed changes to the Planning Code which were not presented to the Zoning Update Committee of January 21st, and which are now made public for the first time. These proposed changes to the Planning Code are necessary to both incorporate the new "D-CO" zones throughout the Planning Code (such as in the Parking chapter, 17.116), and also to include necessary corrections which amend the Planning Code after the recent adoption of the new zoning in West Oakland, as part of the West Oakland Specific Plan. Particularly, note Section 17.136.025, Exemptions from design review, which, in sub-sections (f) and (g), clarify that design review for new and renovated industrial buildings is only required in the new West Oakland zones of CIX 1-A, 1-B, 1-C, and 1-D, not citywide.

KEY ISSUES

Oakland Airport Business Park

Land Use Jurisdiction

The City of Oakland currently has land use jurisdiction over only a small portion of the Oakland Airport Business Park, and none of the northern portion of Hegenberger Road. These Plan Areas are instead under the land use jurisdiction of the Port of Oakland. New development in these areas must adhere to the development regulations in the Port of Oakland's Land Use and Development Code (LUDC), instead of the City of Oakland's Planning Code, and receive development permit approval from Port staff. The area within the Port's regulatory jurisdiction consists of most of the Draft Plan's Sub-Area B and all of Sub-Areas C and D (see **Attachment C**).

It is important to note that the proposed new Coliseum zones ("D-CO-1" through "D-CO-6") will not govern land uses or design standards in the areas of the Port of Oakland's land use authority (such as the Oakland Airport Business Park). Therefore, unless the Port decides to either cede land use authority to the

City, or amend its own Land Use and Development Code to match the vision and intent of the Coliseum Area Specific Plan, it is unlikely there would be any significant land use changes in the Airport Business Park as a result of the Specific Plan.

Potential New Residential Uses in the Business Park

New development pursuant to Plan Buildout within the Oakland Airport Business Park includes a potential mixed-use waterfront residential development with a retail component, proposed to be located between Edgewater Drive and the San Leandro Bay shoreline, in the area bounded by Damon Slough and Elmhurst Creek. Under the Port of Oakland's LUDC, residential uses are not currently permitted on any properties within the Oakland Airport Business Park, and retail use is only permitted within the Commercial Corridor area along Hegenberger Road and on certain parcels adjacent to Oakport Street. The introduction of new residential and mixed-use development within the boundaries of the Business Park would therefore be in conflict with the Port's current land use regulations as specified in the LUDC. These proposed new uses along the San Leandro Bay waterfront would also require the relocation of the City's Corporation Yard elsewhere in Oakland.

In the Draft EIR, there is a discussion of this potential conflict:

The Specific Plan notes that implementation of the proposed Project will require the Port to consider this EIR as a responsible agency, and potentially to co-adopt the Specific Plan or to cede land use jurisdiction over certain properties to the City of Oakland, or adopt amendments to the LUDC to allow the development program proposed by the Plan.

Recommendation/Project Requirement Land-6⁶: In order to enable implementation of the Project as proposed, the Port Board of Commissioners must either:

- a) Adopt the Specific Plan as its new land use plan for the Business Park, or
- b) Elect to cede land use authority over the ultimate new Arena site and the waterfront residential site to the City of Oakland, or
- c) Choose to instead amend its own LUDC to allow the new Arena and waterfront residential /retail mixed use as permitted or conditionally permitted uses within the Business Park.

A City/Port working group has been formed to discuss these three options, and its members have generally agreed that option C above -- amendments to the LUDC -- is the most likely implementation scenario, should the City of Oakland adopt the Coliseum Area Specific Plan and certify the EIR. If the Port Board were to decide on any of the three actions described in the DEIR, the conflict with plans and policies of the Port's LUDC would no longer apply. However, unlike the recommended changes to applicable City of Oakland's policies and regulations, the City does not have jurisdictional authority to change or modify the Port's LUDC, and cannot ensure implementation of this requirement.

If, on the other hand, the Port Board decides not to take any of the actions identified in Recommendation/Project Requirement Land-6, then the proposed new Arena and the proposed new waterfront residential

⁶ Coliseum Area Specific Plan DEIR, Chapter 4.9, page 54.

mixed-use development would directly conflict with the LUDC, and those elements of the Project could not move forward.

Other proposed development within Sub-Areas B, C, and D includes Science and Technology offices, light industrial, logistics and warehouse uses – all of which are permitted uses in this area pursuant to the Port's LUDC.

Proposed "Bifurcation" or two-tier, zoning proposal for Business Park

A number of business owners are concerned about the potential impact of the proposed new zoning on the existing operations of the Business Park companies, including impacts from traffic, and possible incompatibilities should residential activities be introduced on the lands currently leased by the City for its corporation yard (see discussion above). Because of these concerns, there has been a request to "bifurcate" the zoning proposal, and consider the new zoning for the areas below I-880 on a separate track.

It is staff's opinion that while some level of "bifurcation" may be feasible, in order for the Coliseum Planning effort to fulfill one of its primary objectives and facilitate the construction of up to three new sports venues, including a potential new waterfront venue in Sub-Area B, new land use regulation for at least a portion of Sub-Area B may be needed in the near term. Therefore, one scenario the City could discuss with the Airport business community is the potential to only adopt a new zoning map for Sub Areas B and E on the current adoption schedule, and not change the current zoning designations at this time for parcels in the rest of the Business Park (Sub Areas C and D).

Under this scenario, a task force of City and Port staff, with business and property owners, could further discuss the needs of the Business Park, in terms of infrastructure investment and allowed land uses, and, after the task force has made its recommendations, new zoning could be pursued through the public review process. The Coliseum Area Specific Plan and EIR, if certified by the Planning Commission and adopted by the City Council, would still be valid for the development program in the Plan as it pertains to the Airport Business Park. Likewise, the proposed zoning amendments that create the new Coliseum Plan districts "D-CO-1" through "D-CO-6" would still be considered by the Planning Commission, but, under this two-tier scheduling, would not be mapped in Sub Areas C and D. This revised, two-tier scenario will be discussed with area business-owners at a meeting on February 17th (see "Next Steps" section below).

Public participation in the Coliseum Area Specific Plan

Table 4 below details all of the public hearings, workshops and meetings the City has organized to allow the public and the business community to be informed of, and participate in, the Coliseum Planning process. This table does not include meetings attended by the City's master development team, JRDV Urban International, or its development partner, New City Development. LLC. In addition, the City has mailed printed notices for the public hearings to property owners inside the Plan area and in neighborhoods surrounding the Plan area; as well as maintained an email list-serve of 630 addresses, where periodic announcements and notices are given about upcoming hearings and events⁷. A complete list of the public comments made at these public meetings and workshops, and individual comments given to staff will be available as part of the February 18th Planning Commission staff report.

⁷ Sign up at the City's webpage, www.oaklandnet.com/coliseumcity-- click the "subscribe for updates" link.

Table 4. City of Oakland Coliseum public hearings, workshops and presentations given by staff:

Date	Meeting	Notes
January 21, 2015	Zoning Update Committee of the Oakland Planning Commission	First public meeting on proposed zoning text (general zoning proposals and specific zoning maps were published in the August, 2014 Draft Specific Plan)
January 8, 2015	Community Workshop	81st Avenue Library
December 18, 2014	Community Workshop	81st Avenue Library
December 17, 2014	City staff presentation to NCPC Beats 33 and 34X meeting	
November 18, 2014	City staff presentation to Urban Peace Movement	Youth organization
October 16, 2014	City staff presentation to Communities for a Better Environment	
October 14, 2014	City staff presentation to Allen Temple Arms	Senior housing
October 9, 2014	Community Workshop	81st Avenue Library
October 1, 2014	Oakland City Planning Commission	Draft EIR public hearing
September 27, 2014	City staff presentation to Council District 7 Leadership Breakfast	
September 25, 2014	Port of Oakland Board of Commissioners public hearing	
September 24, 2014	City staff presentation to East Bay Housing Organizations (EBHO)	
September 24, 2014	Oakland-Alameda County Coliseum Authority (JPA) public hearing	
September 18, 2014	Oakland Bicyclist and Pedestrian Advisory Commission (BPAC) public hearing	
September 17, 2014	Alameda County Airport Land Use Commission public hearing	
September 10, 2014	Oakland Parks and Recreation Advisory Commission (PRAC) public hearing	
September 8, 2014	Landmarks Preservation Advisory Board (LPAB) public hearing	Draft EIR public hearing
September 4, 2014	Public workshop for business community in Airport area (open to public)	Held at Airport Red Lion Hotel

August 4, 2014	City staff presentation to Palo Vista Gardens residents (Oakland Housing Authority)	Seniors
June 25, 2014	Community workshop	81st Avenue Library
May 22, 2014	City staff presentation to Lion Creek Crossings residents	
April 26, 2014	Community workshop	City Hall
April 24, 2014	Community workshop	Held at Airport Red Lion Hotel
February 26, 2014	City staff presentation to AABA Economic Development Committee	Airport Area Business Association committee
May 13, 2013	Landmarks Preservation Advisory Board (LPAB) public hearing	EIR scoping session
May 1, 2013	Oakland City Planning Commission public hearing	EIR scoping session

However, despite the City's outreach efforts to date, a number of Commissioners, public speakers and comment letters have expressed concern that the public (residents of Oakland, and specifically, residents of East Oakland neighborhoods near the Coliseum) and business owners (specifically, owners of business in the Oakland Airport Business Park) have not had enough opportunity to review the Plan and the proposed new zoning.

Therefore, the City is scheduling two additional public workshops to better inform the public about the Plan and the new zoning, and to hear public comment in advance of the February 18, 2015 Planning Commission hearing. The first workshop will be directed to East Oakland residents (February 11th); and the second will be directed to business owners in the Business Park (February 17th). See "Next Steps" section below for details.

ENVIRONMENTAL DETERMINATION

The City of Oakland is the Lead Agency pursuant to the California Environmental Quality Act (CEQA), and has prepared an Environmental Impact Report (EIR) for the Coliseum Area Specific Plan (Project). No Initial Study was prepared for the Project, pursuant to Section 15060(d) of the CEQA Guidelines. The Draft EIR analyzes all environmental topics identified in the City of Oakland CEQA Thresholds of Significance at a level of detail warranted by each topic.

On April 19, 2013, the City of Oakland issued a Notice of Preparation (NOP), to inform agencies and interested parties of its intent to prepare and distribute a "Draft EIR for the Coliseum Area Specific Plan." The Landmarks Preservation Advisory Board and the City of Oakland Planning Commission held Scoping Meetings on May 13 and May 1, 2013, respectively, to accept comments regarding the scope of the EIR in response to the NOP. On August 22, 2014, the City issued the Draft EIR; the comment period ended October 6, 2014. A Final EIR which has responses to all comments received, and revisions to the Draft EIR, will be released by the City on February 6, 2015, and discussed at a public hearing of the Planning Commission on February 18, 2015.

CONCLUSION AND NEXT STEPS

The Oakland Planning Commission is being asked to hear from the public, and to provide feedback to Strategic Planning staff on the proposed final Draft Specific Plan, General Plan Amendments, and Planning Code amendments (text and map changes).

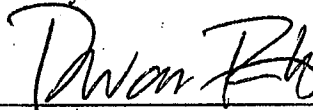
The tentative schedule for future public meetings and hearings that will be held on the final Plan, EIR and Zoning include:

- February 9, 2015: Oakland Landmarks Preservation Advisory Board;
- February 11, 2015: Community Workshop for East Oakland residents (open to public), at the 81st Avenue Library (1021 81st Avenue), 6 to 8 p.m.;
- February 17, 2015: Workshop for Business owners (open to public), at OneToyota dealership (8181 Oakport Street, community meeting room), 9 to 11 a.m.;
- February 18, 2015: Oakland Planning Commission hearing #2, to consider certifying the Final EIR and recommending the City Council adopt the final Coliseum Area Specific Plan;
- March 10, 2015: City Council Community and Economic Development Committee (tentative);
- March 11, 2015: Oakland Parks and Recreation Advisory Commission;
- March 19, 2015: Alameda County Airport Land Use Commission (tentative);
- March 31, 2015: Oakland City Council hearing #1 (tentative);
- April 21, 2015: Oakland City Council hearing #2 (tentative).

RECOMMENDATION:

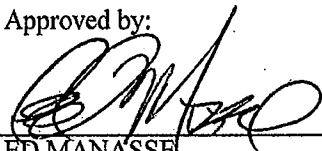
Take public testimony on Coliseum Area Specific Plan, the proposed General Plan Amendments, Planning Code Amendments and Zoning Map changes, and receive Planning Commission comments on these proposals.

Prepared by:



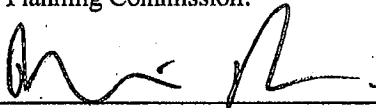
DEVAN REIFF, AICP
Planner III

Approved by:



ED MANASSE
Strategic Planning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI, Deputy Director
Department of Planning and Building

ATTACHMENTS:

- A. January 21, 2015 Zoning Update Committee Staff Report
- B. Proposed new Zoning Map and proposed new Planning Code amendments (new section "Chapter 17.101H - D-CO Coliseum Area District Zones Regulations")
- C. Map of Coliseum Plan Sub-Areas
- D. Comparison Table of new D-CO zones with existing zones in the Plan Area

ATTACHMENT E. TO MARCH 24, 2015 CED REPORT

Oakland Planning Commission

March 4, 2015

Case File Numbers ZS13-103 / ER13-0004 / SP14001 / GP14002 / ZA14001

Page 1

3. **Project Name:** Coliseum Area Specific Plan and EIR
- Location:** The Coliseum Area Specific Plan area (“Plan Area”) is located in Oakland and covers an area of approximately 800 acres bounded by 66th Avenue to the north, San Leandro Street and Hawley Street to the east, Hegenberger Road to the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area includes the Oakland-Alameda County Coliseum and Arena, and the Oakland Airport Business Park.
- Proposal:** Conduct a public hearing to receive public comment and to consider certifying the Final Environmental Impact Report (FEIR), and recommending to the City Council the adoption of the proposed Final Coliseum Area Specific Plan, and associated General Plan and Planning Code amendments (text and map changes), and Design Guidelines associated with the Specific Plan (collectively called “Related Actions”). The proposals include the creation of six new district-specific zoning classifications: “D-CO-1” through “D-CO-6”, as well as additional necessary changes to the Oakland Planning Code to incorporate the proposed new zones, and changes to the Zoning Maps to implement them. There will also be proposed General Plan Amendments associated with the Plan—both to the *Estuary Policy Plan* and the *Land Use and Transportation Element* of the Oakland General Plan.
- Contact Person/Phone Number:** Devan Reiff, 510-238-3550 or Ed Manasse, 510-238-7733
- Applicant:** City of Oakland
- Case File Number:** ZS13103 / ER130004 / SP14001 / GP14002 / ZA14001
- General Plan:** Land Use and Transportation Element (LUTE) Areas:
Regional Commercial, Community Commercial, Business Mix. Estuary Policy Plan Areas:
General Commercial 2, Light Industry 3, Parks.
- Zoning:** CR-1, IO, M-40, S-15, CIX-2
- Environmental Determination:** An Environmental Impact Report (EIR) has been prepared for the Coliseum Area Specific Plan. The Draft EIR (DEIR) was published on August 22, 2014, and the comment period ended October 6, 2014. All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Specific Plan. A Final EIR was published on February 20, 2015.
- Historic Status:** CEQA historic resources currently identified in the Plan Area (resources that are on or may be eligible for National, California, or Local Registers of Historical Resources) include the Coliseum and Arena (individually rated A and B by the Oakland Cultural Heritage Survey and together constituting an Area of Primary Importance) and the Warehouse Union Local 6 building at 99 Hegenberger Road (PDHP, preliminary rating *c3, of potential future significance; now over 50 years old). Portions of the Project Area contain other older buildings and structures not currently evaluated as significant but of possible future interest.
- Service Delivery Districts:** 5, 6
- City Council Districts:** 7 (with City Council District 6 representing the 66th Ave. frontage of Plan Area)
- Commission Action to Be Taken:** Receive public comments, close the hearing and consider certifying the FEIR, and recommending to the City Council adoption of the proposed Final Specific Plan and Related Actions.
- Finality of Decision:** n/a
- For Further Information:** Contact project planner Devan Reiff at 510-238-3550 or dreiff@oaklandnet.com
Project website: www.oaklandnet.com/coliseumcity

SUMMARY

Since 2012, the City has been working on preparation of the Draft Coliseum Area Specific Plan (Draft Specific Plan) — a new, forward-looking vision for the 800-acre area between 66th Avenue and Hegenberger Road, including the Oakland-Alameda County Coliseum complex, the Coliseum BART station and adjoining parking lots, the Oakland Airport Business Park, and environs. The Draft Specific Plan supports the City's efforts to retain Oakland's three major professional sports teams, and allow for significant new residential and commercial development near a major Bay Area transit node. The City of Oakland's Bureau of Planning prepared an Environmental Impact Report (EIR) on the Draft Specific Plan that evaluates its potential environmental impacts.

On February 4, 2015, the Planning Commission reviewed as an informational item the revised Final Draft Coliseum Area Specific Plan (Final Draft Specific Plan), released in January 2015, with revisions from the Plan's initial release in August 2014. Also at the February Planning Commission hearing was a discussion of draft General Plan and Planning Code amendments (text and map changes), to accompany and implement the concepts and policies contained in the Final Draft Specific Plan. These implementation regulations will help establish the future character of the Coliseum Plan Area, by providing detailed regulations on land use activities, along with guidance on the design of buildings, streets, and public spaces. **Attachment A**¹ to this report includes the February 4, 2015 Planning Commission report, which contains a complete explanation of the proposed amendments to the General Plan and Planning Code. A general description of the proposed General Plan and Zoning Code amendments can also be found in Chapter 7 of the final Draft Specific Plan. In summary, there are six new "District Coliseum" zones proposed for the Plan Area, "D-CO-1" through "D-CO-6" (see **Attachment B** to this report for the proposed Planning Code text which contains the regulations for these new zones, as well as changes made since the February 4, 2015 Planning Commission hearing. Ancillary changes throughout the Planning Code, necessary to incorporate the new zones (such as in Parking, Section 17.116), as well as selected "code cleanup" items are shown in **Attachment B1** to this report.

In response to comments received since the February 4, 2015 Planning Commission hearing, staff has made additional changes to the proposed new zoning and General Plan designations maps (see **Attachment C** to this report.

The Final Draft Specific Plan and related actions, and both Draft and Final EIR can also be viewed online at: www.oaklandnet.com/coliseumcity, (under the section called 'Plans, Documents and Media'), and is available for review at the Oakland Public Library, Social Science and Documents, 125 14th Street, Oakland CA 94612 and at the City of Oakland Bureau of Planning (250 Frank Ogawa Plaza, Suite 3315).

Staff have received comment letters since the February 4, 2015 Planning Commission hearing which are included here for the public record. The first is a DEIR comment letter from the Alameda County Parks, Recreation and Historical Commission, which was not received by the City in time for response and inclusion into the Final EIR (see **Attachment D**); the second is a letter from East Bay Municipal Utility District, emphasizing their current and long-term plans for their property (see **Attachment E**). Also, this report will present comments from the Landmarks Preservation Advisory Board hearing of February 23, 2015, and staff responses.

¹ Prior to the February 4th Planning Commission hearing, on January 21, 2015, the Zoning Update Committee (ZUC) of the Planning Commission held a public hearing to discuss and hear public comment on the proposed new Zoning.

The purpose of this public hearing is to inform the Planning Commission and the public on the Final Environmental Impact Report (FEIR), released on February 20, 2015², take comments on the final draft Specific Plan and revisions, and comments on the proposed amendments to the Oakland General Plan, the Oakland Planning Code, and to the Zoning Maps, as revised. The Planning Commission is also asked to take action to adopt the CEQA findings for the Specific Plan (**Attachment F**), which includes certification of the EIR, rejection of the CEQA alternatives as infeasible, and a Statement of Overriding Considerations. In addition, the Commission is asked to Adopt the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP) (**Attachment G**); and to recommend the City Council adopt the Coliseum Area Specific Plan and General Plan and Planning Code Amendments based, in part, upon the Adoption Findings in **Attachment F**. Finally, the Commission is asked to authorize staff to make minor ongoing revisions and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new Coliseum District zones.

PLAN BOUNDARY

The Coliseum Area Specific Plan Area (Plan Area) covers approximately 800 acres, and is generally bounded by 66th Avenue and East Creek Slough to the north, San Leandro Street and Hawley Street to the east, Hegenberger Road to the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area is divided for Specific Plan purposes into five Sub-Areas, A through E (see **Attachment H to this report**). For ease of comprehension:

- **Sub-Area A** applies to the current Coliseum/Arena site and Coliseum BART station area;
- **Sub Areas B, C & D** spans the Oakland Airport Business Park; and
- **Sub-Area E** contains the East Bay Municipal Utility District-owned and City of Oakland-owned lands between Damon Slough and East Creek Slough.

The term "Coliseum District", as used in the Draft Specific Plan and in this report, describes a Plan Focus Area - which includes both the current Coliseum/Arena complex in Sub-Area A, and a portion of Subarea B on the west side of I-880 between Oakport Street and Edgewater Drive, from Damon Slough to Elmhurst Creek.

BACKGROUND

For over 15 years, the City's General Plan has envisioned a transformed Coliseum Area. In 1998, the Land Use and Transportation Element (LUTE) of the Oakland General Plan identified the Coliseum Area as a "Showcase District." The proposed Coliseum Area Specific Plan is intended to implement the following General Plan vision for the Coliseum Area from the General Plan LUTE:

The number of visitors that come to the Coliseum, its excellent transportation access and the availability of land nearby combine to offer a superb prospect for the area's future as regional center of entertainment and commercial recreation. The General Plan envisions the Coliseum Complex at the center of a regional shopping, entertainment and recreation district....Linkages between the Coliseum and Airport and the Coliseum and Waterfront are critical to the future economic potential of this area,

² The Final EIR was provided to the Planning Commissioners under a separate distribution. Copies are available to the Public at the Bureau of Planning, 250 Frank Ogawa Plaza, Suite 3315, or on the City's webpage, www.oaklandnet.com/coliseumcity.

*and a special plan is needed to guide development of the Coliseum showcase to maximize its potential.*³

In 2011, the City issued a Request for Proposals (RFP), seeking a team of consultants and developers who could create a new vision for the Coliseum area. In March of 2012, the Oakland City Council entered into an Exclusive Negotiating Agreement (ENA) with a team of urban designers, architects and developers led by the Oakland-based firm of JRDV Urban International, with an environmental and planning team led by Lamphier-Gregory (also an Oakland-based company). In 2013, the City issued a Notice of Preparation (NOP) of a Draft EIR and held two scoping sessions, before the Landmarks Preservation Advisory Board and the Planning Commission.

In 2014, as administrative drafts of the Specific Plan and the CEQA analysis for the EIR were being prepared, the City held three public workshops to hear comments and make further refinements to the Draft Specific Plan. On August 22, 2014, the Draft Specific Plan and Draft EIR were released. On September 8, and on October 4, 2014, the City held public hearings before the Landmarks Preservation and Advisory Board, and the Planning Commission⁴. Also in the fall and winter of 2014, and in January and February of 2015, the City held additional public workshops and staff attended community meetings to discuss and hear public comments on the Specific Plan and EIR.

PROJECT DESCRIPTION

The Final Draft Coliseum Area Specific Plan is intended to provide both a short-term development plan for the accommodation of up to three new venues for the City's professional sports teams, and a longer term, 20-to 25-year planning document providing a roadmap for land use policy, regulatory requirements and public and private investment that coordinates future development of new residential, retail, hospitality, office, and science and technology uses, to create significant long-term value for the City of Oakland and Alameda County. The Draft Specific Plan envisions a comprehensive transformation of what is currently one of the largest under-developed, inner-urban, transit-served redevelopment opportunities in California. The City sees implementation of the Final Draft Specific Plan as a critical opportunity to revitalize some of Oakland's most important physical assets, and transform these assets into an area that generates long-term economic growth for the City.

The Final Draft Specific Plan includes the following six goals to achieve this transformation:

1. Retain Oakland's existing professional sports teams, and maximize the economic value for Oakland and Alameda County from these sports facilities.
2. Create a regionally significant jobs and employment area that can expand Oakland's ability to attract new businesses and supports existing businesses, given the area's available land and its prime transit-oriented and airport-adjacent location. Participate in the Bay Area's dynamic "innovation economy", and attract new businesses and job opportunities to the surrounding East Oakland area.
3. Improve the area's existing investments in transit and transportation infrastructure; create a Transit Oriented Development (TOD) of new housing and commercial uses which advances

³ LUTE, pages 44-45. (emphasis added).

⁴ A full list of public meetings and hearings, see Table 4 to this report, or on the City's website, www.oaklandnet.com/coliseumcity.

regional and state growth policies; increase Oakland's ability to leverage its central position in the Bay Area, and capture a larger share of regional housing growth, job growth and economic investment.

4. Create a vibrant urban mixed-use district, attracting a significant community of residential and commercial uses. The Coliseum area will feature active streets and public spaces that provide an enhanced pedestrian experience, site security and innovative urban place-making.
5. Create enhanced open space, Bay access, and natural habitat opportunities that will restore natural habitat, and create public educational and Bay accessibility opportunities for Oakland and Bay Area residents.
6. Build upon and promote Oakland's recognized leadership and policies in protecting the urban environment, through the use of building techniques which require fewer natural resources, and create a place which is committed to sustainability.

The approximately 800-acre Plan Area is divided for Specific Plan purposes into five "Sub-Areas" (see **Attachment H**):

Sub-Area A

Sub-Area A is approximately 243 acres, and contains the Coliseum sports complex, surface parking, industry, and transportation infrastructure. The Coliseum sports complex is jointly owned by the City of Oakland and Alameda County; it consists primarily of the existing Arena venue for professional basketball and special events (Oracle Arena), and the Coliseum venue for professional football, baseball and special events (O.co Coliseum). Sub-Area A also includes City-owned land, additional private properties to the east along both sides of San Leandro Street, and the existing Coliseum BART Station and surface parking lot. The Draft Plan addresses Sub-Area A in a greater level of detail, being the most likely area for early phase of development.

Sub-Area B

Sub-Area B is approximately 127 acres, and contains the northerly portion of the Oakland Airport Business Park, freeway-oriented retail and office buildings along the Oakport Street frontage of I-880, and an aging, but well-maintained light industrial and office park district (Oakland Airport Business Park) along Edgewater Drive. The shoreline consists of the MLK Shoreline Park, which features a vegetated pedestrian trail and bike path with views looking across San Leandro Bay, as well as property the City of Oakland leases from the Port of Oakland for the City's Public Works Corporation Yard.

Sub-Area C

Sub-Area C is approximately 189 acres in size and contains the eastern portion of the Oakland Airport Business Park. Currently, this Sub-Area contains 2.25 million square feet of building space, largely made up of an inter-related mix of light industrial, and office uses, as well as a Walmart store and adjacent retail shopping center off Hegenberger Road at Edgewater Drive. Sub-Area C continues the light industrial and office park district along Edgewater Drive and the shoreline park.

Sub-Area D

Sub-Area D is approximately 136 acres in size and includes the southern portion of the Oakland Airport Business Park nearest to the Oakland International Airport. It contains approximately 1.66 million square feet of building space, including large logistics and distribution businesses and activities, as well as light industrial, hotel, and retail and restaurant uses along Hegenberger Road. The western edge of Sub-Area D

abuts, but does not include Arrowhead Marsh and the Martin Luther King Jr. Shoreline Park.

Sub-Area E

Sub-Area E is approximately 105 acres in size, and is located on the westerly or water-side of I-880, between Damon Slough and East Creek Slough. The uses consist of East Bay Municipal Utility District (EBMUD) water treatment facilities and corporation yard; City of Oakland OakPort recreation fields for soccer and open space; and land leased to the East Bay Regional Parks District for MLK Shoreline Park trails.

A summary of the Draft Specific Plan build-out includes up to three new sports facilities totaling nearly 4.25 million square feet of building space; an increase of up to 8 million square feet of office, light industrial, logistics and retail space; and 5,750 new residential units. The Final Draft Specific Plan buildout accommodates up to 14,000 structured parking spaces, and 4,000 surface parking spaces on the Coliseum site.

The Final Draft Specific Plan will facilitate the creation of nearly 34 acres of new, publically accessible open space within Sub-Areas A and B, and allows for additional acres of restored open space in Sub-Area E.

The Final Draft Specific Plan has been prepared with sufficient flexibility to allow for a number of alternative development scenarios, and the continued guidance of future development in the Plan Area even if one or more of the sports teams were to relocate out of the Coliseum Area. Therefore, the DEIR also studies the environmental effects of a two-team, a one-team, and a no-team project alternative.

The Draft Specific Plan provides separate development concepts for each of the Plan Sub-Areas, as described below. Each of these development concepts require further, more detailed planning and analysis, as well as investigation into financing strategies necessary for implementation. None of these Draft Specific Plan concepts currently represent a definitive end-state, or an obligation on the part of either the City or the sports franchises, but are instead a statement of the area's potential.

Because of the complexity of the Draft Specific Plan's development program for the Plan Area's 800 acres, this report will focus on selected goals for both the "Coliseum District" (which consists of Subarea A [the site of the current Coliseum and Arena, and their surrounding surface parking lot] and a portion of Subarea B on the west side of I-880), and the Oakland Airport Business Park and environs.

A. Selected goals for the Coliseum District:

- **New Sports Venues:** Development of up to three (3) new multi-purpose sports/entertainment facilities that retain the City's professional sports teams in Oakland, provide attractions that bring people to the area, and facilitate the development of other uses nearby. This development program includes a proposed new National Football League (NFL) stadium for the Oakland Raiders; a new Major League Baseball (MLB) ballpark for the Oakland A's; and the potential for a new National Basketball Association (NBA) arena for the Golden State Warriors. Under a number of the Draft Specific Plan scenarios, the current Arena would remain as a multi-purpose event venue.
- **Housing:** Development of new housing: 2,300 units at the BART-adjacent Transit Oriented Development district (primarily the BART parking lots, and parcels on San Leandro Street); and up to 1,700 units in a proposed "ballpark village" near the sports facilities.

- Pedestrian access: proposed new elevated pedestrian concourse that would connect from the Coliseum BART station to the new sports/ entertainment areas at the current Coliseum site. This elevated connector could potentially extend over I-880 and link BART to San Leandro Bay; and is envisioned to include a potential streetcar line that uses the elevated concourse to connect from BART to the Oakland Airport Business Park.
- Open Space and Parks: The Draft Plan proposes a total of 26.5 acres of open space within the Coliseum district, consisting of a proposed 2-acre "Grand Plaza" pedestrian streetscape; 10-acre pedestrian elevated concourse and linear open space; and 7- acres of open space and natural habitat improvement along Damon Slough near the Union Pacific/Amtrak railroad tracks and along 66th Avenue.

B. Selected goals for the Oakland Airport Business Park:

- New office space: Provide opportunities for new office and light industrial uses, and campus-type development, of regional significance that expands opportunities for companies in the tech economy to locate in Oakland, in up to 1.5 million square feet of new and renovated buildings.
- New Arena: The Draft Plan proposes a location for a new NBA arena for the Golden State Warriors, should the team decide to remain in Oakland and not move to San Francisco.
- Potential New Residential district: Development of a potential new mixed-use waterfront residential district between Edgewater Drive and the San Leandro Bay shoreline, bracketed by Damon Slough and Elmhurst Creek Slough, with up to 1,750 new residential units. This would be primarily on the location of the existing City of Oakland Corporation Yard, which is on land owned by the Port of Oakland.

CHANGES MADE TO THE SPECIFIC PLAN AND RELATED ACTIONS

This section of the report details changes made to the Specific Plan and Related Actions since the February 4, 2015 Planning Commission hearing.

Changes made to the Final Draft Specific Plan During the City's public review process, following the August 22, 2014 release of the draft Coliseum Area Specific Plan, numerous suggestions to change or amend the Plan were made by the public, outside agencies, Planning Commissioners, community groups, and other interested parties. For the Final Draft Specific Plan released on January 30, 2015, staff has made some of the suggested changes, and not others. The significant changes are: addition of new policies on affordable housing, local hiring, anti-displacement protections, community benefits and community health; changes to the proposals for the Edgewater Seasonal Wetland and the "Bay Inlet"; and revised policies to address the effects of sea-level rise.

At the February 4, 2015 Planning Commission hearing, Commissioners made a number of suggested changes to the Specific Plan. Staff will make those changes to the Plan prior to the City Council Community and Economic Development Committee meeting scheduled for March 24, 2015, and will also complete Chapter 7, Implementation Table.

Changes made to the proposed Planning Code text (Zoning code amendments) and throughout the Planning Code

As shown in **Attachment B** to this report, staff suggests a number of changes to the proposed Planning Code text, or “Zoning Code amendments”:

- Revised conditional use permit findings for residential activities in the proposed new D-CO-4 zone (mapped between Edgewater Drive and the shoreline, between Damon Slough and Elmhurst Creek). See Limitations on Table 17.101H.01, limitation “L4” in **Attachment B**;
- Revised activity tables, refining permitted, conditionally permitted and prohibited uses for each of the six D-CO zones. This reflects Planning and economic development staff suggestions (**Attachment B**). A table which compares the existing zoning districts (S-15, CR-1, IO, and CIX-2) in the Plan Area to the six proposed new “Coliseum District zones” is included as **Attachment I** to this report.
- Revised outdoor storage findings for a conditional use permit would apply to proposed “D-CO-6” zone (**Attachment B**).

As shown in **Attachment B1** to this report, staff additionally suggest a number of changes to the Planning Code:

- Ancillary changes to incorporate the proposed “D-CO” zones (e.g. Parking);
- Not a part of the proposed new zoning for the Coliseum Specific Plan, but important to the Planning and Building Division are minor “code clean ups” to the West Oakland and Lake Merritt Specific Plan zoning regulations. In **Attachment B1**, in West Oakland, changes were to Code Section 17.73.015, particularly to clarify that design review for new industrial buildings would only apply in West Oakland, and not citywide; and in Lake Merritt, to Code Section 17.101G.050, to remove a district-only design regulation (“minimum depth of storefront bay”) that is more restrictive than city standards for other downtown zones.

Changes made to the proposed General Plan and Zoning Maps

Changes to EBMUD-owned property

EBMUD has expressed their interest in implementing a master plan for their Oakport property in Sub Area E that involves an expansion of the corporation yard onto the 14 acre vacant parcel they own on Oakport Street, and onto land near East Creek Slough which is currently leased on a short term basis to the East Bay Regional Parks District as passive open space (see ID # “Q” on the General Plan map, **Attachment C** to this report). In response, Staff proposes to include ID # “Q” in the “Business Mix” General Plan land use designation as opposed to the “Open Space” designation originally proposed. Similarly, the City now proposes to map the new “D-CO-6” zone onto this same piece of property (ID # 24), instead of mapping an Open Space zone there. This would conditionally permit open outdoor storage on land that EBMUD leases on a short-term basis to East Bay Regional Parks as passive opens space. The City recognizes that this preserves EBMUD’s option to, at some point in the future, implement their Oakport Master Plan expansion onto this portion of their property, although EBMUD indicates there are no immediate plans to do so.

In combination with the proposed Planning Code amendments to “Open Storage” conditional use permit findings discussed elsewhere in this report, these two actions will allow consideration of EBMUD’s long-term corporation yard expansion plans, even with new General Plan and zoning designations. The vacant 14-acre site on Oakport Street at 66th is considered a “gateway” to the Coliseum Plan area, and landscaping and screening of the parcel is included in the proposed zoning. Should EMBUD at some point in the future

decide to sell this site, and expand the current Oakport corporation yard operations elsewhere, the regulations for future development of the 14-acre site would be governed by the new D-CO-6 zone.

Landmarks Preservation Advisory Board (LPAB) hearing of February 23, 2015

The LPAB held the second of two hearings on the Coliseum Area Specific Plan (the first was informational on February 9th), to discuss the Final EIR, and the mitigation measures proposed for the significant unavoidable impact which would result should the Coliseum (O.co stadium) be demolished in order to implement the Specific Plan's preferred vision of new sports venues at the Coliseum district. The Board was concerned that: (a) the Final EIR was deficient in presenting the cultural history of fifty years of events, concerts, games and celebrations at the stadium; (b) the archeological analysis was flawed in the EIR because it didn't include the discovery, in the mid-1960's, of mammoth tusks at the site (presumably during construction of the stadium); and (c) the mitigation measures proposed in the Final EIR were not clear in their direction to the City Council about the best way to determine the monetary amount that would be required to be contributed to compensate for the demolition of the Coliseum stadium (and, potentially, under one scenario, the Oracle Arena).

The Board passed three motions addressing these concerns. Each LPAB motion is summarized below, followed by a staff response:

1. Recommend that the EIR be revised and brought back to LPAB before going to the Planning Commission, because the preservation alternative (in the EIR, i.e. retaining and renovating the Coliseum stadium, instead of demolishing it) has not be adequately put forward and analyzed under CEQA; further research is needed on the significance of the resource is needed under (Federal Preservation) Criteria a and b; other potential historic resources in the area should be analyzed, including the Coliseum BART station and other buildings which might become 50 years old during in the next 25 years; and archeological resources be looked at; the revised FEIR (be brought back to LPAB) and that the Planning Commission hearing of March 4th be postponed.

Staff Response: *The City considers the Coliseum EIR to be legally valid under CEQA. Staff and the City Administrator recommend the current schedule of public adoption hearings for the Specific Plan and EIR, and do not recommend postponing the legally-noticed Planning Commission hearing on March 4th. Continuing the item to a future Planning Commission hearing to allow time for additional analysis, which is estimated to take two to three months, would significantly alter the current Plan adoption schedule of a March 24th CED hearing, a first reading and adoption of the Plan and certification of the EIR at the full City Council on March 31st, with a second reading of the proposed zoning text and map on April 21st. This LPAB recommendation would impact the adoption schedule of the Coliseum Plan in a substantial and unnecessary way.*

Staff does not believe it is necessary to postpone the adoption schedule because the LPAB's concerns can be addressed without returning to the LPAB and postponing the Planning Commission hearing. Staff is recommending additional mitigation to further document the cultural significance of the Coliseum District (see below). This additional documentation will not alter the conclusions of the environmental analysis; the analysis already assumes that there would be a significant and

unavoidable impact to cultural resources. Regarding buildings that will become 50 years or older in the future, CEQA is concerned with the analysis of the impact of the Specific Plan on the existing physical environment. It is too speculative at this point in time to consider potential impacts to existing buildings that may or may not be considered historic resources in the future. Potential impacts to future historic resources would be considered in the future if and when those buildings are considered historic resources. Finally, regarding archaeological resources, the EIR identifies and applies enhanced standard conditions of approval (see SCA Cultural-4) that are applied to areas where information suggests the potential for discovery of archaeological resources during construction, such as the Coliseum District, and requires additional measures to reduce potential impacts.

2. The purpose of the mitigation is to compensate the City and the East Oakland community, for the loss of a valued, and priceless cultural and architectural resource; the LPAB is trying to come up with mitigations (both financial and non-financial) that compensate by recordings for posterity, and additional surveys that improve the Board's ability to evaluate cultural resources in the future. (Not in the motion, but in the discussion was the desire that the City start to look at preserving other mid-Century modern buildings in the City, and the desire that there be oral history done in the community about the experiences Oaklanders had at the Coliseum).

Staff Response: *Staff agrees with the ideas in this second motion. Staff also recognizes that no measures, financial or non-financial, can mitigate to a less than significant level the loss of the cultural, architectural and historic resources that will occur as a result of Plan implementation. The mitigation measures are recommended, and will be implemented, to reduce, to the fullest extent feasible, those impacts. But, the impacts can not be fully mitigated regardless of the level of financial or other contributions. Based on the comments and recommendation of the LPAB, the following additional mitigation measures (as derived from the Oakland Army Base Redevelopment Plan EIR and modified appropriate to the Coliseum Complex) are recommended to further compensate for the loss of the Oakland Coliseum as an historic resource. These mitigation measures would also be applicable under a scenario whereby the Arena may also be proposed for demolition. These measures are in addition to MM Cultural 1A-1: Historic American Buildings Survey (HABS) documentation, MM Cultural 1A-2: Public Interpretation Program, and MM Cultural 1A-3: Financial Contribution, as recommended in the Final EIR. New text is in underline:*

MM Cultural 1A-4: Oral Histories. Oral histories shall be collected from people who have had a prominent role in those significant cultural events that occurred in the Coliseum and or Arena since these facilities were originally constructed. To the extent available for interview, oral histories shall be collected from the architecture and design firm Skidmore, Owings & Merrill (or an architectural historian with specific expertise on the works of this architectural firm), and a credentialed historian or a representative from the construction firm of Guy F. Atkinson Company. Oral histories shall also be obtained from willing sports personalities that have played a major roles in the sports histories that have occurred in these buildings, including players, coaches and team owners representing the Oakland Raiders, the Oakland Athletics, the Golden State Warriors and the Oakland Seals hockey team. Additional oral histories shall also be obtained from willing entertainers, event promoters, and sponsors of other major cultural events which have occurred within the Coliseum and Arena and which have helped shape the cultural history of these venues. Such events may include, but are not limited to

entertainment events such as Bill Graham's Day on the Green concerts, Grateful Dead concerts, and memorable and prominent speakers such as the celebration for Mr. Nelson Mandela. The scope of this oral history collection should include the following:

- a. professional quality publication of a master catalog of the interviews;
- b. a summary report made available at the Oakland Museum, the Oakland History room, and/or the UC Berkeley Regional Oral History Office at the Bancroft Library; and
- c. publication of copies of audio CD's or other stable recording medium, and the summary report for sale to the public; and
- d. all interviews shall be transcribed and saved in a long-term, archive-stable medium.

MM Cultural 1A-5: Comprehensive Written Document. A historical resource documentation effort shall be conducted involving a coordinated effort of primary research and documentation, with a substantial scholarly input and publicly available products. The first product of this program shall include a coordinated effort to conduct the research, writing, photo documentation, assembly and publication efforts needed to prepare a comprehensive book on the history of the Oakland Coliseum Complex. The book shall document the important contribution the Coliseum Complex has made to the architectural and cultural history of Oakland.

- a. The research and documentation needed to prepare this book should provide the basis and background for coordinated subsequent documentary mitigation such as the oral histories and public interpretation program.
- b. Primary source material such as construction documents, photographs (such as those currently on display in the Coliseum) and oral accounts should be considered for publication or re-publication within this book.
- c. An author, or authors with appropriate experience and qualifications should prepare the book. The author shall consult with the Bancroft Library, the Oakland History Room, University of California Press, and historical societies as appropriate.
- d. Copies of the book shall be provided to all Oakland public libraries and to other educational institutions.

3. Mitigation in terms of financial and cultural enhancement contribution (such as a contribution to Oakland Parks and Recreation) shall be required, commensurate with the cultural value of the Coliseum; the dollar amount to be based on mitigations from other, similar historic demolitions in the City of Oakland, which have used the costs of façade improvement (at \$500 per lineal square foot) as a basis, or, of a greater amount, after a survey is done of comparable projects, and determined what those mitigation amounts were; do the HABS mitigations as specified in the EIR; conduct broader cultural outreach to capture cultural significance, under Criteria 1 and 2 per Preservation Bulletin 22, and dissemination (of the results).

Staff Response: To address this third motion, staff proposes to alter the current mitigation in the Final EIR as follows (new text is underlined, deleted text is struck out):

MM Cultural 1A-3: Financial Contribution. *If the Oakland Coliseum and/or Arena are demolished, project applicants) shall make a financial contribution to the City of Oakland to be used to fund historic preservation projects within or in the vicinity of the Coliseum district, as described below.*

- a) *The financial contributions can be applied to the programs such as a Façade Improvement Program or Tenant Improvement Program, applicable in East Oakland; and*
- b) *The Landmarks Preservation Advisory board may recommend a monetary value or a formula for assessing the amount of financial contribution for the City Council's consideration, but the amount of any such contribution shall be as negotiated between the City and the developer(s), as ultimately determined by the City Council. Mitigation shall be provided as financial and/or cultural enhancement. Such contribution shall be commensurate with the cultural value of the Coliseum. The level of contribution shall be, to the maximum extent feasible, based upon financial information to be provided by the applicant (such as pro forma information or other comparable information), the City and upon other relevant factors determined by the City; the dollar amount of the financial contribution shall be based, as applicable, on mitigations from other similar historic demolitions in the City of Oakland, after a survey is done of comparable projects, and the amount of those mitigations is determined; the HABS mitigations as specified in the EIR are to be completed; the City and/or developer(s) to conduct community outreach to capture cultural significance, under Criteria 1 and 2 per Preservation Bulletin 22, and publically disseminate the results (see MM 1-4 and 1-5, above).*

Staff has addressed the concerns of the Landmarks Board members and the historic preservation community to the maximum extent feasible. Staff acknowledges the importance of the district, Coliseum and Arena as cultural resources, while recognizing the constraints of preserving these resources from the standpoint of feasibility. From a CEQA perspective, and also as a City cultural or historic resource, no financial or other measure ultimately is available to mitigate for the loss of these resources. The City's recommendations, however, reduce these potential impacts to fullest extent feasible.

KEY ISSUES

Proposed "Bifurcation" or two-tier zoning proposal for Business Park

A number of business owners are concerned about the potential impact of the proposed new zoning on the existing operations of the Business Park companies, including impacts from traffic, and possible incompatibilities should residential activities be introduced on the lands currently leased by the City for its corporation yard (see discussion above). Because of these concerns, there has been a request to "bifurcate" the zoning proposal, and consider the new zoning for the areas below I-880 on a separate track.

It is staff's opinion that while some level of "bifurcation" may be feasible, new land use regulation will be needed in the near term for at least a portion of the Plan Area below I-880 if the Coliseum Planning effort is to fulfill a number of its primary objectives.

The request from some members of the business community is to not change any zoning on the water side of I-880 (that is, Sub Areas, B, C, D and E), until a task force of City and Port staff, with business and property owners, can be convened to further discuss the needs of the Business Park, in terms of infrastructure investment and allowed land uses.

An alternative scenario that staff discussed with the Airport business community at a public meeting on February 17th is the potential to only adopt a new zoning map for Sub Areas B and E on the current adoption schedule, and not change the current zoning designations at this time for parcels in the rest of the Business Park (Sub Areas C and D). Under this scenario, a task force of City and Port staff, with business and property owners, could still be formed to further discuss the needs of the Business Park, in terms of infrastructure investment and allowed land uses, and, after the task force has made its recommendations, new zoning for Sub-Area C and D could be pursued through the public review process. The Coliseum Area Specific Plan and EIR, if certified by the Planning Commission and adopted by the City Council, would still be valid for the development program in the Plan as it pertains to the Airport Business Park. Likewise, the proposed zoning amendments that create the new Coliseum Plan districts “D-CO-1” through “D-CO-6” would still be considered by the Planning Commission, but, under this two-tier scheduling, would not be mapped in Sub Areas C and D.

Public participation in the Coliseum Area Specific Plan

Table 2 below details all of the public hearings, workshops and meetings the City has organized to allow the public and the business community to be informed of, and participate in, the Coliseum Planning process. This table does not include meetings attended by the City’s master development team, JRDV Urban International, or its development partner, New City Development. LLC. In addition, the City has mailed printed notices for the public hearings to property owners inside the Plan area and in neighborhoods surrounding the Plan area; as well as maintained an email list-serve of 630 addresses, where periodic announcements and notices are given about upcoming hearings and events⁵. A complete list of the public comments made at these public meetings and workshops, and individual comments given to staff will be available as part of the City Council Community and Economic Development Committee report.

Table 2. City of Oakland Coliseum public hearings, workshops and presentations given by staff:

Date	Meeting	Notes
February 23, 2015	Landmarks Preservation Advisory Board	Final EIR discussion
February 17, 2015	Airport Business Park workshop	One Toyota—discussion of proposed zoning
February 11, 2015	Community Workshop	81 st Avenue Library – discussion of proposed zoning
February 9, 2015	Landmarks Preservation Advisory Board	Informational meeting on Specific Plan and proposed zoning
February 4, 2015	Planning Commission	Informational meeting on Specific Plan and proposed zoning
January 21, 2015	Zoning Update Committee of the Oakland Planning Commission	First public meeting on proposed zoning text (general zoning proposals and specific zoning maps were published in the August, 2014 Draft Specific Plan)

⁵ Sign up at the City’s webpage, www.oaklandnet.com/coliseumcity-- click the “subscribe for updates” link.

Date	Meeting	Notes
January 8, 2015	Community Workshop	81st Avenue Library
December 18, 2014	Community Workshop	81st Avenue Library
December 17, 2014	City staff presentation to NCPC Beats 33 and 34X meeting	
November 18, 2014	City staff presentation to Urban Peace Movement	Youth organization
October 16, 2014	City staff presentation to Communities for a Better Environment	
October 14, 2014	City staff presentation to Allen Temple Arms	Senior housing
October 9, 2014	Community Workshop	81st Avenue Library
October 1, 2014	Oakland City Planning Commission	Draft EIR public hearing
September 27, 2014	City staff presentation to Council District 7 Leadership Breakfast	
September 25, 2014	Port of Oakland Board of Commissioners public hearing	
September 24, 2014	City staff presentation to East Bay Housing Organizations (EBHO)	
September 24, 2014	Oakland-Alameda County Coliseum Authority (JPA) public hearing	
September 18, 2014	Oakland Bicyclist and Pedestrian Advisory Commission (BPAC) public hearing	
September 17, 2014	Alameda County Airport Land Use Commission public hearing	
September 10, 2014	Oakland Parks and Recreation Advisory Commission (PRAC) public hearing	
September 8, 2014	Landmarks Preservation Advisory Board (LPAB) public hearing	Draft EIR public hearing
September 4, 2014	Public workshop for business community in Airport area (open to public)	Held at Airport Red Lion Hotel
August 4, 2014	City staff presentation to Palo Vista Gardens residents (Oakland Housing Authority)	Seniors
June 25, 2014	Community workshop	81st Avenue Library
May 22, 2014	City staff presentation to Lion Creek Crossings residents	

Date	Meeting	Notes
April 26, 2014	Community workshop	City Hall
April 24, 2014	Community workshop	Held at Airport Red Lion Hotel
February 26, 2014	City staff presentation to AABA Economic Development Committee	Airport Area Business Association committee
May 13, 2013	Landmarks Preservation Advisory Board (LPAB) public hearing	EIR scoping session
May 1, 2013	Oakland City Planning Commission public hearing	EIR scoping session

However, despite the City's outreach efforts to date, a number of Commissioners, public speakers and comment letters have expressed concern that the public (residents of Oakland, and specifically, residents of East Oakland neighborhoods near the Coliseum) and business owners (specifically, owners of business in the Oakland Airport Business Park) have not had enough opportunity to review the Plan and the proposed new zoning.

Therefore, the City held two additional public meetings to better inform the public about the Plan and the new zoning, and to hear public comment in advance of the March 4, 2015 Planning Commission hearing. The first meeting was held for East Oakland residents on February 11th; and the second for business owners in the Business Park on February 17th.

ENVIRONMENTAL DETERMINATION and FINAL EIR

The City of Oakland is the Lead Agency pursuant to the California Environmental Quality Act (CEQA), and has prepared an Environmental Impact Report (EIR) for the Coliseum Area Specific Plan (Project). No Initial Study was prepared for the Project, pursuant to Section 15060(d) of the CEQA Guidelines. The Draft EIR analyzes all environmental topics identified in the City of Oakland CEQA Thresholds of Significance at a level of detail warranted by each topic.

On April 19, 2013, the City of Oakland issued a Notice of Preparation (NOP), to inform agencies and interested parties of its intent to prepare and distribute a "Draft EIR for the Coliseum Area Specific Plan." The Landmarks Preservation Advisory Board and the City of Oakland Planning Commission held Scoping Meetings on May 13 and May 1, 2013, respectively, to accept comments regarding the scope of the EIR in response to the NOP. On August 22, 2014, the City issued the Draft EIR; the comment period ended October 6, 2014. A Final EIR which has responses to all comments received, and revisions to the Draft EIR, was released by the City on February 20, 2015, and discussed at a public hearing of the Landmarks Preservation Advisory Board on February 23, 2015, and is the subject of this Planning Commission public hearing.

The following environmental topics are addressed in detail in the Draft EIR:

- 4.1 Aesthetics, Shadow and Wind
- 4.2 Air Quality
- 4.3 Biological Resources
- 4.4 Cultural and Historic Resources
- 4.5 Geology and Soils

- 4.6 Greenhouse Gas Emissions and Climate Change
- 4.7 Hazards and Hazardous Materials
- 4.8 Hydrology and Water Quality
- 4.9 Land Use and Planning
- 4.10 Noise
- 4.11 Population, Housing and Employment
- 4.12 Public Services and Recreation
- 4.13 Transportation/Traffic
- 4.14 Utilities and Service Systems

This section of the report discusses potential impacts that could result from implementation of the proposed Project. It describes the approach to the analysis, and identifies potential significant unavoidable impacts and mitigation measures, as appropriate.

Potentially Significant Impacts Identified in the Draft EIR

All environmental impacts, City Standard Conditions of Approval (SCAs) and mitigation measures are summarized in Chapter 2 (Executive Summary), Table 2-1 in the Final EIR. Table 2-1 also identifies the level of significance of the impact after application of the SCAs and/or mitigation. Other than the impacts discussed below, all of the environmental effects of the Draft Plan can be reduced to less than significant levels through implementation of Standard Condition of Approval or recommended mitigation measures.

The following list of environmental impacts identifies those considered in this EIR to be significant and unavoidable. Although mitigation measures for many of these impacts (including physical modifications to intersection operations) have been identified, implementation of some of these mitigation measures would be the responsibility of other cities or agencies (i.e., the Port of Oakland, the City of Alameda, City of San Leandro, Caltrans, etc.), and the City of Oakland, as lead agency, cannot ensure their implementation. For other impacts, mitigation measures recommended in this EIR may prove to be infeasible or their implementation may not be certain based on physical, economic, technical or other reasons, and those impacts are also considered to be significant and unavoidable.

Air Quality

- Construction activities pursuant to Plan Buildout (including development at the Coliseum District) will generate regional ozone precursor emissions and regional particulate matter emissions from construction equipment exhaust. For most individual development projects, construction emissions will be effectively reduced to a level of less than significant with implementation of required City of Oakland Standard Conditions of Approval. However, larger individual construction projects may generate emissions of criteria air pollutants that would exceed the City's thresholds of significance. Even with implementation of MM Air 6A-1: Reduced Construction Emissions, it cannot be certain that emissions of ROG and NOx can be reduced to below threshold levels and this impact is conservatively deemed to be significant and unavoidable.
- New development pursuant to the Project (including at the Coliseum District) would result in operational average daily emissions of criteria pollutants (ROG, NOx, PM2.5 and PM10) that would exceed applicable threshold criteria. Even with implementation of SCA Trans-1: Transportation Demand Management (TDM) Program, this impact would be significant and unavoidable.

Biological Resources

Future development pursuant to Plan Buildout, particularly related to the potential Bay Inlet cut and the replacement/exchange of the Edgewater Freshwater Marsh, could have a substantial adverse effect, either directly or through habitat modifications, on candidate, sensitive or special status species. Not until such time as the details of these Project elements are known, permits from responsible agencies are sought, and the requirements and conditions of the responsible regulatory agencies specific to these Project elements are fully known, can any determination be made as to the efficacy of recommended mitigation measures (including MM Bio 1A-1: Pre-construction Nesting Bird Surveys and Buffers, MM Bio 1A-2: In-water Work Restrictions, MM Bio 1A-3: Salt Marsh Protection, MM Bio 1B-1: In-Bay Dredge Requirements, and MM Bio 1B-2: Freshwater Marsh Restoration Plan). Therefore, this impact is conservatively deemed to be significant and unavoidable.

Cultural and Historic Resources

As discussed at the September 8, 2014 and February 9th and 23, 2015 Landmarks Preservation Advisory Board hearings, future development of the Coliseum District would result in ultimate demolition of the Oakland Coliseum and potentially the Arena, causing a substantial adverse change in the significance of the Oakland Coliseum and Arena Complex, a historical resource as defined in CEQA Guidelines Section 15064.5. Under the proposed Project, demolition of the Oakland Coliseum is identified as the only feasible option to move forward with development within the Coliseum District, whereas demolition of the existing Arena is identified as only one of several potential development options. Even with implementation of MM Cultural 1A-1: Site Recordation, MM Cultural 1A-2: Public Interpretation Program and MM Cultural 1A-3: Financial Contribution, this impact would be significant and unavoidable.

Coliseum

The Draft Plan is based on the assumption that in the absence of new venues, the Raiders and the A's are likely to relocate away from the current Coliseum and perhaps out of Oakland. Both of these professional sports franchises have clearly communicated that in their opinion the Coliseum as a facility is outdated, in poor condition, does not function well logistically, and cannot be renovated in a manner to eliminate these problems.

As a key objective of the Draft Plan, the City of Oakland is seeking the retention of the Raiders, A's, and Warriors sports franchises in Oakland (and within the Coliseum District) by prioritizing development of new sports venues that maximize benefits to each of these sports franchises, and that serve as economic development catalyst for the remainder of the Plan Area and for all of Oakland. To retain the teams, new sports facilities will need to be constructed, and will need adequate access, circulation, and parking. To maximize the economic value for the City and County, the land surrounding the new venues is also needed for development of new revenue-generating uses such as residential, retail, hotels, and science and technology uses. The Draft Plan also acknowledges that the City's sports franchises may make independent business decisions to leave the Coliseum site despite the City's planning efforts to retain them, and so provides the flexibility for development scenarios that include fewer (and even no) new sports venues.

However, even under the no new sports venue scenario, there is no planning program that provides for on-going retention of the existing Coliseum. No potential tenants have been identified, other than the A's and the Raiders, who could support the debt service, operations and maintenance costs of keeping the Coliseum open. Therefore, demolition of the existing Coliseum is a significant and unavoidable outcome of the Specific Plan, resulting in the loss of the Coliseum as an historic and cultural resource and the loss of the major contributor of the Coliseum Complex historic district. Mitigations for this loss have been proposed in the Final EIR, amended by the Landmarks Board, and these revisions are discussed more fully, below.

Arena

The Arena is a facility with much greater flexibility and economically viable alternative uses than is the Coliseum. The Specific Plan does not pre-determine that the Arena would need to be demolished, even if the Warriors do relocate to San Francisco. The only scenario (under the multiple options presented within the Specific Plan) in which the existing Arena would be demolished is if the Warriors choose to remain in Oakland and to build a new Arena, perhaps on the water-side of I-880. It would not be economically viable to operate two large arena facilities immediately adjacent to each other. Therefore, under that scenario, demolition of the existing Arena would be a significant and unavoidable outcome of the Specific Plan, resulting in the loss of the Arena as an historic resource and the loss of the only other contributor to the Coliseum Complex historic district.

Other plausible scenarios for the Arena include a scenario wherein the Warriors decide to stay in Oakland and at the existing Arena, and choose to invest in facility upgrades to the Arena to better suit their needs and desires. Alternatively, the Warriors may leave the Arena, but the Arena is incorporated into the economic development plans for the Coliseum District. Under either of these scenarios, demolition of the existing Arena would not occur and the significant impact related to the loss of the Arena as an historic resource would be avoided. As the only remaining contributor to the Coliseum Complex historic district, it is unlikely that the historic district status would remain.

Noise

Future development of new sports and special events venues in the Coliseum District would generate operational noise that would exceed the City of Oakland Noise Ordinance at new, on-site sensitive receivers. There is no feasible mitigation to reduce game-day and special event noise from the new stadium and ballpark (assuming a non-roof design) at proposed new on-site sensitive receivers, and this impact is considered significant and unavoidable.

Transportation

- Under the Existing plus Coliseum District scenario, 9 intersections would be significantly affected by traffic generated within the Coliseum District. Intersection improvements recommended in this EIR can reduce the impacts at all affected intersections to a less than significant level. However, 8 of these 9 intersections are conservatively identified as significant and unavoidable because they are not in the City of Oakland's jurisdiction and implementation of recommended improvements cannot be ensured.
- Under the 2035 plus Coliseum District scenario, 25 intersections would be significantly affected by traffic generated within the Coliseum District. Intersection improvements recommended in this EIR can reduce the impacts at 15 of these affected intersections to a less than significant level. However, 11 of these 15 intersections are conservatively identified as significant and unavoidable because they are not in the City of Oakland's jurisdiction and implementation of recommended improvements cannot be ensured. No improvements are identified as being feasible to reduce impacts at the remaining 10 affected intersections, and these impacts would remain significant and unavoidable.
- Under the 2035 plus Plan Buildout scenario, 40 street intersections would be significantly affected by traffic generated by Plan Buildout. Intersection improvements recommended in this EIR can reduce the impacts at 21 of these affected intersections to a less than significant level. However, 14 of these 21 intersections are conservatively identified as significant and unavoidable because they are not within the City of Oakland's jurisdiction and implementation of recommended improvements cannot be ensured. No improvements are identified as being feasible to reduce impacts at the remaining 19 affected intersections, and these impacts would remain significant and unavoidable.

- Under the 2035 plus Coliseum District scenario, traffic generated within the Coliseum District would significantly degrade traffic conditions on northbound I-880 along 1 segment (99th-Hegenberger) during the pm peak, and on southbound I-880 at 3 off-ramps (High off, 98th off, and Davis off) during the pm peak. No feasible mitigation measures are available that would reduce the magnitude of this impact.
- Under the 2035 plus Plan Buildout scenario, traffic generated by Plan Buildout would significantly degrade traffic conditions on northbound I-880 along 3 segments (from 99th Avenue - High) during the pm peak, and on southbound I-880 along 2 segments (Hegenberger - Davis Street) and at 5 ramps (High off, 42nd on, 66th on, 98th off, and Davis off) during the pm peak. No feasible mitigation measures are available that would reduce the magnitude of this impact.
- The incremental addition of special event traffic resulting from the larger sport and event venues may result in significant impacts on event days. An Event Traffic Management Plan is required to reduce the magnitude of the impacts during special events, but the effectiveness of such a Plan cannot be accurately estimated at this time.
- Development under the proposed Project would generate substantial multi-modal traffic traveling across at-grade railroad crossings at 66th, 69th and 75th Avenues that cause or expose roadway users to a permanent and substantial transportation hazard. Specific crossing improvements are recommended in this EIR, but may not prove feasible (physically, financially or otherwise), and require the consent or approval of the CPUC or Railroad and cannot be ensured.

Impacts deemed Less than Significant in the Draft EIR

The DEIR contains many environmental impacts which were found to be Less than Significant. Due to its potential impact on an existing creek in Oakland, and the importance of Creek protection to the City, the discussion below is intended to inform the public about the possibility of the relocation of Elmhurst Creek, as it currently transects the Coliseum parking lot in an open drainage ditch. Other environmental impacts which were found to be Less than Significant are discussed in the DEIR, and not in this report.

As discussed in more detail in the Draft EIR (Chapter 4.8 Hydrology and Water Quality), the potential relocation of Elmhurst Creek to make land at the current Coliseum parking lots available for the construction of a new Football Stadium would have an environmental impact, but it was found to be less than significant with the application of the City's Standard Conditions of Approval. The DEIR studied three alternatives for Elmhurst Creek:

- Option A: Allow the existing Creek to remain in its current alignment and within its existing dimensions.
- Option B: Allow the existing Creek to remain in its current alignment, but improve the channel to meet current flood control standards, and then allow bridges and overpasses to cross the creek for patrons of events to get from their cars in the parking lot to the new Stadium.
- Option C: The DEIR's preferred option is to realign Elmhurst Creek far enough to the south to provide clearance for construction of a new Stadium. This option includes culverts, relocation of the Creek under or along the Hegenberger Road right of way, and daylighting the Creek on the east side of I-880, near the confluence of several other local drainages near the Hegenberger Road interchange.

The DEIR notes that option C, while it is the preferred option, would require the most number of outside agency permits, such as from the City of Oakland, The San Francisco Bay Regional Water Quality Control Board, the Army Corps of Engineers, among others. For their part, Water Board staff have indicated to the

City, through a comment letter on the DEIR, that a permit to culvert 1,500 feet of the Creek (Option C) is unlikely to be issued by the Board to a project developer, and that Option A or B are more likely to receive permits.⁶

CEQA PROJECT ALTERNATIVES

Chapter 5 of the Draft EIR analyzes a reasonable range of alternatives to the Plan that would feasibly attain most of the Plan's basic objectives, and avoid or substantially lessen many of the Plan's significant environmental effects. The Draft EIR includes detailed analysis of four alternatives, as well as discussion of other alternatives that were considered but not selected for detailed analysis. All of the alternatives, including the No Project Alternative, would be subject to the same City of Oakland Standard Conditions of Approval (SCAs) and mitigation measures (as applicable) that would apply to the proposed Project. These four analyzed include:

Alternative #1: No Project Alternative: The No Project Alternative describes conditions that are reasonably expected to occur in the event that the Coliseum Area Specific Plan is not approved (and even the "no-team" scenario of the Specific Plan is not adopted), and there is no overall strategy put in place for redevelopment of the Coliseum District in a manner that entices and attracts the sports franchises to remain and to be part of a transformative revitalization effort for the Coliseum area. Without such a plan, there is not stimulus or catalyst for retention of the sports franchises or redevelopment of the adjacent Airport Business Park. The expectation is that all three professional sports franchises would only remain within the Coliseum District until they can identify alternative locations, at which point they would relocate. Overall, this alternative would see modest redevelopment of the site including removal of the existing Coliseum, but not redevelopment at a level as envisioned under the Project.

Alternative #2: Fewer Sports and Entertainment Venues: This Alternative and its sub-alternative variations assume that, irrespective of the multiple individual decisions made by the privately owned sport franchises, the City will move forward with adoption and implementation of the Coliseum Area Specific Plan. Under this Alternative, the City may elect to move forward with development scenarios for the Coliseum District that may include three (3) new sports venues as proposed under the Project, or only two (2) new venues, one (1) new venue, or even no new venues. The amount of residential, retail, and science and technology development expected to occur within the Coliseum District and pursuant to Plan Buildout will be similar to that anticipated under the Project, but spread out across more land within the Coliseum District area if not otherwise used by event venues.

Alternative #3: Reduced Alternative: The Reduced Alternative provides a comparative assessment of an alternative development program for the Coliseum District which uses less of the District's development potential than envisioned under the Project. Under this alternative, new residential development would occur in the same locations as is proposed under the Project, but at lower overall densities and reflecting lower building heights.

Similarly, the amount of non-residential development pursuant to the Reduced Alternative is lower than that envisioned under the Project, with new building space generally occurring in the same locations as proposed under the Project but at lower building intensities and heights. This alternative does not alter or reduce the potential for sports and event venue development, but could also adapt to accommodate any of the options for 3 new venues, 2 new venues, 1 new venue, or no venues. Analysis of this Alternative

⁶ See Comment Letter A6 and responses, in the Final EIR.

assumes 3 new sports and special event venues, similar to the Project. The Reduced Alternative also assumes a reduction in total overall development potential throughout the remainder of the Project Area (in Sub-Areas B, C and D), reflecting lower building intensity and height.

Alternative #4: Maximum Development Alternative: This alternative explores the potential of maximum buildout of the Coliseum District pursuant to the Draft Specific Plan. This alternative maximizes the development potential of the Coliseum District based on maximizing the non-vehicle mode split assumptions underlying the Draft Specific Plan’s Trip Budget.¹ This alternative is calculated based on the highest development potential possible assuming maximum investment and effective implementation of all transit, bicycle, pedestrian and non-vehicle enhancements to achieve a non-vehicle (i.e., transit) mode split of as much as 63% of all PM peak hour trips (i.e., 63 % of all trips to and from the Coliseum District during the PM peak hour are made by transit or other non-vehicle modes, and only 37% of all PM peak hour trips are made in automobiles). Based on the Trip Budget of the Specific Plan, such an increased transit mode split could achieve much greater development within the Coliseum District without exceeding the PM peak hour Trip Budget. The Project’s definition of buildout for non-Coliseum District development (Sub-Area B, C and D) already define the Maximum Alternative for these areas.

Summary Comparison

Table 2 compares the amount of development proposed under the Plan to these four identified alternatives.

Table 2: Summary Comparative Buildout Scenarios - Project and Alternatives

Net Increase Compared to Existing:	Project	Alternative #1: No Project	Alternative #2: Fewer Sports Venues	Alternative #3: Reduced Development	Alternative #4: Max. Buildout
New Non-Residential, Non-Sports (sq.ft.)	7,917,000	500,000	7,917,000	4,462,000	9,330,000
New Jobs	20,970	100	18,140	13,230	23,310
New Housing Units	5,750	1,640	5,750	3,735	7,250
New Population	10,240	2,952	10,240	6,780	12,970

Responses to Draft EIR Comments (Final EIR)

City staff received comments on the Draft EIR from thirteen public agencies, nine groups or organizations, and eight individuals. Additional oral comments were provided at the following public hearings:

- September 8, 2014 Landmarks Preservation Advisory Board meeting
- September 17, 2014 Alameda County Airport Land Use Commission Hearing
- September 18, 2014 Bicyclist and Pedestrian Advisory Commission,
- September 25, 2014 Port of Oakland Board of Commissioners
- October 1, 2014 Planning Commission Hearing

Responses to all of the comments provided by agencies, organizations and individuals are provided in the

Final EIR/Response to Comment document, including certain revisions and changes to text in the Draft EIR⁷. None of these changes to the Draft EIR involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from that presented in the Draft EIR. Recirculation of the Draft EIR is not warranted.

In sum, City Planning staff recommends the Planning Commission adopt the CEQA findings in **Attachment G**, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations.

The Coliseum EIR is intended to assess the environmental impacts of the proposed Coliseum Area Specific Plan. The City intends to use the streamlining/ tiering provisions of CEWQA to the maximum feasible extent, so that future environmental review of specific development projects are expeditiously undertaken, without the need for repetition and redundancy, as provided in CEQA Guidelines Section 15152 and elsewhere. Specifically, pursuant to CEQA Guidelines Section 15183, streamlined environmental review is allowed for projects that are consistent with the development density established by zoning, community plan, specific plan, or general plan policies for which an EIR was certified, unless such a project would have environmental impacts peculiar or unique to the project or the project site. Likewise, Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 also provides for streamlining of certain qualified, infill projects. In addition, CEQA Guidelines Sections 15162-15164 allow for the preparation of a Subsequent (Mitigated) Negative Declaration, Supplemental, or Subsequent EIR, and/or Addendum, respectively, to a certified EIR when certain conditions are satisfied. Moreover, California Government Code Section 65457 and CEQA Guidelines Section 15182 provide that once an EIR is certified and a specific plan adopted, any residential development project, including any subdivision or zoning change that implements and is consistent with the specific plan, is generally exempt from additional CEQA review under certain circumstances. The above are merely examples of possible streamlining/tiering mechanisms that the City may pursue and in no way limit future environmental review of specific projects.

When a specific public improvement project or development application comes before the City, the proposal will be subject to its own, project-specific environmental determination by the City. This evaluation will include consideration of whether: a) the action's environmental effects were fully disclosed, analyzed and, as needed, mitigated within the Coliseum EIR; b) the action is exempt from CEQA; c) the action warrants the preparation of a (Mitigated) Negative Declaration; or d) the action warrants preparation of a supplemental or subsequent focused EIR, limited to certain site-specific issues. Again, the above are merely examples of possible streamlining/tiering mechanisms, that the City may pursue, and in no way limit future environmental review of specific projects.

CONCLUSION AND NEXT STEPS

The Oakland Planning Commission is being asked to hear from the public, and to provide feedback to Strategic Planning staff on the proposed final Draft Specific Plan, General Plan Amendments, and Planning Code amendments (text and map changes), and Final EIR

The tentative schedule for future public meetings and hearings that will be held on the final Plan, EIR and Zoning include:

- March 11, 2015: Oakland Parks and Recreation Advisory Commission;
- March 18, 2015: Alameda County Airport Land Use Commission;

⁷ See Chapter 7 of the Final EIR.

- March 24, 2015: City Council Community and Economic Development Committee;
- March 31, 2015: Oakland City Council hearing #1, certifying the EIR, and adopting the Specific Plan; adopting the General Plan amendments; introducing the proposed zoning text and maps
- April 21, 2015: Oakland City Council hearing #2, adopting the proposed zoning text and maps.

RECOMMENDATIONS:

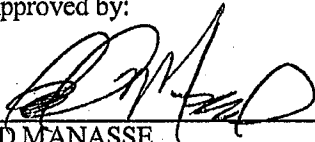
1. Adopt the CEQA findings for the Coliseum Area Specific Plan (Specific Plan) in **Attachment F**, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations;
2. Adopt the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP) in **Attachment G**
3. Recommend the City Council adopt the Specific Plan, General Plan and Planning Code Amendments based, in part, upon the Specific Plan Adoption Findings in **Attachment F**; and
4. Authorize staff to make minor ongoing revisions and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new Coliseum District Zone (which are essentially correction of typographical and/or clerical errors) and to return to the Planning Commission for major revisions only.

Prepared by:



DEVAN REIFF, AICP
Planner III

Approved by:



ED MANASSE
Strategic Planning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI, Deputy Director
Department of Planning and Building

ATTACHMENTS:

- A. February 4, 2015 Planning Commission Staff Report
- B. Proposed changes to the Oakland Planning Code ("zoning text amendments"), adding new section "Chapter 17.101H - D-CO Coliseum Area District Zones Regulations" and showing changes made since

February 4, 2015 Planning Commission hearing

- B1. Proposed revisions throughout the Planning Code, to incorporate Chapter 17.101H - D-CO Coliseum Area District Zones Regulations, and to make non-substantive "code cleanups"
- C. Proposed new zoning and General Plan designations maps
- D. Draft EIR Comment letter from Alameda County Parks, Recreation and Historical Commission
- E. East Bay Municipal Utility District letter, dated February 24, 2015.
- F. CEQA findings
- G. Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP)
- H. Map of Coliseum Plan Sub-Areas
- I. Comparison Table of new D-CO zones with existing zones in the Plan Area

3. **Project Name:** Coliseum Area Specific Plan and EIR
- Location:** The Coliseum Area Specific Plan area ("Plan Area") is located in Oakland and covers an area of approximately 800 acres bounded by 66th Avenue to the north, San Leandro Street and Hawley Street to the east, Hegenberger Road to the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area includes the Oakland-Alameda County Coliseum and Arena, and the Oakland Airport Business Park.
- Proposal:** Conduct a public hearing to receive public comment and to consider certifying the Final Environmental Impact Report (FEIR), and recommending to the City Council the adoption of the proposed Final Coliseum Area Specific Plan, associated General Plan and Planning Code amendments (text and map changes), and Design Guidelines associated with the Specific Plan (collectively called "Related Actions"). The proposals include the creation of six new district-specific zoning classifications: "D-CO-1" through "D-CO-6", as well as additional necessary changes to the Oakland Planning Code to incorporate the proposed new zones, and changes to the Zoning Maps to implement them. There will also be proposed General Plan Amendments associated with the Plan— both to the *Estuary Policy Plan* and the *Land Use and Transportation Element* of the Oakland General Plan.
- Contact Person/Phone Number:** Devan Reiff, 510-238-3550 or Ed Manasse, 510-238-7733
- Applicant:** City of Oakland
- Case File Number:** ZS13103 / ER130004 / SP14001 / GP14002 / ZA14001
- General Plan:** Land Use and Transportation Element (LUTE) Areas:
Regional Commercial, Community Commercial, Business Mix.
Estuary Policy Plan Areas:
General Commercial 2, Light Industry 3, Parks.
- Zoning:** CR-1, IO, M-40, S-15, CIX-2
- Environmental Determination:** An Environmental Impact Report (EIR) has been prepared for the Coliseum Area Specific Plan. The Draft EIR (DEIR) was published on August 22, 2014, and the comment period ended October 6, 2014. All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Specific Plan. The Final EIR (FEIR) was published on February 20, 2015.
- Historic Status:** CEQA historic resources currently identified in the Plan Area (resources that are on or may be eligible for National, California, or Local Registers of Historical Resources) include the Coliseum and Arena (individually rated A and B by the Oakland Cultural Heritage Survey and together constituting an Area of Primary Importance) and the Warehouse Union Local 6 building at 99 Hegenberger Road (PDHP, preliminary rating *c3, of potential future significance; now over 50 years old). Portions of the Project Area contain other older buildings and structures not currently evaluated as significant but of possible future interest.
- Service Delivery Districts:** 5, 6
- City Council Districts:** 7 (with City Council District 6 representing the 66th Ave. frontage of Plan Area)
- Commission Action to Be Taken:** Receive public comments, close the hearing and consider certifying the FEIR, and recommending to the City Council adoption of the Final Draft Specific Plan and Related Actions.
- Finality of Decision:** n/a
- For Further Information:** Contact project planner Devan Reiff at 510-238-3550 or dreiff@oaklandnet.com
Project website: www.oaklandnet.com/coliseumcity

SUMMARY

On March 4, 2015, the Oakland Planning Commission held a legally-noticed public hearing to consider recommending adoption of the Coliseum Area Specific Plan (Specific Plan), General Plan Amendments, Planning Code Amendments, and certification of the Environmental Impact Report (Related Actions). The March 4, 2015 Staff report is **Attachment A** to this report.

Because two legally required sets of findings, (1) the CEQA findings and the statement of overriding considerations, and (2) the Specific Plan adoption findings, were not completed in sufficient time before the March 4, 2015 meeting to meet the requirements of Oakland's Sunshine Ordinance, of the the City Attorney determined that the hearing on March 4th could be held, but no action could be taken, except to continue the item for a vote at a Special Meeting of the Planning Commission on March 11th. A motion to continue the item to March 11th was unanimously passed by the Commission on March 4th. All of the material in the March 4th staff report remains valid for the deliberation to be held at this March 11th Special Meeting of the Planning Commission.

The CEQA findings which include Certification of the EIR, Rejection of Alternatives, and a Statement of Overriding Considerations are **Attachment B** to this report. The Coliseum Area Specific Plan Adoption Findings are **Attachment C**.

In advance of the Planning Commission hearing on March 4th, staff received a number of comment letters from public agencies, community groups, and individuals. Those letters were distributed to the Planning Commission at the dais, but are now included as **Attachment D** to this report.

In response to some of the comments received suggesting revisions to a number of items in the Specific Plan, the Commission directed staff to bring back revised text for the Specific Plan to the March 11th hearing, and in those cases where staff did not agree with the suggested revisions, to explain the reasoning. Staff has produced text revisions to the Specific Plan as **Attachment E** to this report - which include but are not limited to, changes proposed by Public Advocates and their coalition partners in a letter dated March 2nd. **Attachment E** also contains revisions that address other requests made during the public comment period. As with other Specific Plans adopted by the City in the last year, staff expects there to be further refinements to the Specific Plan policies and actions, as well as graphics changes, as the Plan is reviewed by the City Council at public hearings in March 2015. Further changes to the Specific Plan after the March 11th Planning Commission meeting could be made, if necessary, as directed by Council.

Because the Commission indicated near unanimous support in the comments on March 4th for not "bifurcating" the zoning into a first phase (Sub Areas A, B and E), and a later phase (Sub Areas C and D), staff has prepared revised General Plan and Zoning Maps (see **Attachment F**), which show the entire 800-acre Plan Area mapped with the proposed new General Plan designations and proposed new zoning districts (D-CO-1 through D-CO-6). However, the Edgewater Seasonal Wetland is shown in the revised General Plan and Zoning maps as hatched, indicating staff is looking for direction from the Planning Commission for one of three designations for this 8-acre property:

General Plan Options for the Edgewater Seasonal Wetland:

1. Change to "Regional Commercial" designation
2. Keep existing "Business Mix" designation
3. Change to "Urban Open Space" designation

Zoning Map Options for the Edgewater Seasonal Wetland:

1. Rezone to new D-CO-3
2. Keep existing IO zoning
3. Rezone to OS (Open Space)

Further, staff, in collaboration with the partner agencies and in consideration of public requests, proposes to revise some of the Mitigation Measures (MM) from the Final Environmental Impact Report (Final EIR), released by the City on February 20, 2015. See below for these proposed changes. Staff is considering other revisions suggested by other agencies, and will make those recommendations verbally at the Planning Commission hearing on March 11th. Staff have also made a change to a limitation in the proposed D-CO-4 zoning, in response to environmental groups concerned with adaptation measures to sea-level rise.

CHANGES MADE TO MITIGATION MEASURES IN FINAL EIR

Staff proposes that the following Mitigation Measures (MM) in the Final EIR be changed as indicated (new text shown in underline, deleted text in ~~strikeout~~).

Changes requested by the Port of Oakland

As noted above, the City and the Port have worked closely to align mutual interests, and at the Port's request, the following changes are proposed for the Final EIR:

MM Land-7A: No structures that exceeds 159.3 feet above mean sea level or otherwise exceeds the applicable Part 77 surfaces of the Oakland International Airport Land Use Compatibility Plan, ~~and/or which exceed 200 feet above the ground level of its site,~~ will be approved by the City unless such a structure has been reviewed by the FAA in accordance with FAR Part 77 and the City receives either:

a) ~~An FAA finding that the structure is "not a hazard to air navigation" and would not result in the FAA altering, curtailing, limiting, or restricting instituting any alterations or curtailing of flight operations in any manner, and a conclusion by the ALUC that the proposed structure is acceptable; or~~

b) ~~A conclusion by the ALUC that the proposed structure is acceptable (i.e., no hazard and no alterations to flight operations) only with appropriate marking and lighting, and that the applicant agrees to mark and light that structure in a manner consistent with FAA standards as to color and other features.~~

a) An FAA finding that the structure is "No Hazard To Air Navigation" and would not result in the FAA altering, curtailing, limiting, or restricting flight operations in any manner; and an ALUC determination that the proposed structure is consistent with the December 2010 Oakland International Airport Land Use Compatibility Plan (ALUCP); and

b) Agreement from the applicant to mark and light that structure in a manner consistent with FAA standards.

MM Land-7C: An aviation easements shall be dedicated to the Port of Oakland as a condition for any discretionary approvals of future residential or non-residential development within the Project Area. The aviation easement shall:

- a) Identify the potential hazard associated with the proposed project and its location within

protected airspace;

b) Identify the airport owner's right to clear or maintain the airspace from potential hazards;

c) Identify the right to mark potential obstructions and notify aviators of such hazards;

d) Provide the right to pass within the identified airspace.

e) Restrict the heights of structures and trees on the property to conform to the Oakland International Airport Land Use Compatibility Plan, unless otherwise approved by the FAA and ALUC as described in Mitigation Measure Land-7A.

~~f) Require sponsors for fireworks displays or other aerial releases to coordinate in advance with the FAA to ensure that the proposed timing, height, and materials for the event do not pose a hazard to the safe operation of the Oakland International Airport.~~

gf) The City shall coordinate the wording of the easements with the Port of Oakland.

g) The aviation easement used shall be the standard Port aviation easement and should include language to release the Port from any damages arising from the imposition of the easement, and prohibit the grantor from bringing legal claims associated with the easement and airport operations.

MM Land-7D: In addition to obtaining required City permits for fireworks displays or other aerial releases, event sponsors shall coordinate in advance with the FAA to ensure that the proposed timing, height, and materials for the event do not pose a hazard to the safe operation of Oakland International Airport.

Recommendation Requirement Noise-9: The developer of residential uses in the Waterfront Mixed Use District within Sub-Area B ~~should consider~~ shall conducting noise studies to determine if overflight noise may warrant sound insulation and other design measures for new homes in Sub-Area B to reduce outdoor aircraft noise levels associated with the following flight patterns: .

- Downwind arrivals to North Field Runways 28L/R,
- Visual Flight Rules departures from North Field Runways 28 L/R
- OAK "Salad One" departures during North Field Quiet Hours (10 p.m. to 6 a.m.)
- "Pattern work" (training flights) performed on Runways 28R and Runway 33.

Changes requested in response to the Landmarks Preservation Advisory Board (LPAB)

As noted in the March 4, 2015 staff report, the City's CEQA consultant responded to concerns raised by the public and the LPAB about the proper mitigation to compensate for the potential loss of the Coliseum, a historic resource under CEQA. For clarity in this report, the two new mitigation measures presented at the March 4th Planning Commission are included here (MM 1A-4 and 1A-5), as well as revisions to MM 1A-3, with further revisions made at the suggestion of the Cultural Heritage Survey staff shown in ~~grey outline or~~ ~~strikeout~~

MM Cultural 1A-4: Oral Histories. Oral histories shall be collected from people who have had a prominent role in those significant cultural events that occurred in the Coliseum and or Arena since these facilities were originally constructed. To the extent available for interview, oral histories shall be collected from the architecture and design firm Skidmore, Owings & Merrill (or an architectural historian with specific expertise on the works of this architectural firm), and ~~a credentialed historian or a representative from~~ the construction firm of Guy F. Atkinson Company. Oral histories shall also be obtained from willing sports personalities that have played a major roles in the sports histories that have occurred in these buildings, including players, coaches and team owners representing, ~~and fans of~~ the Oakland Raiders, the Oakland Athletics, the Golden State Warriors and the Oakland Seals hockey team. Additional oral histories shall also be obtained from willing entertainers, event promoters, and sponsors of other major cultural

events which have occurred within the Coliseum and Arena and which have helped shape the cultural history of these venues. Such events may include, but are not limited to entertainment events such as Bill Graham's Day on the Green concerts, Grateful Dead concerts, and memorable and prominent speakers such as the celebration for Mr. Nelson Mandela. The scope of this oral history collection should include the following:

- a. professional quality publication of a master catalog of the interviews;
- b. a summary report made available at the Oakland Museum, the Oakland History room, and/or the UC Berkeley Regional Oral History Office at the Bancroft Library; and
- c. publication of copies of audio CD's ~~video~~ or other stable recording medium, and the summary report for sale to the public; and
- d. all interviews shall be transcribed and saved in a long-term, archive-stable medium.

MM Cultural 1A-5: Comprehensive Written Document. A historical resource documentation effort shall be conducted involving a coordinated effort of primary research and documentation, with a substantial scholarly input and publicly available products. The first product of this program shall include a coordinated effort to conduct the research, writing, photo documentation, assembly and publication efforts needed to prepare a comprehensive book on the history of the Oakland Coliseum Complex. The book shall document the important contribution the Coliseum Complex has made to the architectural and cultural history of Oakland.

- a. The research and documentation needed to prepare this book should provide the basis and background for coordinated subsequent documentary mitigation such as the oral histories and public interpretation program.
- b. Primary source material such as construction documents, photographs (such as those currently on display in the Coliseum) and oral accounts should be considered for publication or re-publication within this book.
- c. An author, or authors with appropriate experience and qualifications should prepare the book. The author shall consult with the Bancroft Library, the Oakland History Room, University of California Press, and historical societies as appropriate.
- d. Copies of the book shall be provided to all Oakland public libraries and to other educational institutions.

MM Cultural 1A-3: Financial Contribution. If the Oakland Coliseum and/or Arena are demolished, project applicants) shall make a financial contribution to the City of Oakland to be used to fund historic preservation projects within or in the vicinity of the Coliseum district, as described below.

- a) The financial contributions can be applied to the programs such as a Façade Improvement Program or Tenant Improvement Program, applicable in East Oakland; and
- b) ~~The Landmarks Preservation Advisory board may recommend a monetary value or a formula for assessing the amount of financial contribution for the City Council's consideration, but the amount of any such contribution shall be as negotiated between the City and the developer(s), as ultimately determined by the City Council. Mitigation shall be provided as financial and/or cultural enhancement. Such contribution shall be commensurate with the cultural value of the Coliseum. The level of contribution shall be, to the maximum extent feasible, based upon financial information to be provided by the applicant (such as pro forma information or other comparable information), the City and upon other relevant factors determined by the City; the dollar amount of the financial contribution shall be based, as applicable, on mitigations from other similar historic demolitions in the City of Oakland, after a survey review is done of comparable projects, and the amount of those mitigations is determined; the HABS and interpretive mitigations as specified in the EIR are to be completed; the City and/or developer(s) to conduct community outreach to capture cultural significance, under Criteria 1 and 2 of the California Register of Historical Resources~~

(equivalent to Criteria A and B in National Register per Preservation Bulletin 22), and publically disseminate the results (see MM 1-4 and 1-5, above).

CHANGES MADE TO PROPOSED ZONING

Staff has considered the suggestions made by environmental advocates to strengthen language about new zoning at the waterfront, in relation to adapting to sea-level rise. Staff proposes the following modifications to the proposed zoning (new language in underline):

Limitations on Table 17.101H.01:

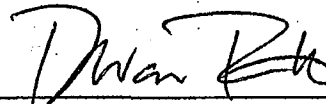
L4. This activity is only permitted upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134, and to all of the following additional use permit criteria:

1. That the project is designed in a way that minimizes the potential health impacts of locating a residential use near the surrounding activities;
2. That new development will meet residential environmental safety standards;
3. That the design of the development accounts for the projected rise in sea levels and the potential for inundation by the Bay and other flood waters; in a manner that protects both human infrastructure as well as the natural aquatic resources of San Leandro Bay;
4. That aviation easements for the Oakland International Airport will be negotiated with future owners or tenants, and deed disclosures about proximity to Airport operations will be made; and
5. That measures that minimize adverse impacts to the surrounding activities and communities have been incorporated into the project.

RECOMMENDATIONS:

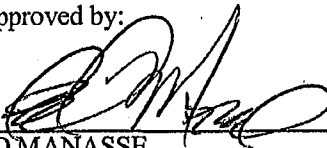
1. Adopt the CEQA findings for the Coliseum Area Specific Plan (Specific Plan) in **Attachment B** to this report, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations;
2. Adopt the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP) (**Attachment G** to the March 4, 2015 Staff report);
3. Recommend the City Council adopt the Specific Plan, General Plan and Planning Code Amendments based, in part, upon the Specific Plan Adoption Findings in **Attachment C** to this report;
4. Approve the changes made to mitigation measures in the Final EIR and the proposed zoning, in this staff report;
5. Approve the changes made to the Specific Plan text included in **Attachment E** to this report;
6. Direct staff as to the preferred General Plan and Zoning designation for the Edgewater Seasonal Wetland property; and
7. Authorize staff to make minor ongoing revisions and to make non-substantive, technical conforming edits to the Planning Code that may have been overlooked in deleting old sections and cross-referencing new sections to the new Coliseum District Zone (which are essentially correction of typographical and/or clerical errors) and to return to the Planning Commission for major revisions only.

Prepared by:



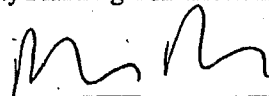
DEVAN REIFF, AICP
Planner III

Approved by:



ED MANASSE
Strategic Planning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI, Deputy Director
Department of Planning and Building

ATTACHMENTS:

- A. March 4, 2015 Planning Commission Staff Report

- B. CEQA findings: Certification of the EIR, Rejection of Alternatives, and Statement of Overriding Considerations
- C. Coliseum Area Specific Plan Adoption Findings
- D. Letters received for the March 4, 2015 Planning Commission hearing
- E. Revisions to Coliseum Area Specific Plan
- F. General Plan Map and Zoning Map proposal

GENERAL PLAN AMENDMENTS

Implementation of the Coliseum Area Specific Plan (Plan) will require amendments to the *Land Use and Transportation Element* and the *Estuary Policy Plan* of the Oakland General Plan and to the City of Oakland Planning Code ("Planning Code") to ensure that broad City policy and specific development standards are tailored to be consistent with this Plan. These amendments will be adopted concurrently with the Plan. Upon adoption, the objectives and policies contained in this Plan will supersede goals and policies in the General Plan with respect to the Plan Area. In situations where policies or standards relating to a particular subject are not provided in the Plan, the existing policies and standards of the City's General Plan and Planning Code will continue to apply. When future development proposals are brought before the City, staff and decision-makers will use the Coliseum Area Specific Plan as guide for project review. Projects will be evaluated for consistency with the intent of Plan policies and for conformance with development regulations and design guidelines.

I. TEXT AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN, LAND USE & TRANSPORTATION ELEMENT (LUTE)

The following are proposed text changes to the General Plan, Land Use & Transportation Element. Additions to the Plan are underlined; deletions are ~~in-strikeout~~.

Oakland General Plan, Land Use & Transportation Element (LUTE)

Chapter 3: Policies in Action

The Land Use Diagram

Land Use Classifications

Community Commercial

Intent: The Community Commercial Classification is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers.

Desired Character and Uses: Community Commercial areas may include neighborhood center uses and larger scale retail and commercial uses, such as auto related businesses, business and personal services, health services and medical uses, education facilities, and entertainment uses. Community Commercial areas can be complemented by the addition of urban residential development and compatible mixed use development.

Intensity/Density: Except as indicated below, the maximum FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre.

- Within the Broadway Valdez District Specific Plan area, the maximum FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.
- Within the Lake Merritt Station Area Plan area, the maximum FAR for this classification is 12.0. Maximum residential density is 250 units per gross acre.

- Within the Coliseum Area Specific Plan area, the maximum FAR for this classification is 8.0.
Maximum residential density is 250 units per gross acre.

Policy Framework Basis for the Classification: Neighborhood Goals; Neighborhood Objectives N1, N2, N3, N6, N8, N9, N10, N11, and related policies. Industry and Commerce Goals; Industry and Commerce Objectives I/C 1, I/C 2, and I/C 3, I/C 5. Transportation Objective T2.

Industry, Commerce & Institutional Classifications

Regional Commercial

Intent: The Regional Commercial classification is intended to maintain, support and create areas of the City that serve as region-drawing centers of activity.

Desired Character and Uses; A mix of commercial, office, entertainment, arts, recreation, sports, and visitor-serving activities, residential mixed use development and other uses of similar character or supportive of regional drawing power.

Intensity/Density: The maximum FAR for this classification is 4.0. Maximum residential density is 125 units per gross acre, in a mixed use project.

- Within the Coliseum Area Specific Plan area, the maximum FAR for this classification is 8.0.
Maximum residential density is 250 units per gross acre.

Policy Framework Basis for the Classification: Industry and Commerce Goals; Industry and Commerce Objectives I/C 1, I/C 2, I/C 32. Neighborhood Objective N1.