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OFFICE OF THE CITY CLERK  
OAKLAND  
2015 APR 30 AM 11:46

# AGENDA REPORT

**TO:** John A. Flores  
INTERIM CITY ADMINISTRATOR

**FROM:** Rachel Flynn

**SUBJECT:** Downtown Oakland Specific Plan  
and EIR

**DATE:** April 16, 2015

City Administrator  
Approval

Date

4/30/15

**COUNCIL DISTRICT: 2 & 3**

## RECOMMENDATION

Staff recommends that the City Council adopt:

**A Resolution Authorizing the City Administrator To Execute a Professional Services Contract With Dover, Kohl & Partners And Team Of Consultants, In An Amount Not To Exceed \$1,000,000, For Services Related To The Downtown Oakland Specific Plan And Environmental Impact Report Without Returning To Council**

## OUTCOME

Authorizing the City Administrator to enter into this contract will start the development of a comprehensive vision for approximately 930 acres of Downtown Oakland. A Specific Plan process will comprehensively assess Downtown to ensure continued growth and revitalization.

## EXECUTIVE SUMMARY

The Downtown Oakland Specific Plan will be a community-driven plan that defines a vision for the area and develops a regulatory framework for future development and public improvements. This important plan will focus on making it easier and more attractive to walk, bike, shop, work, and live in Downtown Oakland. Staff requests City Council approval of a resolution to award a contract to Dover, Kohl & Partners (including Opticos Design, Inc., Urban Planning Partners, Inc., Strategic Economics, Inc., Toole Design Group, LLC, Coastland Civil Engineering, Inc., MindMixer, and Fehr and Peers as subconsultants) for the preparation of a Specific Plan and Environmental Impact Report (EIR) for the Downtown as defined on the map in **Attachment A**.

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This includes land use and transportation analysis, cost estimates, an EIR and recommendations related to social equity, and affordable housing for Downtown.

## **BACKGROUND/LEGISLATIVE HISTORY**

Downtown Oakland is the cultural, business, government, and entertainment hub of the East Bay with excellent transit service, including three Bay Area Rapid Transit (BART) stations, multiple Alameda County (AC) Transit bus lines, Amtrak train service, and ferry service. The Specific Plan is the City's effort to comprehensively review a variety of land use-related issues to ensure continued growth and revitalization.

Downtown is home to several distinct neighborhoods and amenities including the following: City Center which contains many State, Federal, and local government offices and other activities; the Kaiser Center Business District contains a collection of high rise office towers; the Gold Coast District is a historic neighborhood with urban style housing; Old Oakland is a historic commercial neighborhood with carefully restored Victorian-style buildings; Korea Town Northgate (KONO) neighborhood, composed of five blocks of Telegraph Avenue, is a mix of residential, commercial, and small industrial uses; the Uptown district is home to numerous performance venues such as the eclectic Fox Theater, the Art-Deco inspired Paramount Theater, and the New Parish night club in addition to premier restaurants; and the Jack London district on the waterfront is a mix of maritime services, work/live lofts in renovated warehouse buildings, and new residential, dining, retail, and entertainment uses. Lake Merritt, just to the east of Downtown, is Downtown's major recreational resource. Other parks in the Downtown study area include Snow Park, Lafayette Park, Jefferson Park, Harrison Park, and Frank Ogawa Plaza. See **Attachment A** for a map of the Downtown Specific Plan study area.

The Downtown Specific Plan will need to closely coordinate with parallel planning studies including the Downtown Oakland Circulation Study (being prepared jointly by Alameda County Transportation Commission (ACTC) and the City of Oakland), to study two-way street conversion. The Downtown Plan will be able to use the transportation analysis and recommendations of this study to support a "complete streets" approach and the implementation of a multi-modal and economically prosperous environment. Additional studies include the ACTC "Broadway-Jackson Study," which will study connections between the City of Alameda and Oakland's Chinatown – as well as access to and from Highway 880; Citywide Impact Fee Nexus Study and Implementation Strategy for transportation, affordable housing, and capital improvements; Downtown Parking Supply Study; Complete Streets Implementation Plan; Broadway Transit Circulator Study; and a State Law SB743 Standard Procedures Update, which removes Level of Service (LOS) as a traffic input analysis methodology from the California Environmental Quality Act (CEQA).

### ***Metropolitan Transportation Commission Funding Agreement***

On November 18, 2014, the City Council adopted Resolution No. 85272 authorizing the City of Oakland to apply for, accept and appropriate \$750,000 in Metropolitan Transportation Commission (“MTC”) funding under the Priority Development Area (PDA) Planning grant program and enter into a funding agreement with MTC for the PDA Planning grant funds, and appropriate \$750,000 in community benefit funds from the Jack London Redevelopment Project, and allocate \$100,000 of the Jack London Redevelopment Project community benefit funds to fund the local match requirement to receive MTC grants funding for the Downtown Specific Plan.

On March 16, 2015, the City entered into a Funding Agreement with MTC for \$750,000 to support the development of the Downtown Specific Plan and EIR. The \$100,000 from the Jack London Redevelopment Project community benefit funds will be used to fulfill MTC’s local match requirement. Additionally, the Planning and Building Department has identified \$150,000 in contingency funding in the Development Services Fund (2415) for the development of the Specific Plan and EIR.

### ***Professional Services Agreement for Specific Plan and EIR***

The professional services agreement with the Dover, Kohl & Partners team will result in a Specific Plan, as well as an Environmental Impact Report for Downtown.

The objective of the Specific Plan is to provide sound policy guidance on Downtown development linking land use, transportation, economic development, open space, landscape design, historic preservation, cultural arts, and social equity. The Specific Plan will be coordinated with studies and development projects recently approved and underway in and near the Downtown area. This will entail coordination of planning and development efforts with the ACTC, BART, Port of Oakland, Capital Corridor Amtrak, Union Pacific, AC Transit, and other major stakeholders including operational businesses, property owners, neighborhood groups, and various non-profit entities.

## **ANALYSIS**

### ***Consultant Selection***

As noted above, the Dover, Kohl & Partners team, which includes Oakland-based companies, was selected by a panel of City staff and a member of the Oakland Planning Commission. Other teams which applied for the Downtown Specific Plan request for proposals were:

- Dover Kohl and Partners, Coral Gables, FL
- Perkins & Will, San Francisco, CA
- Dyett & Bhatia, San Francisco, CA
- Gensler, San Francisco, CA

- UDP International, LLP, Hong Kong, China
- Community Design and Architecture, Oakland, CA
- Tetra Tech, Oakland, CA

The Dover Kohl Team was selected for the following reasons:

1. They met all of the requirements listed in the RFP, including Disadvantaged Business Enterprise (DBE) requirements. DBE's are defined as small businesses owned and controlled by socially and economically disadvantaged individuals. Oakland's Contracts and Compliance Department reviewed all RFP's and determined which firms qualified.
2. Team members are highly recognized, experienced, and capable in their respective fields: urban planning and design, zoning/form-based codes, transportation, economics, infrastructure, CEQA, and public outreach.
3. Experiences range from the local level to the national level. They understand issues relevant to Oakland, the Bay Area, and California – and they afford national experience and knowledge in regards to best practices throughout the country.
4. Strong reputation for leading community efforts, engaging the public, seeking input from a wide variety of stakeholders, and educating the community.
5. Known for their inclusive on-site charrette process that has been successful in many cities throughout the country. Their "open studio" will be set up at an accessible and visible storefront location for ten days. After a community workshop, open to all citizens, the entire team will begin developing the plan at the open studio. This allows the public to participate in and observe the planning effort at its first stage of development – one of the most critical phases in the process.
6. Community outreach continues through a variety of means; public meetings, e-communications, advisory commission(s), Mindmixer, public presentations, etc.
7. Presentations by the firm principals are inspiring and informative. They reflect the community's concerns and hopes. The principals stay closely engaged throughout the entire planning process.
8. Numerous graphics are created, that are both visionary and realistic, to help the public fully understand what is envisioned for the future. These graphics reflect the input the public provides during the planning process.
9. Strong emphasis on Downtown's neighborhoods and their unique assets and challenges.

### ***Downtown Specific Plan Key Components***

The MTC Funding Agreement defines the requisite components of the Downtown Specific Plan. A summary of these requirements follows:

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- PDA Profile Report – that provides an overview of the project context (existing conditions) and any known opportunities, issues or constraints in the Downtown PDA that shall need to be considered or addressed in the planning process, to include issues of displacement, affordable housing, and equity.
- Community Engagement Plan – illustrating a robust and inclusive community process.
- Alternatives Analysis – the consultant will consider public input to develop preliminary planning concepts that start to establish the range of Plan alternatives. The alternatives will develop basic concepts of land use, urban design, transportation (circulation, access and connectivity), parking management, infrastructure and community services, and multi-income housing options in a level of detail sufficient to allow for discussion with City staff and the public.
- Draft Specific Plan – to include executive summary, planning context, vision, goals and objectives, land use element, transportation element, utilities and public services/facilities element, open space and community facilities element and implementation, and phasing element.
- Environmental Impact Report (EIR) - the EIR will be written to allow the City to easily implement the Specific Plan and to enable the City to subsequently streamline project-level CEQA reviews for catalyst developments that are consistent with the Specific Plan.

### **PUBLIC OUTREACH/INTEREST**

The Downtown Specific Plan Request for Proposals was widely circulated in the real estate development, planning consulting, and environmental consulting fields. Once the contract described in this report is negotiated and signed, and the planning process for the Downtown Specific Plan begins, there will be a robust community outreach strategy, in the scope of work for Dover, Kohl & Partners.

The planning process must be built upon broad public involvement, and on creative methods for finding common ground among diverse groups: public agencies, community members, neighborhood groups and business organizations, business owners, property owners, and developers.

### **COORDINATION**

Staff from the Strategic Planning division prepared this report and the attendant resolution, in consultation with the Office of the City Attorney. A member of the Oakland Planning Commission and a staffer from Oakland Public Works participated on the selection team during the RFP process.

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City Planning staff would manage the development of the Downtown Specific Plan and coordinate the Plan development with various City Departments, including Economic and Workforce Development, Public Works, Parks and Recreation, Police, and Fire. This report has been reviewed by the City Attorney's Office and Controller's Bureau.

### COST SUMMARY/IMPLICATIONS

The following sections explain the costs associated with preparing the Downtown Specific Plan and EIR.

1. COST ELEMENTS OF CONTRACT:

Sub Project/Phases	\$1,000,000
Management	n/a
Equipment	n/a
Software	n/a
Maintenance	n/a
Service	n/a
Labor Rates (If applicable – use separate table detailing labor rates)	n/a
Taxes and Fees*	n/a
TOTAL AGREEMENT/CONTRACT AMOUNT	\$1,000,000

The City received \$750,000 from MTC funding under the PDA Planning grant program and \$100,000 from the Jack London Redevelopment Project community benefit funds to fund the local match requirement to receive MTC grant funding for the Downtown Specific Plan. Additionally, the Planning and Building Department has identified \$150,000 in contingency funding in the Development Services Fund (2415) for the development of the Specific Plan and EIR.

2. FISCAL IMPACT:

The cost to develop the Downtown Specific Plan and EIR is reflected in the not-to-exceed amount of the Professional Services Contract of \$1,000,000. This amount will cover basic services. The MTC, Jack London District Association community benefit funds and Planning and Building Department funds have been deposited into the following accounts: Fund 2163 (for MTC grant funds) and the Development Services Fund 2415 (Jack London District Association community benefit funds and Planning and Building Department funds).

MTC and ABAG grant funds will be deposited and appropriated into Metro Transportation Com: Program Grant Fund (2163), Planning Organization (84211), Other Grant: From Other Agencies

Account (46419) and Contract Contingencies Account (54011), a project to be determined, ~~General Plan, Zoning Update & Strategic Analysis Program (SC09) totaling \$750,000.~~

Jack London Community Benefits match funding totaling \$100,000 will be transferred from Development Services Fund (2415), Planning Organization (84211), Contract Contingencies Account (54011), Jack London Community Benefits Project (P480510), General Plan, Zoning Update & Strategic Analysis Program (SC09) to a project to be determined.

Planning and Building Department funds have been identified totaling \$150,000 in Development Services Fund (2415), Administration: Planning & Building Org (84111), Contract Contingencies Account (54011), Non-project (0000000) to be transferred to a new project to be determined, DPNPB Administration Program (IP49).

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

An evaluation of the Dover, Kohl & Partner's previous work for the City follows:

- Dover, Kohl & Partners - the City has no prior contracts with this company.
- Urban Planning Partners Inc. - Urban Planning Partners has prepared numerous environmental impact reports for development projects in the City with favorable outcomes.
- Strategic Economics Inc. - provided technical assistance for two of the recently completed Specific Plans with favorable outcomes (West Oakland Specific Plan and Central Estuary Area Plan).
- Fehr & Peers - Fehr & Peers participated in two of the recently completed Specific Plans with favorable outcomes (Broadway Valdez Specific Plan and Coliseum Area Specific Plan).
- Opticos Design, Inc. - the City has no prior contracts with this company.
- Toole Design Group, LLC - the City has no prior contracts with this company.
- Coastland Civil Engineering, Inc. - the City has no prior contracts with this company.
- Mindmixer - Mindmixer is routinely used by Oakland for online community engagement.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The Downtown Specific Plan will examine strategies to promote economic development.

***Environmental:*** The Downtown Specific Plan will examine strategies to protect environmental resources.

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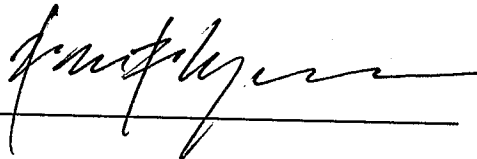
~~**Social Equity:** The Downtown Specific Plan will examine strategies related to affordable housing and equitable development to promote social equity.~~

**CEQA**

Planning and feasibility studies are exempt from CEQA (CEQA Guidelines Section 15262 (feasibility and planning studies), Section 15306 (information collection), Section 15061(b)(3) (general rule) and Section 15183 (“Projects consistent with a General Plan or Zoning”)). However, actual adoption of the Specific Plan and/or general plan or zoning amendments would be subject to CEQA review, which may require that an environmental impact report (EIR) be prepared to evaluate potential environmental impacts of the Specific Plan.

For questions regarding this report, please contact Alicia Parker, Planner III, 510-238-3362.

Respectfully submitted,



Rachel Flynn, Director  
Planning and Building Department

Reviewed by:  
Ed Manasse, Strategic Planning Manager

Prepared by:  
Alicia Parker, AICP, Planner III  
Bureau of Planning

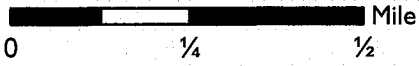
Attachments A. Downtown Specific Plan Map



# Legend



Downtown Plan Study Area



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Department of Planning and Building, January 2015



**Downtown Specific Plan Study Area**

# Attachment A

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

OAKLAND CITY COUNCIL

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City Attorney

2015 APR 30 AM 11:48 RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH DOVER KOHL AND PARTNERS AND TEAM OF CONSULTANTS, IN AN AMOUNT NOT TO EXCEED \$1,000,000, FOR SERVICES RELATED TO THE DOWNTOWN OAKLAND SPECIFIC PLAN AND ENVIRONMENTAL IMPACT REPORT WITHOUT RETURNING TO COUNCIL**

**WHEREAS**, on November 18, 2014, the City Council adopted Resolution No. 85272 authorizing the City of Oakland (herein referred to as "City") to apply for, accept and appropriate \$750,000 in Metropolitan Transportation Commission ("MTC") funding under the Priority Development Area (PDA) Planning grant program and enter into a funding agreement with MTC for the PDA Planning grant funds, and appropriate \$750,000 in community benefit funds from the Jack London Redevelopment Project, and allocate \$100,000 of the Jack London Redevelopment Project community benefit funds to fund the local match requirement to receive MTC grants funding for the Downtown Specific Plan; and

**WHEREAS**, the Planning and Building Department has identified \$150,000 in contingency funding in the Development Services Fund (2415) for the development of the Downtown Specific Plan and Environmental Impact Report ("EIR"); and

**WHEREAS**, the total project cost for the Downtown Specific Plan and EIR is anticipated not to exceed \$1,000,000; and

**WHEREAS**, on March 16, 2015, the City entered into a Funding Agreement with MTC for \$750,000 in funding to support the development of the Downtown Specific Plan and EIR; and

**WHEREAS**, the Downtown Specific Plan will provide sound policy guidance on Downtown development linking land use, transportation, economic development, open space, landscape design, historic preservation, cultural arts and social equity; and

**WHEREAS**, the City issued and advertised a competitive Request for Proposals for contracting services for the Specific Plan and EIR in January, 2015, with a deadline for submission of February 17, 2015; and

**WHEREAS**, Seven consultant teams responded by the deadline to the Request for Proposals; and

**WHEREAS**, City staff and one Planning Commissioner interviewed three consultant teams, which included Dover Kohl and Partners; and

**WHEREAS**, the interview panel, comprised of City staff and one Planning Commissioner,

identified Dover Kohl and Partners as the firm best suited and qualified to serve as the prime contractor to prepare the Specific Plan and the EIR; and

**WHEREAS**, Planning and feasibility studies are exempt from CEQA (CEQA Guidelines Section 15262 (feasibility and planning studies), Section 15306 (information collection), Section 15061(b)(3) (general rule) and Section 15183 (“Projects consistent with a General Plan or Zoning”); and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

**RESOLVED**, On March 16, 2015, the City entered into a Funding Agreement with MTC for \$750,000 to support the development of the Downtown Specific Plan and EIR. A total of \$100,000 from the Jack London Redevelopment Project community benefit funds will be used to fulfill MTC’s local match requirement. Additionally, the Planning and Building Department has identified \$150,000 in contingency funding in the Development Services Fund (2415) for the development of the Specific Plan and EIR.

**FURTHER RESOLVED**, that the City Administrator, or his designee, is hereby authorized to award, negotiate, and enter into a professional services agreement with Dover Kohl and Partners and sub-consultants, as needed, for the preparation of the Downtown Oakland Specific Plan and EIR, for an amount not to exceed \$1,000,000, including contingency, and to execute any amendments or modifications of said professional services agreement within the limitations of the Project budget, without returning to the City Council; and be it

**FURTHER RESOLVED**, that the City Council has independently reviewed and considered the environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to the following CEQA Guidelines (each on a separate and independent basis): Section 15262 (feasibility and planning studies), Section 15306 (information collection), Section 15061(b)(3) (general rule) and Section 15183 (“Projects consistent with a General Plan or Zoning”); and be it

**FURTHER RESOLVED**, that the professional services agreement shall be reviewed and approved by the City Attorney for form and legality, and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California